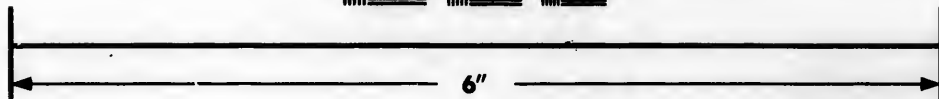
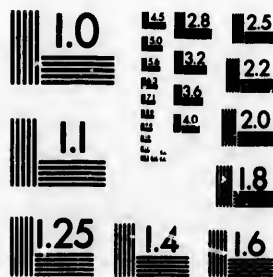


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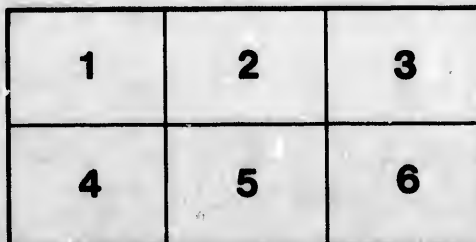
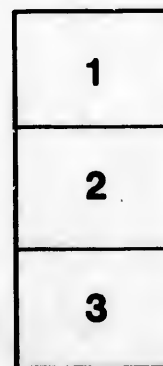
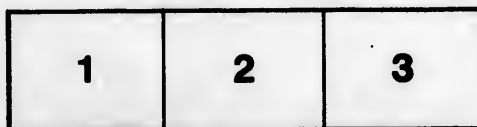
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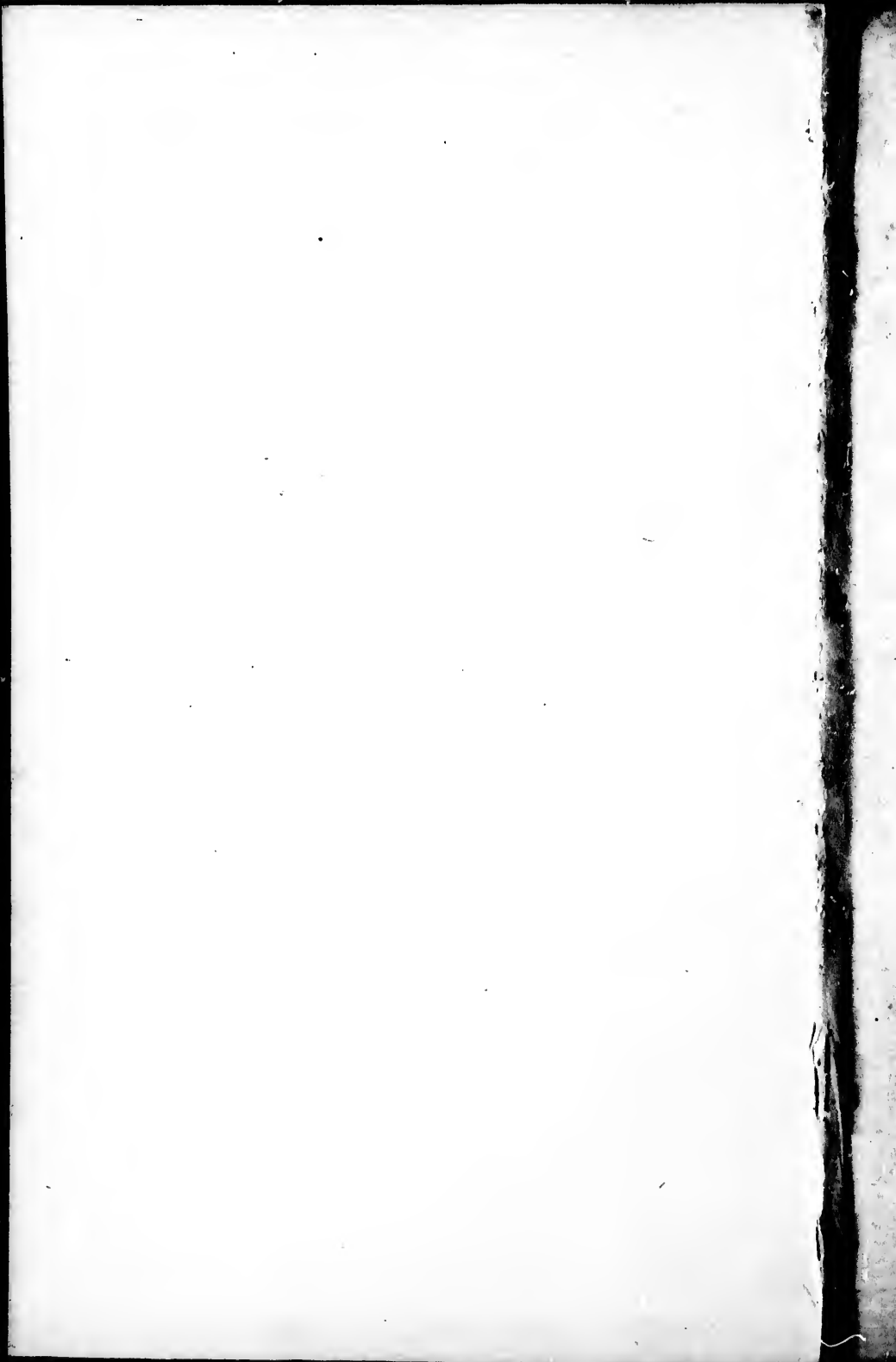
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AN
ENQUIRY,

WHETHER

THE GUILT OF THE PRESENT CIVIL WAR
IN AMERICA,

OUGHT TO BE IMPUTED TO

GREAT BRITAIN OR AMERICA.

L O N D O N :

PRINTED FOR JOHN DONALDSON, THE CORNER OF
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An ENQUIRY, &c.

BEFORE the close of the last war, the inhabitants of the English colonies in America were considered as Englishmen, having a right to the same privileges with those who continued to reside in England, subjected to no separate laws, except such as the mutual advantages of commerce and situation rendered indispensably requisite. In this capacity they were defended and protected by the arms of Great-Britain; and every Englishman, regardless of the treasure that was lavished in the cause of the colonies, considered every advantage gained as an extension of the laws, freedom, and power of this country. The open and unsuspecting English, never apprehended that their distant fellow citizens would have the faintest wish to tear from the parent state members that she had guarded with so much affection, and nourished with so much of her blood. The French were of different sentiments, they declared publicly in the coffee-houses at Paris, that the conquest of Canada would be no injury to France, but would

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ultimately break the forces of Britain, by opening a way to the separation of provinces which now made a part of her united strength. The intercepted letters of Montcalm, the celebrated commander of the French forces in Canada, declared the same sentiments. Yet so little deference did Englishmen pay to their opinions, that a pamphlet, supposed to be wrote by the Earl of Bath, addressed to a noble Peer, and a great Commoner, which was published purposely to warn the nation of some errors they were likely to commit, in the intended treaty of peace, and which strongly recommended the retaining of the West India islands, preferably to the northern continent of America, never supported this opinion, by the smallest hint, that in order to secure more firmly the allegiance of the New-England provinces to Britain, it might be expedient to leave part of Canada in possession of the French. The English conscious of their own intentions, and having not the least distrust of the mutual confidence and affection of their fellow citizens in that part of the empire, were anxious solely to secure their colonies from foreign violence. Actuated by these principles, they retained Canada, and

and relinquished the more profitable possessions of Martinico and Guadaloupe.

Unhappily this belief of reciprocal affection is now found to be an illusion: A civil war is commenced between Great-Britain and her colonies of North America: A war that must somewhere imply the deepest guilt. But to which party the guilt is to be imputed is the subject of the following disquisition; and the cause of the injured part, the most interesting cause that has occurred since the Revolution, will dwell on every honest citizen's mind, and prove a sufficient apology for the attempt of a private person to perform a task for which others have superior advantages of information and ability, but none a more disinterested desire to establish the truth.

The thirteen provinces of America, which are at war with Britain, were established in consequence of charters granted to them by the crown of England. They continued till very lately without exception to acknowledge the authority of these charters: They have indeed boasted of them as their surest arms of defence. *Habemus senatus consultum quasi gladium in vagina conditum*, says the Farmer's Letters.

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The first charter was granted by James I. in the year 1606, to Sir Thomas Gates, and others of the city of London and elsewhere, giving them "licence to deduce colonies into any part of America, lying between four and thirty and five and forty degrees of northern latitude." Which tract of country includes the whole of the four colonies of New-England, except a very small part of the provinces of Main and New Hampshire, the whole of the colonies of New York, Jersey, Pennsylvania, the counties of Newcastle, Kent, Suffex on Delawarre; the colonies of Maryland, Virginia, North Carolina and part of South Carolina. This charter, conformably to the desire of the gentlemen to whom it was granted, appointed that two colonies or plantations should be established. One of them by certain knights and others of the city of London and elsewhere, at any place on the coast of America, between thirty four and forty one degrees of northern latitude, which should be called the first colony. And the other by certain knights and others of Plymouth and other places, between thirty eight and forty five degrees of northern latitude, which should be called the second, or Plymouth colony. And to prevent their
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interfering with each other, the charter provided, that as soon as any settlement was fixed, no subsequent plantation should be made within one hundred miles of that which had been just planted. The charter ordains, that each of these colonies shall have a council to regulate all causes which may arise within the colony; it further ordains, that one superior, or domestic council, shall be established, consisting of thirteen persons appointed by the king, which shall be called the council of Virginia, and have the superior management and direction only of all matters that concern the government of the several colonies within the abovementioned precincts. And to encourage the first settlers, they are allowed to impose a duty of two and a half per cent. on all merchandizes imported into the said colonies by persons not being of the colonies, but being of the realms and under the obedience of the king; and five per cent. on all merchandizes imported by other persons. These duties, during the space of twenty one years, are to be wholly applied to the benefit of the colonies within which they are levied; and at the expiration of that term they are to be taken to the use of the king, and collected by such officers and ministers as the king shall

shall appoint. It further ordains, that the inhabitants of the colonies, and such children as shall be born within the precincts of them, are to enjoy "all the liberties, franchises, and immunities, within any of the king's other dominions, to all intents and purposes as if they had been abiding, and born within the realm of England, or any other of the said dominions."

The proprietors of the first charter not meeting with the expected success, obtained from the crown an alteration of their charter; and the thirteen provinces, now at war with Britain, have in consequence received distinct charters under successive reigns. To encourage the original settlers, the first charter of Massachusetts's Bay, granted to the people of New England an exemption from all taxes for the space of one and twenty years. And the charter of Pennsylvania declared, that the inhabitants of that colony should not be taxed, except by their own assemblies, or by act of parliament in England. And in every charter it is declared, that not only all the English who settle in the colonies, shall retain the rights and privileges of Englishmen, but all who are born there, or in the passage to and from England to the several colonies.

nies, shall be deemed natural born subjects of England. *

Since therefore the inhabitants of the English colonies retain and possess the rights, privileges, and freedom of Englishmen, and are protected by English arms, they are of course subject to the laws of the English parliament: For it is impossible to possess the rights of a citizen without being subject to the duties and allegiance of one; and the very clauses in the charters, which judiciously and humanely exempt the colonies from taxation for a certain number of years, after their first settlement, virtually imply the right and propriety of their being taxed if found expedient at the expiration of that term.

By the spirit of the charters, it is manifest that the several princes who granted them, and the planters or corporations to whom they were granted, considered the colonies as subject to the legislative authority of England. It is now proper
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* See a history of the charters of Massachusetts Bay, in a pamphlet, written by Israel Mauduit, Esq; and a minute detail of the several charters, in a book, entitled, Remarks on the principal Acts of the Thirteenth Parliament of Great Britain; and a collection of Charters printed for Owen, Almon and Blythe, in 1766.

to enquire what has been the conduct of England towards them, from the granting of the charters to the origin of the present contest.

Eight years after granting the first charter of Virginia, the house of commons having received petitions, and being about to pass a bill relating to that charter, it was moved, that a member of the house, being a patentee, or one of those to whom the charter of Virginia had been jointly granted, and as such interested in the petition then depending before the house, should withdraw during the debate; it was resolved by the house, that he should not withdraw; and this resolution was formed on the following parity of reason, "that if there was a bill depending concerning York, the member for York would not withdraw, for it concerneth the common-wealth." A reason which implies, that the house considered Virginia as a part of the state no less than any borough in England.*

During the civil wars, when the house of commons alone, or jointly with the lords, assumed the sovereignty of Britain, they assumed the same authority over the colonies as over any county in England. They passed an ordinance

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* Journals, vol. I. page 481 and 487.

in the year 1642, " exempting them for a time from all taxations whatever ; in the year 1646, they passed another ordinance, exempting them, during the space of three years, from all customs, subsidies, taxations, imposition, or other duty, EXCEPT THE EXCISE." *

In the year 1650, they declare in the preamble to an act, or ordinance, " That in Virginia, and divers other places in America, there are colonies and plantations which were planted at the cost, settled by the people, and supported by the authority of this nation ; which are and ought to be subordinate to, and dependent upon England, and have ever since the planting thereof been and ought to be, subject to such laws, orders, and regulations as are, or shall be made by the parliament of England."

In the year 1650 they passed that celebrated ordinance of *Oliver St. John*, which, though the offspring of the pride and revenge of an individual, has proved most honourable and beneficial to England. The ordinance restrained the commerce of every English colony to Britain. †

These several ordinances, which so indisputably assert the supreme authority of England over all

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* See Lords Journals, vol. 8. page 685.

† See Parl. Hist. vol. 19. page 314, 315.

its American colonies, were passed by a house of commons chosen by the people of England, at a time when their dread of slavery, had wound up the spirit of freedom to its highest pitch. If therefore these gentlemen, confessedly zealous for liberty, asserted their authority over the colonies, restrained their commerce, and approved the taxing of them even with internal taxes, the taxes of excise, they certainly did not consider themselves as guilty of acts of oppression; they thought they were innocently discharging their duty, in supporting the glory and welfare of England. The candid and liberal will ascribe to others the same motives of action.

After the Restoration, the king, lords, and commons, continued to assume the same supreme authority over the colonies, as had been exercised by the several sovereign powers, during the preceding twenty years. They granted to the crown a duty of tonnage and poundage, and declare the duties shall be payable upon commodities not only imported into the realm of England; but also into the dominions thereunto belonging, See 12 Charles II.

They wisely and unanimously passed an act, called, the Act of Navigation, confirming the beforementioned

forementioned celebrated ordinance of *St. John*, which act restrained the commerce of the colonies to their mother country. See 12 Car. II. c. 18.

Three years after they passed another act to keep the colonies, as they express themselves, *in a firmer dependence on England*, to make this kingdom a staple not only of the commodities of the plantations, but also of the commodities of other countries for supplying them. See 15 Car. II. c. 7.

In the year 1672, they passed an act imposing a duty on sugar, molasses, tobacco, &c. when transported from one colony to another; which duties or customs are ordered to be collected by officers appointed by the commissioners of the customs in England, and the penalty for non-payment to be the same as for defrauding his majesty of his customs in England; these customs were appointed to be levied at the ports from which the commodities were exported.

On the payment of these duties the colonies assumed the liberty of exporting these goods to foreign markets; but to prevent such a false interpretation of the act, in the year 1696 (7 and 8 *William III.* c. 22) another act was made, in which these several duties are ordered to be paid

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on goods transported from one colony to another ; and it is further provided, that notwithstanding the payment of such duties, security shall be given that the goods are to be exported to some part of his majesty's dominions ; and the officers appointed for collecting these his majesty's revenue (as the act calls them) have the same power of visiting, searching, and entering wharfs, warehouses, &c. as the officers of the customs in England.

In this revenue act of king *William*, there is this remarkable clause, very similar to the ordinance of 1650, before mentioned, * and also to the Declaratory Act passed in his present majesty's reign, when lord *Rockingham* was first lord of the treasury, " That all laws, bye-laws, usages or customs, at this time, or which hereafter shall be in practice in any of the said plantations, which are in any wise repugnant to the beforementioned laws, or any of them, so far as they do relate to the said plantations, or any of them, or which are any wise repugnant to this present act, or to any other law hereafter to be made in this kingdom, so far as such laws shall relate to and mention the said plantations, are

* See page 9.

are illegal, null, and void to all intents and purposes whatsoever."

The above act also regulates the internal policy of the colonies, by precluding the colonists from alienating their lands in favour of others than natural born subjects.

In queen *Anne's* reign several acts were passed, prohibiting the exportation of rice and molasses to foreign markets; prohibiting the cutting down of pine, pitch or tar trees, not inclosed and under a certain diameter; ascertaining the rates of foreign coins in America; establishing a general Post-Office, and appointing post-masters, and fixing the rates of postage. These acts not only regulate the internal government of the several colonies, but the last of them actually raises an internal revenue. See 3 and 4 *Anne*, c. 5 and 10; 6 *Anne*, c. 30; 9th *Anne*, c. 10.

In the reign of *George I.* an act was made, ordering the plantation duties, as they are in this act called, which were established by the 25th of *Charles II.* to be paid into the exchequer; and in the same reign, an act was made further restraining the cutting of pine trees, conformably to the act made in queen *Anne's* reign; and in

two other acts during this reign, furs and copper ore are forbid to be exported to any place except Great Britain.

In the reign of *George II.* it is enacted, that an affidavit, taken before the mayor, or other chief magistrate, of any town in England, should be received as legal evidence in all the courts of the plantations; and it was also enacted, that lands, houses, negroes, other hereditaments, and all real estates whatever, should be liable to, and chargeable with all debts due to the king or any of his subjects, see 5 *George II.* and in the same reign, cap. 7. the commons GIVE AND GRANT, certain duties on all foreign spirits, molasses, syrups, sugar and panels, imported into the plantations; see 6 *George II.* c. 13.

In the 14th of *George II.* an act passed, imposing a duty of sixpence a month on all the British American sailors, towards the support of Greenwich Hospital. In the same reign an act passed, restraining the governors and assemblies of the provinces, from making any act, order, resolution, or vote, whereby paper bills, or bills of credit, shall be created or issued, and also the acts prohibiting the exportation of hats, from one plantation to another, or any other place whatsoever,

whatsoever, and for preventing the erection of any mill, or other engine for sitting or rolling iron, or plating forges, worked with a tilt hammer, or furnaces for making steel.

These acts and ordinances, incontestibly prove, that the legislative power, during every king's reign, and the Lords and Commons during the Interregnum, from the first granting of the charters to his present majesty's reign, have uniformly exercised a supreme authority over all the colonies, and have raised taxes from them upwards of one hundred years. The reader will therefore naturally wonder, whence arose this present dispute, since it is not easy to discern, that a tax of threepence a pound on tea is more oppressive than five shillings on a hundred weight of sugar; and yet the exacting of this tax on tea, is held out by the Americans as the justifiable reason for the commencing the present civil war. Let us therefore calmly enquire whether there is any essential difference between this duty and those before imposed.

It is alledged, that this tax was imposed with the express intention of raising a revenue from the colonies, whereas the former taxes had only been imposed with a view to regulate the commerce; but before we give our assent to such allegations,

allegations, it behoves one who wishes to know the real truth, to examine the acts of parliament, and compare them with each other. The duties or customs on sugars, &c. established by 25 *Charles* II. were ordered to be levied in the colony from whence the commodities were exported, and not in the colony into which they were imported. But notwithstanding the payment of this duty, security was to be given for the actual landing of the goods in the several colonies for which they were entered. The higher duties laid on sugar, molasses, &c. by 6 *George* II. encouraged indeed the commerce of the English colonies, as well as augmented the revenue. The allowing a drawback of one shilling in the pound on tea, on exportation to the colonies, and only imposing a duty of three-pence on their importation, tends to prevent smuggling and encourage commerce; the imports on sugar, &c. as well as the imports upon tea, are levied by his majesty's officers of the customs, and the proceeds paid into the exchequer. The one is as much an internal tax as the other, the one is no more necessary for the regulation of commerce than the other. The one as effectually raises a revenue as the other ;
since

since therefore the imposing this tax on tea, is conformable to the original charters, conformable to acts of parliament passed very early, and conformable to the customs and practice of England for these hundred years, the debate would seem to be closed, and the offering any further argument in support of the measure, seems offering an insult to the reader.

But as some gentlemen, of great eminence, and who at times highly possessed the popular favour, have declared themselves of contrary sentiments; and as their authority has given spirit to the colonies, and has induced many in this country to adopt the same opinion, it may be expedient to examine the specious arguments which have been advanced.

It is urged, that the inhabitants of the colonies are Englishmen, and therefore according to the spirit and constitution of England, can only be taxed by their own representatives; that as their distance renders it impossible for them to be represented in the British parliament, they can never be taxed except voluntarily, by their own assemblies; that if the parliament of England has a right to tax them a single farthing,

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without their own consent, it has a right to tax them to the last farthing of their possessions.

That the arguments which were urged in defence of Hampden, in the noted cause of ship-money, apply with equal propriety in favour of the Americans, whom it is as illegal and oppressive for the parliament of England to tax without the consent of their own assemblies, as it was for the king to levy ship-money solely by his own authority; that a parliament, or house of commons, exercising an authority over a people, who have no influence in the nomination of the representatives who compose that parliament, may be as tyrannical as a single person; that increasing the number of tyrants, does not decrease the tyranny.

Though it may be allowed, that in the speculative case of a government to be new modelled, every individual ought to be allowed an equal vote in the choice of the legislature, yet it may be justly doubted, whether England, either now or ever did approach nearly to this perfection.

About a hundred years ago, the county and city of Durham did not send members to parliament, and yet for above fifty years preceding that

that period they paid subsidies, as well as other cities and counties; and when they petitioned the house of commons, to allow them to send members to parliament, the house rejected the petition, on a division of 65 to 50. See the Journals, vol. 9, page 69, and the particulars in Grey's Debates, page 120, vol. I. In a few years after, the house granted their reasonable request, and an act passed accordingly.

The number of freeholders, citizens, burghers, who have the right of voting in the choice of members of parliament, does not amount to one sixth of the *freemen* of Britain, or one 20th of the whole inhabitants; yet these people who have no vote, suffer no personal inconvenience, nor are the inhabitants of Birmingham, Manchester, Leeds, Sheffield, and other towns, which send no members to parliament, more enslaved than the voters of borough towns.—These facts are not recited to justify an unequal representation, but to show that a comfortable degree of freedom may be enjoyed in a state, that has not attained to the perfection of an equal representation; and that the gentlemen who have wantonly asserted, that taxation and representation are inseparable,

inseparable, have not paid a decent regard to truth.

If this maxim be the spirit of the English constitution, the practice, custom, and law of the land, has not been always conformable to such a spirit. The inhabitants of the Isle of Man, have been lately subjected to pay customs and duties, though they send no member to parliament, and no murmur was raised on the occasion. The arguments therefore which prove, that the king could not justly of his sole authority, without the gift and grant of parliament, levy ship-money, or any other tax, loan or benevolence, do not at all avail against the parliament's taxing Englishmen, or the Colonies, who have no vote in the choice of the members who compose the parliament.

When the king levied ship-money, without the gift and consent of parliament, he notoriously violated the law of the land; but the taxing of the colonies by parliament, is neither contrary to the law of the land, nor to their charters.

The king by levying ship-money, &c. of his own authority, is in reality constituting himself sole legislator: The parliament by taxing the colonies

colonies acquires no new authority ; she is already their supreme legislature, it is her duty to govern them with candour and equity, but not to withdraw from them her protection, nor to relinquish her sovereignty over them.

Much has been said, to prove that the colonies under such subjection, are in a state of slavery. In the freest government, every man is a slave to the laws ; and must either submit to such slavery, or forfeit the benefits of public order,—the truth of this alternative some societies have probably by this time too severely experienced:

Every colony is subject to the authority or will of the original state ; which subjection or slavery, if it must be so called, is inseparably attached to the condition of a colony ; when a colony refuses to acknowledge this supremacy, it assumes the rights of an independent state: Yet, though the colonies be thus absolutely subject to the parliament of England, the individuals of which the colony consist, may enjoy security, and freedom ; there is not a single inhabitant, of the thirteen colonies, now in arms, but who may be conscious of the truth of this assertion. The compliment which Montesquieu pays

pays to the legislature of England on the government of her colonies, is strictly true, that while she keeps the body politic in a state of dependence, she makes the individual completely free.

How specious soever the argument may appear, that a body of people, subject to the will of a legislature, however numerous, which they do not appoint, are as much in a state of slavery as if they were subject to the will of a king or any single person; yet it is not just nor conformable to fact. The populous and wealthy city of Amsterdam is governed by forty burgo-masters; and the large Canton of Berne by no more than two hundred and ninety nine citizens; even when the great council is compleat; a vacancy in each of these states is replaced by the surviving members; and the rest of the inhabitants who are not burgomasters, or of the great council, have no voice at all in the choice; yet neither is the citizen of Amsterdam, or an inhabitant of Berne, accounted a slave, or liable to the same oppression as a citizen of a despotic prince.

It may however be alledged, that there are peculiar circumstances which prevent the burgo-masters

masters of Amsterdam, or the great council of Berne, from oppressing the people. There are also principles or motives of prudence which have hitherto so strongly operated in the British parliament, as to prevent it from offering the least oppression to her colonies; and will not the same motives or principles, continue to influence its conduct, and produce the same effect?— The late acts of parliament, which have been passed, since part of the colonies were in actual rebellion, are no exception. These acts were deemed necessary to maintain the supremacy of Britain; when the colonies return to their duty, the parliament will also resume its old good-humour and candour.

A British colony cannot be oppressed except by an act of parliament, and it is scarcely possible that the three branches of the legislature should concur to pass an act of notorious oppression. The king has evidently no interest to urge one part of his subjects to tyrannize over another, or violently seize the property of one part of his subjects, solely to prevent the other from paying their just tribute. The advantages which a member of either house would obtain, by laying an oppressive tax on a colony, in order

der to alleviate the taxes of this nation, are too inconsiderable to influence even the most avaritious.

The minister who should dare to propose such an act of injustice, would in this free country raise a clamour, which would incessantly pursue him, and which even all the charms of place would not be able to silence.

But as those opinions are justly esteemed to be founded on the most solid basis which are founded on facts, we shall be best enabled to form a just opinion of what may hereafter happen, by taking a view of what has already past. Before the present contest, the total revenues of the whole continent of America, which were accounted for in the Exchequer, did not amount to above £. 75,000, which is but a small proportion of that sum which has been annually spent to support and protect them, and to give bounties on such of their products as it has been judged expedient to encourage.

A gentleman, who surely must be acknowledged by themselves to intend them no ill, has declared, that their exports have encreased from £. 569,000 to £. 6,024,000, from the year 1704, to 1774. They are now also said to have obtained such wealth and power, that the whole
force

force of Britain is not able to command their obedience. If therefore in the space of seventy years, they have attained such amazing power and commerce, and the whole burdens laid upon them be so small, it is quite unnecessary to urge any further arguments to prove that they have not hitherto been oppressed. And now that it has lately been judged expedient to oblige them to contribute a more equitable share to the support of the necessary demands of the state, they have found people in this country, who have zealously opposed this demand, not on the pretence, that the ratio demanded of them was greater, or even equal to the share which they ought to contribute. But upon this extraordinary plea, that the gentlemen dare not trust themselves; they are afraid, that after having experienced the advantages of a moderate tax, they shall be tempted to lay on an immoderate one. Since therefore there are so great a body of the people, who are afraid to do right, lest they should hereafter be enticed to do wrong, we may readily judge, what would be the general spirit of the nation, if a notorious act of violence was attempted.

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They are no inconsiderable part of the nation, who at present favour the Americans, alledging, that favouring their cause, is favouring the cause of equity and freedom. Surely neither the Americans nor their abettors, will endeavour to invalidate this argument, by insinuating that these gentlemen may possibly oppose the measures of the administration from other views not quite so generous and disinterested. And no man can judge so harshly of his country, as to apprehend that virtue and the love of liberty is to die with the present patriots; since therefore they have so strongly expressed their dread of establishing customs which they themselves acknowledge have only the appearance of wrong, they may enjoy the comfortable hope that their posterity would at least as warmly detest what is really and notoriously wrong. If so, the rights and liberties of America are quite secure under the protection and sovereignty of a British parliament.

But if the Americans thought otherwise, and suspected that their liberties, by paying obedience to such a power without being represented, were endangered, it was their duty to have petitioned the house for a representation as had
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been formerly practiced.* And their withdrawing their allegiance without making such a requisition, while they were enjoying the privileges of Englishmen, was ungrateful and unjust, and every state in Europe will deem it rebellion.

It is urged in favor of America, That whatever clauses there may be in the charters, or acts of parliament, respecting England's right to tax the colonies, yet as in fact they have never been taxed to any considerable extent, the law or right is now become obsolete or tacitly renounced; and that the renunciation is even in some measure declared by permitting the assemblies of the several provinces to raise money for the support of their own government; that it is absurd to suppose two separate powers to have the right of raising money in the same province; and that this absurdity has, in effect, been acknowledged by requisition of a secretary of state made to them to raise money during the war; and by the thanks and the reimbursement they received from a British parliament at the conclusion of it.

The observation of Montesquieu is just, That England on the establishment of the colonies has
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* See p. 18, 19.

rather had a view to the encrease of trade than the exaction of a revenue. At their first establishment she has even supported and cherished them at considerable expence. Parliamentary aids have been so lately and bountifully granted for the support of Georgia, Florida and Nova Scotia, that their impressiion cannot be yet effac'd from the memory of any in England. But though these aids have humanely and politically been granted to most of the colonies, to enable the first planters to surmount the obstacles which unavoidably occur in the establishment of new settlements, yet as soon as they acquired strength, with equal propriety taxes have been imposed, though in so moderate a degree as rather to have the appearance of being laid on with a view to regulate the commerce and assert the right of taxation, than for the purpose of a revenue. In a country thinly peopled the expence of levying taxes is often equal, and sometimes exceeds, the amount of them; probably for this reason the excise laid on in 1646 as mentioned before, was not collected, nor the duties of tonnage and poundage in 1660.

Besides, if the calculations which are so incessantly rung in our ears, of the rapid encrease of
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the inhabitants in America, be just, that they double every twenty or twenty-five years, the number of inhabitants in the year 1716, considering the prodigious swarms of Germans and Britons which since annually emigrated thither, could scarce exceed three hundred thousand; and consequently the revenues which might have been raised from such a small number, scattered over a wide extensive country, would be too trifling for a national consideration.

The colonies have indeed, with the approbation of the crown, expressed by their governors, been permitted to levy some small revenue for regulating the internal policy of the country: corporations, counties, and parishes in England, are also permitted to a certain extent to raise money for the maintenance of the poor, reparation of churches, bridges, high-ways, &c. and though this power has been exercised with propriety to a greater extent in the provinces, yet the parliament of Britain has asserted its controuling power over them whenever it was judged to be exercised improperly or to the general detriment.

The act of assembly of Virginia, which laid a duty on the importation of negroes, was annulled,

led, and an act passed in the 24th George II. restraining the governors and assemblies of the provinces from making any act, order, resolution, or vote, whereby paper bills, or bills of credit shall be issued under any pretence whatever. And in the 14th of George II. an Act was passed restraining them from erecting Banks. But the Americans have exercised this power of taxation over themselves with so much *moderation* that the parliament has rarely had occasion to restrain it. They would not cess themselves and raise sufficient sums even to repel the invasion of the Indians in the year 1754.

At the close of the last and the preceding war the money which the provinces of America had spent during the war, was restored to them by parliament; the provinces of Massachusetts Bay and New Hampshire were the only provinces who raised any money the first war, and therefore there was some propriety in repaying them, especially as some few private people had, in expectation of being amply repaid, advanced money otherwise much beyond their abilities. And in the last war Mr. Pitt, then secretary of state, wrote circular letters to several of the provinces, requesting them to lend money to government
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for the support of the war in America, and pledging his honour that he would use his utmost endeavours to see them repaid by parliament. — The money raised by these provinces in consequence of those letters, compared with the money raised in Britain, was but a drop in the bucket; yet this is the foundation from whence all our ills have flowed; the Americans then first began to conceive the opinion that the right of taxation was solely vested in their own assemblies.

It will be some apology for the parliament's complying with Mr. Pitt's engagements, if we consider, that as some of the provinces had exerted a spirit against the common enemy more than others, it was but just in the British parliament to restore them to an equality with those provinces which had shewn less zeal for the support of the empire.—It might perhaps have been wiser in the parliament to have acted like the Romans (*Livy*, b. 27. c. 29) and exacted a double ratio from the colonies who had not manifested a proper zeal, than to have restored to the others the small pittance which they had granted. Small it may surely be called, for in the sequel

quel of these pages it shall be proved to be so in comparison of what the people of Britain advanced.

The fallibility of parliament is by certain people freely enough announced on some occasions, but in this, wherein the acts and resolutions of parliament coincide with their views, they speak of their sentiments having thereby acquired a sanction, as if the wisdom of parliament was infallible. But whatever may have been the motives for the conduct of parliament in the above instances, on all other occasions they have strenuously maintained their supremacy and right of taxation: and what particularly merits the reader's attention, is that on former occasions, the whigs and republicans have been the foremost and most zealous in asserting those rights. Witness the Excise by the Republican party, and the duties of tonnage and poundage granted by the Convention Parliament 1660.—Witness the duties on sugar, and a variety of other articles laid on in 1672, by the parliament which proposed the Bill of Exclusion.—Witness the enforcing the last mentioned act in King William's reign, 1696, by giving the same powers to the custom-house officers of entering wharfs, warehouses,

houses, &c. as in England.—Witness the duties laid on foreign spirits, sugars, &c. in the reign of George II. and also the act prohibiting the erection of sitting mills and steel furnaces, passed in the 12th of the same reign.—Witness the three declaratory acts, as they may be called; the ordinance of the lords and commons, 1650, (p. 10) The act of 7th and 8th of King William (p. 12) And the act of his present Majesty's reign, when Lord Rockingham was first Lord of the Treasury, declaring that the King and parliament of Great Britain have authority to make statutes to bind the colonies in all cases whatsoever.—Witness, lastly, the bill proposed by the whig ministry in Queen Anne's reign, 1710, which was only prevented from being passed into a law by a change of administration, when the Tories succeeded to the management of public affairs: the title of the bill was, An act for granting a revenue to her Majesty, to arise within the province of New York in America, for the support of that government. In the preamble it is said, the Commons give and grant unto her Majesty, the rates, duties, excises, impositions, &c. there in after mentioned. * —Wherefore, when the

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* See Observations on the Thirteenth Parl.

gentlemen of the opposition declare the present measures are founded on Tory and tyrannical principles, they rather give a testimony of their zeal than of their candour.

The favourers of America farther alledge, that as England assumes an exclusive right to their commerce, she in reality taxes them by this restraint; and by virtue of it receives all their wealth, and cannot in reality receive more, how high soever she may tax them.

Great Britain certainly receives considerable advantages from her commerce with her colonies; and has undoubtedly enacted many laws with intention to secure and encrease these advantages; and some of these laws, by restraining the commerce of the colonies, may seem to be injurious to them; but if the whole of the laws be impartially viewed, and the commercial restraints, which Great Britain has also imposed on herself for the benefit of the colonies, and the bounties which she has given to encourage the cultivation of such articles of commerce as were most suitable to the respective colonies; it will be granted, that she could not have enacted wiser and more advantageous laws for the colonies, if their commerce had been the sole ob-
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ject of her care. She has not so properly restrained the commerce, as compelled the people to direct their industry and skill to the culture of those articles which it was the interest of each colony to cultivate: she has not diverted this bountiful stream to an unnatural course; but has only restrained it to its proper channel, by which it has swelled to such amazing magnificence, that though in the year 1704, the total of the exports from America amounted only to 569,950 £. yet in 1772, they amounted to no less than 6,024,171 £. (See Mr. Burke's speech, March 22d 1775, p. 9, 10.) The laws therefore can never be oppressive under whose influence the commerce of America hath so rapidly increased.

By these laws the following articles pay to much less duty when imported from the colonies than from other places, that the most considerable of them are solely imported from the plantations:

Sugar,
Tobacco,
Rum,
Molasses,
Cocoa-nuts,
Coffee,
Ginger,

Whale

Whale-fin,

Tar, pitch.

The following articles are imported duty free from America, and pay duty from other places :

Pig-iron,

Wood,

Rice,

Pot and pearl ashes,

Raw and undrest hides,

Raw filk into the port of London,

Bar-iron into the port of London,

Cotton wool is free at present from all places, but till lately it was only free from the British plantations.

Bounties are given on the following articles from America :

Indigo,

Hemp,

Rough and undrest flax,

Naval stores, &c.

Masts,

Yards,

Bowprits,

Tar,

Pitch,

Turpentine,

Raw

Raw silk into the port of London,
Deals, planks, boards, and timber.

Coals, when exported to the plantations, pay less duty than when exported to other foreign parts. American vessels are deemed British, which encourages ship building in America. See Abstracts of the Acts of Parliament in Burrow and Saxby on each of the above articles.

It is manifest from the above laws, that the advantages of commerce between England and its colonies, are mutual; for tho' England has indeed much restricted the trade of its colonies to itself, yet it has in return, in reality restricted itself to purchase solely from its own colonies, such articles as they can most advantageously produce. Every merchant knows, that sugar, tobacco, rum, are solely imported from them.

They who think lightly of this restriction must alter their opinion by reflecting, that our favourable treaty of commerce with Portugal is on this express condition, that less duties shall be imposed on their wines than on those of France: wherefore, if the whole of the commercial colony laws be accurately and candidly examined, it must be acknowledged, that the colonists have no right
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to plead exemption from taxation on their account.

By virtue of these laws, the commerce of the colonies has become greater than the whole commerce of England in the reign of queen Anne : In 1704, the whole export trade of England, including that to the colonies, amounted only to 6,509,000 £. In the year 1772, the exports from Britain to its colonies alone, are said to have amounted to 6,024,000 £. (see the above speech, p. 19.) The colonies therefore, to make a return for these goods, must export upwards of seven millions sterling ; otherwise, considering the interest, freight, and insurance, the British merchant must be a loser.

In the reign of queen Anne, England was accounted one of the first commercial nations in Europe, and by virtue of it maintained a long and expensive war, and annually raised a revenue amounting to about 8 millions.* Surely therefore America, under the advantage of a greater commerce, might contribute something considerable toward the necessary support of the state, and the people there still continue happy and free, as they were in England in the days of queen Anne.

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* See Postlethwayt's history of the public revenue.

The inference, that we receive all their wealth because we confine all their commerce to ourselves, is fallacious; for notwithstanding this restriction of their trade, they daily increase in wealth; fresh lands are cultivated; new manufactures established; and were they to continue to improve in the same ratio for the next hundred years as the last, they would be the wealthiest and greatest commercial nation in the world. No wonder, since they are put in possession of fertile lands, for which they scarcely pay any rent and have the advantage and protection of the best of governments almost without expence.

If Britain was to transfer some part of this wealth to itself, by obliging America to contribute a moderate share towards the supplies of the empire, even though such contribution should check a little the rapid progress of America, and enable Britain to revive some of its declining manufactures, it is evident no injustice or violence would be committed; the overburthened English fleet would indeed be a little eased, and the irregular paces of the American one gently checked.

The large sums of money which the Americans owe to the English merchants, induce some
people

people to think that they are poor, and incapable of paying taxes ; whereas the continuance of this large debt solely arises from their applying the annual profits of their cultivated lands to the culture of fresh lands, instead of liquidating their debts ; and while they have fresh lands to cultivate, and they continue this practice, they will continue apparently poor, tho' they daily increase in wealth.

Some gentlemen have fantastically asserted, that the colonies pay tax on every bit of cloth, or other manufacture which they purchase ; for as the English manufacturer pays taxes, these taxes increase the rate of his wages, and consequently enhance the price of the goods ; therefore they, the purchasers, ultimately pay the taxes.

Without entering into a minute detail in answer to this argument, it may be sufficient to allege—That on this principle every state in Europe pays taxes to Britain, and Britain to every state in Europe with which she has commerce. If this answer does not equally apply to the American colonies, and if the English merchant does not, on the same parity of reason, pay a tax on every leaf of tobacco which he purchases

chafes from Virginia, it is because Virginia and the rest of the English colonies have hitherto been protected at England's expence, and have in consequence been the only civilized societies of wealth, which ever existed without paying taxes to any extent : which objection the English now wish to remove.

Man is naturally the benefactor of man, and commerce the chain that in some degree unites societies of the most distant situations, even though their customs, manners, religion and civil policy be ever so different ; commerce not only civilizes man, enlarges his science, distributes the peculiar products of different climates, and supplies their mutual wants, but diffuses arts, promotes industry, enriches the merchant, and consequently enables the state the more easily to raise its revenues ; in this sense, but in no other, the American, and every merchant, pays to England a tribute on the goods they purchase.

With as little propriety it has been alledged, that Virginia pays a large tribute to Britain, because the customs which are levied on the importation of their tobacco amounts to a large revenue.—If this inference is just, Virginia pays three times as much tribute to France on this

article as to Britain. But this nonsense is too notorious to require farther animadversion.

The laws seem harsh which impowered the magistrate to pluck up by the roots tobacco planted in England; and which prohibit a Virginian from erecting a sifting mill: yet England is not injured by the one, nor Virginia by the other; a planter in Virginia can earn two shillings a day, a nailer at Dudley or Hales Owen not above sixteen pence: in consequence of this different price of labour, the people of Virginia can import nails from England cheaper than they can manufacture them; and the law therefore which prohibits them from erecting sifting mills, only prevents from misapplying their skill and industry.

Many gentlemen have adopted an opinion, which one of extensive knowledge has warmly supported with all the splendor of eloquence, That the present wealth and power of Britain have principally arisen from the commerce of the Colonies; and that the benefits it receives from this commerce are an adequate recompence for the immense treasure that has been expended in settling, encouraging and protecting them; and therefore, in prudence and equity, Britain ought to be content with the profit of this commerce,
and

and not exact a single farthing from them by taxation; and that it was wrong to alienate their affections by making an attempt which must tend to destroy our connexion with them.

The wealth of a nation consists of the skill and industry of its inhabitants, which commerce sustains and promotes; and as the commerce of the colonies constitutes a great part of the commerce of Britain, and as the property of many merchants is employed in the factories and plantations of the colonies, this trade and commerce undoubtedly constitutes a great part of the wealth of Britain, and consequently the loss or stagnation must be a present injury.—A cessation of the commerce to Lisbon, Cadiz or Naples, in proportion to the extent of it, would be at least an equal injury. It is supposed that part of the returns for English merchandize exported to these cities are made in gold and silver; which returns are generally deemed the most advantageous. The colonies cannot make such returns, they have no mines at present which produce these metals, and most of the unwrought materials which are supposed the next beneficial return that are imported from the colonies, can be procured from other places; but
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to encourage the commerce of the colonies, bounties have been given on the importation of many of the articles from the colonies, and a custom laid on them when imported from other places. But notwithstanding these encouragements, the principal returns are made in articles of luxury, as sugar, tobacco, rum, &c. the imports of which articles amount annually, to three millions sterling and upwards. The commerce of the colonies is also accompanied with the inconvenience of a slow return of the money employed in it, which does not arise so much from the distance as from the planters clearing their grounds and cultivating their plantations with capitals furnished to them by the English merchant.

Notwithstanding therefore this extensive commerce of the colonies, which is said to be the strength of Britain, it may be much doubted whether its power would not have been greater, if instead of establishing colonies and spinning the web from its own bowels; it had availed itself of the wealth and ingenuity of other nations, and had cultivated a more general commerce. If restrictive commercial companies had been abolished and national measures adopted for the protection of private traders in different parts of
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the world, it is more than probable that an enlarged commerce, with upwards of two hundred millions of people in the different kingdoms of Asia, might have proved as advantageous as a monopoly of commerce with two millions only.

The Spanish colonies in America bear at least as great a proportion to the wealth and power of Spain as the British colonies in America to the wealth of the British empire; yet it is generally thought that Spain has rather decreased than increased her power by the establishment of her colonies; and if Britain has, on the contrary, increased in power, since the establishment of *her Colonies*, this increase of power and wealth ought not to be ascribed to the establishment of the American Colonies, but rather to the wisdom of her laws, and the industry and ingenuity of her inhabitants. But quitting this region where Fancy may take her boldest flights, let us confine ourselves to facts.

Ever since the reign of James I. commerce has been constantly the object of parliamentary attention, in that reign monopolies were demolished, and so early as the Commonwealth, the Lords and Commons passed an act, or ordinance for the improvement of commerce, which if the

curious

curious reader will consult, he will find that the laws since enacted, which have most contributed to the improvement of trade and commerce, are conformable to the principles and regulations contained in that ordinance. See Parl. hist. vol 19. p. 314, 315.

But what has most of all contributed to the encouragement of commerce, has been the steady security of private property. During the last hundred years, every man has sat under his own vine and his own fig-tree, no one making him afraid: no foreign enemy has invaded the kingdom, and there has been no civil commotion worth notice. During such a period therefore, the wealth of the nation must have immensely increased.

From the building of the walls of Athens, by Themistocles, to the commencement of the Peloponesian war, only twenty-eight years, Athens in that short period, by her naval skill and commerce, arrived to such power as to contend for the sovereignty of Greece. From the end of the mercenary war, which so impoverished Carthage as to reduce her to the wretched necessity of submitting, without resistance, and almost without murmur, to be robbed by the Romans of 1200 talents,

talents, and of the island of Sardinia, to the commencement of the second Punic war, was only twenty years, yet in this period she acquired such strength, principally by her commerce and maritime skill, as to contest with Rome for the sovereignty of the world: and the power of Carthage was so nearly equal to that of her rival, that victory long hovered o'er the Carthaginian camp, and would have fixed her seat there if the factious citizens had not withheld from their successful General the necessary and opportune supplies.

If these two states, by their naval power and commerce, arrived in so short a period to such vast wealth and power, why might it not be expected, that Britain, with as free a government, as intrepid and active mariners, and as great an attention to commerce, during a much longer period, should attain to extensive wealth and power, though the colonies of America had never existed: If so, it may be asked—Why this contest? The answer is obvious. Manufacturers cannot instantly turn their hands from one trade to another; neither can commerce be instantly transfer'd from one nation to another. The Thames might have run in a different channel,
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and yet as noble a commercial city, and as substantial docks have been erected on its banks as the present : but was this river now to alter its course a few miles only, such an alteration would be an immense injury to Britain. Besides, as England has expended enormous sums in establishing and protecting the colonies, she has a right to demand peculiar returns from them. Tho' England, like many other projectors, may have spent large sums, for which she may never obtain an adequate return, however beneficial her projects may prove to others.

The money actually spent on the conduct of the late war amounted to, at least, ninety millions, which will be manifest to any who reflects on the seventy millions of additional debt that was incurred, and the sums which were actually raised over and above what would have been necessary in time of peace : how therefore can any gentleman say, that the extraordinary gains of their commerce is an equivalent for our expences, when the annual interest of those expences amounts to two thirds of the total returns of their trade. We all know that the last war was begun on account of our colonies in North America ; and the Congress at Philadelphia, in their
petition

petition to his Majesty, 8th July 1775, have in fact declared the same opinion: They say,
 “ That the benefits arising from the union of
 “ the mother country and the colonies, excited
 “ the wonder and envy of other nations, while
 “ they beheld Great Britain rising to a power the
 “ most extraordinary the world had ever known.

“ Her rivals observing, that there was no
 “ probability of that happy connection being
 “ broken by civil dissensions; and apprehend-
 “ ing its future effects, if left any longer undif-
 “ turbed, resolved to prevent her receiving such
 “ continual and formidable accessions of wealth
 “ and strength, *by checking the growth of those*
 “ *increments from which they were to be derived.*”

See Journal of the Congress, 1775, p. 130.

Acknowledging however the peculiar benefits of this commerce, it becomes more the interest of Britain to secure the allegiance of the colonies: from the moment they become independent states, they will trade where they can make most gain; for states, as much as private merchants, adopt the maxim, that trade knows no friendship but preference: one person may be preferred to another, where the gains are equal, but on no other terms.

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If a parent state cannot justly tax its colonies, and exercise dominion over them, neither can it justly restrict their commerce. If the former are inconsistent with civil liberty and the natural rights of man, so is the latter. The Act of Navigation is as unjust as an imposition of three pence a pound duty on tea: the one therefore may be as rightfully resisted as the other; and all the arguments which have been alledged against taxing the colonies, apply with equal force against the Act of Navigation. The Americans have declared, and the ablest writers in their favour, now acknowledge the same sentiments. Let us not therefore deceive ourselves, and imagine that the exaction of the tax on tea is the true and efficient cause of the present war; it is only a circumstance, an incident, which has sooner brought the combatants into the field. It was more popular to resist the exaction of the impost on tea, than the Act of Navigation. And if the Americans
 “ acknowledge it as a signal instance of divine
 “ favour, that his Providence would not permit
 “ them to be called into this severe controversy,
 “ until they were grown up to their present
 “ strength, had been previously exercised in war-
 “ like preparations, and possess of the means of
 “ defending

“defending themselves,” (see *ibid.* p. 128.) England also may rejoice, that this unnatural war is commenced when she is in perfect peace, and every nation in Europe approves her cause; and when her great superiority will enable her to restore peace and order to her deluded citizens with less destruction than must unavoidably have happened if the contest had been deferred till the parties were more equal. And since the temper of the colonies make it manifest, that this event must have taken place sooner or latter, it is the interest of the nation, however disagreeable it may be to the present administration, that it has commenced thus early.

Every candid person must acknowledge, that the present revenues of Britain are inadequate to defray the necessary expence of the state and reduce the national debt with the speed that the welfare and safety of the nation require; from the year 1763 to 1775 the national debt has not been reduced more than eleven millions, which reduction does not amount fully to a million annually; during eight of the above years, the land tax was only three shillings in the pound, if it had been four, this additional shilling would in eight years have amounted to about 3,400,000 pounds^s

pounds. But this deficiency has been fully compensated by the contribution of two millions in five years, by the India Company; by the sale of the French prizes which were taken before the war, and by the money paid by the French for maintaining their prisoners.

If therefore during these eleven years, which immediately followed a successful war, England has not been able to liquidate above a million a year of the debt, notwithstanding this *mighty increase* of the commerce of the colonies, and in consequence thereof an increase of trade to other places, what probability is there that a greater sum can hereafter be annually liquidated.

The ignorant and factious will say this arises from an unfair account of the publick treasures; or from extravagant and injudicious disbursements of them. But the ingenuous enquirer will reflect, that during the above period Mr. Grenville, the Marquis of Rockingham, the Duke of Grafton, and Lord North, have been severally; at the head of the treasury, and as neither they nor their friends and able coadjutors, when in or out of office, have been capable of pointing out a method of making any considerable savings and paying annually larger sums, the
fair

fair inference that the subject is incapable of it. And since every real patriot must acknowledge, that a greater annual reduction is absolutely necessary to put the nation in a state of security, the legislature is reduced to the necessity of either imposing heavier taxes on the British subjects, or compelling every part of the empire to contribute its proper ratio of tribute.

The gentlemen in opposition, will scarce approve of laying a tax of five shillings in the pound on land; or of raising the excise on beer so as to make it a penny a pot dearer to the labourer. Britain is supposed to contain above eight millions of people, and the Congress estimate the inhabitants of North America, at about 2,500,000. All parties acknowledge that England raises a revenue of ten millions, over and above the expence of collection; and it cannot be proved that the whole of the North American colonies, raise above 100,000 pounds. These facts are so extraordinary, that notwithstanding their present notoriety, they will hereafter scarce be credited. If a revenue was raised on the colonies proportionable to their wealth and numbers of inhabitants, the national debt would speedily

speedily decrease, and no part of the empire would be long oppressed with heavy taxes.

But the impropriety of the Americans contributing so little to the support of the state, will be still more manifest by enquiring what the total of the taxes amount to which people of landed property pay in America, and by taking a comparative view of the price of labour, and provisions in England and America.

A gentleman purchased an estate in the province of New-York, with about 2,400 £. sterling: He stocked this estate, and lived on its produce, and the total of the taxes which he annually paid to the poor, church, county rate, province or state, amounted to no more than £ 1 15 7d sterling. The country gentlemen in England, will make their own reflexions on this fact.—It would be foolish and ridiculous to attempt to add lustre to the Summer's noon day Sun.

A ship carpenter in the province of New-York can earn eleven shillings of their currency, or six shillings sterling, a day; a house carpenter, or bricklayer, eight shillings currency, which is four shillings and sixpence sterling; a common labourer three shillings and sixpence currency, or
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two shillings sterling. It is well known that men employed in similar branches of business, in England, cannot earn above two thirds of the above sums; and yet the prices of beef, bread, rum, and most of the necessaries of life, are considerably lower in America than in England.

On what principle therefore of policy, equity or humanity, ought the English artificers to be oppressed with taxes and the Americans exempt? Why should the ship builder or sailor of Boston or New-York be put in a better condition than the ship builder or sailor of Whitby, or Port Glasgow?—These in Britain are at least as useful members of the empire as those in America; and if the former are loaded with taxes, which the latter are exempt from, and cannot with equal skill and industry live as comfortably, and acquire as much wealth, the laws are somewhere defective. It is the duty of the legislature to remove this inequality. If it cannot be effected without some inconvenience, as there is no good without its alloy of ill, the real Patriot will not be at rest till he has formed a plan which seems attended with the least inconvenience. He will not supinely acquiesce in permitting his fellow citizens whose families, or friend-

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ly connections, induce them to continue to reside at home, to suffer notorious injustice.

It would be unnecessary to dwell longer on this subject, if some very worthy citizens were not almost rivetted in opinion, that the monopoly of commerce with the colonies is of itself a sufficient taxation; and if they are taxed it should only be with intention to regulate their commerce, or simply to assert the supremacy of Britain, without any intention of raising a revenue.

If this restrictive commerce had enabled Britain to raise a revenue adequate to the demands of the state, it would have been unnecessary to call in the aid of the colonies; or if this restriction had prevented men of industry from acquiring wealth as easily in the colonies, as in Britain, it would have been cruel and unjust to have demanded it, whatever might have been the custom and law of the land, or even the necessities of the empire.

In the preceding pages it has been proved, that a proper revenue cannot be raised without too much oppressing the people in England, and every American merchant knows that men of equal industry and capital, can much more readily

readily acquire wealth in America than in Britain. Indeed the rapid increase of the wealth and commerce of America, prove it to a demonstration; for if the community increase in wealth, the individuals of which it is composed must proportionably grow richer.

All the nations in Europe exercise supreme authority over their colonies and tax them. The Romans taxed their colonies, and sometimes exacted a tribute of one tenth of the corn, &c. which is equal to a land tax of real six shillings in the pound.

The equity and necessity of obliging every part of the empire to contribute to its maintenance is so obvious, that the Americans would not have had the folly and insolence to have opposed the measure, if the declarations of some gentlemen of distinguished character and station here, with respect to the repugnance of the mode in which this contribution was required to be made to the principles of the constitution and the rights conveyed to them by their charters, had not given them encouragement for such a conduct. — These declarations therefore, from whatever motives they were made, have in reality much conducted to involve this country in an expensive

war, brought the greatest present misery and ruin on some parts of the infatuated colonies, with impending danger of the same calamity to the rest, and cannot ultimately tend to increase their freedom.

A writer, who has been considered as the champion of liberty, and whose sentiments many of the opposition have implicitly adopted on other occasions, has been very much overlooked on the present. Junius says : *

“ A series of inconsistent measures has alienated the colonies from their duty as subjects, and from their natural affection to their common country. When Mr. Grenville was placed at the head of the Treasury, he felt the impossibility of Britain supporting such an establishment as her former successes had made indispensable, and at the same time of giving any sensible relief to foreign trade, and to the weight of the public debt. He thought it equitable that these parts of the empire which had benefited most by the expences of the war, should contribute something to the expences of the peace; and he had no doubt of the constitutional right vested in parliament
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* See Junius, vol. 1. p. 8.

“to raise the contribution. But unfortunately for this country, Mr. Grenville was at any rate to be depressed, because he was minister; and Mr. Pitt and Lord Cambden were to be the patrons of America, because they were in opposition. Their declaration gave spirit and argument to the colonies; and while perhaps they meant no more than a ruin of a minister, they in effect divided one half of the empire from the other.”

At the words *Mr. Pitt* Junius puts a mark of reference to a marginal note, which is in these words: “*Yet Junius has been called the partisan of Lord Chatham!*”

Junius also says, in another letter, * “When Lord Chatham affirms, that the authority of the British legislature is not supreme over the colonies in the same sense in which it is supreme over Great Britain — I listen to *him* with diffidence and respect, but without the smallest degree of conviction or assent.”

Tho’ these are the sentiments of Junius, whose writings have been almost adored, as written by the God of Liberty, yet others, for having adopted the same sentiments, are treated as the abettors

* See Junius, vol. 2. p. 268, 269.

abettors of tyranny; and they who petitioned the House, and addressed the throne, to maintain this supremacy so necessary to the welfare of Britain, are said to present *blood thirsty petitions*, " and " that a spirit of domination has led them with " savage folly to address the throne for the " slaughter of their brethren in America." (See Dr. Price on Civil Liberty, &c. p. 54.) The author, whose zeal is so well expressed in the last sentence, has declared sentiments which, as they coincide with those of many of the American assemblies, and of the Congress at Philadelphia, claim particular attention. The author declares, " That in every free state every man is his own legislature. That civil liberty, in the most perfect degree, can only be enjoyed in small states, where every member is capable of giving his suffrages in person : but that in large states such near approaches may be made to perfect liberty, as shall answer all the purposes of government, by the appointment of representatives or delegates. But if the laws are made by one man, or a junto of men, in a state, and not by common consent, a government by them does not differ from slavery. And if the representatives or delegates are chosen for long terms, by a part on-
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ly of the state, and subject to no controul from their constituents, the very idea of liberty will be lost." From these principles the author infers, " that no one community can have any power, or property, or legislation of another community that is not incorporated with it by a just and adequate representation. And that a country that is subject to the legislature of another country, in which it has no voice, is in a state of slavery." And consequently if Britain exercises a supreme authority over the colonies, as they have no representation in the British parliament, they are in a state of slavery. But as liberty is the unalienable right of man, which neither individuals nor communities can be deprived of by contract, compact, or favour, the colonies have a right to resist Great Britain when she endeavours to deprive them of it by taxation or legislation." (See Dr. Price, p. 19, &c.)

If the above principles are just and true, it indisputably follows: first, That all the nations in the world, except a very few, the whole of whose inhabitants scarcely amount to one million, have a right to rise in rebellion to alter their present forms of government; since their laws are enacted either by one man, or a junto

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of men, and not by the whole of the people collected in a legislative capacity, nor by a just and adequate representation of them. The states of Holland, the Canton of Berne, the Hanse towns, and even England itself, come under this predicament: which last the author undoubtedly did not intend, for certainly nothing is less his disposition than the wish to destroy the peace and good humour of England, and set in hostile array friend against friend, brother against brother, and the son against the father. Yet unhappily all this is implied in his pamphlet. For “since in Great Britain, consisting of near six millions of inhabitants, 5723 persons, most of them the lowest of the people, elect one half of the house of commons” (see Dr. Price, p. 10.) the legislature of Britain cannot be said to be a just and adequate representation of the people, and therefore the people have as just a right to rise in rebellion to remedy this imperfection of representation, as the Americans have to rid themselves of the supremacy of Britain; for it has been demonstrated, so as not to leave a possibility of doubt in the minds of the most sanguine favourers of America, that they neither are nor have been oppressed; and therefore the
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present rebellion can be solely on the pretence of securing themselves from future oppression.

2dly, That all the colonies belonging to the different nations of Europe, have a right to revolt, and form themselves into independent states, for they are all subject to the supremacy of their parent states, and none of them are governed by laws of their own making. Spain will not be much indebted to this author for exciting her colonies to rebel: neither can the cause of the British colonies be much benefited by supporting their rebellion on such principles only as would justify the immediate rebellion of every colony in the world: neither can any colonies be hereafter established, "for as neither compact, protection, or favour, can confer an obligation on them to remain dependent on their parent state," they will trade wherever interest or fancy prompts them: and consequently no nation can have any motives to form expensive establishments of colonies, and therefore this plentiful spring of commerce and population would soon dry up.

The form of government which this author represents as the most perfect, in which every man is his own legislator, is so far from being entitled to that pre-eminence, that it ought rather

ther to be classed with the most imperfect ones : the other form which invests the legislative authority in delegates chosen by the whole inhabitants, is liable to fewer exceptions ; altho', if those delegates are only chosen for a short period, and their power limited by being obliged to consult their constituents, this form will partake much of the imperfections of the other.

In a state where every man is a legislator, the citizens instead of employing themselves in the peaceful occupations of arts and commerce, will form themselves into factious political cabals : the assemblies of the state, if the state be of any magnitude, must consist of such multitudes as will unavoidably be tumultuous and disorderly ; the voice of the worthy and the modest will be seldom heard ; the bold, the ambitious, the artful, will have most sway ; an Alcibiades will rule, and a Socrates will be martyred ; a Themistocles, a Zenophon and Aristides banished ; the great Pericles fined, and his son with five other admirals put to death when they deserved laurels for the victory they had obtained ; a vain-glorious war, unjust as destructive, resolved against Syracuse, and the whole revolted city of Myteline ordered to be massacred. If any one
reflects

reflects on what was acted in the Campus Martius of Rome, from the murder of the Gracchi to the establishment of the sovereignty in the person of Augustus Cæsar, it will diminish his attachment to that form of government where every man acts as legislator. But if any one wishes to see the glaring imperfections of this form of government, let him read in Polybius the revolt of the Carthagenian mercenaries, after the first Punic war, when every soldier became his own legislator, till they were at last reduced to seek relief by submitting themselves to the arbitrary command of such wretches as Spendius and Matho.

The imperfections of this government are so numerous, that it has no where long subsisted, but has become the prey of some artful and ambitious demagogue. If these forms are so very necessary to the welfare of mankind that it is even justifiable to commence a civil war to establish them, it is somewhat surprizing there never has been any considerable establishment of them. The pious will not adopt such an opinion, as it seems derogatory to the wisdom of Providence; the naturalist well observes, that all animals, and even inanimate machines, are

constructed of that form which best answers the purposes for which they seem intended. The knowledge of the optician and anatomist, scanty as it is, is yet sufficient to convince him that the eye is of that form which best answers the purposes of vision ; he perceives in some degree the propriety and necessity of every muscle, coat, and humour which composes that delightful organ ; he is convinced there is nothing defective, nothing redundant. The moralist who reflects on the mental world, makes the same observation on the instincts and passions of animals ; he will not therefore readily acquiesce with Dr. Price, that man, the sovereign of the earth, is the only animal of imperfect construction, which he certainly is, if the form of government which the Doctor has given a sketch of be absolutely necessary to his welfare ; since it neither now is, nor ever was, established to any extensive degree ; and therefore this defect must arise from the natural imperfection of man.

It falls not within the purpose of this disquisition to attempt to describe the most excellent forms of government ; but on this occasion it may not be improper to declare that the principal purposes of government of every state are the
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the protection and security of the persons and property of its members, which are best obtained by a system of equitable laws, whose authority protect the weakest and controul the mightiest. In every nation, where such a system of laws are established and revered, the inhabitants will be happy, whatever may have been the original or present form of government. It is for these reasons that some of the ablest political writers have properly called government an empire of laws, and not of men. Let any one examine the government of England and its American colonies since the Revolution, and he must acknowledge that they have been blest with the government of laws; no king or governor has dared to substitute his will for law; no fortification has been erected, no military force established to over-awe the colonies; the inhabitants have been permitted to carry their own arms; and it has been already clearly proved that they have neither been loaded with taxes nor otherwise oppressed, so as to prevent their living comfortably, and rapidly encreasing in wealth. Wherefore, their present revolt has arisen solely from speculative notions, the folly and wickedness of which must appear to every one who

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considers, that though some of the ablest men in different ages and nations have proposed different forms of government, yet they widely differ from each other, and no one of them has met with universal approbation.—If America could detach herself from Great Britain, without being guilty of ingratitude, and the most notorious injustice; without the ruin of her trade, the destruction of her fairest towns, the misery and slaughter of her inhabitants, yet the wisest may doubt whether it would be a desirable event; and whether they were not changing an excellent form of government for a bad one. If the different provinces of America were formed into separate independant states, and united in a general confederacy, what security is there that they would continue long in peace? Connecticut and Pennsylvania are even now at variance about the limits of their provinces, notwithstanding their union against Great Britain, and fourscore of one party were killed in the contest last year. Are the inhabitants of America more wise? more virtuous? or less avaricious than the ancient Grecians; who by their dissensions so weakened each other as to become an easy prey to their common enemy.

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'Till the late disturbances the Americans lived in perfect ease and freedom, every man's person and property was quite secure; he was only amenable to the laws, and those so mild that they restrained no man more from the exercise of his natural liberty, than a good man would wish to restrain himself if there was no municipal law at all. The press was open, conversation free, no persecution for religious principles, every man was at liberty to worship God after his own mode. The spirit of freedom flourished in every village. Their number and wealth increased so fast, that England would soon have as little power as she has hitherto had inclination to oppress and enslave them, which makes the folly of those in America who are the authors of this war, as notorious as their wickedness.

F I N I S.

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