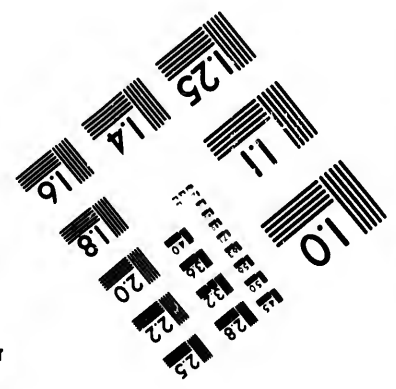
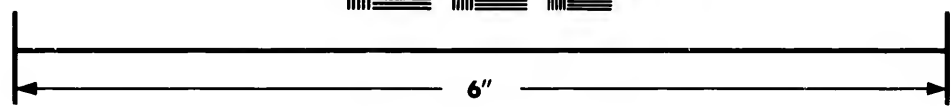
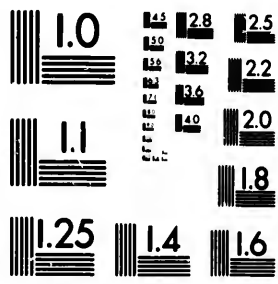


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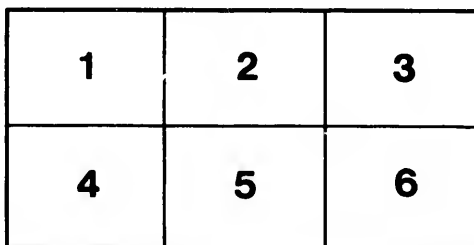
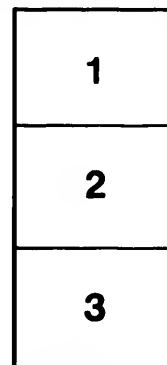
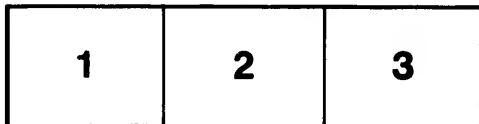
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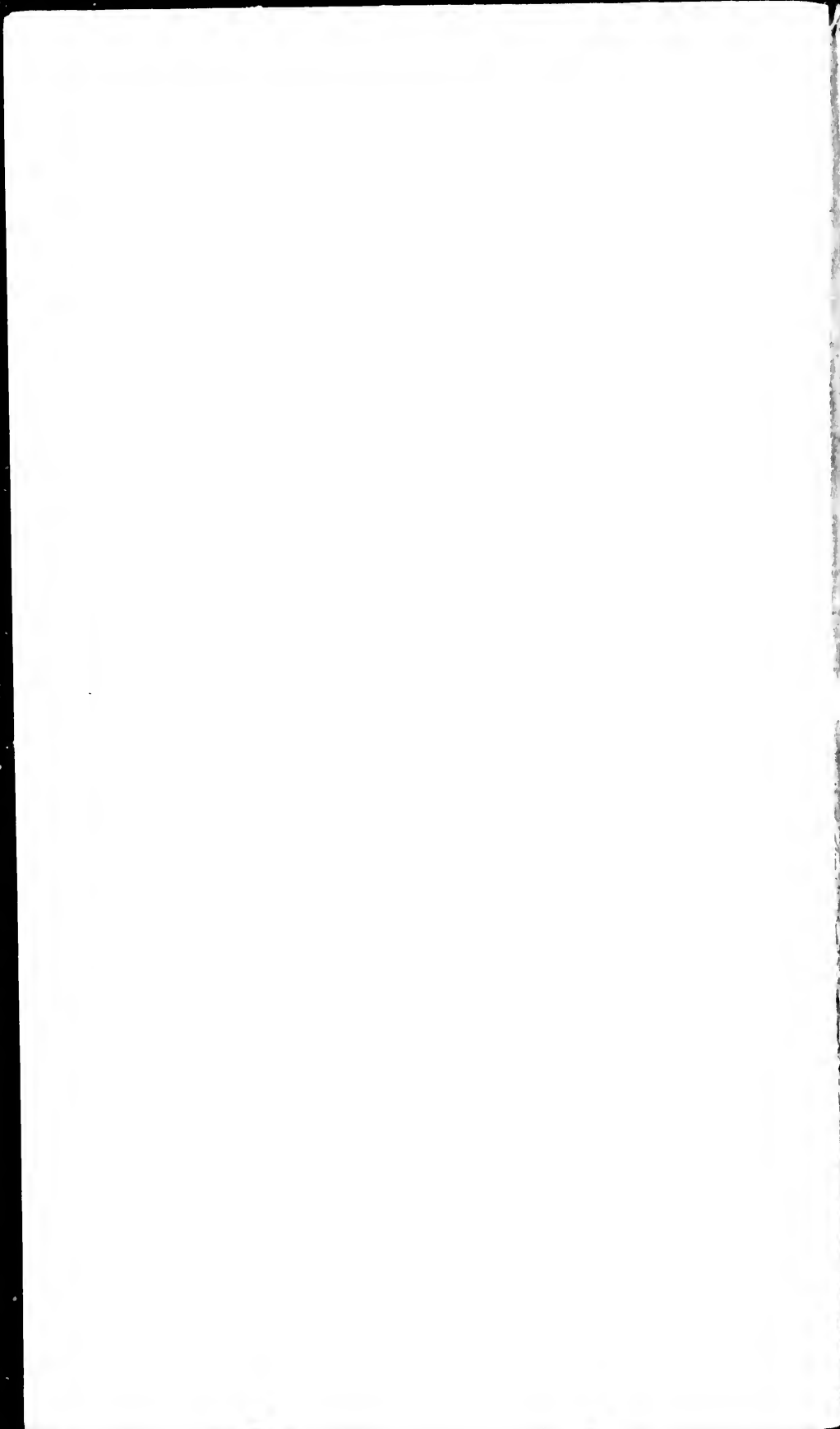
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A
SUCCINCT VIEW
OF THE
ORIGIN of our COLONIES,
WITH
Their CIVIL STATE,
Founded by QUEEN ELIZABETH,
Corroborated by SUCCEEDING PRINCES,
AND
Confirmed by ACTS of PARLIAMENT;
WHEREBY
The NATURE of the EMPIRE established in
A M E R I C A,
And the ERRORS of various HYPOTHESES
formed thereupon,
MAY BE CLEARLY UNDERSTOOD.

WITH
*Observations on the Commercial, Beneficial and
Perpetual UNION of the Colonies with this
Kingdom.*

BEING
An EXTRACT from an ESSAY lately published,
ENTITLED
The Freedom of Speech and Writing, &c.

Qui non libere veritatem pronunciat, proditor veritatis est.

L O N D O N :
M DCC LXXVI.

A

SUCCINCT VIEW

OF THE

Origin of our COLONIES, &c.

NOtwithstanding the great utility of the liberty of the press it is certainly liable to manifold injurious abuses, sometimes pregnant with great mischiefs; without enumerating others, instead of being helpful to preserve, it may be employed by our enemies to divide and destroy us; wherefore just and proper bounds are to be observed. Every considerate and sincere friend to the freedom of writing, laments these abuses perpetrated by the various enemies of the public weal. *Libertas non est licentia* says Tacitus, the great friend of liberty,

berty, railing is not reasoning, nor are in-
 vectives arguments; vague and general re-
 proaches, charges and criminations may in-
 jure, provoke, and inflame, but they neither
 rightly inform, nor reform. The cause of
 truth and justice is not promoted by obloquy
 and detraction, the *decus & tutamen* of the
 commonwealth is not to be assailed by petu-
 lance and impertinence; yet, instead of pro-
 per examination and representation, such a
 licentious use of the press hath taken place,
 that neither the highest public stations, nor
 the greatest public services, nor public nor
 private virtues, nor the absence of the suf-
 ferers, are sufficient guards against these
 abuses. All personal, provincial and na-
 tional abuse is the prostitution of the press,
 and may sometimes produce great and mis-
 chievous effects. *Juncta juvant*, and in in-
 teresting cases the errors of politicians, with
 the errors and incentives of pamphleteers,
 encreased and diffused by that *cacoethes scri-
 bendi & male dicendi* which delights in de-
 faming, aggravating and inflaming, instead
 of duly considering, informing, and com-
 posing, and, as the seeds of social as well
 as natural diseases generate apace, spread-
 ing

ing far and wide a political pestilence, prejudice begetting prejudice, and error begetting error, and the whole producing violence, opposition, division and confusion, may, without the co-operation of the dangerous devices suggested by others to effectuate their deep and malignant designs, subject the most powerful state to great difficulties. Of this we have at present an instance so alarming in its nature, and uncertain in its consequences that it calls, in my poor opinion, for the closest examination, and the most calm just and equal consideration, so that being understood in its origin, progress, and present state, all future evils may as far as possible be prevented, for the accomplishment whereof every good subject, I presume, will cheerfully contribute what lies in his power. I need not explain myself by naming the colonies, whose nature, rights, and interests, considered in themselves, and in their connection with their mother country, have been so egregiously misrepresented by numerous public writers in this metropolis, and in the colonies many of whom have advanced propositions utterly incompatible with the nature of the *British* empire, and subversive of it, some oppugn-
ing

ing the supreme authority of the state, and others the just rights of *British* subjects. And having perhaps taken more pains than any of my fellow citizens to understand the nature and rights of colonies, ancient and modern, and of the *English* colonies in particular, so that my defects in point of natural abilities are in some measure supplied by my diligence, I shall in order to illustrate this important subject, with the best intentions for the public service, submit some few things to public consideration, with all due deference to my superiors in every sense, proceeding, as far as may be with convenience, by way of proposition, in order that the truth may be more clearly comprehended, and readily embraced, and my involuntary errors more easily refuted, whereby I shall hope to avoid encreasing the number of those who enter and traverse the field of controversy without the direction of any certain principle. All arguments destitute of proper principles are mere empty sophisms; they may captivate and delude, but they can neither duly inform nor promote the public welfare; and yet we daily see writers on both sides of the *Atlantic* proceeding with an air of sufficiency to treat of
the

the political structure of the colonies, or some of its parts, without either knowing or enquiring into its real proper and solid foundation, the right understanding whereof might prevent innumerable mischiefs. Truth is simple and uniform, and ever attended with a happy coincidence of all its parts, whereas error is infinite. And, in order to ascertain the best mode of investigating the truth, thereby cutting off many delusive arguments, I shall cite the excellent rule delivered and maintained by the learned and judicious *Placcius*, viz. *Demonstraturum quid de re aliqua, eandem in perfectissimo gradu considerare debere.* "That he who would demonstrate any thing relative to any subject, ought to consider that in the most perfect degree."

AMERICA, since discovered by the *Euro-peans*, hath suffered greatly by various political errors; through prejudice, with its consequents injustice and cruelty, *Spain* slew her millions, of whom she might, to the great encrease of her honour, wealth and strength, have made good subjects, or profitable allies. Continuing under the dominion of prejudice, and transferring her pernicious policy to *Europe*, by her injustice and severity she lost the

the *Netherlands*, and by her manifold breaches of faith, and oppressions, she lost the kingdom of *Portugal*, with all its foreign dominions, every colony, fort and settlement (adhering firmly, as was natural, to their mother country) revolting with her, *Ceuta*, and some of the islands of the *Azores*, garrisoned by *Spanish* soldiers, only excepted. *Spain*, if influenced by the sole dictates of justice and equity, would have preserved the *Americans*, and held the *Netherlands*, with all the dominions of *Portugal*, firmly united to her by the strongest bonds, faith and love, whereby, with suitable policy, she might have raised the most glorious empire, exceeding all modern example, and common conception. Rational liberty, and equal justice, plenty and safety, being the chief ends of all lawful government, the misconduct of *Spain*, with its consequences, will, to all ages and nations, irresistably prove against a thousand authors, who join hand in hand to countenance dark devices, and promote iniquity, that the principle of universal felicitation is the best mean of preservation and aggrandizement. And now, without visiting the *American* dominions of other *European* princes, coming *per saltum*

salutem to *British America*, whose present and future state so nearly concerns the commonweal, it presents a most unpleasing scene. It was lately the seat of a sharp and cruel war, waged by those enemies who never give us farther rest than their inability inforges, with intent to wrest from us one of the chief sources of our commercial and naval empire, during the course whereof several colonies raised a larger proportion of men than any other part of his majesty's dominions; and since, while labouring to restore the broken state of their affairs, and to prosecute that trade which is so necessary to the commerce of this kingdom, through the sudden change of *British* policy, and a strange series of errors and events, the whole are now plunged into a state of distress, difficulty and danger, from which it is desirable in so many respects to deliver them as soon as possible, and to shew their true political foundation, in order to their complete and perpetual union with this kingdom, for the common good. The establishment, corroboration and preservation of this union, considered in its most perfect degree, will appear, I presume, to every impartial and considerate person worthy of the
greatest

greatest attention. The distant situation of the colonies, with their cantonment and distinct civil administrations, though placed under the wise and provident care which presides over all parts of the state, raises insensibly in the minds of many worthy persons partial notions discordant with this union; but its greatest enemy, I conceive, is prejudice, that malady of the mind, and powerful director of its motions; and in this case, as well as in that of superstition, unfortunately wise men frequently follow fools, and our insular and continental prejudices are become so numerous and violent, that I who am so feeble an advocate for the principles of truth, universal justice, and public welfare, the sole proper and firm foundation, in my poor opinion, of that lasting and profitable union that is so much to be desired by all good citizens, dare not enter the lists against so formidable an enemy; and therefore adhering to my principle of peace, and that uniting, conciliating and strengthening system which I have ever held, after observing that common justice is the common debt due to and from all persons and societies. and the common cause of all honest men, and that nothing

thing can be more reasonable than for a man to make one law in his mind for himself, and another for other persons, I shall desire the favour of him who on reading what has been said respecting this perfect union shall perceive the least prejudice to arise in his mind against it, that he will be pleased calmly to consider this divine precept of the Saviour of the world, “ all things whatsoever ye
 “ would that men should do to you, do ye
 “ even so to them, for this the law and the
 “ prophets,” (*Mat.* vii. 12.) And if this shall not suffice to efface the impressions of prejudice, that he will lay aside this little essay until he come to such a temper of mind that he shall be willing to do as he would be done unto; in the mean time, accompanied by the favour of the candid reader, I shall proceed to observe,

I. That his Majesty's regal authority extends to all persons, and over all parts of the public territory—that every subject by the law and the duties of his birth is obliged to be faithful, and bear true allegiance to the king—That allegiance and protection being correlatives, every subject is entitled to protection.

C

II. That

II. That the nature of human government, in order to its completion, of necessity requires in every state for its welfare and preservation the existence and occasional exercise of a supreme legislative jurisdiction, over all and singular the parts, persons natural corporate or compound, causes, matters and things whatsoever—That by the *British* constitution this supreme jurisdiction is vested in the *British* parliament—That the entire collective dominion, state, or chief body politic, composed of all its members, admits but of one supreme direction, equals have no power over equals, and two or more supreme jurisdictions cannot be erected without forming two or more different states; and it is evident this division ministers to destruction. The colonies from their situation, nature, and necessary political existence possess subordinate powers of legislation, but the sole *summum imperium* of the *British* parliament remains firm, immutable and universal—That the king's just prerogative was ever parcel of the law of the land; and, to use the words of lord *Bacon*, who, with other able lawyers and statesmen, was much consulted and concerned in the settlement of some of the colonies—

“ The

" The king's prerogative and the law are
 " not two things"—" There is not in the
 " body of man one law of the head and an-
 " other of the body ; but all is one entire
 " law." And it is certain that none of his
 Majesty's predecessors had it in their power
 by any act made *de industria* in any manner
 whatever to diminish the jurisdiction of par-
 liament, or to divide that body politic of
 which they were the head, thereby making
 a change nearly affecting the royal preroga-
 tive together with the whole common-wealth.
Nil dat quod non habet is a maxim of law, phi-
 losophy and common sense, and no colonic
 or other politic body can by force of any
 charter claim any power, privilege or jurif-
 diction exempt from parliamentary cogni-
 zance, the king having no authority to raise
 or create the same. Every charter is the
 creature of the law, and necessarily subject
 to the law and the law-makers ; and we have
 too much reason to remember the ancient
 and just observation, *Ordo confunditur si uni-
 cuique jurisdictio non servetur.*

III. That the nature and intent of parla-
 mentary jurisdiction, I presume, are to de-
 clare and enact what is right, equal and just,
 giving

giving to the common-wealth and its various parts their due. Ancient authors declare verity and justice to be the proper foundation of parliamentary proceedings. *Jurisdiction est potestas de publico, introducta cum necessitate juris dicendi* * ; and lord Coke says *jurisdiction* is derived of *jus & ditio*, i. e. *potestas juris*. And although through prejudice, passion or other infirmities men may not in particular cases, especially when their minds are moved by self-interest, discern and distinguish between truth and error, justice and injustice ; yet truth, justice and equity are in their nature immutable, and no more subject to annihilation, inversion, or variation, than any geometrical proposition—That no prince, potentate, state or order of men can by any means whatever acquire a right of doing what is wrong. An author whose exquisite learning, knowledge and judgment have done so great honour to human nature, as well as to this kingdom, Dr. *Cudworth*, hath clearly shewn that even in positive laws and commands it is not meer will that obligeth, but the nature of good and evil, just and unjust, really existing. In the course of his reason-

* See the proem to Coke's 4th Instit.

ing he writes thus, " every thing is what it
 " is by nature, and not by will ; for though
 " it will be objected here that when God or
 " civil powers command a thing to be done
 " that was not before *obligatory or unlawful*,
 " the thing willed or commanded doth forth-
 " with become *obligatory*, that which ought
 " to be done by creatures and subjects respec-
 " tively ; in which the nature of moral good
 " or evil is commonly conceived to consist ;
 " and therefore if all good and evil, just and
 " unjust be not the creatures of meer will
 " (as many assert) yet at least *positive things*
 " must needs owe all their morality, their
 " good and evil to meer will without nature ;
 " yet notwithstanding, if we well consider
 " it, we shall find that even in positive com-
 " mands themselves meer will doth not make
 " the thing commanded just or obligatory,
 " or beget and create any obligation to obe-
 " dience ; but that it is natural justice or
 " equity which gives to one the right or
 " authority of commanding, and begets in
 " another duty and obligation to obedi-
 " ence *."—According to Dr. *Cumberland's*
 excellent rule, approved, or rather applauded

* Treat. concerning internal and immutable morality, p. 17, 18.

by the most eminent foreign authors, "No-
 " thing can be deemed the law of nature in
 " which all men cannot agree"; and the
 most able jurists have united in declaring that
 positive social laws should enforce the natu-
 ral, or conform to them as far as possible.
 Mr. *Locke* says, "the obligations of the law
 " of nature cease not in society, but only in
 " many cases are drawn closer, and have by
 " human laws known penalties annexed to
 " them to enforce their observation. Thus
 " the law of nature stands as an eternal rule
 " to all men, *legislators* as well as others.
 " The rules they make for other mens actions
 " must, as well as their own and other mens
 " actions, be conformable to the law of na-
 " ture, *i. e.* to the will of God, of which
 " that is a declaration." And that "the
 " first and fundamental positive law of all
 " common-wealths is the establishing the le-
 " gislative power, as the first and fundamental
 " natural law, which is to govern even the
 " legislative itself, is the preservation of the
 " society, and (as far as will consist with the
 " public good) of every person in it †."—
 That good and perfect laws are the dictates

 † *Treatise of Government*, Chap. 11.

of perfect reason relative to their subject known in all its parts ; and positive laws, so far as they partake of prejudice, passion, improvidence, or other infirmity, or are formed on the partial knowledge of their respective subjects, are imperfect ; the wisest legislators cannot judge aright, or rather not at all, of that which was never exposed to their judgment, and a law made upon the best consideration of some parts only of its subject matter, with an exclusion or inscience of other proper and material or essential parts, from the nature of legislation, and its objects, is apparently an improper or imperfect law. Considered with respect to the case stated and supposed, if the same had subsisted, it might have been just and proper ; but the true and real case, composed of all its parts, materially differing from it, required either a different law, or none at all ; and consequently the law thus made through error, according to the immutable principles of truth, justice and legislation, I presume, is to be discontinued, the continuance of any error when known differing widely from its first commission when unknown ; nevertheless it is the duty of the parties concerned to obey

obey such erroneous or improper law as far as possible, until its review and repeal by the legislators shall take place, to whose wise, equal and just consideration and decision all reasons respecting its real or supposed errors, improprieties or defects, must be properly and entirely submitted.—That the ablest politicians have held it difficult for one country to make laws for another ; and the greater their distance the greater their difficulty. The *Roman* councils were frequently embarrassed by this business, although their political wisdom so far exceeded in many respects that of other nations. The nature of the *British* empire, divided by the situation of its several parts, with the necessary unity of the supreme power over the whole, is inevitably accompanied with this difficulty. All the freeholders in *England* worthy of notice in this behalf are represented in parliament by persons chosen by them for that purpose, who, with the representatives of the cities and boroughs, and the representatives of *Scotland*, form the house of commons, or an order of men well acquainted with the nature, condition and interest of the whole kingdom, and its respective parts ; and yet
when

when interesting laws are depending how often do we see special communications take place between these representatives and their constituents, for the sake of better information; and notwithstanding the use of these, the best means of knowledge, an improper or imperfect law has been some times made: and when the principal or dominant part of a state makes a law relative to its distant parts it seems desirable to use every mean of investigating the truth respecting all the subject matters of it, so that the numerous additional difficulties unavoidably arising from distance may, as far as possible, be countervailed by the most diligent comprehensive enquiry and thorough examination, without which provident care laws made for the advancement of commerce may cause its diminution, and other laws may operate contrary to the intent of the legislators; and it is needless to say that when such dominant part makes a law for the distant parts in ease of itself the most liberal just and equitable consideration becomes more especially requisite, in order to countervail the natural dictates of self-interest. With respect to the political state of our colonies, there seems to be no bounds to

the errors of minor politicians and pamphlet-ers, which with other errors relating to their commercial state, joining and increasing the prejudices and tempestuous passions of numbers, have caused so great violence and grievous outrages. In truth many of *Britannia's* sons seem to have lost the proper sense of their duty to their mother and to each other, brother would bastardize brother, some would unnaturalize others, and others would unnaturalize themselves, without duly considering their own conduct in its nature and consequences. To check these mischiefs, and restore all things into order, the chief strength and safety, as well as beauty, of the civil state, I know no means so useful as having recourse to truth, the common friend of all honest men, and of all just measures; and therefore returning to my former course of proceeding I shall farther observe,

IV. That the *English* colonies are the legitimate off-spring image and part of the common-wealth, and well entitled to the rights, liberties, and benefits of it, or, in other words, they have good title to *jus publicum* and *jus privatum*, and to both *optimo jure*, the enlargement of the empire, in pursuance of proper regal authority;

authority, at the toil and peril, and the expence of the blood and treasure of the planters—That these rights entitle them of course to every proper and practicable mean of preserving them, rights without the means of their preservation being defeasible and illusory—That by the first leading grant made for the discovery and settlement of the *English* part of *America* to Sir *Humphrey Gilbert* by queen *Elizabeth*, on the 21st. day of June, in the 20th. year of her reign, after directing that the same should be made by her *English* and *Irish* subjects; for uniting in more perfect league and amity such countries “with her
 “realms of *England* and *Ireland* and for the
 “better encouragement of men to this enterprize;” she granted and declared that all such countries so to be possessed and inhabited should thenceforth be of the allegiance of her, her heirs and successors, and did thereby grant to Sir *Humphrey*, his heirs and assigns, and to all other persons of her allegiance, who should, in pursuance of the directions therein contained, proceed and inhabit within any such countries, that they and their heirs
 “should have and enjoy all the privileges of
 “free denizens and persons native of *England*
 “and

“ and within her allegiance, in such like
 “ ample manner and form as if they were
 “ born and personally reshaunte within the
 “ said realm of *England*.”—That the grant
 made to Sir *Walter Raleigh*, under which the
 first settlement was made in *Virginia*, was in
 these respects similar to this; and it is alto-
 gether unnecessary, I apprehend, to cite the
 several succeeding royal grants which were
 grafted upon these, and co-operated with
 them in establishing the *English* empire in
America, every subsequent grant being made
 by the king of *England* to his subjects,
 whether to an individual or to numbers, to
 persons natural or politic, as well those
 which have lost their force as those which
 continue in force, in their nature and tenor
 supposing, confirming, and establishing this
 empire, and strengthening the connection of
 these distant countries, and all their inhabi-
 tants, with the realm of *England*, the king
 holding the whole under the same allegiance—
 That by the stat. 15 *Car. II.* cap. vii. which
 provided that the *European* commodities im-
 ported into the plantations should be shipped
 in *England*, whose policy and provision I have
 heretofore laboured to preserve, it is thus re-
 cited

cited and declared, “ in regard his majesties
 “ plantations beyond the seas are inhabited
 “ and peopled by his subjects of this his king-
 “ dom of *England*: for the maintaining a
 “ greater correspondence and kindness be-
 “ tween them, and keeping them in a firmer
 “ dependence upon it, and rendring them yet
 “ more beneficial and advantageous unto it,
 “ in the further employment and increase of
 “ *Englisch* shipping and seamen, vent of *Englisch*
 “ woollen and other manufactures and com-
 “ modities, rendring the navigation to and
 “ from the same more safe and cheap, and
 “ making this kingdom a staple not only of
 “ the commodities of those plantations, but
 “ also of the commodities of other countries
 “ and places, for the supplying of them; and
 “ it being the usage of other nations to keep
 “ their plantation trade to themselves: Be it
 “ enacted” &c. Here we have an express de-
 claration made by parliament, *per verba de*
præsenti; that his majesty’s plantations beyond
 the seas were inhabited and peopled by his
 subjects of this his kingdom of *England*,
 whose political state hath questionless ever
 since continued the same—That by the stat.
 13 *Geo.* II. cap. vii. it was enacted that from
 and

and after the 1st. day of June, in the year 1740, all persons born out of the ligeance of the king, his heirs and successors, who had inhabited, or should inhabit for the space of seven years, or more in any of his majesty's colonies in *America*, and should take the oaths, and make the declarations therein directed, " should be deemed, adjudged, and " taken to be his majesty's natural born subjects of this kingdom, to all intents, constructions and purposes, as if they and every " of them had been or were born within this " kingdom."—That it is impossible, I conceive, for any prince or state intending to enlarge their public territory by the acquisition of any distant lands or countries, to take more proper and efficacious means for making the same parcel of their empire than have from the foundation of the colonies been taken by the kings and parliaments of *England* to unite them with their mother country, and form one empire of the whole; so that considering their nature, notoriety and importance, it is matter of great surprize as well as concern, to see such manifold pertinacious mistakes made in this kingdom and the colonies touching their political nature by numberless

berless writers and other persons, who being strangers to their true foundation, form erroneous and injurious hypotheses concerning them.

V. With respect to the question when in a state wherein the laws are made by the prince, the nobles, and persons chosen by the people, the greater part live in one quarter of the world, and the lesser part in another; and the greater part chuse these persons who make part of the legislative, and who are, by the *English* lawyers and other authors, called the representatives, attornies or advocates of their constituents, and in foreign states ambassadors, or by other names denoting the persons elected and deputed by many others, to represent and act for them, the lesser part having no vote or voice in this choice, whether the persons thus chosen by the greater part can be truly, justly and properly said to be the representatives of the lesser part; in which case I desire leave to hold the negative, and pray the favour of him who is enclined to the affirmative, that he will consider himself as one of the lesser part, and then declare his approbation or disapprobation of this representation; for in truth it seems to me that

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impartial consideration might suffice to resolve this question; nevertheless I shall endeavour to illucidate this particular. It is said that the *English* colonies, which are the lesser part of the state, though not actually, are virtually represented in parliament by the members chosen by the greater part. The mischiefs, divisions, difficulties and dangers which attend the state, whose primary source apparently was the conduct of ministers unprovided with proper and necessary knowledge, with an exclusion of wiser counsels, and better information, have several times brought to my mind *Pandoras* box, out of which the maladies and calamities of mankind took their flight. And truth being an immutable entity and intelligibility, and error a meer phantasy or figment of the imagination, this notion of virtual representation being as incomprehensible by my mental faculties as transubstantiation, or the pope's representation of the Deity, hath brought to my mind the opinion of those among the ancients who held that there was no certainty in the human intellect, or its objects: but on due consideration, I am fully convinced to use the words of Dr. *Cudworth*, that " Truth is the most unbending and un-

com-

“ uncompliabile, the most necessary, firm, im-
 “ mutable, and adamantine thing in the
 “ world;” and in case this notion of virtual
 representation be true, it is capable of being
 so clearly and distinctly represented and evin-
 ced as to force the assent of the equal and in-
 telligent mind; wherefore I hope that its
 advocates will be pleased to explain, support
 and complete their new system of represent-
 ation, observing that equal rights require equal
 means of preservation. That the inequalities
 in the representation of one country are no
 reason for rejecting the representation of ano-
 ther. That according to the excellent rule
 of *Placcius*, and the sentiments of Mr. *Locke*
 in this particular, we are not to reason from
 defect to defect, thereby making the political
 system still more and more defective; but to
 keep the right line or state of perfection in
 view, making our reproaches towards it, and
 that one plain simple principle of universal
 justice and public welfare is, in my poor opi-
 nion, worth a thousand such refinements
 or temporary expedients—That Mr. justice
Doddridge, that learned antiquary and able
 lawyer, supposes that the opinions of *Poly-
 dore Virgil* and *Paladine* are reconcileable with

the “ manuscript of *Canterbury*, that the first
“ parliament wherein the commons were
“ called, as well as the peers and nobles,
“ was 16 *H. I.* ; for it is true that after the
“ conquest until this time the commons were
“ not called ; and so at this time they will
“ have it first called by the name of a parlia-
“ ment.” This learned judge calls *Edward I.*
the founder of our civil state, and lord chief
justice *Hale* says that he “ is well styled our
“ *English Justinian* ; for in his time the law
“ *quasi per saltum* obtained a very great per-
“ fection.” And the following record will
manifest his sense of representation.

Claus de Anno Regni regis Edwardi Vicefimo tertio.

Parlamento tenendo.

“ Rex venerabili in Christo
“ patri R. eadem gratia Cantuar archiepiscopo totius
“ Angliæ primati Salutem.
“ Sicut lex justissima provida
“ circumspectione sacrarum
“ principum stabilita hortatur, & statuit, UT QUOD OM-
“ NES TANGIT AB OMNIBUS
“ APPROBETUR, sic et innuit
“ evidenter ut communibus
“ periculis per remedia provisa

The king to the venerable
father in Christ R. by the same
grace archbishop of *Cant.* primate of all *England*, greeting.
As the most just law by provident circumspection of sacred
princes established adviseth and hath appointed, THAT WHAT
TOUCHETH ALL MEN BE APPROVED OF ALL, so it likewise
evidently intimateth that common danger be obviated by

“ com

“ communiter obvietur sane remedies provided with com-
 “ fatis nostris et jam est ut cre- mon consent. Truly we have
 “ dimus p’ uniuersa mundi as we think already sufficiently
 “ climata diuulgatum qualiter diuulged through all climates
 “ rex Francie de terra nostra of the world how the king of
 “ Vasconie nos cautelose deci- *France* hath craftily deceived
 “ pit eum nobis nequiter deti- us touching our territory of
 “ nendo nunc uero predictis *Gascaine*, wickedly detaining it
 “ fraude & nequicia non con- from us, and now, not content
 “ tentus ad expugnationem with the fraud and wickedness
 “ regni nostri classe maxima & aforesaid, hath prepared a very
 “ bellatorum copiosa multitu- great fleet, with a powerul ar-
 “ dine congregatis cum quibus my for the assaulting our king-
 “ regnum nostrum & regni e- dom, with which he hath al-
 “ jusdem incolas hostiliter jam ready hostilely invaded our
 “ inuasit linguam Anglicam si kingdom, and the inhabitants
 “ concepte iniquitatis propo- of the said kingdom, the *Eng-*
 “ sito de testabili potestas cor- *lish* tongue, if power corre-
 “ respondeat quod Deus aver- spond with the detestable pur-
 “ tat omnino de terra delere pose of the conceived iniquity,
 “ proponat Quia igitur preuisa which God avert, he purpofeth
 “ jacula minus ledunt et res entirely to abolish. Because
 “ uestra maxima sicut cetero- therefore darts foreseen hurt
 “ rum regni ejusdem concini- less, and your greatest interest,
 “ um agitur in hac parte uobis with that of your fellow citi-
 “ mandamus in fide & dilecti- zens of the said kingdom is
 “ oni quibus nobis tenemini herein concerned, We charge
 “ firmiter injungentes quod die you in the faith and love by
 “ dominica proxime post fes- which ye are held unto Us,
 “ tum Sancti Martini in hyeme strictly enjoining that on the
 “ proxim’ futur’ apud West- Lords day next after the feal
 “ monasterum personalit’ in- of St. *Martin*, in the winter
 “ terfistis premunientes priorem next ensuing, ye be personally
 “ & capitulum ecclesie vestre present at *Westminster*, fore-
 “ archidiaconos totumque cle- warning the prior and chap-
 rum

<p> • rum vestre diocesis Facientes “ quod iidem prior & archidi- “ aconi in propriis personis “ suis & dictum capitulum per “ unum idemque clericos per “ duos procuratores idoneos “ plenam & sufficientem pote- “ statem ab ipsis capitulo & “ cleris habentes una vobis- “ cum intersint modis omni- “ bus tunc ibidem ad tractan- “ dum ordinandum & facien- “ dum nobiscum & cum cete- “ ris prelati & proceribus et “ aliis incolis regni nostri qua- “ liter sic huiusmodi periculis “ & ex cogitatis maliciis ob- • viandum. Teste rege apud “ Wengeham tricesimo die “ Septembris” </p>	<p> ter of your church, the arch- deacons, and all the clergy of your diocese, causing that the said prior and archdeacons in their own persons, and the said chapter by one, and also the clergy by two fit proctors ha- ving full and sufficient power from them the chapter and clergy, be present, together with you, by all ways then and there to consult, ordain, and take such effectual measures, with us, and with the other prelates, and nobles and other inhabitants of our kingdom, as will obviate such dangers and malicious devices. Witness the king at <i>Wengeham</i>, the thirty-first day of September. </p>
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That the right of representation in parlia-
 ment hath in other cases been allowed, in
 consequence of the enlargement of the public
 territory, *Wales* was conquered by *Edward I.*
 (12 *Edw. I.*) by the stat. of *Rutland* it was
 annexed to *England*; but their close, firm
 and perfect union was made by the stat. 27.
Hen. VIII. cap. 25. wherein it is recited that
 “ Albeit the dominion, principality, and
 “ country of *Wales* justly and righteously was,
 “ and ever had been incorporated, annexed,
 “ united,

“ united, and subject to and under the *im-*
 “ *perial* crown of this realm, as a very mem-
 “ ber and joint of the same;” and yet, from
 certain causes therein-mentioned, “ some
 “ rude and ignorant people had made dif-
 “ tinction and diversity between the king’s
 “ subjects of this realm, and his subjects of
 “ the said dominion and principality of *Wales*,
 “ whereby great discord, variance, debate,
 “ division, murmur, and sedition had grown
 “ between his said subjects;” wherefore,
 among other reasons, “ to bring his said sub-
 “ jects of this his realm, and of his said do-
 “ minion of *Wales* to an amicable concord
 “ and unity,” among other things, provision
 was made for its representation in parliament.
 And the first *English* colony having been
 planted at *Calais*, the same parliament, in
 the same session, provided for its representa-
 tion in parliament also. The first writ there-
 upon issued, that I have seen, bears date the
 2d day of August, in the first year of the
 reign of *Edward VI.* whereby the king com-
 manded the mayor and burgeses to cause to
 be elected a discreet inhabitant of the said
 borough, to be a burges for his parliament
 for the same, according to the form of an
 act

act made by the parliament held the 27th of *Hen. VIII.* aforementioned; “ so that the
 “ said burgeses should have full and sufficient
 “ power for himself and the said community
 “ to do and consent to what should be or-
 “ dained by the common council of his
 “ kingdom.”

VI. That where religion, liberty, order, and good government are, there will be numbers, plenty, strength and safety, with a proper union of all the parts for the good of the whole—That as the declension and dissolution of so many different states irresistably prove the difficulty of perpetual preservation, so it is likewise certain that commercial and naval empires are unavoidably attended with special difficulties respecting their duration and flourishing condition. For proof of this we need not have recourse to the ancients, *Europe* having within these three hundred years given us so many examples, that it would be tedious as well as unnecessary and unpleasant to compare their present with their former state.—That commerce when she takes her flight leaves a country in a worse condition than she found it, and knowing no return, the inhabitants may in vain lament that
 that

that loss which their improvidence or unkind usage caused—That although strength be ever preferable to wealth, yet when the state is greatly infected by luxury, whose natural offspring are dissipation, folly, fraud, distress, and danger, with mental enervation, which united, with or without concomitant causes, have so often occasioned dissolution or destruction, greater attention is paid to those trades and traders which minister to luxury, and weaken the state, than to those which strengthen it. Of this we have given the world a memorable example. What a stir do we from time to time make about the *East India* trade, not to mention others, which never raised the seamen it destroys, and promotes luxury so many different ways, while we pay such a disproportionate regard to the trade with and of our colonies, which, including the fisheries, to use the naval expression of an intelligent friend, is the main stay of the *British* commerce; so that although trade be in its nature so intricate and delicate that human wisdom, even after the strictest enquiry into facts, is frequently unequal to the difficulty of forming salutary regulations for it, instead of close attention, examination and comprehension,

hension, we are sometimes inclined, even on great occasions, to confide in the specious and erroneous representation of others, who make a parade of their knowledge in those subjects to several of whose essential parts they are utter strangers—That our foreign trade collectively considered hath declined apace, and that depending on the changeable minds and circumstances of other princes and states, they are in effect contending various ways for its farther diminutions, our colony trade having in the mean time so far encreased as to have exceeded all these diminutions, and while prosecuting to the utmost by the spirit of the colonists, who employed herein all their stock and domestic credit, with a large credit given by the *British* merchants, and when labouring under various difficulties, a project was formed of raising a revenue upon it, with the traders and other inhabitants—That to carry on a general trade a proportionate stock of money is requisite; and when this project was formed there was in the continent colonies scarcely money sufficient, even with the aid of the paper currency used by several, to carry on their trade—That the money proposed to be raised by way of revenue being to be collected

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ed from the old and principal trading colonies, and wholly, or chiefly spent upon new and distant acquisitions, the execution of this project must of necessity diminish and embarrass their trade, to the prejudice of the trade of this kingdom, all the real money then remaining in the continent colonies probably amounting to about an eighth or tenth part of what was due from the traders there to the *British* merchants, and which being suffered to remain there as the necessary means of driving about the wheels of trade would assist the traders in the discharge of their debts, and in the continuance of that large trade which they have so long carried on for the common benefit—That in a country dependant on commerce the primary object of political consideration relative to it is presumed to be the increase and exports of its manufactures, the benefits whereof are diffused through all parts; and therefore raising a revenue upon their diminution is in effect making a dangerous stroke at the root of that which ought to be cherished, or proceeding like him who cut the bough whereon he stood—That the colonies, supposing the annual exports of *British* commodities to them to a-

mount to the value of two millions sterling have thereby probably paid yearly one million of the *British* taxes, or considerably more. To illustrate this particular, it is to be observed that every manufacturer charges all the taxes paid by him upon his manufacture. A clothier for instance who employs a thousand persons, whose taxes, together with those of his own family, amount to £ 10000, he being reimbursed by the sale of his cloth, each piece bears of course its proportion of the whole, and is paid finally by the wearer. The amount of the public demands are by the intelligent variously estimated. An old friend, who in many respects is extremely acute in his discernment touching the interior state of the kingdom, as well as exact in his calculations, and who by the way had had hard measure in one of our late ministerial revolutions, some time before the commencement of the last war mentioned to me with approbation an estimate made with diligence by other judicious persons, whereby it was supposed that the same amounted to fourteen shillings in the pound; so that according to this calculate the accumulative part of the price of manufactures in proportion to the natural is as

fourteen

fourteen to six. Being no competent judge of all the particulars of this affair, I leave them to those who are; but taking the lowest estimates of the amount of the British exports to the colonies, and of the public charges, through various circulations resting on them, and finally on their consumers, and considering the same together with the entire commercial and pecuniary state of the colonies, it clearly appears to me that this revenue-project, if peaceably carried into execution, as far as the nature of things would permit, would by its natural operations certainly have caused so great a diminution in the exports of *British* commodities that for every penny collected in the colonies by way of revenue this kingdom would very soon have lost six pence, and probably in a short time considerably more. The history of commerce fully proves that it cannot be preserved without consulting its nature, with all its connections, and trade will sometimes, like water, only bear its own weight, and the trade of the colonies having been strained to the utmost, and its products collected from all parts constantly leaving the traders there immensely in debt to the *British* merchants, its continuance was incompatible
with

with new burthens, and the application of that money to other purposes which was necessary to carry it on—that the most judicious persons have in time past thought it adviseable by every proper method to encrease the trade of the colonies, keeping it under due regulations, and to assist in providing for them such profitable employment as might enable them to pay for large quantities of *British* manufactures; whereas this new project hath a direct tendency to drive the inhabitants out of trade. and from the sea coast into the inland parts of the country, where every man living upon his freehold will eat his own mutton, and cloath himself with the skin and the wool.—That the colonies, like this and other countries, animated by the spirit of trade, would as they encreased their ability, as they have in times past, continue to encrease their trade, and distreſſing this trade with the traders is starving the hen that lays the golden egg.—That the cherishing and regulating is so far preferable to the impoverishing system, that there is not a political truth, even that which declares honesty to be the best policy, that appears more clear to
me

me than this, That the flourishing trade and condition of the colonies will ever best secure and augment their commercial and beneficial connection with this kingdom. By their nature and original settlement they are unquestionably part of the family of *England*, and their comfortable condition will not only enable them to prosecute trade in time of peace, but invigorate their defence in time of war, of which it is not improbable they may again be the seat. There is no end of vulgar errors relative to this particular; our enemies attack our colonies as essential parts of that commercial and naval empire which they would reduce; and if, instead of promoting and strengthening the most desirable union, our errors and theirs, with consequent divisions, should make them more vulnerable, they will of course become the object of the enemies policy and force, and lamenting our divisions considered in every light, I am sorry that some of our politicians have not been inclined to such treatment of them, that, to use the words of a worthy patriot, spoken to the king on the throne, it might be their inclination as well as duty to be obedient to his majesty and the laws. On the
other

other hand it behoves the colonies to consider that their honour and their interest, their safety and happiness consist in their continuing proper and useful members of the common-wealth, to take care that the spirit of liberty be accompanied with a due sense of government; to maintain their rights and interests in a proper manner, and to pay the same reverence to the king and the parliament as if placed nearer to them, remembering what was said by an author whose credit they will not question (*Mr. Milton*) “ this
 “ is not the liberty which we can hope, that
 “ no grievance ever should arise in the com-
 “ mon-wealth; that let no man in this world
 “ expect; but when complaints are freely
 “ heard, deeply considered, and speedily re-
 “ formed, then is the utmost bound of civil
 “ liberty attained, that wise men look for.”

And it may not be improper for others as well as the colonists on this occasion, to recollect, not only the saying of *Vopiscus*, but likewise the words of the judicious *Dr. Fleetwood*.
 “ The present designs of men have, it may be,
 “ no eye or tendency to such and such a con-
 “ sequence; but, however, men must look to
 “ it; for when we are once out of the right
 “ way

“ way, every step we take leads us but into
 “ farther wanderings; and we know not
 “ whither we are going.”

VII. With respect to the reasons relative to the repeal of the stamp-act, extraneous to the real merits of the case, I shall not presume to express my own sentiments; but, under favour, shall insert the words of Mr. *Milton*, in his *Areopagitica*, addressed to the parliament of *England*, wherein, after taking notice that there were abundant examples of private persons giving their counsel by speech or writing to sundry free states, in those ages to whose polite wisdom and letters we owe that we are not yet *Goths* and *Futlanders*, he wrote thus; “ and how far ye excel them, “ be assured, Lords and Commons, there “ can no greater testimony appear, than “ when your prudent spirit acknowledges “ and obeys the voice of reason, from what “ quarter soever it be heard speaking; and “ renders ye as willing to repeal any Act of “ your own setting forth, as any set forth “ by your predecessors.” And shall observe that in several countries ruled by absolute princes an appeal lies from the decree of the prince, that is, *à se male informato, ad se bene in-*

informatum; and I have ever understood that the honour of the prince was more concerned in giving a just decree upon the appeal and review of the case, than in pronouncing his first decree.

As to those sons of violence who, without taking notice of others, have to the dishonour of that colony whose merits with respect to its mother country, all things considered, exceed those of any one of an hundred *Roman* colonies, not to name a greater number, have risen up in its capital, and, under the pretence of reformation, have committed such outrages, I exhort every man of them, for his own sake, as well as that of others, that leaving the care of the common rights to those to whom it belongs, and renouncing his offences he continue to be quiet, and by his peaceable and proper behaviour prepare himself to partake of the clemency of a gracious prince who delights in the exercise of his mercy. And, in order to mollify the minds of those who seem as great strangers to humanity as they are to sound policy, I shall, in the words of *Lipsius*, set forth the mild conduct of an excellent prince.

“ Shall

“ Shall I omit thee *Alphonfus*? who being
 “ all goodness and beneficence hast repre-
 “ sented to us *Titus*, but with long continu-
 “ ance. Thou besieging *Caieta*, which had
 “ obstinately rebelled against thee, the be-
 “ sieged appeared to be pressed for want of
 “ provisions, which themselves declared by
 “ putting forth old men, boys, women,
 “ and all the useless multitude. In council
 “ it was advised that they should be rejected
 “ and driven back, for that so the city would
 “ soon surrender, he through commiseration
 “ chose rather to dismiss them, and continue
 “ the siege: but, upon his not taking the
 “ place, some dared to object, that if he
 “ had not let them go the city would have
 “ been his; he nobly answered. *But the safe-*
 “ *ty of so many persons, is more to me than an*
 “ *hundred Caietas.* However he was not long
 “ without it, for the citizens, admonished
 “ by such extraordinary virtue, and repent-
 “ ing, voluntarily surrendered themselves.
 “ His conduct was similar towards *Anthony*
 “ *Caldora*, the most powerful man of the
 “ *Neapolitan* kingdom, and his obstinate
 “ enemy, whom having at length in a great
 “ battle subdued, and taken, when all per-

“ suaded to put to death so troublesome a
 “ man, and who was ever at enmity with
 “ the *Arragonians*, he alone withstood, and
 “ not only pardoned, but restored his estate
 “ to him, and gave to his wife all his ele-
 “ gant and valuable furniture and other
 “ moveables, which he had in his hands,
 “ reserving to himself only one crystal cup.
 “ Such were his actions, with which his ex-
 “ pressions accorded. Being asked why he was
 “ mild towards all, even the wicked. *Because*,
 “ said he, *justice conciliateth the good, clemency*
 “ *the bad*. Again, when his ministers com-
 “ plained of his too great lenity, as not be-
 “ coming a prince. *What*, said he, *would you*
 “ *have bears and lions to reign? For clemency*
 “ *is the peculiar of men, cruelty of wild beasts*.
 “ He said what was true. By how much
 “ the greater, and more, as I may say, of
 “ a man any one is, so much the more is he
 “ inclined to this virtue, which is therefore
 “ termed humanity.”

Scotland in consequence of two rebellions
 raised there, in order to destroy, or drive
 away the present royal family, happily placed
 on the throne for the preservation of our
 common

common liberties, hath by the wisdom and equity of the *British* parliament been made more free, whereas the end and intention of every action being to be considered, in justice to the colonies, whose distance lays them under manifold difficulties, it may be said, if I am not wholly mistaken, that their intention is to defend their rights according to their sense of them, and how far that is erroneous, or its defence improper, is not my province to declare. As to these politicians who seem to delight in blood, and are so solicitous to introduce a social war, whereby after so narrowly escaping the sword of our enemies we should employ our own swords in destroying ourselves, every stab destroying a subject, and diminishing that commerce which gives bread to so many others, their policy, instead of being the result of any wise consideration suitable to the occasion, seems to be the dictates of their prejudice, their passions, or something worse. If these advocates for destruction had been pleased fully to explain their own proposition, considered with respect to its nature, operations, and conclusion, without which all proposals are vain, its impropriety

propriety and dangers, I presume, would evidently appear.

Rome when in her flourishing estate was brought to the brink of ruin by the social war, occasioned by her refusal to communicate the Roman right. After suffering so much by her various errors and corruptions she granted it to all the nations of which her empire was composed, and for this grant her praises in verse and prose will endure to all ages, *Claudian* says,

*Hæc est in gremium victos quæ sola recepit,
Humanumque genus communi nomine fovit,
Matris, non dominæ, ritu: civesque vocavit
Quos domuit, nexuque pio longinqua revinxit.*

And *Rutilius*,

*Fecisti patriam diversis gentibus unam,
Profuit injustis te dominante capi,
Dumque offers victis proprii consortia juris,
URBEM fecisti quod prius ORBIS erat.*

Upon taking a view of all parts of the public territory, and considering them in their nature, situation and mutual relations, with
the

the relation of the whole to other states, including our debts, which all the money in *Europe* probably could not discharge, whereof the principal or interest due to foreigners is to be paid by the balance of our trade, and how far our credit is exhausted, together with the ordinary course of human affairs respecting war and peace, it does not, I presume, require the foresight of *Themistocles* to discern that our future welfare and safety require the present exercise of great wisdom; and that the whole having one common interest to support against our competitors, adversaries and enemies, and all being members of the same body, laying aside our prejudices, divisions and animosities, we should unite our endeavours for the advancement of the common good, ever remembering that justice is an architectonic virtue, and what we learn from *Æsop*, and that wise and great emperor and philosopher *Antoninus*, that the bundle of sticks given by the father to his sons while united is not to be broken, and that what is not good for the hive is not good for the bee; and moreover what was said to the Lords and Commons in Parliament, (4 *Hen. VI.*) *Eritis insuperabiles, si fueritis inseparabiles.* *Explosum*

*sum est illud dicerebium: Divide & impera; cum
radix & vertex imperii in obedientium consensu
rata sint.*

Having for the advancement of truth, liberty, universal justice, and the public welfare, subjects worthy of a much abler pen, written with that freedom which becomes the member of a free state, I shall now cheerfully submit the whole to the candour and correction of the judicious and impartial, and to the pleasure of those who delight in censure. With respect to the former I shall ever say blessed be the amending hand, and of the latter I pray this favour, that they will for the common good be pleased to write better on these important subjects.

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