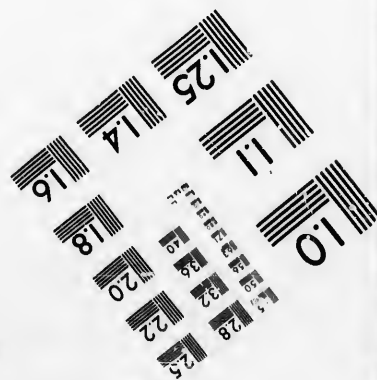
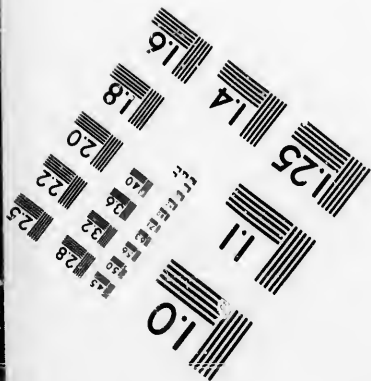
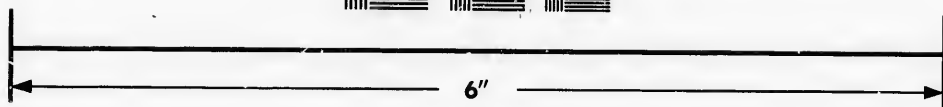
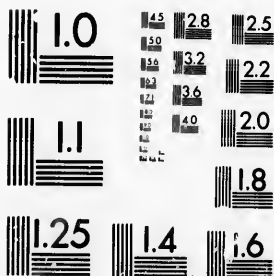


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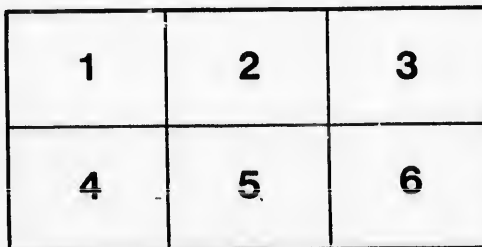
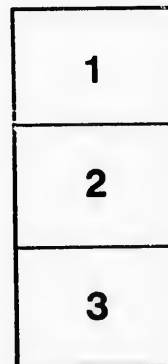
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By Philip Livingston

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Other Side of the Question:

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O R,

A DEFENCE

OF THE

LIBERTIES of NORTH-AMERICA.

I N

A N S W E R.

TO A L A T E

FRIENDLY ADDRESS

T O

All Reasonable Americans,

O N

THE SUBJECT OF OUR

POLITICAL CONFUSIONS.

---

BY A CITIZEN.

---

N E W - Y O R K :

Printed by JAMES RIVINGTON, fronting HANOVER-SQUARE,  
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T H E  
Other Side of the Question :

O R,

A D E F E N C E

O F T H E

LIBERTIES of NORTH-AMERICA, &c.

**A** Certain Friendly Address to all reasonable Americans, was just now put into my hands. Some people perhaps have read it, for I am told it was published six days ago; wherefore, after perusing, it seems proper to make a short answer to this performance: not because it is well written, or because there is the least danger any man will become a profelyte to the doctrines contained in it; but for the following reasons, which candor obliges me to mention.

FIRST. I answer this pamphlet, for the very purpose which alone the pamphlet itself is likely to effect,—to encourage the paper manufactory.

SECONDLY. I answer it for the sake of the Printer, who must be sadly out of pocket, by publishing such woeful performances: And therefore he is



hereby requested to print this in a large type, and the like, so as to make the most on't.

THIRDLY. I write, because from the futility of the author's reasoning, no body else may think it worth the trouble. And if so, why then he would very naturally conclude that he had written an excellent unanswerable treatise, which conclusion might inflate the poor creature's vanity, in such manner as to tempt him into other imprudencies of the same kind. The public thanks therefore will be my due, for removing, or at least preventing a common nuisance.

LASTLY. I am prompted to this undertaking out of regard to the fair-sex. For many weak women may be exceedingly frightened by that awful compound of threats, and texts, and homilies.

Now then, gentle reader, having told thee the origin. I shall next acquaint thee with the character of this new acquaintance, which my Master James hath introduced to thy hand.—I will not, as is too common with controversial people, whether politic, or polemic, : I will not, I say, use any acrimonious expressions, against this unhappy author; for whose weaknesses and wanderings, I have the utmost pity and compassion. On the contrary, I shall treat him with the greatest gentleness and respect, owing in some measure to my very great reverence for the Clergy, one of which he is, as I have been informed. And truly the frequent quotations from scripture, together with the illiberal language contained in his pamphlet, will naturally lead folks to believe so. For it unfortunately happens, that  
the

the generality of these Gentlemen, from an ungainly habit they acquire by abusing the poor Devil, are too apt to vilify and asperse their neighbours. Some exceptions there are, it must be acknowledged, which may be attributed to this; that a few individuals have kept better company, and seen more of the polite world, than the rest of their order. But alack and alas! I fear me our author is not one of these rare birds, for the household proverbs and tales with which his piece is interlarded, (if I may venture on something like his own language) make the odds at least a pound to a penny against him.

And now reader, if by chance thou art a Presbyterian, or Congregationalist, or other Dissenter from the Episcopalian Church, to which I myself belong; permit me to apologise for the rude and opprobrious terms made use of against you by our author. These things ought in common charity to be forgiven, inasmuch as they seem to have proceeded from ignorance and the want of better language.—And do not, I beseech you, conclude too hastily against his brethren, I have several friends and acquaintance among them, who are really Gentlemen. Wherefore it is my earnest desire, that if in the hurry of composition (for I have but three days to write this in the midst of other affairs) if I say any thing should fall from my pen, which can be construed a reflection on the Clergy, it is my desire that it should be instantly erased.—I honour them much for their piety, learning, and strictly loyal attachment to our Sovereign.

An old Mathematician (I think they call him Archimedes) had such confidence in his art and machines,

chines, as to declare he would move the earth itself, if he could get a place to stand on. But please your worships, while he was upon the thing which was to be moved, had he worked his heart out, 'twould not have budged an inch.—In imitation of this venerable screw-driver, may we not lay down the following logical maxim. A man may prove impossibilities if you will concede his postulata.—Thus, in order to demonstrate that black is white, or in other words, that black and white are the same thing, I ask only this admission; that there is no difference between them.

He who in conversation with half a dozen friends, should in a similar manner begin any argument whatever, by affirming the thing to be proved, would he not raise a laugh at his expence? Now, all America contends for rights, which we aver to have been invaded, violated, destroyed, and a certain writer attempts to prove this contest, treasonable and rebellious; what shall we think of a writer, who begins an address on this subject, not to half a dozen, or half a hundred, but to all *reasonable* Americans, with the following proposition? “Of all the subjects of Great-Britain, those who reside in the American colonies, are and might still be enjoying the benefits of an equitable and free constitution.” As to his quotation from an “excellent writer,” it may shew the Gentleman’s reading, but can never help his argument; and therefore I shall pass it over in silence, to the examination of those excellencies, which he himself hath fabricated.

If by the term, subjects of Great-Britain, he means subjects to the King of Great-Britain, and subordinate

subordinate to the Parliament of that Kingdom, it is an inaccuracy, which, considering what follows, may be easily forgiven. But if these words are intended to insinuate, that the people of America are subject to laws made by the Parliament of Great-Britain, in all cases whatever, then we shall find, that the first ground this great Archimedes intends to fix his reasoning machine on, is what follows. Americans are subject to the will of a Parliament which they have no vote in choosing, and being so subject, enjoy a free and equitable constitution. To which I have only two small exceptions: first, these are the very points to be proved, and secondly, they involve a flat contradiction. Now then, supposing these things admitted, after all, twist them and turn them as you please, still must you come back in a circle to the place from whence you set out; still luckless Philosopher you grovel on the earth.

Shortly after follows another false proposition. America contributes but a small proportion to support the public expenses. This for argument sake, I will grant. I will grant what I suppose he meant; namely, that America contributes but little to *defray* the public expences which other folks support. I am not captious in my temper, nor do I mean to cavil about words, for then I should never have done.

Then comes a page about Moses, thunder, blindness, darkness and destruction. As these things are quite out of my way, I shall not meddle with them; but proceed to the next, the scope of which seems to be this, Whether parliament hath been right  
or

or wrong, we are bound by the laws of Heaven to obey its mandates. And in quality of good Christians, we must be subject to the Ministers, be they who they will, for conscience sake. Let who will be King, our author is Vicar of Bray. To elucidate all which doctrines, he observes, that if the greatest tyrant on earth (Nero for instance) should usurp and establish a domination over us, the harshest and most cruel, yet so heinous is the offence of disturbing an established government, that a due regard for the rights and liberties of mankind, would prompt us to a peaceable submission. To this submission we are enjoined, it seems, by the Christian religion; and to disturb or threaten such a government, is an unpardonable crime, and has been considered as such, in every age and nation of the world. All which is mighty reasonable. Wherefore it follows clearly, that those persons who, within these four or five centuries, contended for, and by degrees established our glorious constitution. "A frame of government, says our author, which has always been the wonder of the world, under the protection of which, the subjects of Great-Britain are the happiest people on earth." I say, those persons who have rendered these British subjects so happy, and transmitted to them all the rights and privileges they enjoy, those persons, according to the above doctrine, must be damned to all eternity for their pains.—This may be religion, I am sure it is not common sense. But be that matter as it will, I shall not hesitate to declare, in imitation of honest Sir Toby; I had rather trust God Almighty with my soul, than the British Parliament with my estate. Moreover, for the honour of the Church of England, I do entreat all other Sectaries to believe, that  
 very

very few of its members hold the same creed with this writer.

However, having introduced Nero, Saint Peter, Saint Paul, and the Grand Turk, in company together; he descends from his pulpit, leaves these dignified personages to snift for themselves, and opens the design of his pamphlet: which he tells us, is not religion, "but to consider how far the conduct of the colonies is to be condemned or justified by the maxims of sound policy and prudence." For it seems pretty well settled even in his idea, that notwithstanding that same Christian system he talks of "our temporal interest and safety, are considerations which all will regard;" in which opinion I do most heartily concur with him.

After this follows a little more declamation, which you may see if you have the pamphlet, if not, send for it to the Booksellers, and you will find a sort of syllogism to shew; that resentment is unjustifiable, and complaint unreasonable, if our legal rights have not been invaded.—Legal rights,—and why that term, legal rights? Do you mean, my Reverend Sir, that any right (that of taxing ourselves for instance, if it be not confirmed by some statute law, is not a legal right; and therefore an invasion of such right, will neither justify resentment, nor authorise complaint? I am afraid you do,—and yet I hope not; for this also is one point to be proved in support of your hypothesis. In the name of America I deny it. But if you mean to speak fairly, and if by *legal rights* you mean what you ought to make your own argument conclusive, namely, those rights which we are entitled to by the eternal laws of right reason;

B

then



then the remainder of your task will be to shew, that our rights have not been invaded, and if that can be done, then to be sure our complaints are groundless.

Now then let us see what the Friendly Address says upon this subject. Why the first observation is, that the duty on tea is no tax; for unless we purchase it we don't pay the duty, therefore it is quite in our option, whether we will pay it or no. What can be more equitable?—I remember, about twelve years ago, there was a madman in the Philadelphia hospital, who imagined himself monarch of the country thereabouts; and among other wild projects, such as might be expected from a creature in that situation, he had one to tax the air. But may it please your Majesty, will such a tax be right? Air was always common and free, in the time of your Majesty's royal progenitors and predecessors. Will not your subjects think this an arbitrary law, like the poll tax? Arbitrary! cried the prince, enraged; and like the poll tax too! What rebels! Why, unless they breathe, they don't pay the duty, therefore it is quite in their option whether they will pay it or no. What can be more equitable. I pitied the poor man because he was mad.

But you say tea is a luxury. In some respects it may be so. And how, and where, shall we draw a line, between the luxuries and the conveniences of life? Or by what right can the one be taken away, which will not affect the other? Those who may rightfully deprive us of luxuries, by the same rule may as rightfully deprive us of conveniences too. And if in the plenitude of that power, which our  
author

author so apostolically hath conferred, they should  
deign to leave unto us the necessaries of life, pray  
by what standard shall we determine these necessaries?

————— Our basest beggars,  
Are in the poorest things superfluous.  
Allow not nature more than nature needs,  
Man's life is cheap as beast's.

But to return.—Our author next supposes, that  
he is arguing with some honest American, who should  
deny the right of Parliament to lay this duty on tea.  
To obviate this he quotes precedent. The American  
is then supposed to observe, that the precedent  
itself was wrong, wherefore no right could originate  
from it; but that together with other similar wrongs,  
it ought to be done away. So is the argument stated  
by himself. And he then, upon a supposition  
that this tea duty is quite distinct from a tax at-  
tempts to shew, that Parliament had a right to levy  
it, merely as a regulation of trade. Pray read the  
eighth and ninth pages ————

Have you read them?—Why now your honour, I  
will undertake to confute every thing contained there.  
I will undertake to shew, that the author's reasoning  
does not apply to his purpose or subject, any more  
than the words Denmark and Russia, which as you  
see are printed in large Italicks.—But what will it  
signify to take up so much of your attention; when it  
is very like you had better be thinking on some other  
affair. His consequence may be well supported on  
rational ground; though, to his misfortune, he  
could not discover it. The right of Great-Britain  
to regulate the trade of the colonies, shall be admitted.



But that the duty on tea is a *regulation* of trade and not a tax; this is the very matter in controversy.

We are now arrived at the confutation of one of Mr. Locke's arguments; which, fays our author, "appears to me weak and sophiftical."—The argument as quoted by himself, ftands thus: "If parliament has a right to take from us one penny without our confent, it has a right to ftrip us of our whole property." To confute which he obferves, "A right to do what is reasonable, implies not a right to do what is unreasonable." And after a fhort fimilitude about father and fon, he fays, "Cases may happen, in which it would be reasonable for Parliament to take from us fome fmall matter, though we were unwilling to part with it; but the cafe can hardly be fuppofed, in which it would be reasonable to take from us every thing; unlefs we fhould have forfeited it." And fo concludes, "There can be no right to do wrong."—And this is the confutation.—I was fome time puzzled to make anything of it; but by comparing one part with another, we may at leaft guefs that he means what follows: By the words, reasonable to take from us, &c. I prefume he intends, a right to take from us. For, reasonable, in the proper fenfe of the word, will not answer his purpofe at all; becaufe if we invert the propofition, it will be as *reasonable* for the Legislature of this province to take from the people of England, a fmall matter without *their* confent. But that any fuch right could exift, the author of the Address would hardly allow. Throughout this admirable confutation therefore, let us fubftitute right for reasonable, and wrong for unreasonable, and then it will ftand thus: *A right to do what is right,*

*right, implies not a right to do what is wrong. To take from us one penny without our consent is right, but to strip us of our whole property is wrong. Therefore, Parliament may have a right to take from us one penny, without our consent, which is right; but this right does not necessarily imply, that Parliament has a right to strip us of our whole property, which is wrong. Therefore Mr. Locke's argument is confuted.* And in the same way I will undertake to confute Euclid's Elements, from one end to the other.—Examine this argument, this fine argument. It rests upon the assertion, that in some cases Parliament may have a right to take a small matter from us without our consent, which assertion is the very thing denied. And so the Gentleman's wits and faculties, after prancing and curvetting through a whole section, bring him not one inch nearer the end of his journey, than he was when he first set out.

So here again he labours at a distinction between the duty on tea, and a tax. But as to any difference between them, that you know is quite another affair. No matter for the difference, provided there be a distinction. May it please your Reverence, whenever you are at a loss for matter to vamp up into the shape of another Address; I have a dozen or two such distinctions, which are very heartily at your Reverence's service, very heartily I do assure you.

Ah! what have we here? Another dissertation on the British right of regulating American trade? Yes. Here it is, hip and thigh, import and export, back stroke and fore stroke; blessings on us, I say. What a pity it is, that our author would not content himself with a simple assertion here, as he has done in those

those instances, which really required proof. Most unfortunately, in endeavouring to establish what we would readily grant; he lays his foundation on arguments, which would overthrow every principle of American liberty. I declare, reader, it is not my intention, to cheat you, by re-printing quotations from the Address. But unless you have bought it, I do not know how otherwise to manage matters.

The same want of penetration, which led our author to imagine Mr. Locke's argument weak and sophistical, now bewilders him with a Jack O'Lantern, in the shape of the word Englishmen. His drift is to shew, we may be bound by laws we do not consent to, and yet possess all the rights of *English-men*. For, says he, Englishmen can have no right to be exempted from the authority of an English Parliament. After this he blunders a little about majority and minority, hints at virtual representation, and says something of English American ground. To answer which at once, those who do not immediately perceive the fallacy, are desired to consider, that the persons who make laws for England, are to be bound by them when they have done. And that no existence whatever, except Almighty God, can have a natural right to make laws binding on others, which the law-maker is exempt from. True it is such power may be usurped, or through political necessity conceded. Usurped as the British power of taxing America, conceded as the power of regulating trade, which after such concession, becomes a right. Greater rights they cannot have; unless some mode can be invented, to incorporate us into the grand legislature of the empire, on constitutional principles. But let us examine his English argument.

The

The word English above, is printed in Italicks, and separated from the word, men. In reading the sentence, leave out *English* and the argument is gone. Now I do aver, and will maintain, that to consent to laws binding upon us, is one of those rights which we enjoy as men, and not merely as Englishmen. In quality of rational and free agents, we enjoy it. A right granted by our Creator, when he formed us of the clod. That great charter by which he confirmed it, may be read in the human frame: A charter sealed with the breath of life. To this right every man is and must be entitled; it is annexed as an inseperable appendage to our existence, and altho' the English law hath secured it to the English subject, yet a Frenchman or Turk is as much entitled to it, by the law of nature. That this title hath not been ratified by political institutions, is *his* misfortune, and I am sorry for it.

So you see, reader, all this trouble might have been spared, if the poor creature had not most unluckily laid hold of that said word, English: which indeed from the face of his performance, he does not appear to understand. The last part of the argument we are now upon, arises from a fact I am not inclined to dispute, though I do not believe it. He avers that we have been offered representatives in the Commons house, if we would send them over. Be this as it may, I agree with him that we have done wisely in not accepting the offer if ever it was made. Or in other words, to have accepted it, would have been folly. Now then hear him. "After refusing it, they have no reason to complain." That is to say, because we have *not* committed folly, we have no right to complain of injustice, Yet this is an Address to all *reasonable* Americans. The

The next attempt of this masterly Address, is to impeach the validity of those compacts, which several colonies have made with the crown. These compacts can be considered in no other light, than as covenants by the King, in consideration of settling the desert; that he would protect the settlers and their dependants, in the enjoyment of their natural rights. If his Majesty chuses to withdraw this protection—be it so. The King can do no wrong. But I wish there had been a lineal warrantee from his ministers. Some of them are of noble descent, and I have so high an opinion of the honour of British Peers, that I believe few of them would infringe such solemn agreements. However, suppose the King should withdraw this protection,—Are our rights therefore annihilated? No. Those rights were conferred by the King of Kings, and no earthly Potentate can take them away.

Not long since I saw a Letter from a Veteran, to the Officers of the Army at Boston: I pray the author to receive my thanks, for the great pleasure enjoyed in the reading of it. I think I could easily perceive in it, the traces of that manly, generous, brave, and free disposition; which mark the character of the Soldier and the Gentleman.

If, to his share some little errors fall,  
View his kind heart, and you forgive them all.

I am almost afraid to return immediately to the Address, because comparisons are odious. Make none, gentle reader, I beseech thee; but observe our author here insinuates, that he hath shewn, "that in reality no proper *right* of the colonies is infringed

fringed by the late act of Parliament." Pray now, how hath he shewn it? Why by three assertions, neither of which is in the least proved, as I took occasion to observe before in treating of them respectively.—The first is, that the duty on tea is no tax. The second, that if a tax, it is a small one, and Parliament hath a right to take from us a small matter without our consent. And the third, that a man may be rightfully bound by laws which he does not, and cannot assent to.

These are the main pillars of this formidable argument; not one of which hath the least solidity: And therefore the provident author, fearful perhaps of their instability, before he ventures to charge us with sedition, privy conspiracy and rebellion, to anathematise us for false doctrine, heresy, and schism; or to reproach us for hardness of heart, and contempt of his word and command; reverts to his original considerations, about prudence and policy, on what he calls the supposition, and Americans the fact, that we have been really injured.

But these considerations, do not seem to be well considered; because he takes it for granted in the first instance, that the people of Boston were criminal in destroying the tea. And the word Boston, some how or other fascinating his imagination, he is hurried away with a torrent of invectives. The destruction of the tea, says he, "was a compound of the grossest injury and "insult, an act of the highest insolence to government, such "as mildness itself cannot overlook or forgive." The only fault of all this and some more of the same kind is, that it is rather misplaced; for it would answer tolerably well in a sermon against blasphemy.

Let me intreat the reader's attention to a simple tale: Those who are inclined to doubt it, will find unquestionable evidence in a pamphlet, called, A true State of the Proceedings in the Parliament of Great-Britain, and in the Province of the Massachusetts-Bay, &c.

In the year 1761, 1762, 1763, the dutious conduct of the Massachusetts, was exemplary and acknowledged.—In 1764, the stamp-act was threatened, and a duty imposed for raising a revenue in America. The House of Representatives resolved, that it is unconstitutional, to take their money without their consent. In 1765, the several Assemblies petitioned against the stamp-act; which they had no right to do, because—*it was a money*



*Money Bill*: consequently the petitions were disregarded, and the bill was passed. The Massachusetts then proposed a Congress of Delegates from the several Assemblies; and the Congress petitioned the King: but the Congress was an unconstitutional body; wherefore our gracious master (that year) was afflicted with a great deafness. In 1766, the Assembly petitioned against their Governor, one Francis Bernard, for assuming, with his Council, the powers of legislation. This accusation was very just, and therefore to make it was very impertinent. A Non-importation in America, opened the ears of the Parliament in England; and in 1766, the Stamp Act was repealed. In 1767, another revenue act passed; whereupon the Assembly of that province presented a petition at the foot of the throne; and wrote to the other Assemblies to join in it, which was a piece of great presumption. In 1768, the Assembly was ordered to rescind the resolve, by which those letters had been written, on pain of dissolution; which peremptory mandate produced a petition, and also a letter to the secretary of state.----About the same time some seamen were pressed contrary to an act of parliament; the people of Boston petitioned their governor on this affair; but his Excellency had no business to interfere in the Admiral's department. A vessel also was seized in a manner which irritated the mob, and they were such scoundrels as to resent the insult; consequently they were guilty of treason and rebellion, for drubbing the worthy collector. An army was sent there immediately, but then there was an act of parliament against quartering them on the people, therefore the governor issued his commission, to dispense with the act, for a royal martyr had done so before him. The people then petitioned the governor to call an assembly; this was refused, for business could better be done without one. Disappointed in this, they appointed a convention, the members whereof irritated by what they called their wrongs, presented another humble petition to the King; wherefore in 1769, the troops, out of a just contempt for their pusillanimity, shot three brace by way of starting the covey. But it was impossible his Majesty's troops could have been the aggressors; therefore there must have been an insurrection of the people. This was clearly the case also from Judge Oliver's narration; yet near an hundred credible witnesses, had the impudence to swear, that his narration was false. Consequently to repair the breach in his character, it was necessary that he should be appointed Lieutenant Governor, which happened accordingly. In 1769, the Assembly presented another petition, against their governor Bernard

read. He prorogued the Assembly, went to England immediately, obtained an order for a hearing on the petition upon the 28th of February, and got the prorogation of the Assembly continued until the 14th of March. Notwithstanding all this, the Assembly never supported their charge with any proof; because the prorogations rendered it impossible; consequently the petition was groundless, vexatious and scandalous, as every body will easily see. In the year 1772, 1773, the Assembly took the liberty to petition again, which was at least forward and ill-bred, wherefore no notice was taken of what they alledged. In December 1773, the dutiable Tea arrived. I have during the course of this story, omitted many things which were thought very grievous by the people of the Massachusetts bay, for the sake of brevity, and because the recital of all their complaints might possibly inflame mens minds at this dangerous juncture; a thing I would wish to avoid, for I have great respect for the clergy.

In December 1773, the dutiable Tea arrived at Boston. It was evident that if this commodity was landed, there would be many purchasers among the governors creatures. Prudence therefore required, that it ought to be sent back. The governor would not permit this, and the necessity was then clear, either that the Tea must be destroyed, or the act submitted to. Wearied out with long oppression, and driven to desperation by repeated insults, a few daring men went disguised to the ship and destroyed the Tea.---Upon this tale I shall make no comment, it needs none. But to relieve the reader's attention, I will mention an incident of a more lively complexion:--- Two young gentlemen found a cat sitting peacefully in one corner of the parlour: She was a gentle animal, and a good mouser. Young men love fun, so they shut the door and windows, and ferrited her about, till she and they were heartily tired: At length, in a violent leap from her persecutors, the cat fell in the midst of an elegant set of china: to lose a China cup and saucer, by means of a vile cat, was too much to be patiently borne, and poor puss was murdered for not scampering up the chimney.

Now after this aggression, let us return to the pamphlet, and see what is said about the punishment of this crime, which mildness itself could neither overlook nor forgive. A very mild punishment says he, for it was only shutting up the port. Now  
shutting



shutting up the port, was, as we all know, only destroying the trade; and that is only a trifle, as we shall see by and by.

“ Surely, (cries our author) none who have as high a sense of public guilt as of private, can think this punishment too severe for the crime, considered under all its aggravations. For no people are entitled to the use of any advantage, which they wantonly abuse to the injury of others.” These observations are calculated to shew the equity of the port bill; let us see then, whether our author hath fortunately stumbled upon sound reason in this instance, after falling so often.---The advantage which the Bostonians are deprived of, is their trade; and therefore their trade must be the thing which they wantonly abused. Now, by what figure of speech, the destruction of the Tea can be called a matter of trade, or what kind of trade it is, I am at a loss to conceive.---Do not say, that this is a verbal criticism. Such things I reserve for authors of greater perspicuity. The equity of every punishment depends on its relation to the crime. Now allowing, that the destroyers of the Tea, were guilty of a violent outrageous riot; I shall be glad to know, what kind of relation there is in the nature of things, between a riot committed by thirty or forty men, and the ruin of many honest tradesmen, by a total suspension of that commerce on which they subsist. Yet this is a MILD and a JUST punishment. I have candidly exhibited the delinquencies of this people; were I to give them a name, nothing but that love of peace which sanctifies every means to obtain it, nothing but that should prevent me, from branding their conduct as a tameness under insults which provoke them.

The next attempt of our worthy pamphleteer is to shew, that “ the punishment of the Bostonians, was not hasty and precipitate.” He reasons thus: In common cases, a criminal ought to be heard; but this is an uncommon case; courts of justice ought not to condemn unheard, but the legislature may. Now let us scrutinize the intrinsic value of these suggestions. A fellow steals a sheep, or a horse, or ravishes your wife, or murders your father. Justice holds up on high her equal scales; she cries out aloud to the human heart, let him be heard in his defence; rather ninety-nine guilty escape, than one innocent perish: but should a man burn the tooth-pick of a court mistress, or prevent the prime minister from pissing in his pocket, or destroy some muddy Tea, to save his estate; in such uncommon case, especially if ninety-nine innocent are to suffer, lest one guilty escape; in such uncommon case the maxim is, let them not be heard. Do you ask why? The answer is plain: If suffered to make a defence, they

they cannot be convicted.---So much for the case: Now for the tribunal.—If a man commits any of the crimes first mentioned, against the known laws of the land, subject to a certain penalty, the maxim is, let him be heard. But as to the last sort, punishable by a new law, in a new mode, both framed after the fact committed, policy is of opinion, that they should not be heard, lest the varlets should except to her mode of proceedings against them. All which is addressed to the *reasonable* Americans.

But (says he in the next paragraph) to involve the innocent with the guilty, is an inconvenience which always *necessarily* attends punishments inflicted on a people, whether by God or man. And again, it was *politically* impossible to select the innocent of Bolton from the guilty. We all remember the story of Sodom and Gomorrah. It is an excellent lesson to the Princes of the earth. The inhabitants of these cities, infamous by their vices to the last degree, became so obnoxious to the Supreme Being, that in anger, he resolved to destroy them. Yet had there been five men, only five men, who walked uprightly before God; had only five such men dwelt in Sodom and Gomorrah, no fire had descended from Heaven to consume them. But alas! Because among thirty thousand souls in Bolton, thirty have offended; in vain shall the multitude plead innocence, as an exemption from ruin. Blush Humanity! This is thy political necessity, which must hereafter justify the saying that defenceless town in ashes, and drenching it in the blood of its inhabitants.

————— Merciful Heaven!

Thou rather with thy sharp, and sulphurous bolt,  
Split'st the unwedgeable, and gnarled oak,  
Than the soft myrtle. Yea, but man, proud man!  
Drest in a little brief authority;  
Most ignorant of what he's most assur'd,  
His glassy essence: Like an angry ape,  
Plays such fantastick tricks before high Heaven,  
As makes the Angels weep.

Because thirty have offended, a whole colony is punished. And for what offence? An offence so small, so disproportionately punished, that the general voice of the continent hath declared, that they suffer in the cause of American liberty. Here our author begins to leave the paths of logic, and to enter the alleys of Billingsgate. Beneath his forming hand, American liberty starts forth a monster of licentiousness. And in his idea, to **screen our miserable fellow-creatures from that PUBLIC JUSTICE** which

which hath been created for them; is giving shelter to the raving enthusiast, who hath murdered his prince.—Bold metaphors and florid language, are the magnificent trappings of reason and truth; and when falshood or folly is thus arrayed, it provokes at once our indignation and contempt.

But neither bold metaphors, nor yet bold language, serve some causes so well as bold assertions. I have heard of lawyers, who by the assistance of that invincible front which is the prescriptive privilege of their profession, frame evidence as they go along; and speak fluently on facts which never existed. In like manner and in humble imitation, to evince the propriety of the act, for new modelling the government of Massachusetts; our author scruples not to affirm, that “no privileges are curtailed by the act, but such as had been abused and forfeited, over and over, to the great injury and disturbance of that province, as well as to the dishonour and reproach of the nation.” The institutions of this act, as to their matter I do not object to; for it hath long been my opinion, that the government of that colony was in its form and completion, too like a Republic, for the true spirit of our constitution. But as to the manner; even supposing these regulations to be a decree substantially just, and made by a court having proper jurisdiction, still there is manifest impropriety.—It is, and while I have existence, it shall be my sentiment; that no man, no body of men, in any cause, before any tribunal, can be legally affected by any determination, where an opportunity is not given, for making a defence. Had this been done in the present instance, perhaps his Majesty’s Ministers would not have deemed them so criminal, as they now do. But waving this idea, I am sure the author of the Address at least, after the pointed assertions he has made, ought in common justice to have shewn, how the privileges he speaks of had been *abused and forfeited*. This, however he thought it prudent to omit —

That Administration is irritated with Boston, that it hath cause to be irritated, I freely acknowledge: And *this* is the cause of the anger they feel, and the revenge they have taken. The people of that town, and the colony it belongs to, have been forward and active, in stating and demanding, their rights and liberties; they have addressed, petitioned, and remonstrated to Ministers, Parliament, and King; they have sounded the alarm, when the enemy attacked our privileges; and they have been the grand obstacle to an American tyranny. If to do thus

is a forfeiture of privileges; if to do thus is an abuse of them, who would hold such privileges on such tenure? Most readily do I grant, that it was a dishonour and a reproach to the nation, and its rulers too; that they so often made use of their right to petition and to remonstrate. Great was the cause, or such frequent complaints would not have been obtruded. For this was their guilt, this was their impertinence;—suffering they complained.

We come now to the Quebec Act. On this subject I shall not minutely follow our author, for the substance of what he says, being levelled at the following propositions of the Congress; that the government of Canada is rendered arbitrary, that the people are deprived of trial by jury, and that the Roman Catholick religion is established; if I shall be able to shew that these propositions are true, then what he hath said to the contrary, will be of no avail. And first, what can be more arbitrary than this? A Governor and Council appointed by, and dependent on the Crown, are the legislature of a whole region. They may sit at home, and frame edicts for the extremest parts of that vast province, without any one check from the people. They may tax the colony as they please, or hand it over to be fleeced by the British Commons. They may invent new crimes, and affix to them such new penalties, and make them cognizable before such new Courts, as they shall think meet at their sovereign will and pleasure, they may seize and imprison any member of the community; or else more certainly and entirely, to ruin and oppress him, they may cause some minion of power to institute an action for his whole substance, and try him and condemn him, by the arbitrary principles, and more arbitrary judges of the civil law. For, in the second place, it is clear to a demonstration, that trials by jury cannot be had there now; and it is equally clear that they never can exist hereafter, unless the Governor and Council chuse to risk and diminish their power, by introducing this free and generous branch of English jurisprudence. How probable it is that they will thus put a curb on their own wantonness, I leave any man in his senses to determine. But thirdly, it is not civil tyranny alone, which is planted in Quebec, to overshadow that immense country. From the same poisonous root, arises the most horrible religious tyranny, that my mind is capable of conceiving.—What establishment can any religion have in any country on earth, unless it be a legal provision for the support of its clergy? Look thro' Europe. See if Popery is in any other manner established in any one country, than by payment of

tythes

tythes, and protection of Priests. Is not this an establishment? Is it not more? Is it not an encouragement? He who would go farther, must resort to fire and sword; the arguments of those barbarous ages and nations, whose annals disgust humanity. But the objection is, that when any man is converted, his Majesty may if he pleases, encourage the Protestant Clergy as he pleases, out of the tythes paid before to the Roman Priest. Allowing this argument to have weight, which indeed it has not; pray what likelihood is there that any man will be converted? Protestantism is the tender child of freedom and science: How then can it exist in the bold bosom of ignorant despotism? Without the patronage of one earthly friend. Without a single rag to cover its nakedness. In ancient days the Romish Church was a firm barrier against the incroachments of Royal prerogative. The Clergy dependent on the Pope as their universal head, defied the menaces of kingly power. Thus were popular privileges in those times frequently protected by popular superstition. Our Ministers by a refinement of modern policy, have adopted the Church of Rome as a twin-sister to the Church of England. Our subtle Ministers have placed the King of England in the same situation with the Roman pontiff. Every dignitary of the Church is dependent on him, besides which he hath full power to appoint such Ecclesiastical Courts, with such jurisdictions as he shall think meet. Thus, all the bigotry, all the superstition of a religion abounding in both, beyond any which the world hath beheld; all, all is in his Royal hand to be used at his Royal will and pleasure. To this full supremacy over their souls, are joined the fullest temporal powers, both legislative and judicial; so that like the ancient Patriarchs, he is King, Priest and Prophet. To finish the dreadful system, add all the executive powers of the State, and encircle the whole with a standing army, 'tis then compleat. (These are facts?) And whenever a wicked monarch in vengeance shall arise; then shall we behold him, the civil and religious tyrant, of a province which extends over half the Continent of America. Such is the tendency of the Canada Bill. View it, consider it, ponder upon it, in the coolest, most temperate disposition; behold its consequences, and the mild eye of reason will be clouded with a tear.

The next part of the Address is to shew, that the other Colonies need not trouble their heads about Boston or Quebec. As to what he says about Quebec. I believe with him, that there is no intention of introducing Popery into the other colonies. Our Ministers, or rather Masters, have more understanding than

to entertain so wild an opinion. Nor would I persuade mankind to become Knights Errant, and wantonly undertake the quarrels, and fight the battles of other people. But I will leave it to any man, nay, I would almost appeal to the author of the address himself, to determine ; whether a country has not great reason to fear the loss of its liberties, when surrounded by a multitude of slaves ; especially when those slaves are imbued with principles inimical to it, and united together in one common interest, profession and faith, under one common head, and supported by all the weight of a large empire. Does not experience give additional force to every solicitous apprehension ?

His ideas about Boston amount to this : that we should act like wise foxes, for fear of being docked : or, in plain English, view with unconcern the destruction of that capital, without daring to interpose for its preservation. I beg pardon for repeating a vulgar story : A Scotchman upon his arrival at an inn filled with travellers, crept into bed between an Englishman and an Irishman : towards the morning the Englishman was awaked by an inundation from his new bed-fellow, “ zounds, “ says he, what are you about ?” Hoot, hoot, mon, cried the politic Scot, “ lye down quiet ; I have done worse to him be-  
“ hind me.”

But the author of the address tells us : the dispute with Great-Britain is *de lana caprina*. I learnt a little Latin at school, so with the help of my scholarship, and from what follows, I conjecture that this means goats wool :—That this to say, all the grievances America has laboured under for a dozen years past, amount to a meer trifle ; which is so shockingly absurd, that it would be ridiculous to honour it with the ceremony of a consultation.

As to the thought of establishing a republic in America, breaking off our connexion with Great-Britain, and becoming independent : I consider it as the most vain, empty, shallow, and ridiculous project, that could possibly enter into the heart of man. I do not believe there are five hundred on the continent, who have the least pretensions to common sense, and who would not risque their dearest blood, to prevent such measures : This supposition, therefore, and what relates to it, I consider merely as an introduction to his censures on the Congress. These censures seem to be the main business and intention of the pamphlet. If therefore in the avowed purpose of it (a consideration



of the opposition in America on principles of prudence and policy) I shall be able to shew, that the author is much mistaken in condemning those measures which the Congress hath adopted; then all his declamation upon that subject, will be as the idle wind, which passeth away and is heard no more.

The first reflections he casts on this respectable body, are for adopting the Suffolk resolves. The asperity and bitterness which appears in this part of the pamphlet, are to be attributed to the great warmth of the reverend composer. Reproaches from an angry man are easily forgiven; and that meekness of disposition which attends the ministers of peace, will I hope moderate the unchristian transports of our authors zeal, as soon as his mistakes are discovered. By a member of the Congress, whose honor and veracity stand unimpeached, I am authorized to declare, that the Congress did not adopt the Suffolk resolves. That these resolves were never so much as read for debate; and that upon the common reading, the sense of that body was, that it was proper to recommend moderate and pacific conduct, supported by firmness and resolution. The language of the Congress, in consequence of this determination, is as follows:

*Resolved unanimously,*

That we thoroughly approve the wisdom and fortitude, with which opposition has been hitherto conducted; and earnestly recommend a perseverance in the same firm and temperate conduct, as expressed in the resolution &c. Now then I appeal to the world, whether this is the cordial approbation of an independent government. Whether it is a transport of joy on the news of revolt. Whether it is a league with the worst enemies of America, surely it is not. The fair reputation of those Gentlemen who composed the Congress, render such imputations almost unpardonable. It is a duty therefore incumbent on the author of the Address, to make some public acknowledgement; many did indeed expect that some constitution would have been pointed out, to secure and establish the freedom of America, and the sovereignty of that supreme legislature, which ought certainly to govern the whole empire. This is a consummation devoutly to be wished for, but it is not the work of a moment. Besides, it might have been thought presumptuous in them to undertake what is properly the business of the British Parliament, and the respective legislatures of the Continent. Why then

then are those persons, who have generously devoted their services to the Public, why are they to be censured, for a sin of omission; which at any rate is pardonable on the score of human infirmity?

Much paper is consumed in the Address, to paint those horrors which await on civil war. To this I have no objection. For there is not a creature living, to whom such a prospect is more terrible than myself. And I dare say, a candid description of my own feelings on the subject, would convey as genuine marks of detestation for that horrible catastrophe, as the laboured periods of the author before us. But I see no reasons for such apprehensions. Neither do I think that man a friend to either country, who speaks of war between them except in the stile of contempt. To imagine that America can cope with Great Britain, is the excess of stupidity. And even if we were capable of the contest, were we certain of obtaining victory, I should pray that the hand in which I hold my pen, might wither e'er it drew the sword.—But let not the dread of power, draw off our attention from the pursuit of freedom. Let us in every instance follow that example which our author recommends. In imitation of the inhabitants of Rye; whenever either duty to the mother country, or enthusiasm in the cause of humanity, shall hurry us beyond the true line, of patriotism or obedience, let us take the earliest opportunity to retract our errors, and acknowledge our mistakes.—Resistance against oppression, is the undoubted privilege of mankind; but civil resistance alone, is justifiable in civil society.

I come now to what our author hath said of the non-importation agreement.—This he likens to the cutting off an arm, for a sore on one of the fingers. Similies are very agreeable and proper, where they tend to throw light on the subject.—Now, if a man hath a sore on his finger, he will naturally put a plaster to it. If the finger grows worse, and he grows timid, he sends for a surgeon. If the topical applications of the surgeon are inefficacious, and a gangrene ensues, the parts are scarified, and the bone cleaned. If this fails of success, and corruption spreads along the limb, and threatens the vitals, the only hope which remains is from amputation. True it is, the patient may loose much blood by the incision of his arteries, and death itself may be the consequence. But by undergoing it he has a chance for life, and otherwise his case is desperate. As an encouragement



couragement in such difficult emergencies, the scriptures tell us, if thy member offendeth thee, cut it off, and cast it away.

Now, reader, let me entreat your patience a little while longer. Pray observe. The liberties of this country have been infringed in an article of trade. Common sense informs us, that if one imposition is admitted, another will follow. Petitions and remonstrances, have been presented in vain. When we refused the dutiable commodity, it was almost forced upon our acceptance. No hope therefore remains from common efforts. And the question is reduced to this short alternative: Which is most advantageous, commerce or freedom? One or the other, we must forego. The one for a time, or the other forever. I will wave the common observation, which is level to the lowest capacity, that without freedom trade cannot flourish. But I must beg leave to examine, from reason and experience, Whether a cessation of trade will not procure us relief?

Nothing is more evident, than that the trade between Britain and the northern colonies, brings yearly very large sums of money to the latter. That the balance of all the other trade she enjoys, is on the whole against her. And that her annual expences amount to an enormous sum, great part whereof is paid into foreign countries, as interest for the national debt. Is it not then equally evident, that a suspension of her commerce with us, must greatly distress her? And to heighten this distress, what can be more effectual than to embarrass her trade with the islands? Every good heart would wish to avoid this, and it is not our smallest misfortune, that to make men reason, we must make them feel. Happy would it be if the authors of our misery, were the only sufferers. To effect this desirable purpose we had but one way, which was to injure the revenue, in such manner as to hold them up to the resentment of the nation; and this has been done.—The wisest measures may fail, but these at least promise success.—Great-Britain may indeed very easily put an entire stop to all our commerce. But this (if we may believe the Address) is a mild punishment on Boston. And if so, why cannot we all undergo it? No, says he, insisted on all of us, it would be very severe. It would so, but I trust not lasting. Will a stoppage of our trade, pay the debts we owe in England? Will shutting up our ports, breed sailors for the navy of Britain? Millions in Europe are fed by the American plough; while bread can be purchased on this continent will they starve? Will the Monarchs of France and Spain see their  
subjects.

subjects perish, that Americans may be reduced to slavery? All these things may happen, and after all, this country is capable of supporting its inhabitants.

Great are the difficulties we labour under, and many are the obstacles we must surmount. For the road to freedom and virtue, is not strewed with flowers, but sprinkled with thorns. Perhaps our fortitude is not equal to the task, if so, we deserve the consequences. But remember, that the mother-country must suffer with her colonies: Remember, that a Non-Importation has once procured a redress of our grievances. Remember that Concord is the parent of success. Remember, that the worst which can possibly befall us, even at the last, is that very slavery which we must now resist or submit to. O AMERICANS! these considerations are submitted to you. Attend, and may the God of wisdom, who foreknoweth all human events, so direct you, as is most conformable to the mysterious intentions of his Divine Providence. For the good of his creatures, must be the will of him who is infinite goodness.

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## P O S T S C R I P T.

*I thought it right to meet the author on his own ground, and therefore no notice is taken in the foregoing sheets, of that very equitable Bill, which makes offences in the colonies, triable in England. A Bill by which the most criminal partizan of government may be screened from punishment*

P O S T S C R I P T.

*nishment. A Bill by which any poor man in America, may be torn from all the tenderest connections of life; dragged in chains across the Atlantic Ocean, and left there friendless and forlorn, with the blessed alternative to starve or hang. This also is public justice—mild punishment—and political necessity.*

F I N I S.

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Nov. 13 Strz 1929

