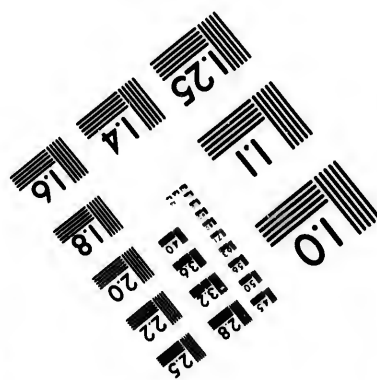
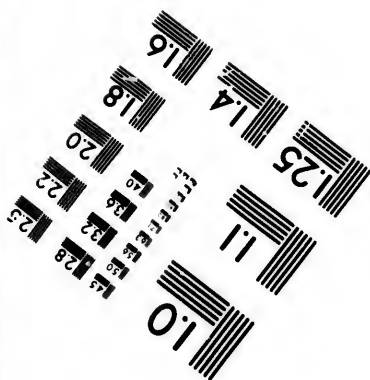
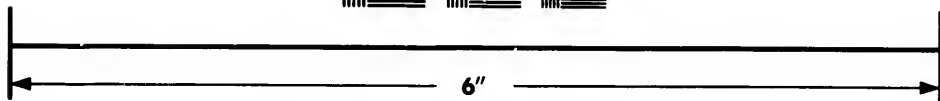
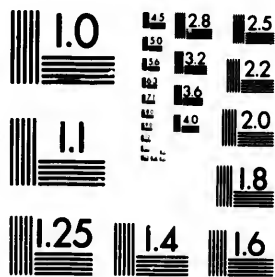


**IMAGE EVALUATION  
TEST TARGET (PAT-3)**



**Photographic  
Sciences  
Corporation**

23 WEST MAIN STREET  
WEBSTER, N.Y. 14580  
(716) 872-4503

0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**CIHM/ICMH  
Microfiche  
Series.**

**CIHM/ICMH  
Collection de  
microfiches.**



**Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques**

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**© 1983**

Technical and Bibliographic Notes/Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured covers/  
Couverture de couleur
- Covers damaged/  
Couverture endommagée
- Covers restored and/or laminated/  
Couverture restaurée et/ou pelliculée
- Cover title missing/  
Le titre de couverture manque
- Coloured maps/  
Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black)/  
Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations/  
Planches et/ou illustrations en couleur
- Bound with other material/  
Relié avec d'autres documents
- Tight binding may cause shadows or distortion along interior margin/  
La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure
- Blank leaves added during restoration may appear within the text. Whenever possible, these have been omitted from filming/  
Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments:/  
Commentaires supplémentaires:

- Coloured pages/  
Pages de couleur
- Pages damaged/  
Pages endommagées
- Pages restored and/or laminated/  
Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed/  
Pages décolorées, tachetées ou piquées
- Pages detached/  
Pages détachées
- Showthrough/  
Transparence
- Quality of print varies/  
Qualité inégale de l'impression
- Includes supplementary material/  
Comprend du matériel supplémentaire
- Only edition available/  
Seule édition disponible
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image/  
Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below/  
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	14X	18X	22X	26X	30X
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12X	16X	20X	24X	28X	32X

The copy filmed here has been reproduced thanks to the generosity of:

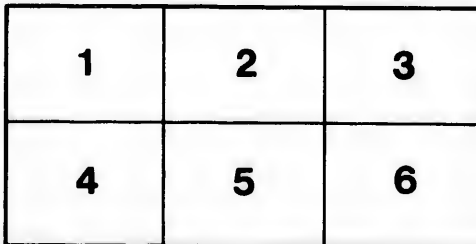
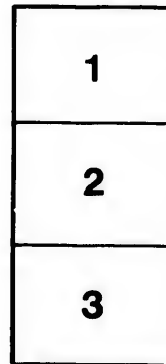
Library of the Public  
Archives of Canada

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol  $\rightarrow$  (meaning "CONTINUED"), or the symbol  $\nabla$  (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



L'exemplaire filmé fut reproduit grâce à la générosité de:

La bibliothèque des Archives  
publiques du Canada

Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole  $\rightarrow$  signifie "A SUIVRE", le symbole  $\nabla$  signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.

aire  
détails  
ues du  
modifier  
ger une  
filmage

ées

re

y errata  
ed to

nt  
ne pelure,  
çon à

L

M

B

C

=

P

A  
L E T T E R  
T O A  
Member of Parliament,  
Wherein the POWER of the  
BRITISH LEGISLATURE,  
And the CASE of the  
C O L O N I S T S,  
Are briefly and impartially considered.

---

---

L O N D O N :

Printed for W. FLEXNEY, near Gray's-Inn Gate,  
Holborn. 1765.

(Price One Shilling.)

## E R R A T A.

In Page 5, for anstocratical, read "*aristocratical.*"

In P. 8. for Submission into, read Submission "*in toto;*" and for interrupted, read "*uninterrupted.*"

In P. 13. for Warrento, "read *Warranto.*"

In P. 17. for resque, read "*rescue.*"

In P. 19. for theoritical, read "*theoretical.*"

In P. 20. for ipso Facto acquired, read ipso Facto "*obtained.*"

In P. 23. for Provision of, read Provision "*for.*"

---

A  
L E T T E R  
FROM A  
G E N T L E M A N

In London, to another in the Country.

Dear Sir,

**T**HE Behaviour of the North American Colonists upon the Subject of the Stamp Duty, still continues to be the general Topick of political Discussion; many People concurring with them in *their* Ideas of the Oppression, and the wiser many (in my Opinion) insisting with the Mother Country on it's Right of prescribing such Laws, and raising such Supplies amongst them, as the Exigence of our own, or their, internal Situation may suggest. For my Part, I really think the  
B Matter



Matter in Dispute to be of much greater Consequence to this Country, than many, whom I have conversed with, affect to consider it: A few Regiments, say they, well appointed and properly distributed amongst them, will soon bring them to a just Sense of their Duty, and the Stamp Act be as familiar there, as the Land Tax is here; but I take it to be a Matter of more serious Attention, and to be reconciled by a much nicer Conduct, than any of those tumultuous Assemblies and Murmurs which the Cyder Act has occasioned in many Counties, may require: Perhaps, at the same Time, I may not be very much mistaken in my Conjecture that this little Specimen of Disobedience to legislative Authority at Home, may have encouraged our Brethren to an Imitation of the same lawless and undutiful Carriage Abroad: I will not, however, at present, labour the Comparison which would prove the above Assertion, as it would lead me into the Argument of a Subject which ought only to be revolved in a Man's most secret Thoughts, or agitated in his Majesty's most secret Councils; for I think that this Question, " Whether an Impatience of Parliamentary Authority by the Inhabitants of this Island, or a general Revolting and Disobedience to it by our Colonists,

“ Colonists, be of the most dangerous  
 “ Tendency ;” would, if critically con-  
 sidered, furnish our Enemies with too cir-  
 cumstantial a Knowledge of our dome-  
 stick and most interesting Derangements.

I have read all the Remonstrances and  
 Resolutions of the several Colonies, with  
 the Letters that have appeared in Support  
 of, and also most of those Publications that  
 have been designed as Answers to them:—  
 The Weakness and Impropriety of this  
 Tax seem now to be confessed on all Hands,  
 but the Legality or Illegality of the Mea-  
 sure, neither clearly asserted by the one,  
 nor irrefragably refuted by the other ; You  
 therefore, my dear Sir, flatter *Me* too much,  
 in desiring my Thoughts in a Matter that  
 would do Credit to the most able Pens of  
 Government ; but to shew my Readiness  
 in complying with your Request, and at  
 the same Time *my* Desire of Information,  
 and to have my own Doubts in this Bu-  
 siness cleared up, I shall proceed to lay be-  
 fore you my Sentiments, such as they are,  
 with Respect to the Jurisdiction of the  
 Parliament of Great Britain over the Co-  
 lonies.

In this Question I conceive, that neither  
 the Policy or Object of an Act of Parlia-  
 ment, are to be considered as the Means for  
 determining the Legality of the Duty it  
 enjoins,

enjoins, or the Tax it imposes: I could wish, therefore, to have had all such Considerations thrown out of the Question, and that those, who have severally attempted *legally* to arraign and justify this Proceeding of the late Ministry, had stuck closely and honestly to this Point; “Whether  
 “ the Parliament of Great Britain hath, or  
 “ hath not, an inherent Right of including in one general Act, (let the Purport of that Act be what it will) *All* his  
 “ Majesty’s Subjects, as well those inhabiting the most distant Dominions of this  
 “ Realm, as those residing in it, and more  
 “ immediately the Objects of it’s Statutes  
 “ in general:” Every Man in the least conversant in the Nature of our Constitution will, I believe, readily admit and subscribe to this supreme and discretionary Right; a Right which never hath or can be impeached, but when it is unconstitutionally exerted, and tends manifestly to the Subversion and Annihilation of our Liberties, as established upon Principles of natural Justice and Society. I would yet inform these Usurpers, these Aspirers to a Co-jurisdiction with that Body which is able, at any Time, to crush their Existence, *as a Publick*, that the Statutes of Great Britain may, by special Words, bind even *the People of Ireland* to an Obedience

ence of them ; notwithstanding as to its private internal Policy, it is a distinct Kingdom of itself, and hath Parliaments of its own ; whose Regulations and Ordinances, however, like those of the Colonies, grow up into Laws but at the Discretion of the King and his Council.

It is of the Nature and Essence of all human Governments, that a supreme and absolute Jurisdiction should be lodged some where : In some Countries, a despotic and hereditary Power is vested in the Person of one Man ; in others, it is delegated to a particular Rank ; and in others again, to an inferior elective Number of Men ; but the Wisdom of our Ancestors, maturely weighing the genuine Merits and Demerits of monarchical, aristocratical, and democratical Systems, and gleaning from each it's salubrious, and rejecting it's noxious Qualities, hath, from this variegated Sample, modelled us into the most admirable Mixture of them all, and intrusted the whole national Power and Authority with a Parliament : To this most puissant Court appertain the Privilege and Office of providing for the Public Weal, by abrogating such old Laws or Customs, or creating and enforcing such new ones, as the Mutability of all sublunary Affairs may render expedient ; and it is to the spirited and most  
merit-

meritorious Exercise of this Plenitude of Power, (in electing and securing to the Succession of this Crown, the Family of the most amiable Sovereign who now sways it's Sceptre) that we are indebted for the Enjoyment of the invaluable Comforts and Blessings of civil and religious Freedom.

It is to be observed, not without Surprise, that the Colonists have never before absolutely entered their Protest against this Jurisdiction exercised over them by the Parliament of Great Britain; inasmuch as numberless Acts of Parliament, enacted for the very purpose, have carried with them a Sterling Authority into the Plantations, as often as the Wisdom of the Legislature hath judged so remote an Exertion of its Power essential to the publick Interest:— But it seems the Time is now come, wherein Parents, in Diminution of those Rights naturally vested in them, are no longer allowed to assume the Government of, and project Schemes of Happiness for, their Children; but are to give in to all *their* little Appetites and Desires, at the Risque of their mutual Welfare and Prosperity: We have seen the Act of the 5th of George the III<sup>d</sup>. rebelled against as tyrannical and enslaving, whereas those of his Royal Predecessors (introduced amongst them by the same Authority) have never been consider-

ed

ed as Attempts upon the *Rights and Privileges of these free born Englishmen*, but have received that uniform, unquestioned Obedience due to them, and been attended with all those public Benefits, which the paternal Affection of the British Parliament meant, indiscriminately, to diffuse to all his Majesty's Subjects.

But here, say the Gentlemen, *our Fortunes* are wantonly sported with by an Assembly in which we are not represented, and consequently, by the Constitution of which we are Members, ought not to be bound by its Decrees.—From this may be discerned the Principles upon which this treasonable Opposition to Government is now justified by the Colonists, as a patriotick Jealousy and Resentment of a Subjugation to foreign and usurped Power, and *a laudable Assertion of the Rights and Privileges of Englishmen*: That is, so long as the Parliament of Great Britain will study and frame Acts for the Emolument of *their* particular Provinces; they will never complain of their Charters being attacked, or the *Privileges* of their Assemblies invaded; but the Moment it sends amongst them a Law calculated for the Benefit and Indemnification of the Mother-Country, they instantly take the Alarm, feel for their Liberties, and join in one common Act of Rebellion

bellion against the Jurisdiction acquiesced under by them in the first Instance, but which they arrogate to themselves a Right of disputing and disallowing in the second.

According to my Notions of the English Constitution in particular, and indeed of all human Governments in general, there can be no qualified partial Allegiance or Obedience to the Laws; they exact from all an implicit Submission *into*, and with a sovereign Superintendency watch over the Actions of every Individual: To say then that the Colonists have a right of judging for themselves what Laws they shall obey, and which they may protest against, is, in Effect, to invest them with a Right incompatible with the Offices of Subjects, and utterly subversive of the End of all human Institutions. And yet, extraordinary as it may appear, their Conduct in the Business in Question; *so far as it maintains the Illegality of the late Act*; doth most certainly bespeak them possessed of the two heterogeneous Functions of Lawgiver and Subject, and is to be accounted for in no other Manner.

From the general Principles of Government, as well as from a long Practice and interrupted Course of Proceedings amongst ourselves, may this Jurisdiction of the Parliament be clearly ascertained; the constant  
Immemo-

Immemorial Usage of all Nations sanctifies and approves it's Title to it; and if the Colonists ever really thought themselves independent of this great Council of the Nation, how comes it that they have so long submitted to the Prescription of those many Acts of Parliament, whose Influence hath, for such a Length of Time, been extended over them? And yet the Foundation of their Plea of Non-submission to the late Act, would have obtained and been just as good an one, for the same Reasons, against all those former ones. It is to the highest Degree, therefore, absurd to consider this Question in the Light they have put it; it being to be determined, in my humble Opinion, upon a Consideration of the Relation between the British Parliament and the Colonists, as between *It and the Subjects of Great Britain at large*, as I cannot find by what Law they have been emancipated from this State of Subordination, in common with the Rest of their Fellow-Subjects.

The Liberties of the Colonists, I apprehend, can receive no Diminution from being thus held in the same Point of View and Degree of Estimation, with those of the Mother-Country: on the contrary, I don't know but I may be told I have been too liberal in the Concession, which I have



thus made them ; and indeed, strictly speaking, it may perhaps upon Enquiry appear unwarrantable ; for, was it within the Compass of my present Design to enter into a progressive Recapitulation of the different Modes, by which the several Colonies have become Parcel of, and annexed to the Dominions of this Crown, whether by Discovery, Conquest or Treaties ; I fear the Law of Nations would point so strongly to the prevailing Distinction, between the Nature of Municipal Laws, and those of a newly acquired Appendage to any Empire, as must exclude them from the advantageous and honourable Fellowship I have assigned them : I chuse, however, for the Purpose of coming more speedily and directly to the Point in Issue, to wave this Piece of History, and that their own Arguments may be received in the fullest Scope and Latitude they can possibly bear, am willing to admit their Pretensions to be co-equal with those of the People of England in general.

It is one of the fundamental Maxims of our Constitution, and that of every civilized State, that “ *Nemo Patriam exuere potest* ” ; by which I would not be thought to understand a personal Emigration or Withdrawing from the Country ; but that no Subject can ever shake off or release himself from that indissoluble Bond of Relation and natural

Allegiance

Allegiance he bears to the Laws of his Country, let him be at ever so great Distance from its Seat of Government; so far from it, his Country hath a Right to expect that *he* always entertains those Sentiments of Attachment and Duty as a Subject, which *she*, as his natural Sovereign, hath an unquestionable Right to call forth into Action in any Shape, and whenever the Necessities of her Situation may demand it; and which he cannot refuse, without exposing himself to the highest Censures, and a Forfeiture of that Protection under her Government which is the Return for Fidelity and Obedience to it.—The Colonists, by their Actions, seem to be impressed with no such Ideas at the Bottom, notwithstanding their confident Appeals to the English Constitution; which rather seem so many Insults upon, than modest well-founded References to its Principles, for the Rectitude or Illegality of their Proceedings: It will ever cherish and redress them as Members of it, while they conduct themselves as such, but it will be too tenacious of its own Authority and the Respect due to it, not to distinguish betwixt an arrogant Competition for Power and Independency, and a specious Suggestion of Grievances and Oppression.

The Subjects of Great Britan residing in our Colonies, are not content with the

Fruition, as Individuals, of every Immunity and Privilege of native Englishmen, but they would attempt to prove themselves entitled to *more*: As a Body, or aggregate Community of People, they certainly are possessed of *none*, that can retrench or check the Powers and Pre-eminence of the Parliament: They derive and enjoy the Blessings of the former, in common with us all, from the English Constitution founded upon Principles of common Law and natural Justice; but they owe their Origin and Existence in the latter Capacity, not to any inherent native Privilege as *Englishmen*, but to the spontaneous royal Indulgence of the *Crown*; a Power, which can never confer on others that which it hath not in itself—viz. a separate Jurisdiction from, and Independence of, the three Estates of this Kingdom—Considering them in their publick corporate Capacities, the several Colonies and Provinces upon the Continent, can have no legal or constitutional Existence which may entitle them to greater Privileges than all the Corporations in this Kingdom enjoy by their respective Charters of Incorporation: A Licence and Authority, flowing from the royal Prerogative of the Crown, to frame such Laws and Regulations, for the Management of their own domestick

messick Concerns, as may best answer the Ends of their Institution, can never work so as to erect them into that State of Independency as will justify them placing their *Indulgencies* in Competition with *Privileges*, or, in other Words, setting up their *Bye-Laws* in Opposition to *Acts of Parliament*: For, without Doubt, the Acts of Assembly in all our Colonies, operate only with the Influence of, and are stamped (I hope they will pardon the Phrase) with no greater Dignity than the mere Regulations of so many inferior licenced Corporations.

Upon this comparative View of the corporate Character of the Colonies, with that of the several Corporations in this Kingdom, it is manifest they were originally constructed by the same Architect, upon similar Foundations, and are all equally circumscribed in their Powers. Who then can, with the least Degree of Propriety, compliment them with an Independence of the Parliament of Great Britain, when the whole Frame of their Body politick may be brought to a Dissolution, not only by that *august Assembly*, whenever it shall judge proper, but at any Time be deprived of their boasted Privileges and Immunities, by the ordinary and inferior Operations of a *Scire facias*, or a *Quo Warrento*: Whether, as a Publick, they have not lately rendered themselves justly obnoxious to this last Method

thod of Proceeding against them, or in their private individual Capacities, to a much more severe one, I will at present, in Compassion, forbear to demonstrate.

It therefore, as it occurs to me, is impossible to put any other Construction upon the Charters of the Colonies, without doing the greatest Violence to common Sense, and perverting the sound Policy of their original Institution: It would likewise be working such a Change in all the Corporations of England, as must of Consequence tend to a total Annihilation of Government; it would in Effect be introducing amongst us that "*divisum Imperium*," the setting up so many petty Republicks in the Heart of this Kingdom, as must inevitably bring on the Destruction of the imperial Sovereignty of our Constitution and it's Laws.

The high Court of Parliament all Englishmen are taught to look up to, with that implicit Acknowledgment and Veneration of it's Omnipotence and Justice, inculcated by the Principles of the Revolution;—that glorious Period and Criterion of human Liberty! To this great Assembly do all inferior, ministerial Jurisdictions bow down; by it they may be annulled, qualified or controlled; and under it's Sanction and from it's Concurrence alone; are they permitted

mitted to have any Existence at all: From this Point of our Constitution, doth the Parliament derive that most uncontrovertible Right of comprehending in it's Statutes, all Orders and subordinate Societies of Men, without any Necessity of previously rescinding or repealing their Charters of Association: It is possessed of the Power of doing either, and the Non-use of the one, can never invalidate the Exercise of the other.

But, say the Colonists, "that not being represented in the British Parliament that Assembly hath no Power to tax us, and for this we rely upon *magna Charta*."

As the Authority of the British Parliament is now, for the first Time, called in Question, because it hath presumed to create a Tax amongst them, the Article of *magna Charta*, which is to bear them out in their Appeal to it, I take for granted must be that which provides, "That no Man shall be disseised of his Freehold, &c. nisi per "Judicium Parium vel per *Legem Terræ*:" I shall be glad to be informed whether, if the *Law* of Parliament be considered and allowed as *Lex Terræ*, (as it most certainly is) an *Act* of Parliament be not at least of equal Signification and Authority? I can find nothing in *magna Charta* that will bear a contrary Interpretation to this Inference.

That

That great Charter, or rather peremptory Assertion and Confirmation of the primitive natural Rights and Liberties of the People of England, was introductory of no new Laws, but in Opposition to the then dangerous and increasing Advances of the Prerogative and kingly Power, only declaratory of the ancient pure and peerless Authority of the common Law;—the Parent and Guarantee of all Statute-Law:—But with such Blindness of Enthusiasm do the Colonists worship their feeble Charters, these Divinities of their own forming, that by them they not only look upon themselves secured in the common Rights of the Mother-Country, but promoted to such transcendently superior ones, as will eclipse and disparage their Lustre and Excellence; in Fact, that because they have been induced, for their own personal Emolument, voluntarily to transport and associate themselves under the King's Letters Patent, they not only have carried with them all the Rights and Immunities of their native Country, but are become released from the common Obligation of Obedience to the Laws: Such, however, is the peculiarly happy Nature of the English Constitution, that as the King by no Act of his, can abridge his Subjects of any of it's Benefits, so cannot he ever elevate them into a Condition to  
dis-

dispense with, or mutilate the Authority of it's Supremacy.

The Wisdom of that Reign so conspicuous in the Annals of our History for, and the Basis of whose Renown was founded upon, it's accurate Knowledge and Preservation of the Rights of human Liberty, seems prophetically to have anticipated the Necessity of recognizing the Power now disputed by the North Americans: It was with a View to rescue the British Legislature from all Objection to it's Jurisdiction, and to represent a Forwardness which hath since broke out almost into actual Rebellion, that the Act of the 7 and 8 W 3. C. 22. hath so expressly declared and reserved the Power of the Parliament over all the Colonies; for, by that Statute, it is enacted, "That all  
 " Laws, Bye-Laws, Usages and Customs  
 " which shall be in Practice in any of the  
 " Plantations, repugnant to any Law made  
 " *or to be made in this Kingdom relative to*  
 " *the said Plantations*, shall be void and of  
 " none Effect:" This Clause alone, abstracted from all other Considerations, ought surely to be a sufficient Refutation of the very singular Claim of the Colonists:—But to follow them in their own Reasonings.

The Exemption from Obedience to the British Parliament insisted on by the Colonists, rests (if I understand them) upon this  
 D. . . . . single:



single Reason, "*that they are not represented in it;*" as I have said before, I wonder that this Plea hath so long lain dormant amongst them, as it might have been urged, with as much Propriety, against all those Acts of Parliament which have been so long in Force in the Colonies. But it really is of so novel a Cast, that I am at a Loss to guess from what practical Principles or System of Government they have borrowed it; sure I am tho' that the English Constitution could never have suggested it to them. It must be confessed that Acts of Parliament are binding and conclusive upon the Subjects of this Island, because, by the Presumption of Law, *they are all supposed, by their Representatives, to have had a Share in the framing of them;* but this is only one of those Fictions, those nicer Principia of the Laws of Society, which it is utterly impracticable to see literally and minutely adher'd to in the Mechanism and Administration of great and populous Governments; so far as they *are* capable of being carried into Execution, those Systems will soonest be adopted, and bid fairest for Duration, that are established upon the most equitable Arrangements of the common Rights and Relations of Mankind: Upon the Wisdom and Equity of this Maxim is the Foundation of our Constitution laid, and it was to obviate  
and

and assist the above *Hypothesis of Law*, that the Legislature hath so perspicuously prescribed the only feasible Means of attending to it, by regulating the Rights of representing, and being represented, in this great Council of the Nation: And yet, ideal and theoretical as this particular *Postulatum* (if I may call it one) certainly is *in itself*, such is it's Recommendation, that the only possible Method of reducing it into Practice, depends entirely upon the honest Emulation and Industry of the People; and consequently, that as the Attainment of those Qualifications which are to beget in them a Right of Admission into *this* Share of the Legislature, must be the Fruit of their own Endeavours, so is the Subject hereby rationally foreclosed of all Objection to any Act of Parliament that may, at first Sight, seem liable to it upon *this* Account.

The Doctrine of the Colonists not only dictates to, but strikes at the very Root and Essence of the Constitution; and indeed the Example might be of the most calamitous Consequence to the State, if Englishmen were, at this Time of Day, to be instructed in their Privileges or Duty. And by whom are our Understandings to be now illuminated, and this new, unheard of Code of Rights explained?—By a set of Individuals who, before they withdrew themselves

into the Colonies, having no Right of representing in, nor, (most probably) of electing others to, the British Parliament; would now delude us into the Belief of their having, *ipso facto*, acquired, in a newly acquired Territory, *that*, which they had not arrived at the Possession of, when in their own: If, by their Charters, they are empowered to elect Members to the British Parliament *from amongst Themselves*, such provincial Representatives may join, and will be admitted into, this great Council; but if their Charters are silent in this Respect, they then certainly stand upon their original Footing, and *their Right of Representation* is reduced to the same Merits, and is to be adjudged by the same known settled Rules and Qualifications *which establish that of the whole Body of the Kingdom.*

To suppose, therefore, but for a Moment, that this Claim of the Colonists is impregnated with the least Particle of Reason or Justice, must necessarily involve the whole Legislature of this Country in the Guilt of the most gross Injustice and Oppression: To admit their Exceptions *to the Legality of* the late Stamp Act, wou'd, in Effect, be releasing Millions of Subjects from their Allegiance to the Laws, and, at one Blow, demolishing every Act of Parli-  
ment

ment that was ever hitherto made: *They* can have no Pretence to this Exemption, that will not hold good and be transferred to above seven-eighths of the Subjects of this Island; for certainly *those who are neither Freeholders in Counties, nor Burgeses in Towns Corporate (the unrepresented Part of the Nation, in the Sense of the Colonists),* will be intitled to the Benefit of the same Plea, whenever *they* shall be disposed to dispute an Act of Parliament.

These, Sir, are my Thoughts upon the Question, how far *in Point of Law*, the Colonists are bound to an Obedience of every Act of the Parliament of Great Britain, *wherein they are expressly named*; I have submitted my Notions of it's Omnipotence, as being, upon the principles of the Revolution, the only natural, constitutional Seat of *complete* Jurisdiction in the Kingdom; I have considered the Extent and Diffusiveness of it's Authority over all our Dominions, upon the Practice of our own, and from that Chain of Connexion and Dependance, which has ever subsisted between the Mother-Countries and Colonies of ancient and modern Times; and I have, for Argument's Sake, examined into the Plausibility of their Plea of Non-representation: From all which, I think, may be very fairly deduced, that the British Legislature

flature hath done nothing but what it had *full and constitutional Power to do*; and that the Colonists, by having denied and resisted this Power, have been unfortunately hurried into a Conduct, tinged with an Offence, bordering too nearly upon the worst Species of Treason;—a Treason against the State.

How far indeed it may be a *Step of Policy to lay a Tax upon the Colonies*, appears to me to require a Discretion of a much deeper Reach, than the ordinary Business of Administration in raising Supplies amongst ourselves: *With Us*, the national Ability to *pay*, and the general Bent of Men's Dispositions *towards* a new Tax, are commonly well understood before it receives the Sanction of a Law; the Legislature having ample Opportunity of informing themselves of the Practicability of the former, and of reconciling the Minds of the dissatisfied, to the craving Necessities of the State; but I fear the present Cause of Disquietude hath proceeded from an unpardonable Ignorance, and too great a Contempt and Disregard of both.

The Word *Tax*, even to our Ears that have been accustomed to the Sound, hath now lost much of it's Harmony, and ought but very sparingly to invade those delicate Organs; and altho' the Americans, from  
the

the Protection afforded them in the last War, have contributed to the Necessity of *their* listening to it's unmusical Din as well as ourselves; yet, to soften, and familiarize *to them* it's Harshness, it will behove Administration to proceed with the utmost Circumspection and Address, lest by the false Policy of a temporary Relief only, we hazard the Accomplishment of our Views, and the Reimbursement of our whole Trouble and Expences incurred upon their Account.

How uninformed, precipitate and ill-judged, therefore, must have been those Councils that advised a Measure, which, in it's Execution, hath proved so grievously burthensome, and exposed the Honour of the British Legislature? *In this*, however, the *late Ministry* have but made a fatal Addition to the Blunders of their inglorious Predecessors *the Peacemakers*.—Who but a Set of Men utterly unacquainted with, or Enemies to, the real and intrinsic Interests of this Nation, would have given up solid, immediate and permanent Advantages, for the speculative, exhausting and precarious Acquisition of so extensive a continental Territory, the ordinary Provision of whose Government must be so incumbring, and the Cultivation of which every Day more and more endanger our Possession and Dominion

minion over it? Whereas, if the Rage for an Encrease of Colony was, at all Adventures, to be fed; why was not the Attention of these our notable Negotiators directed to the already settled, and more abundantly profitable, Islands in the French and Spanish West Indies; where Property and Loyalty must have gone Hand in Hand together, and the private Riches and Prosperity of Individuals promoted and secured, only by their Reliance upon, and the Protection of, Great Britain.—But this is a Digression.

Sanguine as I am in the Cause of the English Constitution and of Course, zealous for the Honour and Power of the Parliament, I should be very sorry to lay under the Imputation of Acrimony or Malevolence towards my Fellow Subjects of America, or to be suspected of harbouring any Sentiments derogatory to the common Rights and Freedom of Mankind in general; the Importance of the Question, which as I have discussed by the best Light of my Understanding, so did I wish to treat it with Temper and Candour; and altho' the *legal* Consideration of it hath unavoidably led me to pass a very heavy Censure upon the Colonists; yet, as a Friend to Impartiality and the Interest of my Country, I cannot quit this Subject without animadverting, still further, upon those Measures  
of

*of the late Ministry*, which, in my Opinion, have solely given Birth to this complicated Tumult of publick Discontent and Disobedience: The latter of these Evils is most commonly, the Consequence of, and engendered by, the former; are not *They* therefore to the last Degree culpable, who, by a wanton, ill digested and inconsistent Proceeding, administer even the Possibility of an Existence to either?

Allowing the Colonists to have been most justly reprehensible, yet Justice and a political Regard to so numerous a Sett of Subjects, should, and I dare say will, dispose the present Administration to a patient and favourable Disquisition of their Remonstrances; and notwithstanding, in a national Consideration, no personal Hardships can ever operate as a *Justification* of an Opposition to the *legal* Acts of Government, yet I am inclined to think, that, upon a candid, dispassionate Review of the several Regulations and Restrictions, laid upon them by *the late Ministry*, we may trace the Source of this (almost universal) Defection, and be constrained into an Acknowledgement of the Reasonableness of what they alledge, *in Extenuation* of the Heat and Outrage, into which they have been persecuted.

The little Knowledge in the English History that I am furnished with, doth not present, so flagrant an Instance of Incapacity



(to say no worse of it) as the late Conduct of *those Ministers*, that hath thus improvidently started a Question, which the Wisdom of Government ought, most cautiously, to have prevented being ever the Subject of publick Discussion: An injudicious unseasonable Exercise of Authority, will, but at best, extort a forced and temporary Obedience to it, but when the Requisition of a Service, comes accompanied by an Ademption of the very Instruments, by which alone that Service is to be performed; what Symptoms of Indignation will not, immediately, break out upon the Absurdity (not to say latent Mischief) of the Thought? That Plan of Policy which aims at the Attainment of an *End*, at the same Time that it proscribes the *Means*, will be under the Necessity of recurring to more than human Demonstration, to convince the World it hath any Thing, at least any Good, seriously in View: Nay, it is such a Contradiction in Nature, that it can only either be productive of Abortion, or the most monstrous, preternatural Superfætation.

The Necessity of *some* Tax upon the Colonies may, I readily grant, appear from the alarming Situation to which the publick Finances of this Kingdom have been reduced; but the very oppressive and repugnant Manner in which *this* hath been proposed to be levied, shews how fatally the  
Justice

Justice of Parliament may be imposed upon, by a surreptitious Acquisition of it's Sanction to the Views of an ignorant, or insidious Ministry: Can it be supposed that a Bill of this Nature would ever have passed into a Law, if the Legislature had not been kept from a Knowledge of those secret Machinations, which were to counteract and defeat the Purposes of it? No; the Parliament could never have join'd in the Mockery of such a Transaction, had they surmised the Ministry already had, and at that Time were, industriously devising every possible Method, for the Prohibition and Extermination of a Commerce so highly beneficial to this Country, and *from whence alone* could be derived to the Colonists the Means of affording us that Supply demanded of them: It is too injurious to the Honour of this illustrious Body, to conceive that they could ever have united in so ignominious a Conspiracy, or that they would have countenanced the Exaction of *a Payment in Money*, when the most effectual ministerial Stratagems had been pursued, *how to incapacitate the Colonists from getting any.*

But, as it were, the more efficaciously to bring his Majesty's Government into Disrepute with these People, and to insure that Alienation from it, which seems to have been the only hellish Purpose of these

treacherous Servants of the Publick ; a Jurisdiction is vested in the Admiralty Courts to proceed, in a summary Way, in all Matters relative to the Collection of this Revenue ; whereby the Properties of the Colonists, instead of being protected by the constitutional Right of a Trial by a Jury, are thus left to the capricious Mercy of an arbitrary Determination.

From all these Circumstances of Repugnancy and Persecution, I wou'd ask any unprejudiced Person, what was reasonably to be expected but that universal Clamour and Confusion, which they have been actually productive of? The Event hath shewn, that the Wisdom and Authority of Parliament, instead of having been applied to the Furtherance of the salutary Purposes of Government, hath been wickedly beguiled into the Completion of a Scheme, formed, not only to bring their own Equity and Humanity into Contempt, but pregnant also with the most destructive Consequences to the Peace and Interest of these Kingdoms.

Awaken'd to a just Conception of this truly momentous and national Concern, and animated by the most lively and disinterested Attention to the real Welfare and Happiness of these Realms, *the present Administration will*, I am persuaded, apply themselves diligently to the Investigation and Removal

removal of these our intestine Troubles and Perplexities; and however arduous and discouraging their Predecessors in Office may have contrived to render this Duty, yet they will enter upon this great Work, assured of the hearty Concurrence and Cooperation of all good Men. The Alarm is now become general, and the most generous Emulation will discover itself, amongst all Ranks, who shall express the greatest Abhorrence and Detestation of Schemes, teeming with nothing less than the Propagation of civil Discord, and the final Ruin of our happy Establishment.

Let them but revoke those Commissions, which have degraded the British Navy, into Smuggling Cutters and Pirates upon our own Commerce; leave but the Colonists to the Enjoyment and Prosecution of a Trade, not only lucrative to themselves, but, in which the whole Traffick of this Kingdom is so deeply and essentially interwoven; and We shall then, let us hope, experience that chearful Assistance from the Colonists, which their Behaviour, upon former Occasions, hath testified their Readiness to contribute, whenever it hath been requested of them, in the Proportion, and within the Compass of their Abilities.

By an Adoption of such expedient and emollient Measures, will they restore Unanimity to a divided People, and vindicate  
the

the Moderation and Honour of his Majesty's Government; from hence likewise will they procure to themselves the heartfelt Satisfaction of an unfeigned, national Praise for having delivered these Kingdoms from the infernal Designs of Paricides: Nor will the glorious Work of Reformation and Redress rest with them alone; *the Parliament*, justly indignant at the Perfidy with which their Confidence hath been abused, will resent the Practices that have been thus artfully played off upon them; and by totally disclaiming those violent and pernicious Councils, which their Authority hath been betrayed into the Protection of, will proclaim to the World this most excellent Truth, that the Power of the British Senate is to be equalled only by it's Wisdom and Justice, and an incessant Labour for the Ease and Prosperity of all his Majesty's Subjects.

*I am, dear Sir, yours, &c. &c.*

a-  
se  
t-  
al  
ns  
or  
nd  
ia-  
ith  
ed,  
een  
n ;  
ent  
Au-  
ro-  
this  
of  
only  
in-  
rity

