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![Diagram](image1)

![Diagram](image2)

![Diagram](image3)
AN

ANSWER

to the

DECLARATION

of the

AMERICAN CONGRESS.

[Price 2s.]
AN ANSVER
to the DECLARATION of the AMERICAN CONGRESS.

Il popolo, molte volte gridar
Viva la sua morte, morta la sua vita.

Num banc referret gratiam? Num vitae creputa sit illi, quae
vitam ipsi dederit?

LONDON:
Printed for T. Cadell in the Strand; J. Walter, Charing-
cross; and T. Sewell, near the Royal Exchange.
MDCCCLXXVI.
INTRODUCTION.

I LL would it become the dignity of an insulted Sovereign to descend to altercation with revolted subjects.—This would be to recognize that equality and independence, to which subjects, persisting in revolt, cannot fail to pretend.—Ill would it become the policy of an enlightened Sovereign to appeal to other states on matters relating to his own internal government. —This would be to recognize the right of other states to interfere in matters, from which all foreign interposition should for ever be precluded.

To these considerations it is, we must attribute the neglect with which the Declaration of the American Congress has been treated by the Government of Great Britain. Easy as it were, and fit as it may be, to refute the calumnies contained in that audacious paper, it could not be expected that his Majesty or his Ministers should condescend to give it any answer.

But that answer, which neither a sense of dignity, nor principles of policy, will allow the Sovereign to give, may yet be furnished by the zeal of any well-affected subject.

For, after all, what are the Members of this mighty Congress? With whatever titles they may dignify their

A Sovereign cannot enter into altercation with revolted subjects.

Hence the neglect shown by Government to the Declaration of the Congress.

It may be answered by an individual.

The Members of the Congress are
their selves, in respect to us at least, they are but simple individuals.

Were they more, yet, in this country, the measures even of Government are open to the examination of every subject. The right of censuring what they disapprove, the partisans of America have exercised, and still exercise, without scruple and without shame. They will not surely deny to me the right of defending what I approve. Here at least they will not be backward in acknowledging, that it is no mean advantage, which we derive from the happy form of our Constitution, that private individuals are competent to those tasks, which, under more jealous governments, can be executed only by officers commissioned for the purpose. Here at least they will allow that an insult offered to every man may be repelled by any man.

1 I say here they will acknowledge this. Not so in that unhappy country, over which these afferors of liberty have assumed jurisdiction. Here, so much as to think of doing any thing to impair the liberty of the press, is represented as the most atrocious tyranny. There, this liberty, has been utterly destroyed. And when was it destroyed? Did these men wait till they were already, under the irritation of long continued and reciprocal hostilities? No. It was at a time of pretended suffering, and pretended patience. It was one of the first preludes to the execution of their design.

So are we are, so conscious, from the very beginning, of their guilt, that in the midst of a people, groaning, as they would have it believed, under the pressure of injuries, then actually inflicting on them by the hands of unrelenting tyrants, they daren't leave the people at large to express their real feelings; they dared not leave the channels of conviction open. To their own party alone was reserved the privilege of expressing their sentiments. To them only the press was open. To their opponents; to those whom they but suspected of opposition, it was irrevocably shut. Whatever could be said to blacken the designs, mis-state the words, misrepresent the actions, of the latter, was received with eagerness,
INTRODUCTION.

And surely the Declaration of the American Congress is an insult offered to every one who bears the name of Briton. For in considering the present contest between Great Britain and America, it is a truth which deserves our peculiar attention; and which therefore cannot be too often repeated, nor too strongly inculcated; that the dispute is not, nor ever has it been, between his Majesty and the whole, or any part, of his subjects. The dispute is clearly between one part of his subjects and another. The blow given by the Congress appears indeed to be levelled at his Majesty; but the wound was intended for us.

For let us separate in idea, so far as they can be separated, the interests of the King from those of his subjects: And let us, for the sake of argument, suppose—what I trust we shall hereafter most fully disprove—that the present contest took its rise from a claim set up by Parliament to the exercise of unconstitutional, unprecedented power over the Colonies: What in this case had his Majesty to gain by supporting the claim

eagerly, and circulated with unremitting labour. Private confidence was violated; even theft was committed to get at letters and documents, which, obtained in so base a manner, were first garbled, and in that mutilated state, sent forth into the world as damning proofs of dark designs, which never had been formed. But not a syllable would they suffer to be made public that could tend to the excitation of the object of their fury. These were not to be endured if they attempted to justify, scarcely even if they attempted only to deny, the charges. Two men there were and but two, who dared to exercise, or so much as to avoid the intention of exercising their employment with any degree of impartiality. What was their fate? The one law his house broken open, his papers seized, his implements destroyed, or carried off; both were driven out of the country by actual violence, and the dread of threatened assassination,

† Rivington, and Mien.

A 4
INTRODUCTION.

of Parliament? How would he have advanced any separate interest by it. Was it by an accession of new power? Was it by an acquisition of new revenues? By one or other of these, if by any way, must he advance his own separate interests.

There are but two ways in which the King could acquire new power. Either he must assume to his self the exercise of those powers, which are now exercised by the other constituent branches of the sovereignty; or he must take off the restraints, under which he exercises the powers he already has. Far, I am sure, is it beyond the ken of my discernment, to discover how, by increasing the power of Parliament,—and by this supposition the power of Parliament was to be increased—his Majesty was to be enabled, or should have expected that he would be enabled, to seize into his own hands the powers which were exercised, or take off the restraints imposed, by that very Parliament.

Was it an acquisition of new revenues, which his Majesty could propose to his self by the success of this contest? Surely not. Whether his British subjects continued to bear—as hitherto they had borne—allmost the whole of the common burdens of the state: Or whether his American subjects contributed a part,—and a small part only was expected—of their proportion, would have made no alteration in the state of his revenues. Were the Americans to pay what was demanded—supposing always the Parliament alone to assess the proportion to be paid by the British and American subjects—he would not receive more:—Were they not to pay, he would not receive less.
INTRODUCTION.

In the event therefore of this contest—let us again repeat it—not the separate interests of his Majesty, but those of his British subjects are involved. If the Americans insult him by groundless complaints of his government, it is because he asserted our rights:—if they have dared to renounce all allegiance to his Crown, it is because he determined not to give up our rights.

The general charge brought against his Majesty, in this audacious paper, is, that "the history of his reign is a history of repeated injuries and usurpations; all having in direct object the establishment of an ab-solute tyranny over"—what they call—"these states,"—what we should call—his Majesty's subjects in America.

In support of this atrocious charge certain maxims are advanced; a theory of Government is established; and what the Authors of the Declaration call Facts, are submitted, as they tell us, to "the candid world."

These maxims, this theory, and these facts we are now about to examine. We shall begin by the Facts. And to state them more clearly, the several charges are numbered; and divided into so many separate Articles. They are given in the order in which they stand in the Declaration; and each considered apart. But as there is a studied confusion

His Majesty
infulted for
supporting
our interests.

The general
charge
brought a-
gainst his
Majesty.

Proofs al-
leged in sup-
port of the
charge.

Method ob-
served in the
examination
of the pre-
tended
proofs, by
which this
charge is
supported.

This has been expressly acknowledged by the Author of Common Sense. A book which has been in some sort adopted by the Congress; many of the most striking passages of the Declaration being borrowed from it. The charge there alleged against the King is—"That he has undertaken in his own right, to support the Parliament in what be calls their."

"It is by this combination"—adds the Author, and the Declaration adopts the phrase,—"that the good people of America are grievously oppressed." [Introduction.]
INRODUCTION:

in that arrangement, it was thought right to subjoin a short, but general, Review of the whole; in which the maxims and the theory are examined; and the grievances alleged are classed under their respective heads. And under certain heads the Congress would no doubt have classed them; if conscious of the futility of the charges, they had not fled to the mean resource of endeavouring to supply by numbers, what they wanted in weight; to confuse where they could not hope to convince.

Much merit seems to have been assumed 'by the Authors of the Declaration on account of the "attention," which they profess to have shewn to us, whom for this last time, as they inform us, they style "their British brethren:"—of the "warnings," they have given us:—of "their appeals to our native justice and magnanimity." And to do them justice, some art there was in the steps by which they endeavoured to make us their dupes; the blind instruments of procuring them that independence, at which they so long have aimed.—Their first attacks were cautious; the Ministry only were to blame: To rail at Ministers, is always popular. The King was deceived; the Parliament mislead; the nation deluded.—In a little time they saw that Parliament was neither to be frightened, nor argued into a resignation of its just authority; and then Parliament came in for its share of culpability. It encroached on the rights of the American Assemblies. For they too, all at once, were become Parliaments! Still the King was their common Father; the nation, their brethren.—Yet a little while and they saw, that the King was not to be persuaded to listen to the deceitful voice of faction, in preference to the sober advice.
INTRODUCTION.

advice of the great, constitutional Council of the nation; and then the King ceased to be their father: Still the nation were their brethren, their friends: So late even as the present year, when war was declared against the bulk of the nation, there remained yet many of them friends; entitled to "applause and gratitude for their patriotism and benevolence."—At last they perceived that those friends could not serve the turn expected of them; could no more misguide the nation, than deceive the King and Parliament: And now King, and Parliament, and nation, and patriots, and friends, are all involved in one common accusation; all pointed out as objects of one common odium. Still however they regret, and feelingly no doubt, that neither warnings, "nor appeals," nor "conjurations," have excited us to "dissuade" what they stigmatise as "unwarrantable jurisdiction;" Acts of "usurpation"—to listen to what they call "the voice of justice and consanguinity." That is, in other words, they regret most heartily, that neither they, nor their emissaries, have been able to prevail with us to join in their rebellion. Their hopes peradventure had been sanguine; their disappointment therefore may be severe. They appealed to the passions: But they had forgotten, it should seem, that there is another appeal, to which, sooner or later, Britons do not fail to listen—An appeal to good sense.

To the good sense of my countrymen I venture to appeal. To that good sense with confidence do I submit the following Answer to the Declaration. Honest, I am sure, it is; I trust, not inadequate. Were the charges of "unwarrantable jurisdiction," of "tyranny," of "usurpation," so boldly urged a-

* See their Declaration of April 19, 1776.
gainst our rulers, supported by proof, I should readily allow it to be the duty of every man to unite in procuring redress to injured subjects: But if it appear—and I trust it will appear—that the charges are unsupported, even by the shadow of a proof, let it in return, be allowed to be the duty of every man to unite in reducing rebellious subjects to a due obedience to law.

Happy should I be, could I suggest new motives to my fellow-subjects of Great Britain, for submitting with cheerfulness to the burdens which must be borne, for concurring with zeal in the measures which must be adopted, to effectuate this important object.

Happy should I be, could I contribute to efface any stain, which the false accusations of the rebellious Congress, may have thrown on the character of a Prince, so justly entitled to the love of his subjects, and the esteem of foreign nations.

Happy should I be, were it possible to induce this deluded people to listen to the voice of reason; to abandon a set of men who are making them slaves to their own private ambition; to return to their former confidence in the King and his Parliament, and like the Romans, when they threw off the yoke of the Decemvirs:—"Inde libertatis captare auram, unde servitutem timendo Respublicam in sumfatum perduxere."
ANSWER TO THE DECLARATION OF THE AMERICAN CONGRESS.

ARTICLE I.

He has refused his assent to laws, the most wholesome and necessary for the public good.

ANSWER.

Quod dedit principium adversus?—From the very outset we may judge of the candor of the Congress.—Let any man, unacquainted with the constitution of America, but ask his self, what conclusion he would draw from the perusal of this article? Would he not naturally conclude such to be the constitution of America, that the King was of necessity a party in every Act of Colonial Legislation; that no law could take force to the Colonial laws in general, the refusal of the King not necessary.
take effect, have any operation, till the royal assent was obtained? So far is this from being the case, that in every Colony, there is a complete Colonial Legislature on the spot. In the Royal Governments, this Legislature consists of his Majesty's Governor, the Council, and House of Assembly, or Representatives. By his commission under the Great Seal, the Governor is authorized to give the Royal Assent to Bills presented to him by the Council and Assembly. From the moment of their receiving that assent, these Bills become laws, have all the force and effect of laws. In this respect the Colonies have an advantage over Ireland. There a special commission is required to empower the Lord Lieutenant to give the Royal Assent to each specific Bill.

But this power of assenting to laws not yet framed, is of the most sacred nature; too high to be intrusted to the discretion of any subject without some control. The King, therefore, retains the power of disallowing all laws to which the Governor may have assented, and thereby voiding the Act, if it be found to be inconsistent with the tenor of his instructions, the good of the particular province, or the welfare of the empire at large. In the Colony of Massachusetts's Bay, this disallowance must be signified within three years; in that of Pennsylvania, within six months from the time that the law is presented to the King in Council. In all the others without limitation of time.

This power is exercised by the King in Council; it has been exercised by all his predecessors, from the first establishment of the Colonies; it is expressly reserved in all the Charters and Commissions which constitute
constitute the Colonial Governments, three only excepted.

To what then does this charge amount? Do they mean that his Majesty is cautious in giving his royal confirmation to Acts of the Colonial Assemblies? That he takes time to revise them? that he waits till experience has proved them useful, before he gives them permanence and stability? It was one of the ends for which this power was reserved to the Crown.

Do they mean, that he has actually disallowed Acts as to his judgment appeared unfit to be allowed? That is the other end for which the power of disallowance was vested in the Crown. Do they complain of the exercise of this power? They complain then, that they are not independent. To have an uncontrolled power of legislation, is to be independent.

ARTICLE II.

He has forbidden his Governor to pass laws of immediate and pressing importance, unless suspended in their operation until his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

a Namely, Maryland, Connecticut, and Rhode-Island. Even in these Colonies before the Revolution, but not in the present reign, has this power been exercised.

ANSWER.
ARTICLE
11.

Two heads of complaint contained in this article; viz. 1st, the giving of instructions relating to a suspending clause; adly, Neglect of laws past with this clause. Falsehood implied in the first charge; viz. that in giving these instructions, his Majesty had assumed a new power, unexercised by any of his predecessors; introduced a practice unknown in former reigns? To what purpose are these facts alleged? Is it not to characterise the government of his present Majesty, to distinguish his conduct from that of his predecessors; to establish the charge of usurpation?

Nothing, however, can be farther from the truth. For upon enquiry it will appear, that this practice of instructing the Governor, not to give his assent to laws of a particular and extraordinary nature—and it is to such only that the case applies—until his Majesty could judge of the fitness and propriety of them, is so far from being novel, that it was established, and uniformly prevailed, before the accession of his present Majesty, but even of his Majesty's family, to the throne b. So far, then as this article is brought to establish the charge of usurpation in his present Majesty, it is absolutely false.

b The practice was begun by Queen Anne in the year 1708, and has ever since been retained.
Is it meant to insinuate any objections to the measure itself? Let us shortly expose the nature of those instructions. And here it may be necessary to premise, that the Governor of every Colony has a negative in the passing of all laws; and that he is controllable in the exercise of that power, by such instructions as he shall from time to time receive from the King, under his signet and sign manual, or by order in his Privy Council. Those who know the constitution of the Colonies, governed under immediate commission from his Majesty—and it is to those only that the case applies—know this to be the fact. This once admitted, it follows that there is a constitutional power in the Crown, of instructing the Governor to refuse his assent to such laws, as his Majesty judges unfit to be passed. By this test then let us examine the justice, or injustice, of these instructions.

To what bills do these instructions apply? To such only as are of an extraordinary nature, affecting the trade and shipping of Great Britain; the prerogatives of the Crown; and the property of the subjects of the empire in general. Possible it was, that laws of this nature should be passed by the Colonial legislatures. It was more than possible. Such laws were past. Frequent complaints of them occur in the Journals of both houses of Parliament.

Under these circumstances, what was to be done? It was not, I suppose, to be endured, that local, subordinate legislatures should pass laws injurious to all the subjects of the empire. How then were they to be restrained from the assumption of a power, they were so prone to assume?

Would not the Crown have been justified, had it recurred to the most obvious expedient; to that which
ARTICLE II.

would present itself at first sight? The expedient, I mean, of directing the Governors, in the first instance, to refuse their assent to all extraordinary bills, affecting the trade, or navigation, or property, of its subjects in general; or its own just and constitutional prerogative. These points might, and perhaps not improperly, have been referred to the sole cognizance of the supreme legislature of the whole empire. But Government, it should seem, apprehensive, on the one hand, that this might, in some cases, bear hard on the Colonies; and unwilling, on the other, to entrust to the sole judgment of a local Governor, what ought to be submitted to the judgment of the King, better able to see and to combine the interests of the empire at large, did not adopt this expedient.

Still easier must it have been to justify the Crown, had the Governors been instructed not to assent to any such extraordinary law, till a copy of the bill should have been transmitted, and the royal approbation obtained. But so anxious was the Crown to guard against every unnecessary inconvenience that might accrue to the Colonies, that even this expedient was not adopted without a particular qualification. Had the copy of the bills been transmitted, they must, when returned with the royal approbation, have waited for another assembly; have reapassed through all the forms of being read, debated and approved, by the Assembly, the Council, and the Governor. Much time might have been lost, and the operation of the law, where the law was approved, suspended longer than was needful.

To prevent this inconvenience it was, that the Governors were empowered to give their assent, even to these
these extraordinary bills, provided only that a clause were inserted, suspending the operation of the law till his Majesty's pleasure should be known.

It would not, I believe, be easy to fix upon any period, where it would have been proper to have recalled an instruction, first suggested by reasons which were then conclusive, and which have ever since been acquiring new force. The Colonies indeed have thought otherwise. Twice at least have they addressed the British House of Commons to intercede with the Crown for the very purpose of recalling this instruction. How were their petitions received? The Journals shall answer for us. In the year 1733, in the sixth of George II. "A memorial of the Counsel and Representatives of the province of the Massachusetts's Bay was presented to the House and read; laying before the house the difficulties and distresses they laboured under, arising from a Royal Instruction, given to the Governor of the said province, in relation to the issuing and disposing of the public monies of the said province: And moving the House to allow their agent to be heard by counsel upon this affair: Representing also the difficulties they were under from a Royal Instruction, given as aforesaid, restraining the emission of bills of credit: And concluding with a petition, that the House would take their case into consideration and become intercessors for them with his Majesty, That he would be graciously pleased to withdraw the said Instructions, as contrary to their Charter, and tending, in their own nature, to distress, if not ruin, them."
ARTICLE II.

Resolutions of the then House of Commons on this occasion.

What said the House to this petition? Did they think that his Majesty assumed an unconstitutional, or exercised an improper, power, in issuing these instructions? Let us hear the resolutions of the House.

Resolved, "That the complaint, contained in this memorial and petition, is frivolous and groundless; an high insult upon his Majesty's government, and tending to shake off the dependency of the said Colony upon this kingdom; to which by Law and Right they are and ought to be subject."

Resolved, "That the said memorial and petition be rejected."

In what instance, I would ask, during the present reign, has the British government expressed itself in terms more strong, or pointed? What act is there of the present reign, that affords with greater energy, the dependence of the Colonies, or the supreme authority of Parliament?

Were these resolutions of the House extorted from them by surprize? or wrung from them by a sudden fit of resentment? or adopted hastily? Or was the subsequent conduct of the Colonial legislature such, as to call for a relaxation, in the strictness of these instructions?

Consult the Journals of the Commons: See what passed on the 24th of April 1740, just seven years after the resolutions recited above. Read the following resolution:

Resolved, Nemine contradicente, "That an humble address be presented to his Majesty, to return his Majesty thanks, for the orders he hath already given, and humbly to desire him, that he will be graciously pleased"
"pleased to require, and command, the respective Go-

gernors of his Colonies, and Plantations, in America,

\[\text{ARTICLE II.}\]

\[\text{The measure not liable to objection.}\]

\[\text{The description of the laws given in this Article expresses only the opinion of the Congress.}\]

\[\text{Answer to the second charge, viz., neglect of laws passed with the clause of suspension.}\]

\[\text{That}\]

ARTICLE II.

That to laws, passed with this clause of suspension, his Majesty has utterly neglected to attend."

For to what does this charge amount? To this and no more:—that these laws appearing to his Majesty to be repugnant, either to the particular interests of the one particular province in question, or to the general good of his whole empire, he withheld his assent.

Should a bill be presented by the Lords and Commons of Great Britain, to which his Majesty conceived it unfit to give his assent, what would be the conduct observed? He would not directly refuse his assent; he would use a milder language:—”Le Roy s’aviserat.”—And what is it that the Congress so insolently stiles “neglect.” What but an act expressive of the same language?

That his Majesty should exercise his judgment: That he should not assent to bills, which, in his judgment, are repugnant to the common good, are the very objects of the suspending clause. So far then no charge is brought against him.—That such assent should be mildly withheld, rather than sternly refused, could not be imputed as a crime, by any men, but the Members of an American Congress.

ARTICLE III.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the rights of representation in the Legislature; a right inestimable to them, and formidible to tyrants only.

ANSWER,
ANSWER.

Let the sense of this article be precisely expressed; strip it of the indecent reflections which close it, and to what does it amount? To this only—That his Majesty has not been fit to confer the privilege of sending Members to the Provincial Assemblies, on people forming, or meaning to form, certain communities in certain districts.

The Members of the Congress indeed—whether through inadvertence, or design, have so worded this article, as to make it convey an idea, which yet they dared not openly express. They talk of relinquishing a right;—but they will not pretend it to have been a condition proposed, that the persons to be accommodated were to give up any right which they then actually enjoyed; the condition was, only, that they should not be invested with a right, which they did not then enjoy; if, as inhabitants of one district, or members of one community, they had already a right of sending a Representative, they were not called upon to relinquish that right: they were only told that, in becoming inhabitants of another district, members of another community, the right would not be conferred on them. Though, from the inaccuracy of the phrase, it may seem to be insinuated, it is not meant, that his Majesty intended to diminish, but only that he refused to increase the actual number of Representatives. And is this too a proof of usurpation? Is the exercise of this power, in general, to be deemed unconstitutional? In this particular instance, did the refusal, of which the Congress complains, originate with
ARTICLE III.

his present Majesty? or in making it, did he only persist in a plan, for wise reasons, adopted by his royal predecessor?

Let us first consider whether the exercise of this power, in general, can be deemed unconstitutional.

In England, it has been a matter of debate, whether the King, by his sole authority, might, or might not, create, or revive, parliamentary Boroughs. But it never yet was pretended, that such Boroughs could be either created, or revived, without his consent. Whether they be created, or revived, as in the case of Newark, by the sole act of the King: or, as in the cases of the Welch counties, of Chester, and of Durham, by the concurrent act of the King, Lords and Commons; in either case, a voluntary act of the King is necessary; in either case, therefore, the King may refuse to do that act.

Thus stands the case in England. How stands it in America?

In the original charters granted to the first adventurers in America, the idea of territorial representatives could hardly find a place. The first adventurers were considered as a trading company; the first settlers as servants acting under them. The Colonies were considered, not so much in the light of provinces, as of factories. For provisions for territorial representatives, it is not here, that we must look: we must go on to succeeding charters, when the colonies began to be considered as provinces.

1 See Douglas's history of the cases of controverted elections, vol. i. p. 68, 69, 70. Note (1), and the authorities there cited.

2 See the examination of these charters in the remarks on the 33d Parliament.
The directions given in these charters, on this point, are various. In some, not the number only, of representatives to be chosen, is fixed; but the places too which are to have the right of choosing them. In others, these points appear to have been originally left to the direction of the general assemblies, that is, of the Governor, Council and Freemen. In most of the proprietary governments, to the discretion of the proprietor.

So far, however, is it from appearing, that the Crown meant to give up, in America, that power which it retained and exercised in England; the power, I mean, of preventing the number of representatives from being increased, or the privilege of sending representatives from being conferred against, or even without its consent, that the Crown has actually retained, and actually exercised, the yet more important power of increasing the number of representatives; of conferring the privilege of sending representatives, by its own sole authority.

The province of New-Hampshire affords us a remarkable proof. Towards the beginning of the year 1745, the Governor of New-Hampshire had issued a writ to the sheriff of the province, commanding him to make out precepts for the election of persons to serve in the General Assembly. Beside the towns, to whom precepts had usually been sent, the writ commanded, that precepts should likewise be sent to other

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ARTICLE III.

Directions given in succeeding charters.

The Crown never relinquished the power of adding, or refusing to add to the number of representatives.

This power exercised in New-Hampshire in the late reign.
townships, newly erected. The precepts were sent, and members returned. But the house of representatives refused to admit them. This refusal was reported to his Majesty; the report was examined with great deliberation: the opinion of the great law-officers, the present Lord Mansfield, and the late Sir Dudley Ryder, was taken; and the event was, that in the year 1748 the Governor was directed to disolve that assembly, and when another should be called, to issue his Majesty's writ to the sheriff, commanding him to make out precepts to these new erected towns, for the election of members to sit in the assembly—And the rights of these members the Governor was commanded to support—Because—say the instructions—"His Majesty may lawfully extend the privilege of sending representatives to such towns as his Majesty shall judge worthy thereof." After many prorogations and alternate messages between the Governor and house of representatives, these members were admitted.

If therefore the Crown has retained the power of extending the privilege of sending representatives to such towns as his Majesty shall think worthy thereof; can any reason be assigned, why it should not retain the less important, less dangerous power, of preventing that privilege from being extended against, or without his consent?—I say less dangerous, because, though the former may, the latter cannot, be abused, to the purpose of acquiring unconstitutional powers. And could we, in defiance of the whole tenor of his Majesty's conduct, allow ourselves to suspect him of such a design, we should expect to find him profuse in the exercise of the power of ex-

1 See Douglas's Summary, vol. II. p. 35, 36, 73, 74, 75.
tending this privilege, rather than tenacious of the exercise of the power of restraining it, within its present bounds.

Thus far as to the exercise of this power in general. As to the exercise of it in the particular instance before us, the refusal of which, the Congress complains, did not, as they would have it understood, originate with his present Majesty: in making it, he only persisted in a plan, for wise reasons adopted by his royal predecessor.

By an original defect in the charter granted by King William to the province of Massachusetts Bay, the Council was left more dependent on the House of Representatives than was consistent with the right balance of power. Not only were the members of it annually elected, they were even amovible, by the House. In many cases the Council and House of Representatives sit and vote together. The suffrages are taken viri tim; the number of the Council is limited to twenty-eight, that of the Representatives amounts to a hundred and fifty. It is therefore obvious, that the power of deciding in all these questions is solely in the Representatives. As if this were not enough, some designing men contrived to throw more weight into the popular scale, already preponderant, by erecting new, and by sub-dividing large and well regulated, into small and jangling, townships. On all of these was the power conferred of sending representatives; a power which they exercised, or declined, just as it served the ends of party. Already did the number of representatives in this single province exceed that in five of the most considerable provinces around it: already had many inconveniencies been felt by the intrusion...
ARTICLE III.

The plan was adopted thirty years ago.

And therefore did not originate with his present Majesty, but was retained only as the reasons of adopting it still subsisting.

At last, about thirty years since, in the reign of his late Majesty, it was given in instructions to the Governor of Massachusetts's Bay, not to consent to the incorporation of any new townships, unless in the Act of Incorporation it were to be expressed, that they should not, in virtue thereof, lay any claim to the right of sending representatives to the General Assembly.

This plan then did not originate with his present Majesty, he found it adopted by his royal grandfather. And here I may venture to appeal, not to my fellow-subjects in Great Britain, but to the Americans, but to the members of the Congress; I may venture to defy even them to point out to me the moment, when it would have been prudent in his Majesty to have receded from it. Is it in times of popular tumults, that a wise government would diminish the checks on the excess or abuse of popular power?

m For the facts here alleged, see proofs in Douglas's Summary, vol. I. p. 215, &c. 376, &c. 489, &c.
ARTICLE IV.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depositary of their public records, for the sole purpose of fatiguing them into a compliance with his measures.

ANSWER.

There is something so truly ridiculous in this Article, that it is hardly possible to answer it with any becoming gravity. At the first blush it looks as if inserted by an enemy, as if intended to throw an air of ridicule on the declaration in general. Among reasons to justify a national revolt to find it gravely alleged, that the members of an assembly happened, once upon a time, to be straitened in their apartments, and compelled to sit on strange seats, and to sleep in strange beds—is, I believe, unexampled in the history of mankind. Sickly and feeble must be the constitution of that patriotism, which these hardships—dreadful as they are—could fatigue into a compliance with unpatriotic measures.

Let us however state the fact to which the charge alludes.

Towards the latter end of the year 1769, his Majesty received information from the Governor of Massachusetts...
chuset's Bay, of frequent riots excited, and outrages committed in the town of Boston. His Majesty was informed,—and the public acts and proceedings of the magistrates and council of the town confirm the truth of the information,—that these disorders were not to be attributed solely to the disposition of the lower class of the people, but that they were countenanced by those to whom the administration of government was, by the constitution, entrusted. The council refused to advise the Governor; the justices to co-operate with him in the suppression of these disorders. It should be remarked too, that it was not at this particular moment that these disorders commenced; they were of long continuance. Already had his Majesty been under the necessity of stationing troops in the town, to preserve the lives of his Governor, and such of his civil officers as recognized the authority of the King and Parliament.

Both these circumstances might well be considered as objections to the holding of the general court at Boston. By men who were ready to carp at any thing, the presence of the troops might be represented at least, if not really considered, as a restraint upon the freedom of debate; by men who wished conscientiously to discharge their duty, the dread of an insulting mob, and the certainty of being unprotected against it, were real restraints.

For these reasons, as well—as the instructions to the Governor—"to obviate any objection on account of the troops, as to shew a proper resentment of the behavior our of the inhabitants of Boston,"—it was thought expedient that the Governor should meet the general court at Cambridge.
An addition there was to these instructions, which now, that it is the object of the Congress to insult his Majesty, they think proper to suppress; but upon which then, when it was their object to blacken the Governor, they insisted with vehemence.—It was still left to the Governor's direction, not to meet the assembly at Cambridge, "if he should think"—so say the instructions—"there were reasons to the contrary of such a nature as to outweigh these considerations.*"

See then to what this mighty charge amounts—His Majesty desirous, on the one hand, that the presence of his troops should not seem to restrain; and, on the other, that the outrages of an ungovernable mob should not actually restrain the freedom of debate, instructed his Governor to meet the general court at a place where both these objections would cease.

ARTICLE V.

He has dissolved Representatives Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

ANSWER.

To this article little can be said. The charge contained in it amounts to nothing. It states only, that

* See the Boston Gazette of June 29, 1775.

his
his Majesty has exercised a power, which has always been considered as inherent in the crown.

In England, as well as in America, the laws indeed have guarded, with anxious concern, against the power of the Crown, to prolong beyond certain periods, the existence of the same representative bodies; the power of shortening their existence was never yet disputed. We have already quoted one instance of its being exercised in America, by his late Majesty; more might be adduced. Once, and but once, in England, was it thought expedient to rob the Crown of this power. The attempt was made; it succeeded; and—mark the consequence—the constitution perished.

To the exercise of the power itself then—the power of dissolving the Houses of Representatives, whenever his Majesty shall see fit—they dare not object. To the particular instances, in which his present Majesty has exercised that power, what is their objection? It amounts only to this, that certain Acts appeared in different points of view to his Majesty and the Houses of Representatives. This power was exercised—says the Congress—"because the representatives opposed, with "manly firmness, his Majesty's invasions on the rights "of the people." Could they say less? Could they acknowledge, that what they stigmatize as "invasions on "the rights of the people of America, were indeed only "acts done in defence of the just rights of the Parliament and people of Great Britain?"

But which, after all, is true? Were the acts which the Assemblies opposed, as it is boasted, "with such "manly firmness," and for their opposition to which they were dissolved, "invasions on the rights of the people; or were they only done in maintenance of the rights of the
the King and Parliament? Was not the opposition of the Assemblies to these Acts, of such a nature, and conducted in such a manner, as not only to justify, but even compel, a dissolution? To answer these questions, it will be necessary to examine and state the causes for which they were dissolved.

The first instance of the exercise of this power in the present reign, among the revolted Colonies, was, I think, in the year 1768, in the Colony of Massachusetts. The occasion was this: Offence, it seems, had been taken at an Act of the British Parliament, imposing certain duties on certain goods imported into America; the produce of which duties was appropriated to the support of the Government of America. The leading men at Boston thought it not enough, as private individuals, to enter into engagements, highly prejudicial to the commerce of Great Britain, and tending to defeat the provisions of the Act which had offended them; but they determined, if possible, to draw the other Colonies into the same engagement: And to give a degree of dignity, as well as to insure success to the measure, the invitation was to be made, not from individual to individual, but by circular letters, written in the name, and signed by the Speaker, of the Assembly of Massachusetts; and addressed to the Speaker and Assemblies of all the old Colonies on the Continent. In these letters it was declared,—"That the rights of the Colonies had been infringed by the King and Parliament—That the Acts of the British Parliament were inequitable—That worse was yet to be expected." The other Colonies were invited to combine—(the Congress will for once allow me the use of its own favourite term)—in rendering the
 ARTICLE V. 

An ineffectual, and in bringing about its repeal. Unconstitutional, illegal, unjustifiable, as such a step must appear; subversive of all government as was the combination, which this letter advised; destructive as it was of that subordination, which had hitherto connected the Colonies with Great Britain; of that peace and good order, which are the cement of all society; his Majesty was unwilling to proceed with any degree of severity against the authors of the letter. A door was opened for an honourable retreat. His Majesty was willing to consider the resolution, which gave birth to the circular letter, as an act, which had been obtained by surprize, at the end of a session, in a thin house. He therefore contented himself, with ordering his Governor, to require the succeeding Assembly to rescind the resolution; and to declare its disapprobation of, and dissent to, so rash and hasty a proceeding.

By a compliance with this requisition—as some among the Americans, at that time, honestly confessed—they might have retrieved this hasty step, "with a full saving of all their rights and privileges." So far from complying with it; so far from adopting the expedient, so kindly held out to them, they rejected it with scorn: They boasted, that the resolution was made by a great majority of a full session: They went farther, they adopted the measure, they maintained its legality. In vain did the Governor urge them to a compliance with his Majesty's requisition; in vain did he forewarn them, that a dissolution must be the consequence of their obstinate refusal. They persisted; they would not retreat, they would not rescind: Nay, as if their conduct were free, not only from the taint

4 In a letter from the town of Hatfield to the town of Boston, Sept. 23, 1768.
of guilt, but even from the breath of suspicion, they determined, that it must have been misrepresented; that this could have been done by the Governor alone; and therefore, instead of recinding the resolution, they were preparing a petition for the removal of the Governor, who had dared to signify his Majesty's pleasure, that the resolution should be recinded. Then indeed—when all matters of a public and private nature laying before the general Court, were now fully considered, and decided; when all then proposed to be done, was done;—have only this new insult which they meant to offer to the Crown;—this factious Assembly was dissolved.

The assembly of Massachusetts was again dissolved in the year 1774, for assuming to itself the right peculiar to the British House of Commons, of impeaching, and for attributing to the Council, the right peculiar to the British House of Lords, of receiving and trying impeachments. Had this pretension been allowed, what would have been the consequence? The Council would soon have erected itself into a Court of Appeal in dernier resort. The judicial power, denied by an express Act of the British Parliament to the House of Lords in Ireland, would have been assumed by the Council of every little province in America. Was this too an invasion of the rights of the people of America? Or was it only the maintaining of the rights of the British Parliament?

*Their next step, perhaps, would have been, a petition that his Majesty would be most graciously pleased to remove his self from being their King, for having dared to exercise a power inherent in his Crown. —And his tyrannical refusal would have lengthened the alarming articles of their Declaration.*
ARTICLE V.

Of the Assembly of Virginia in the same year 1774.

In the same year, the Assembly of Virginia was dissolved for practices little short of treason; for voting the Acts of the British Parliament injurious to the rights of America; for appointing days of fast and humiliation, to implore the divine grace to give them one heart and one mind, in resorting those Acts; for forming illegal combinations to support the Bostonians in their resistance.

Of another Assembly of Massachusetts in the same year 1774.

In the same year, yet another Assembly of Massachusetts was dissolved, for sending Committees to the Congress; for taking on itself the whole power of Governor, Council, and Assemblies; for levying taxes by its own sole authority; for appropriating, by its own sole authority, the taxes to the purpose of furnishing salaries to men deputed to assist at an Assembly unknown to the law.

Necessity of the dissolution.

In the Act of the British Parliament, which gave rise to these proceedings, there was no invasion of the rights of the people. Nothing was done by it, but what Parliament had been accustomed to do. In the mode of resorting it, there was a manifest invasion of the rights of the Crown, of the Parliament, and even of the constituent branches of their own legislatures. Under these circumstances, what was His Majesty to do? There have been reigns, and those not the least popular in our history, when the offensive votes would have been taken off the file; when the Assembly would not have been required, but the Governor would have been commanded, to rescind them. His Majesty pursued a milder measure. The offence had been unprovoked; he proposed, that the return to duty should be voluntary: They rejected the offer; they would not return. What could he do less than dissolve
dissolve them? Either the British Parliament must repeal its Acts, or their Assemblies must rescind their resolution. The constitutional authority of the one, could not stand with the assumed authority of the others; they refused to rescind; his Majesty was reduced to the alternative of dissolving the Parliament of Britain, or the Assemblies of America. And indeed it deserves remark, that the partizans of America in England, at that time, did not cease to besiege the throne with addresses, and remonstrances, and demands, couched under the name of petitions, to dissolve the British Parliament, for having maintained the rights of Great Britain; whilst they imputed it as a crime to have dissolved American Assemblies, for having invaded these rights. Surely these men think, that the Constitution has vested the power of dissolving in the hands of the Crown, on purpose that it may be exercised, not in conformity—but in direct contradiction—to the judgment of the Crown.

ARTICLE VI.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state
ARTICLE VI.

State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

ANSWER.

In some Colonies, the time of summoning the General Courts is left to the discretion of the King in council; in others, there are stated periods, at the expiration of which, they are, by law, to be summoned. As to the first, in exercising his own judgment, with the advice of the Privy Council, his Majesty has done only what the Constitution supposes him to do. As to the latter, it will be sufficient to ask, whether his Majesty deferred the summons, beyond the periods fixed by the constitution? That he did, is what the Congress dares not assert. Where then is the charge? His Majesty exercised his discretion, as to the time of summoning the General Courts, in the manner, and for the ends, prescribed by the Constitution.

For it should be remembered, that this delay in assembling other, was the necessary consequence of having dissolved the former, Assemblies.—Why had they been dissolved? For bold encroachments on the rights of the Parliament and people of Great Britain. Would it have been consistent; would it have been prudent, to have issued writs for the summoning of a new Assembly, whilst the people and their Representatives were inflamed with the notion, that, in encroaching on the rights of Britain, they were only defending their own? Was it not more consistent, more
more prudent, to give time for this madness to subside? To leave the electors at leisure to reflect on the probable tendency of the conduct of their Representatives?

The consequences drawn by the Congress from this charge, are too singular to pass unnoticed. For, in the first place, these great statesmen, and acute legislators, have discovered, that by this refusal of his Majesty to call a new Court, before the Constitution required it to be called, "The legislative powers, incapable of qunibilisation, have returned to the people at large for their exercise."

This maxim, I presume, is general: As good on one side of the Atlantic, as on the other. Hence then we learn, that, in this country, during the annual prorogations, and between the septennial dissolution of one, and the election of another, Parliament, the legislative powers return to the good people of England. They may repeal all the laws enacted by Parliament—impose new taxes, create new offences, invent new punishments. A discovery which will not fail to astonish, as well my Lords the Judges, as the writers on our law.

In the next place, they have discovered, that, during this interval, "the state"—meaning the respective Colonies—"remained exposed to all the dangers of invasion from without, and convulsions within."

As to the danger of invasion from without, how the dissolution of their General Courts should invite, or their being assembled, should repel it, is more than I am able to conceive.—Non tali auxilio—Non bis invenitribus.
(40)

ARTICLE VI.

defensoribus—must this ungrateful country secure itself from foreign invasion. These invasions have been repelled, have been for ever prevented, by the courage of that people, by lavishing the treasures and the blood of that nation, by the armies, the victories, and the treaties, of that Prince, whom they now so ungratefully revile.

As to the danger of convulsions within, so far were their Assemblies from repelling, that it was factious resolves which excited, cherished—in the eyes of a deluded multitude, more than legalised—also sanctified them.

ARTICLE VII.

He has endeavoured to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

ANSWER.

To prevent the population of a kingdom, is to diminish the number of subjects. That a King, who is not mad, should wish, and, in consequence of that wish,
with, should deliberately endeavour, to diminish the number of his subjects, whilst they continue to be his subjects, is an imputation, which nothing, but the extreme malice of it, could save from being ridiculous. Not only the imputation is not true, but it is impossible it should be true; but it is impossible, that any man of common discernment should believe it to be true of any King. Of all Kings, it cannot be true of such a King as it is the design of this declaration to represent his present Majesty to be. That a King, through an inordinate thirst of power, should study to diminish the number of his subjects, is just as probable, as that, through an inordinate thirst of money, he should study to diminish the sum of his revenue.

The proofs, alleged in support of this charge, are as false and futile, as the charge itself is incredible.

His Majesty, they allege, "has obstructed the laws for the naturalization of foreigners; refused to pass others to encourage their migrations thither; and raised the conditions of new appropriations of lands."

"His Majesty has obstructed the laws for the naturalization of foreigners."—By the laws, are meant the laws of the respective provinces. How comes it, that local, subordinate legislatures should assume the power of making laws for naturalization? Of what country are persons thus naturalized to be reputed natural-born subjects? Is it of the whole British Empire at large? And is the jurisdiction of these local legislatures so extensive! The idea is too ridiculous to be admitted. Is it only of the particular province, where
where the law should be passed? How would this encourage the migration of foreigners? What advantage would it be to a foreigner to be a denizen on this side of a river, and an alien on that? So far from an advantage, it would serve only as a trap to ensnare him.

It is curious, mean time, to observe the inconsequence of these men. At one moment they insult his Majesty because he exercises his undoubted prerogative, of disallowing, or refusing to pass, such of their bills as he disapproves. At another, they impute it to him as a crime, that he will not, by his sole authority, suspend, or repeal, Acts of the British Parliament. To have consented to the Provincial Laws for naturalization, and for encouraging the migration of foreigners thither, he must have suspended, or repealed, Acts of the British Parliament. The Act for regulating abuses in the trade of the Plantations, lays particular restrictions on foreigners. And who among the emigrants shall cease to be foreigners, and on what terms, the Parliament has not left it to the King; it has taken on itself, to determine.

A singular instance of this is on record. A foreigner was naturalized by the Assembly of New-York. Conceiving himself to be a natural-born subject, within the meaning of the act of 12 Car. II. he bought a vessel, and went on a trading voyage. The vessel was seized, and confiscated. The man appealed to the Privy Council, where the sentence of the Admiralty Court was affirmed. The Privy Council being clearly of opinion, that no act of a local subordinate legislature could vacate, or extend the provisions of an act of Parliament.

9 7, 9 Will. cap. 22.

1 By 19 Geo. II. cap. 7,—20 Geo. II. cap. 44,—22 Geo. II. cap. 45,—29 Geo. II. cap. 5,—3 Geo. III. cap. 25. By this last Act, passed under the reign of his present Majesty, who is insulted for obstructing the naturalization and migration of foreigners, the privilege of natural-born subjects is granted to those who shall serve, though it be only two years, in the American wars.
AND is it a grievance too, that his Majesty has raised the purchase and quit-rents of the ungranted lands in America? It has always been conceived, that these lands are as much the property of the King, as the private estate of an individual is the property of that individual. If the value of money decrease, and the value of land increase, is it unjust to raise the purchase or the rent? Does the augmentation of the purchase, or the rent of the royal lands, bear any proportion to the increase of their value? Does it even bear any proportion to the augmentation in the purchase and the quit-rents of the proprietary land's? The proprietors of Pennsylvania and Maryland set the example, yet against them no complaint, no murmur has been heard.

ARTICLE

In Pennsylvania lands were originally granted without paying any, or at most only a trifling purchase-money; now for every hundred acres of uncultivated land, five pounds sterling are paid as the purchase-money, and one penny sterling as the annual quit-rent.

In Maryland, for every hundred acres of uncultivated land, the purchase-money is risen, since the year 1738, from forty shillings to five pounds sterling; and the annual quit-rent from two to four shillings sterling: subject moreover to a fine of one year's rent on every alienation.

In both these provinces fees are paid by the grantees through every stage of the process.

The Crown is to receive four shillings proclamation money, equal to three shillings sterling, as an annual quit-rent for every hundred acres of uncultivated land. No purchase-money was given, but the charges of surveying were paid by the grantees.

Now for the amazing rise in these conditions, so feelingly regretted by the Congress. The Crown at present directs the Surveyor-general to set out allotments of lands, as persons appear desirous of making new settle-

ments. The lands thus allotted are put up to public auction at six pence sterling per acre. If no person bid more, they are sold at that price, with-
ARTICLE VIII.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

ANSWER.

There is not, perhaps, in the whole science of government, a point more difficult than the regulation of the judicial power. There is nothing upon which the peace of individuals more immediately depends; nor can any material change be made in the regulation of this power, without, in the event, affecting the whole constitution. It is therefore, of all others, the point in which a wise government will be most fearful of admitting alterations.

It will not therefore appear strange, that his Majesty should have been very delicate on this point. That he should have been very averse to giving his assent to laws, whose object was to establish new judicial powers, or to admit any new regulation in those already established.

For the reader is not to imagine, that there exists a single colony, where judicial powers, where courts of justice,
out any other charge whatever. The charges of surveying are no longer paid by the grantee, but by the King out of the funds arising from the sale.

Terrible no doubt is the check thus given to population!
justice are not established. They are established in all. In all those who have sent deputies to the American Congress, these powers are regulated, as near as may be, on the model of the judicial power in England.

Some of the Colonies wished to introduce innovations, to establish certain courts of justice upon principles which seemed to His Majesty to clash with the general principles of the Constitution. To the establishment of these courts the King refused his assent.

"Nolumus leges Angliae mutari," was thought to be expressive of the height of patriotism in the mouths of the barons of old. It was referred to the American Congress to discover, that an unshaken attachment to the established principles of a free constitution is a proof of tyranny and usurpation in a King.

ARTICLE IX.

He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

ANSWER.

If, with their allegiance, the Members of the Congress had not thrown off all sense of shame, this article would never have found a place in the list of their grievances.

THAT
That the Judges should depend upon the King for "the tenure of their offices," is no innovation. From the first establishment of the Colonies to the present hour it has been so. The commissions of the Judges have always been during the good pleasure of the King. At such a distance from the seat of government no danger can arise from it. It might perhaps be less consistent with the spirit of the Constitution, that their commissions should be for life, than during the pleasure of the King.

That they are become dependent on the King "for the amount and payment of their salaries," reflects the highest shame upon the Colonies—Was it a voluntary act of the King? No. The regulation was forced upon him.

Every Governor is instructed to demand a permanent salary for his self and the Judges. The demand is constantly made, and has been as constantly refused. It was the policy of the colonies to keep the Judges dependent on the deputies of the people for a temporary, wretched, and arbitrary support.

Was it reasonable to expect, that Judges, under such circumstances, should firmly maintain the rights of the Crown, or enforce the laws of trade, or in any case faithfully discharge their duty, in opposition to the overbearing spirit of a democracy, or even to the passions and prejudices of the multitude? Could it even be expected, that the rights of individuals would be better protected than the rights of Government? Must not all redress of wrongs done by a more, to a less, powerful
powerful subject, be desperate and unattainable? It might well be expected to happen, and accordingly we learn from the best authority, that it actually did happen,—"That all business of any moment was carried by parties and factions, and that those of great power and interest in the country, did easily overbear others in their own causes, or in such wherein they were interested, either by relation of kindred, tenure, service, dependence, or application."

In this situation what was his Majesty to do? Conquer the obstinacy of the Colonies on this head he could not. In vain he exhorted them to make the Judges independent: what they fully refused, as far as he could do, his Majesty did: he appointed them salaries, as fixed and certain as any act of his alone could make them. The concurrence of Parliament was necessary to give them permanence.

Meanwhile the dependence of the Judges on the Crown is infinitely less entire, and less likely to be abused, than that dependence on the people we have above described. And surely, were it possible his Majesty could wish, yet could he never hope, to render any part of the magistracy half so dependent on his self, as the rebellious party has, from the beginning of these disorders, rendered the whole of it dependent upon them. From his Majesty's displeasure, however just, all they could have to fear, would be the loss of their offices and salaries. From the rebels, by adhering to their duty, their fortunes and their lives were alike in jeopardy.

* Quoted from Lord Chief Justice Hale, and applied to the Colonies by the Author of "the Administration of the Colonies," vol. i. p. 110.
ARTICLE X.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their subsistence.

ANSWER.

To articles, thus generally worded, it is not always easy to give an answer. In the instance before us, however, we are under no difficulty. The "multitude of new offices created, and the swarms of officers sent "over to America," under the present reign, consist, first, in a Board of Customs; and secondly, in additional Courts of Admiralty.

As to the Board of Customs, the reasons of that establishment are expressed in the preamble of the Act. There it is we learn, that the officers, who had been appointed in virtue of an Act of Charles the Second, were obliged to apply to the Commissioners in England for special instructions in particular cases; that hence all who were concerned in the commerce of the Colonies were delayed and obstructed in their commercial transactions; as a relief therefore to merchants and traders, his Majesty is empowered to appoint Commissioners of Customs, with the same powers as are exercised by the Commissioners of the Customs in England.

To cite the reasons of establishing this Board, is at once not only to justify the establishment, but to prove its utility to the very men who complain of it.
But "the swarms of officers" required to carry the Act into execution "eat up the subsistence of the people"

With what indignation must this charge be received, when it is known, that to these officers, no salary was given by the Americans; no salary demanded from them? When it is known, that by no less than three several Acts of Parliament, it is provided, that these officers shall take only the accustomed fees? The payments to be made depend now, as they ever have done, on the greater or less quantity of exports and imports; not on the smaller or larger number of officers appointed to receive the duties.

The Courts of Admiralty were multiplied for the same benevolent purpose, of giving ease to the Americans their selves. That the defendants might not be forced, in the first instance, to apply to a general court, held perhaps at an inconvenient distance; nor in the dernier resort, to appeal to the Courts in England. Before they complained "that the means of justice were so remote, as to be scarcely attainable."

Now they complain that the means of justice are brought to their own doors.

It was said of some one, that he had a most convenient memory: of his credits no man so retentive; of his debts no man so forgetful. This convenient memory seems to have been inherited by the Members of the Congress. Is there a circumstance, which can by any means be misrepresented so as to appear to be a proof of innovation, or oppression? it is sure to be seized. Is there a circumstance which no art can tor

5 Geo. III. c. 45.—10 Geo. III. c. 37.—12 Geo. III. c. 56.

* In a petition from New York, recited in "the Administration of the Colonies," vol. i. p. 266.
ture so as to make it appear to be other than beneficial? It is sure to escape them. They forgot to tell us, that no new power is given to these officers; that the Board of Customs continues to exercise only the same power, that the English Commissioners had always exercised; that the new Courts of Admiralty continue to exercise only the same powers, as had been always attributed to the ancient Court. They forgot to tell us, that the salaries of the officers of the four new Courts of Admiralty are fixed; never vary: that these salaries arise, in the first place, from the produce of the forfeitures; that if any deficiency remain, that deficiency is made good out of the produce of the old naval stores: they forgot to tell us, that this is a fund purely British: they forgot to point out to us how beneficial an improvement was hereby made on the institution of the ancient Courts of Admiralty. They forgot to tell us, that the salaries of the officers of the ancient Courts were not limited: that they arose entirely from a certain rate assessed upon the forfeitures; were the forfeitures many and considerable? the salaries rose;—were they few and inconsiderable? the salaries fell.—See now the mighty injury done to the Colonies: Justice is brought home to them: the means of acquiring it are at hand, and cheap. The temptations to injustice removed from the officers. To the salary of the officers no honest citizen in America is to contribute. Of one class of people, and of one only, can they devour the subsistence. Will the Americans confess, that the class of smugglers is so numerous in that country, as to entitle them to be called—by way of eminence—the people?
ARTICLE XI.

He has kept among us in times of peace standing armies, without the consent of our Legislatures.

ANSWER.

To this article, a fuller and more complete answer cannot perhaps be given, than what has already been furnished by one of the warmest advocates of the Colonists.

In a Bill brought into the House of Lords by this distinguished personage, it was thought necessary to animadvert upon this pretension of the Americans; viz. "that the keeping a standing army, within any of the Colonies, in the time of peace, without consent of the respective Provincial Assembly there, is against law." High as be the esteem which the framer of this bill professes to entertain for America; yet, too sensible is he, not to think his self bound to guard against the pretence so arrogantly set up by these local, subordinate legislatures, of dictating to his Majesty in what parts of his empire he may or may not station his troops. Against this unconstitutional claim, one article of the bill was directly levelled. It is there asserted—"that the declaration of right at the ever glorious Revolution," namely, "that the rising and keeping a standing army within the kingdom, in time of peace, unless it be by consent of Parliament, is against law," "had reference only to the

a In the Bill brought into the House of Lords in the first session of the present Parliament, by Lord Chatham.
“content of the Parliament of Great Britain.” It is there asserted, that “the legal, constitutional, and hi-
thereto unquestioned, prerogative of the Crown, to send
any part of such army, so lawfully kept, to any of
the British dominions and possessions, whether in
America, or elsewhere, as his Majesty, in the due
care of his subjects, may judge necessary for the se-
curity and protection of the same, cannot be rendered
dependent upon the consent of a Provincial Assembly in
the Colonies, without a most dangerous innovation, and
derogation from the dignity of the Imperial Crown of
Great Britain.”

To stop here, would be to do injustice to his Majesty:
to state, that in doing what he did, he exercised only
a prerogative legal, constitutional, and hitherto un-
questioned, is indeed fully to defend the measure; is to
obviate every legal objection that can be made to it.
But this is not enough: the measure deserved praise.
Consider a moment; when was it that these troops
were stationed in America? At the close of the last
war. During that war, Great Britain had paid an
immense army of foreign troops; had given large sub-
sidies to the Princes of Germany. To provide for the
payment of these troops, and subsidies, she had almost
doubled her debt. The interest of this debt is to be
paid; the principal, gradually to be sunk by taxes to be
levied on the subjects residing in Great Britain. Dur-
ing the same war, Great Britain had embodied and paid
a militia of more than thirty thousand men. To raise
this militia, the ablest hands were taken from the far-
mer and the manufacturer of Britain; to pay them,
the purses of the British subjects were drained; to
find them winter-quarters, the houses of British
subjects
subject were crowded. To what purpose this profusion of expence? these preternatural exertions of power? To comply with the prayers of America; to conquer the enemies of America. How, mean time, was the bulk and the flower of the national regular troops employed? How, but in fighting the battles of America? What remained of these gallant troops, after the multitude who had shed their blood in the cause of America, were there at the end of the war. And was it too much to expect that these troops should be stationed for a while in a country which they had so gallantly defended? Surely it was but just in his Majesty to station his troops, that they who had reaped the greatest advantages from their courage in time of war, should contribute a little to their convenience in time of peace.

It is not now the legality of the measure we are defending, it is the wisdom, the policy of it. Here then we may add, that, during the course of the war, his Majesty’s dominions in America had been extended, new

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In the year 1754, the Colonies acknowledged his Majesty’s “ paternal care for the security of his good subjects of the Provinces” represented that “the encroachments of the French threatened great danger, and perhaps in time, even the entire destruction of the Colonies, without the interposition of his Majesty, notwithstanding any provision they could make to prevent it,” humbly professed “their reliance on his Majesty’s paternal goodness, that he would take effectual measures for the removal of the French.” Since the cause of their fear is removed, they have discovered that it is all a mistake; that they never had cause of fear; and consequently, that they can be under no obligation to us for having removed what never existed.

The great conductor of the last war justified the employing so many troops and paying such large subsidies, in Germany, on this very ground “America, he said, was conquered in Germany.”

* See addresses of the Provinces of Massachusetts and Virginia, and of the Commissioners assembled at Albany in 1754.
ARTICLE XI.

countries acquired, new subjects submitted to his government. It was but common policy to maintain such a force, in the neighbourhood of countries so lately acquired, as might ensure the allegiance of subjects who had so lately submitted.

Nor is this all; peace was restored to Europe, but not to America: the French had laid down their arms, not so the Indians; they continued their incursions and depredations on the provinces of Virginia and Pennsylvania. To quell the Indians, to drive them from the very people who now complain that the troops were stationed there, were those very troops employed. In what they call a time of peace, a war was waging in their behalf, by the troops of the Crown, at the sole expense of the Crown.

ARTICLE XII.

He has affected to render the military independent of, and superior to, the civil power.

ANSWER.

No act of his Majesty's government, this general charge, unsupported by any proof, by the shadow even of a proof, can be meant to allude, is more than I can take upon me to determine, or even to guess. By what act has his Majesty declared, that the soldiers of any regiment or corps, that the officers, that the commander in chief, should be unamenable to the
the civil courts for civil offences? Has not one officer been tried for his life? How then has he affected to render the military independent of the civil power? If dependent on the civil power, they cannot be superior to it.

In civil matters they are dependent on the civil Magistrate; the powers only, which are necessary for the discipline and government of the troops, are lodged in the hands of a commander in chief. In the same hands were they lodged during the reign of his Majesty's royal Grandfather. There his present Majesty found, and there he left them.

It was during the late reign, in the year 1756, that a Commander in Chief of the forces in America was first appointed: the first Commission was given to Lord Loudon: and that Commission was drawn up by a man, distinguished for his knowledge as a statesman, his abilities as a lawyer; and yet more distinguished by his zealous attachment to the constitution of this country. He at that time held the seals: he affixed them to the Commission. The form of the Commission, the powers conveyed by it, remain the same to this hour: by his present Majesty, no alteration has been made; no new powers have been conveyed to the Commander in Chief.

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4 His Lordship was at the same time appointed Governor of Virginia.
Sir Jeffry Amherst succeeded him in both these employments.

* Lord Hardwicke.
ARTICLE XIII.

He has combined with others to subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws; giving his assent to their pretended acts of legislation.

ANSWER.

Here it is that the Congress throws off the mask. Those who are so respectfully described by the term of others; with whom the King is so respectfully said to have combined; and to whose jurisdiction the purpose of this combination is to subject the Americans, are the Lords and Commons of Great Britain.

Here then it is, that the authority of Parliament is totally and fully disclaimed; the exercise of that authority is declared to be, and ever to have been, an usurpation; all Acts of Parliament are ranked indiscriminately under the appellation of pretended Acts of Legislation: they are not marked as exertions of a power legal indeed, but from the abuse of it become tyrannical; and, as such, of a nature to provoke, and by the enormity of them, to justify, resistance; but as pretended acts of legislation, exertions only of a pretended power; and therefore, ab initio, and of their own nature, void.

Whose acts is it that they are said to be? Acts of a "jurisdiction foreign (say the Congress) to our constitution." It is the whole jurisdiction then of Parliament, and not any one or more particular mode of its being exercised, "that is foreign to their constitution."
"tion." The grievance is not any abuse of the jurisdiction, but the very exercise.

As much as this jurisdiction is now foreign to their constitution, just so much it must always have been; for they do not, I suppose, mean to speak of their constitution, as of a thing that has sprung up in the present reign. Every A& then, by which any jurisdiction was ever exercised over this people, by any King in any Parliament, has been an act of lawless violence; the act of a gang of criminals; a conspiracy; a combination. The two Houses of Parliament are not, nor ever were, legal Assemblies; not bodies of men characterizable by any legal name; but unauthorised, "unacknowledged," individuals.

Under this load of imputation it must be some comfort to his Majesty to find, that in this instance, as in all those, which have been already, or will be hereafter cited, the crimes alleged against him, are no other than what are common to him with his illustrious Grandfather, with the whole train of his royal predecessors; and with the whole succession of British Parliaments. And, in truth, to his Majesty, in common with these illustrious partners, may it be imputed, that ill-requited indulgence and unmerited fostering care, have pampered a desperate party among these men, till they have at last risen to this enormous pitch of insolence.

Entertaining, professing to entertain, these sentiments, what disposition there can ever have been in them, to acquiesce in any dependence on Parliament; what degree of truth there can have been in their frequent acknowledgments of subordination to Parliament, of their readiness to submit to, what they called, its legal orders; what degree of sincerity in those fair offers of recon-
reconciliation, they so lately thought it advisable to pretend at least to make, let every loyal American, let the whole British nation, let all Europe judge.

ARTICLE XIV.

For quartering large bodies of armed troops among us.

**ANSWER.**

This article, so far as it relates to the bare stationing of the troops in America, has been already answered under the eleventh article.

So far as it relates to the providing of quarters for the troops, it scarcely deserves an answer. The one is the necessary consequence of the other. If troops may be stationed in America, quarters must be provided for them in America. If troops be stationed for the purpose of protecting a particular place, quarters must be provided in, or near that place. If the Provincial Magistrates be either not empowered, or not inclined; and if the Provincial Assemblies will not, or cannot, empower, and even compel the magistrates to assign such quarters, what is to be done? One only body there is, whose controlling power superintends the whole of the empire; that body is the Parliament. From Parliament therefore the magistrate must receive those powers which he cannot obtain from the Provincial Assemblies.
Far indeed was the Parliament from exerting, on this occasion, a greater power than other Parliaments have exercised over other parts of his Majesty's dominions. But a few years after the Revolution, we meet with a vote of the House of Commons, carried afterwards into execution by an Act of Parliament; by which, not only the number of forces to be kept in Ireland is ascertained; but it is enacted likewise, that Ireland should—not provide quarters, but—maintain (say the votes) "maintain at its sole charge" (says the Act) the forces in consequence of this Act to be kept in Ireland.

That there was any thing oppressive in the mode of quartering, is not pretended; it is the quartering them at all; it is the quartering them there, where their service might be required; that is the grievance alleged. So tender was the British Parliament, so very delicate on this head, that even in the year 1774—when an open rebellion was commenced, when acts of coercion were necessary, when the severest measures would have been justified—it allowed the Commander of the British forces to deviate from the laws then in force, as to one particular alone. In towns, where barracks were built, it left it indeed to his discretion to quarter his troops in those barracks, or in the town, as he should judge it most convenient for his Majesty's service. In every other respect, he was commanded to quarter and to billet them in such manner as was then directed by law.

2 10 Will. III. c. 1.  & See 14 Geo. III. c. 54.
ARTICLE XV.

For protecting them by a mock trial from punishment for any murders which they should commit on the inhabitants of these states.

ANSWER.

Were this the first humble appeal which the chiefs of the rebellion had made, it would be difficult to guess, at what Act of his Majesty's reign this frantic charge could be levelled.—Would any sober man imagine, that the Congress were speaking of an Act, whose avowed and real object is, "the impartial administration of justice?" That they could stigmatize, as being made for the express purpose of protecting the troops from punishment, an Act from the very beginning to the end of which, not a word, not a syllable occurs about the troops? Yet so it is.

The Act to which this article alludes, was passed in the year 1774. At that time, not only, as it is expressed in the preamble, "had an actual and avowed resistance, by open force, to the execution of certain Acts of Parliament, been suffered to take place unf" controled and unpunished, in defiance of his Majesty's authority, and to the utter subversion of all lawful
"lawful government." But farther, the very power of Parliament to pass these acts, or indeed any acts, binding on the Colonies, was now as openly called in question.

Under these circumstances what was to be done? Two ways only presented their selves. The one, to *repeal* the Acts and *recall* the persons appointed to carry them into execution; the other to *enforce* the Acts, and *support* the persons.

Those who advised at that moment, and under those circumstances, to repeal the Acts and recall the persons, advised, in other words, to give up America.

If to that advice no attention could be paid, the laws were not to be repealed; they must therefore be enforced; the persons appointed to carry them into execution were not to be recalled; they must therefore be supported. How could they be supported, unless in the discharge of their duty, Government held out to them legal protection?

To the execution of the laws, open force *had been opposed*; to those who had attempted to carry the laws into execution, open violence had been offered; the temper of the people was not changed; what *had happened* would probably happen again; in such case, force was to be repelled by force. From such a conflict, deaths might ensue.

If in their own defence, if in repelling the unlawful attacks of men, who obstructed them in the execution of their duty, a Magistrate, a servant of the Crown, civil or military, had killed an insurgent, what would have been his fate? To have been tried by a jury, parties perhaps in the insurrection, assuming as law, that the Act commanded by Parliament was *illegal*, and therefore every thing done in defence
article xv.

The alternative to be maffacered by a mob, or murdered by the hands of pretended justice. To prevent this, the scene of trial and the persons of the triers were changed, a thing practiced in England, &c.

fence of it, illegal too, and therefore every killing murder.

It was not, in the nature of things, that under these discouragements, the servants of the Crown should discharge their duty; the probable alternative was either to be massacred by the mob, or murdered by the hands of pretended justice.

How were these difficulties to be obviated? There have been parliaments, who would have gone a very short way to work; who would not have flaid to untie, but would have cut the knot. They would have suspended the ordinary courts of justice, appointed special commissioners for the trials of the culprits, or have established martial law.—Instead of this, what was done? the ordinary courts of justice were not suspended, no special commissio was appointed; martial law was not established; the mode of trial was not altered, it was left to a jury; care only was taken, that the jury should be men "most sufficient, and least suspicious." And that was effected by an expedient practiced often in England, and in Wales, upon least urgent occasions; practiced in Scotland, when Scotland was in rebellion. The scene of trial only, and the persons of the triers, were changed.

That the intent of the Act might not be mistaken; that it might appear upon the face of it, to be adapted only to the then tumultuous state of the Colony, it was declared to be a temporary Act, to be in force only for three years; to operate only as to persons acting

1 Description of a jury, 28 Edward I. c. 9. That a jury should be composed of men most sufficient, and least suspicious, must be always a circumstance anxiously to be desired; that it should be composed of men of the vicinity is often a circumstance to be as anxiously avoided.
in their duty as Officers of the Revenue, or as Magistrates, or under the order of Magistrates; nor to extend even to them, but upon information upon oath, that the indictment or appeal is brought for acts committed under these circumstances; upon proof, moreover, that an indifferent trial could not be had on the spot.

To suffer the trial to take place in the scene of insurrection, in the midst of the insurgents; to appoint the insurgents their selves to be judges, would deserve a severer reproach, even than that which these men audaciously throw upon his Majesty.—It would be to command the innocent to be murdered by a mock trial.

**ARTICLE XVI.**

For cutting off our trade with all parts of the world.

**ANSWER.**

If the cause of rebellion admitted of ingenuousness or candour, we might be surprized at finding this article among the list of grievances.—That list, we were taught to expect, was to consist of acts of oppression, tending to provoke resistance, and see, they give us an act of self-defence, exerted in consequence of resistance already shewn. Have they forgot, or do they wish to conceal, from their deluded followers, that the duration of this act depends upon their selves? Severe though
it be not, yet let us allow it to be so, the remedy is in their own hands. *Let them return to their allegiance, and the Act is repealed by itself.*

Were the effects of this Act yet ten times more ruinous than they are, by what right do they complain? Have they forgot that they set the example? *Before* this Act took place, they had passed Acts—to use their own phrase—of pretended legislation, forbidding, on pain of death, to hold any correspondence with the people of Great Britain; had issued commissions for the seizure of British ships; had appointed Judges, in the different ports, for the condemnation of British captures.—That they attempted *only* to cut off our trade with our own Colonies; that they did not attempt to cut off our trade with the other quarters of the world; they will, I presume, allow to have proceeded from weakness, not from good will.

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**ARTICLE XVII.**

**For imposing Taxes on us without our consent.**

**ANSWER.**

This was originally the *apparent* object of contest. Nor could any thing have been found more proper to work upon the people. Such is the selfishness inherent in human nature, that men in general are but too apt to seize any pretence for evading the obligation
ligation of paying the servants of the Public. To hold forth such a pretence, must be a sure road to popularity, and to all that power which popularity can give. Like the Agrarian law among the Romans, it is a standard to which the multitude would naturally flock.

In the instance before us, the past indulgence of government gave to the pretence a seeming weight, which it would otherwise have wanted. For one thing appears to be indisputable: had this ungrateful people, from the beginning, contributed to the common burdens of the state, in proportion as, by the care and protection of the British government they had prospered; had their contributions all along kept pace with their ability, they would have wanted the most specious of those shallow arguments, by which they have fought to justify rebellion.

But though the taxes imposed by Parliament on the Colonies, had not, in any degree, kept pace with their abilities, taxes had been imposed. No new power was now, for the first time, assumed.

By the long Parliament, whose practice, and whose principles, the Congress seems to have proposed as its model, and therefore cannot but approve, not only were the Colonies taxed, but that particular mode of taxation was adopted, which has been generally considered as most dangerous to the liberty of the subject. They were taxed by an Excise m.

After the Restoration of Charles the Second, an Act was passed by which duties are imposed upon certain enumerated goods, the produce of the Colonies, car-

m See Lords Journals, vol. viii. p. 685.
ried from one Colony to another. The duties are ordered to be levied by persons deputed by the Commissioners of the Customs in England, under the authority, and by the directions of the Commissioner of the Treasury in England; the produce of these taxes was appropriated, not to the service of the Colonies where they were levied, but to general national purposes.

Of William III.

Was this Act considered as unconstitutional after the Revolution? So far from it, that it was explained and confirmed by an Act of King William. Not only was it confirmed, but the manner of confirming it, was the strongest that could be invented. All laws, usages, or customs in practice in any of the Plantations, then or thereafter, contrary to this Act, or to any Act of Parliament thereafter to be made, are declared to be illegal, null, and void, to all intents and purposes whatsoever.

Of Queen Anne.

The same power was exerted under the reign of Queen Anne; the Act for establishing a post-office binds the Colonies as well as Great Britain; fixes the rates to be paid there; appropriates the produce of those rates. The Act imposing sixpence a month, payable by all seamen to the support of the royal Hospital of Greenwich, extended not only to Great Britain, but to Ireland, and to all the dominions thereunto belonging. The several Acts passed in the same, and confirmed or altered and amended in succeeding reigns, imposing a duty on prize goods, and appropriating

n 25 Car. II. c. 7. See also Douglas's Summary, vol. i. p. 279.
* 7 and 8 Will. III. c. 22.
* * See also Douglas's Summary, vol. i. p. 279.
* 3 John, c. 30.
* 3 Anne, c. 17.
priating the sums arising therefrom to the use of the Crown, are all manifest Acts of taxation.

Nor did the illustrious House of Hanover depart from the policy adopted, or abandon the powers exercised in this behalf, by their predecessors? One of the first Acts of the reign of George the First speaks of Plantation duties; orders them to be paid into the Exchequer of England; and appropriates the produce of them, not to the particular services of the Colonies, but to the maintenance of the household; and to public general services.

By the inattention of those who drew up the Act of Queen Anne, imposing a duty of sixpence a month on all seamen for the maintenance of Greenwich Hospital, the Commissioners of the Admiralty were not empowered to appoint collectors to receive this duty in America; though the clause of taxation extended to America. Early in the reign of his late Majesty this omission was perceived and rectified. Proper powers were given for the appointment of Collectors: All seamen employed in America, whether "upon the high sea, or in any port, harbour, bay, or creek," or "upon the coasts," or "upon the rivers," are subject to the payment of sixpence a month; or to the same penalties upon non-payment as the seamen of Great Britain. Yet the Americans did not complain of this Act; though it imposed a tax, not for the particular service of the Colonies; not for the general service of the State; but for a particular establishment in England. In the same reign an Act was passed, imposing certain duties on all foreign spirits, molasses,
ARTICLE XVII.

To these Acts the Americans submitted.

If, in the imposition of these duties, the usual terms of giving and granting, are applied.

Did the Americans at that time call in question the power of the Commons to give and grant, and appropriate these duties? Did they call in question the power of the King to receive and expend them? Or of the Officers to collect them? Or of the Courts of Justice to enforce the payment of them? Why then object to the exercise of the same power, by the same bodies, in the present reign? How do they establish their proofs of usurpation?

Their consent has not been asked to the taxes imposed in the reign of his present Majesty. Was it asked to the taxes imposed in the reign of his predecessors? No. They are not represented now? Were they otherwise represented then? No. Did they wish to be represented? Nor that neither. But they wished not to be taxed. They were contented to enjoy the benefits, but chose to decline bearing any part of the burdens, of Government.

Since therefore, on the score of usage or custom, no objection can be made to the power of taxation itself, does any objection lie against the particular Acts of taxation, during the present reign? Does the objection lie against the quantum to be raised? Is that more than they could bear? It is scarce pretended that it is. Does it exceed the proportion, which the Americans should bear of the common burden of the state? This, I believe, one of their Agents did say: He might as well have said, that two were more than two hundred. Would it have reimbursed the capital, would

The taxes, imposed in the present reign, moderate, not equal to their proportion.

would
would it even pay the interest, of the immense sums expended for the use of the Colonies? It could not be pretended 1. Would the produce of these taxes pay their proportion of a debt of 70,000,000 l. contracted during the last war: A war undertaken in their defence? Nor that neither. Would it pay the 350,000 l. annually expended in maintaining their own establishments, civil and military? Nor that neither. How then were they taxed beyond their proportion?

If no objection lie to the quantity of taxes imposed, it was perhaps to the mode of taxation that their objection lay? Was the mode a bad one? They could scarce pretend to say it was; they had no more exception to this, than to any other. Was it unprecedented? Among them, perhaps, one of the modes adopted was without a precedent; but long since had it been established among their fellow-subjects in Great Britain. And are subjects to revolt at any time, upon every alteration, whether for the worse, or whether for the better, in the mode of taxing them?

Was it to the uses to which the sums levied were to be appropriated, that any objection could lie? Nor that neither. For the taxes imposed on the Colonies in the present reign, were not applied to the maintenance of the household; nor to the support of establishments in England, as many taxes imposed on them in former reigns had been; they were appropriated to the maintenance of Government in America.

Since the accession of the House of Hanover, that is, during a space of sixty years, Great Britain has expended on the revolted subjects no less a sum than 34,697,742 l. 10 s. 10 d. See vouchers in "The Rights of Great Britain asserted."
ARTICLE XVII.

Upon the whole then, neither was any new power
assumed in taxing them, nor in the exercise of an ac-
customed power were they hardly treated in the
proportion assessed; nor were they aggrieved by any
oppressive mode of collecting; nor were they called
to contribute towards services, in which they had not
an immediate interest. What then was the grievance?
It existed in imagination only. They were afraid,
that one time or other, God knows when, they should
be aggrieved; either by being assessed beyond their pro-
portion, or by being subjected to an oppressive mode
of payment; or by being forced to contribute to
services, in which they had no immediate interest;
and therefore they would not be taxed at all. To
prevent an evil, possible only in future, they refuse
to submit to a present certain duty. To guard against
oppression, at some distant period, they think it right
to fly out into actual rebellion.

ARTICLE XVIII.

For depriving us, in many cases of the
benefit of trial by jury.

ANSWER.

The cases, in which the Americans are deprived
of the benefit of trial by jury, are confined to those,
the cognizance of which is attributed to the Courts of
Admiralty.
To allege, either the institution, or the jurisdiction, of these Courts, in support of the charge of usurpation, the Congress should have proved—either that Courts of Admiralty were unknown in the Colonies, till the present reign—or that their jurisdiction has been extended to cases, to which, in no preceding reign, it ever had been extended.

The former of these assertions, so long as there remains a single copy of our Statute-books, there is no great danger of their making: The latter they have made. Yet to what cases does the jurisdiction of these Courts at present reach? To breaches of the Acts of navigation, to questions of revenue.—To these and no other. It extends neither to civil suits, nor to pleas of the Crown. Where then is the extension of jurisdiction? The jurisdiction is confined to that class of cases alone, for the determination of which the Courts were originally instituted.

Of the whole list of charges, so confidently urged against his Majesty, each seems to be distinguished by its own peculiar absurdity. In considering this charge, for instance, one cannot but remark that no harder measure is meted out to the Americans than to their fellow-subjects in Great Britain. In America, questions of revenue are not decided by a jury. In England, are breaches of the laws of Excise, of the land tax, of many other revenue laws, decided by a jury? Are we therefore at liberty to rebel; to take up arms against Government? To disclaim all allegiance to our Sovereign?

The original institution of Courts of Admiralty was not, we have seen, the act of his present Majesty. To
ARTICLE XVIII.

Courts without a jury instituted in the reign of King William for the trial of pirates.

In the beginning of the present century, the seas of America swarmed with pirates. In this virtuous country, it was impossible to bring the offenders to justice. The chief men among the Colonists had a joint interest with them. Was the Governor active in his endeavours to suppress them? Petitions were sent home against him: The King was pressed to recall him. Did he attempt to seize the criminals? His attempts were generally baffled; the Colonists gave them intelligence. Did he succeed in his attempt? Scarce a magistrate could be found to join in the examination and commitment. Were the criminals committed? The gaolers, either interested, or bribed, or intimidated, connived at their escape. Did they not escape, were they tried? Scarce a jury would convict them. Were they convicted? The laws of the Colonies pronounced no adequate punishment against them.

The losses sustained by our merchants were enormous. They applied to Parliament; stated their grievances, and the impossibility of obtaining redress in the courts of the Colonies. This was in the

Anne, not long after the glorious epoch of the Revolution. Did the Parliament at that time consider it as unconstitutional, as contrary to the rights of the subject, to constitute courts, who should decide without juries, even in those, which were criminal, capital cases? No. An Act was passed empowering his Majesty to appoint Commissioners for the trial of pirates in any of his Majesty's Islands, Plantations, Colonies, Dominions, Forts or Factories. Seven only were enough to constitute a court. In the description of the persons the King was not confined; he might appoint whomsoever he thought fit to appoint. No jury was to be summoned; the majority of seven decided without appeal; the persons condemned were to be executed and put to death in such time, in such manner, in such place, as the majority of the court should command.

Did the Colonies dare to call in question the right of Parliament to enact a law so severe and unusual? or to deny the authority of the Commissioners who acted under it? or to oppose the execution of the sentences they pronounced?—No.—The Colonies at that time felt that their existence depended on the protection of Great Britain. The British Government at that time was vigorous and stern. Vigorous and stern, indeed, was the penalty which enforced the execution of this Act.

"Be it enacted" (says the Legislature) "That if any of the Governors in the said Plantations, or any person or persons in authority there, shall refuse to yield obedience to this Act, such refusal is hereby declared to be a forfeiture of all and every the charters granted

w 21 & 22 Will. III. c. 7,
ARTICLE XVIII.

"granted for the government or propriety of such Plan-
tation."

Had the framers of the Stamp-Act spoken in the
same manly style, America had never revolted.

ARTICLE XIX.

For transporting us beyond sea to be tried
for pretended offences.

ANSWER.

The offences, to which this article alludes, are

Treason, misprision of Treason—and burning his Ma-
jefty's yards, arsenals, ships, or stores.

These, in a language well exemplified by their con-
duct, the members of the Congress style—pretended
offences. They had before declared Acts of parlia-
ment, to be pretended Acts of legislation. The progres-
sion is neither rapid nor surprising: If Acts of the su-
preme power of the state be only Acts of pretended legi-
slation, offences, levelled against the existence of the
state, may well be styled pretended offences.

Happily, however, the Parliament considered them
as real offences, and conceived itself bound to pro-
vide, that men, guilty of them, should be brought to
condign punishment; men, accused of them, to a fair
and impartial trial. To this end, a power is given to
the King, to order such persons to be tried in Eng-
land.
As to the power granted in cases of Treason and misprision of Treason, by the Act of Henry VIII. it cannot, I think, be imputed to his present Majesty as a crime; as a proof of tyranny or usurpation, that two hundred years before he was born, the Parliament of England thought proper to vest this power in the hands of the Crown. It cannot, I think, be imputed to him as a crime, that during a period of more than two centuries, in all the successive changes and reformations which the constitution of England has undergone, this power has remained untouched; till this moment unconfined; that neither the framers of the petition of Rights, or of the bill of Rights, nor those who established the succession in the House of Hanover, thought it fit or expedient to divest the Crown of this power, or to alter the provision of this Act.

This is the more remarkable, as the Act in question, though of long standing, is not obsolete, has not, through non-use, sunk into oblivion. From the very nature of the offence it was not likely that frequent occasions should occur of putting this Act in force. Occasions, however, have occurred; and whenever they have occurred, the Act has been put in force, both before and since the Revolution.

To be tried in England, they must be brought to England—So long as England, with respect to them, is beyond sea, they cannot be brought to England, without being transported beyond sea.

7 35 Hen. VIII. c. 2.

2 12 Geo. III. csp. 24.
ARTICLE XIX.

Against offenders in Carolina.

Not long before the Revolution, and during the time that disputes between the proprietors and people of Carolina had excited almost a civil war, Sir John Yeomans, the then Governor, sent over one Culpepper, who was tried upon this very Act in Westminster Hall, for High Treason, and acquitted.

In Antigua.

After the Revolution, in the year 1710, the inhabitants of Antigua, disgusted at the conduct of Colonel Parks, their Governor, and not having been able to obtain his recall, rose in body and massacred the Governor at his own door. That a crime, in the commission of which so many had partaken, should be punished as it deserved, on the spot, was not thought likely. The ringleaders were ordered to be sent to England; they were sent, and tried upon this very Act: Some were convicted and executed; others reprieved.

So far was this power from being considered as unconstitutional after the Revolution, that in the case of the pirates, in the reign of King William, mentioned under the preceding article, the Lords Justices, in the absence of the King, thought their selves bound to order the pirates to be brought into England; did actually fit out one of his Majesty's ships for the purpose of bringing them, and the evidence necessary for their conviction and punishment. Neither the Lords Justices, nor the then Judge of the Admiralty, Sir Charles Hedges, conceived that the pirates could be tried anywhere but in England, without a special Act of Parliament for that purpose.

* See Wynn's History of America, vol. ii. p. 255.
* The ship was shattered by a storm, and forced to put back. The Act mentioned in the preceding article was then passed.
It appears then, that in addressing his Majesty to enforce the Act of the thirty-fifth of King Henry the Eighth, the Parliament did nothing more than pursue the ordinary course of justice; than call on his Majesty to carry into execution a law neither repealed nor obsolete; a law too founded on principles so perfectly consistent with the Constitution, that the same provisions have, in later instances, been adopted; instances to which, on account of the Act of Union, it was thought this Act would not reach.  

With respect to the Act of the present reign, by which those who are guilty of burning his Majesty's ships or stores may be likewise tried in England, it is something remarkable that the Colonies are not particularly named in it; it is said only in general terms, "that persons who shall commit any of these offences in any place out of this realm, may be indicted in any shire or county in the realm.

It is however more than probable, that the Legislature had the Colonies in contemplation. The reason is this: One of his Majesty's armed vessels had been surprised and burnt by the people of Rhode Island. His magazines and stores had been burnt at Boston. No satisfaction could be obtained to his Majesty; no punishment inflicted on the offenders. What was to be done? Were his Majesty's ships to be excluded from the seas and ports under his own dominion? Were these daring offenders to go unpunished? Was the Parliament to give its sanction to the opinion, then clearly adopted by the people, and since avowed by the

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* Treasons committed in Scotland, were tried in Surry. See Forster's Crown Law. Report of the case of the Kinlochs.
* The Gaspee Schooner.
Congress, that these were only pretended offences? Or was it to have recourse to the remedy pointed out by the Constitution, that of calling the offenders to a trial there, where alone an impartial trial could be had?

**ARTICLE XX.**

For abolishing the free system of English laws in a neighbouring Province, establishing therein an arbitrary government, and extending its boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies.

**ANSWER.**

What have the revolted Colonies to do with his Majesty's government of another Colony? Canada is not dependent on, is not associated with, them. Do the mighty heroes, who defy the united force of Britain, begin to tremble at a single Province? Are they, who pledge their lives, their fortunes and their sacred honors in defence of liberty, so fearful of the strength of their own attachment to liberty, that they dare not look on men, who have submitted to what they call arbitrary government; left they too catch the contagion, and follow the example? Or are they fearful, that their deluded followers may at length discover, that whilst their
their leaders are alarming them with acts of pretended tyranny, they are really bringing them under subjection to the worst of all tyrants—artful, selfish Demagogues?

No regulation concerning another Colony can have any right to find a place in the list of their own pretended grievances. This would be answer sufficient to this article. Let us however see, if the going thus out of their way to make a charge so foreign to their own concerns, be compensated by any degree of candor? What is their objection to the act for regulating the government of Quebec?

The first is, that by this act, the bounds of Canada are extended. There are little circumstances which materially change the nature of a transacion: these a skilful narrator tells, or suppresses, as best may suit his purpose. It suited the purpose of the Congress to suppress, that in this act it is expressly provided, that "the boundaries of no other Colony shall in any wise be affected!" that all rights, derived from preceding grants and conveyances shall be saved! Had this been told, their charge was answered. That which had not been granted was the property of the King. He might do with it as he pleased; erect it into a separate Colony, or annex it to any Colony already established. So far then no injury was done.

But this act has abolished the free system of English laws, and established an arbitrary government. That could not be abolished which had never been established. The truth is this. Soon after the conquest of Canada, temporary provisions were made, by a proclamation of the King, for the government of Canada. These provisions were in many cases found inapplicable.
ARTICLE XX.

cable to the state and circumstances of the Province. They were therefore repealed; and this Act was passed re-granting to the Canadians the free exercise, unchecked by any civil disqualifications, of the religion in which they had been educated; re-establishing the civil laws, by which, prior to their conquest, their persons and their properties had been protected and ordered. Do the Canadians complain of this alteration? No. It was made in consequence of their petition.

To disobey the mandates of New-England, and to listen to the humble petitions of Canada, are equally crimes in his Majesty. It is a crime to make the minutest change in the constitution of the revolted Provinces; and it is a crime of the same nature not to overturn the whole constitution of a dutiful Province. Not to deviate from the spirit of a charter, and to observe the spirit of a treaty of peace, are both acts of usurpation. To check innovations at Boston, and to respect the customs, and prejudices, and habits of thinking in Canada, are acts of the same tyranny.

ARTICLE XXI.

For taking away our charters; abolishing our most valuable laws; and altering fundamentally the forms of our government,

ANSWER.
ANSWER.

COULD this article be proved; were it true, that his Majesty, in conjunction with his Parliament, had "fundamentally altered the forms of the colonial governments," for such an Act I should not think it necessary to frame excuses: It would need no excuse; it would deserve praise. Innovation suppose it were, glorious would be that innovation. Long since had it been incumbent on Parliament to do, what in this article is—alus! untruly—alleged to have been done.

SOME alterations are confessed to have been made, during the present reign, in the charter of Massachusetts’s Bay; but not a valuable law has been changed; nor have the alterations gone deep enough into the foundations of the government. The charter has been only amended in one or two particulars; it ought to have been new modelled from one end to the other; or rather to have been taken away, and a new one substitutued in its stead.

HAD it been taken away, could these people have complained? Give to charters what force you please—give them the highest—give them all the sanctity of treaties of peace between independent States; still such has been the conduct of the people, and the magistrates of Massachusetts’s Bay, that the charters would have been rightfully forfeited. What are treaties? Compacts made up of mutual conditions. If one party fail in the performance of that which it stipulates to perform; the other is absolved from the performance of that which on its part is stipulated to be performed. Now it is not denied, that one condition expressed in all the charters is, that the Colonists shall be deemed subjects

ARTICLE XXI.

Were this article true, it would need no excuse.

The alterations made in the form of the government of Massachusetts’s Bay, go not deep enough into the foundations of its structure.

Supposing charters to be as sacred as treaties of peace, this charter was rightfully forfeited.
ARTICLE XXI.

Charters never considered in so high a light, have been frequently changed by the King alone.

All the charters under which the Colonies now claim, are Acts of the King repealing former charters.

Suspension of the powers granted in the charter of Maryland by King William.

Suspension of the powers granted in the charter of Pennsylvania by King William.

Subjects of this realm; that is, subject to the power of Parliament. To have denied the power of Parliament is therefore a forfeiture of the charter.

But the truth is, that neither by the Parliament, nor by the Crown, nor by the Colonists themselves, were charters ever considered in so high a light. Innumerable are the instances of alterations made in the charters, of suspension of the power granted by them: some by the sole authority of the Crown, some by the King in conjunction with his Parliament.

What indeed are all the charters, under which the present Colonies claim? What but Acts of the Crown, repealing former charters? If charters, once granted, could not be altered; could not be repealed, by the Crown, the original Virginia charters would be still in force: the revolted Colonies would be reduced to two; and the inhabitants dependent on two trading companies, residing in England.

To descend to more recent instances. In the reign of King William, by the advice of Lord Chief Justice Holt, notwithstanding the charter, the proprietor of Maryland was divested of his jurisdiction: nor was that jurisdiction restored to the family till after the accession of the House of Hanover; till the then proprietor had conformed to the church of England. Nor then was it restored entire; but "so far only as the Legislature had thought fit that any proprietor should enjoy it."

In the reign of the same King William, notwithstanding the charter, his Majesty took from the proprietor of Pennsylvania, the privilege of appointing a Governor.;
Governor; and took on his self to appoint Colonel Fletcher, then Governor of New York, to be Governor of Pensylvania. The proprietor did not call in question his Majesty's right; he petitioned only as for an Act of Grace, to be restored to the privilege he had before enjoyed.

In the reign of Queen Anne disputes had arisen in the Provinces of Connecticut and Rhode Island, concerning the power of commanding the militia. This was claimed in virtue of the charter, by the Assembly. The opinion of the Law-Officers was asked; they allowed that the claim was supported by the charter; but they were at the same time unanimously of opinion, that the Crown had the power of altering the charter, and giving the command of the militia into such hands as the common good should require. In consequence of this opinion, a Commission passed the great seal, appointing the Governor of New York to be Commander of the forts and militia of the Province of Connecticut; and the Governor of Massachusets to be Commander of the forts and militia of the Province of Rhode Island.

What is the charter, under which the present inhabitants of Massachusets's claim? An Act of King William. And that Act, has it remained unaltered; have no fundamental changes been made in it, by the Crown in later times?

In the twelfth of George the First, in the Year 1722, some turbulent. Members of the Assembly having gained the ascendant over their fellow-representatives, and in some measure over the Council, endeavoured to subject the Governor likewise to their usurped authority. But the Governor was too faithful a guardian of the rights of

ARTICLE XXI.

Suspension of the powers granted in the charters of Connecticut and Rhode Island, by Queen Anne.

The present charter of Massachusets, granted by King William.

Altered by George I., and the Assembly commanded to adopt those alterations under the form of an explanatory charter, which was done.
of the Crown. He repaired to England, and exhibited at
the Council Board, articles of complaint against the House
of Representatives. His complaints were heard by the
Provincial Agent, in the name of the Representatives,
acknowledged many of the claims to be encroachments,
and readily gave up all but two. These were the
power claimed by the Assembly of adjourning them-
selves as long as they please; and the right of choosing
a speaker, not subject to the Governor's negative. Of
these two claims, which the Agent was not authorised
to give up, they were ousted by an explanatory charter;
which they were commanded to accept; and which, with
all due submission, they did accept.

Early in the present century violent were the
tumults and riots excited in Carolina by the quarrels
between the Churchmen and Dissenters. Disputes of
a no less alarming nature sprung up between the people
and proprietors. The neighbouring Indians were pro-
voked by a series of violence and outrage. To prevent
the last ruinous consequences of these domestic differ-
tions and foreign wars, the Crown took the Govern-
ment of Carolina into its own hand, changed the con-
stitution, and divided the country into two Colonies,
independent each of the other. How did the proprietors
conduct their selves on this occasion? Did they deny
the power of the Crown to alter the Charter? No, say
the relators of this transaction—"they made a virtue of
"necessity.” That is, they submitted with a good
grace to a power which they knew to be legal.

These

1 See Wynne's History of America, vol. ii. p. 249, 250. Douglas's
2 See Wynne's History of America, vol. ii. p. 264. History of Euro-
pican Settlements, vol. ii. p. 249. In both these writers there is an inac-
curacy
These are instances of alterations made in the Charters by the sole power of the Crown. Acts to which the Crown was competent alone could not surely be without the sphere of its power, united with Parliament.

Never till the present troubles does a doubt seem to have been entertained, in or out of either House of Parliament, Whether Parliament could alter the charters, abridge the privileges granted by them, or even reaffume them.

The provisions of that Act of King William, which restrain the proprietors from selling their lands, without the consent of his Majesty, previously obtained, to any but natural-born subjects:—Which command that the Governors appointed by the proprietors, or other persons empowered to nominate Governors, shall not act till his Majesty's approbation be previously obtained; and till they have taken certain oaths, relating to the execution of their office; are so many changes introduced into the charters; so many abridgments of the powers originally conveyed by them.

The clause of the Act for the more effectual suppression of piracy, which declares, that the refusal of any Governor or person in authority, to yield obedience to that Act, shall be a forfeiture of all and every property in the instrument of this transaction. They suppose the change in the government, and the surrender of the territorial rights in Carolina, to have happened both at the same time, and both to have been effected by Act of Parliament. The change in the government was begun long before the surrender of the territorial rights; and it is this last only which is confirmed by 2 Geo. II.

The power of revoking them actually exercised by 7 & 8 Will. III. c. 7. sect. 15.
ARTICLE XXI.

The Board of Trade suggested in the reign of William and his successors, that it would be necessary to re-assume the Charters.

A Bill brought into the House of Commons for that purpose in the reign of Queen Anne.

The cause of complaint against the Proprietary and Charter Governments, still continuing and acquiring new force, Parliament had it in contemplation to adopt the measure suggested by the Board of Trade. A bill was ordered, in the 4th of Queen Anne, to be brought into the House of Commons for the better regulation of these governments; it was actually brought in, and read. It failed, not from any doubt of the authority of Parliament to new regulate the governments, but in some measure from a spirit of party, in some measure from a wish of postponing a business.

1 See Com. Journal, vols. xii, xiii. passim. To those with whom the weight of name is greater than the weight of argument, it may not be useless to remark, that these suggestions from the Board of Trade were first made at a time that Mr. Locke sat at the Board; that great man, whose arguments the Americans have so tortured, in order to press them into the service of rebellion. For in the Reports printed in the Journals, and made in the year 1700, 1701, &c. reference is made to reports of the years immediately preceding, where this advice to re-assume the Charters is given, Mr. Locke sat at the Board of Trade from 1695 to 1700.


which
which required so mature deliberation, till a conclusion should be put to a war, the extent and complicated objects of which, required all the attention of Government.

So far was this power of re-assumption from being thought unconstitutional, that in the succeeding reign a Bill was again brought into the House of Commons for the same purpose of new regulating the Charter and Proprietary Governments in America. It was brought in and supported by a Whig Ministry. But it happened to be late in the Sessions ere it was brought in; it was, however, read twice; it was committed: Petitions were heard against it from all the Charter and Proprietary Governments, none of which presumed at that time to call in question the right of Parliament to new model the Governments of America. Unhappily the Bill was not perfected that Session, and the rebellion which broke out in the succeeding year, turned the attention of Government to events nearer home.

Let any impartial man reflect a moment on the power, which, from this short account, appears to have been claimed, and in so many instances exercised, by preceding Kings and preceding Parliaments; let him compare it with the power exercised over them in the present reign. On the one hand, what will he see? By the sole Act of the Crown, he will see proprietors divested, some of the right of naming Governors, others of all jurisdiction: Colonies, of the command of their forts and militia; Assemblies, of the power of adjourning ad libitum, and Chufing a Speaker, not subject to the Governor's negative.—By the concurrent Act of the Crown and Parliament, he will see the right of re-

ARTICLE XXI.

Another in the reign of George I., against which the Colonies petitioned, but did not deny the right of Parliament to alter, or revoke their Charters.

Difference between the power claimed and exercised over the Charters in preceding reign, and the power exercised over them in the present reign.


I 4 assuming
assuming all the Charters in general asserted, and not denied by the Colonists themselves; he will see that right actually begun to be exerted and suspended only by the obedience of the Colonies to an Act of Parliament.—On the other hand, under the present reign, what changes will he see? He will see the constitution of one of their Legislatures brought nearer to the model of the British constitution. He will see juries appointed as juries are appointed in England: by the former change he will see their constitution more equally poised; by the latter, justice more impartially administered.

On this general ground, we might safely rest the defence of the Act in question. On this general comparison we might leave it to the world to judge what room there is to allege this article in support of the charge of usurpation and tyranny. But it may, perhaps, be not altogether useless to state more particularly the changes made in the Constitution of the Massachusetts Government, and to allege the reasons which induced the Parliament to make them.

The two material charges introduced by the Act for regulating the Government of Massachusetts Bay, are, first, in the mode of appointing juries; secondly, in the appointment and tenure of the members of the Council.

Before this Act, the jurors of the Grand Juries were chosen and returned by the freemen, on notice sent them by the Clerk of the Court. Out of the prequisites of the Court, they had a salary of three or four shillings a day. What was the consequence of

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* See Appendix to Neal's History of England, Vol. II. p. 4. title, "Juries,".
this mode of appointment? Juries were packed. They
were nominated at the town meetings by the heads of a
party. A jury, for instance, was summoned to inquire
into riots. Among these impartial, respectable jurors, one
was returned who was a principal in the very riot, into
which it was the business of this very jury to en-
quire. Can any man entertain a moment's doubt,
whether this part of their constitution stood in need of
reformation?

The next material change, we have said, was in the
appointment and tenure of the members of the
Council. This Council was a constituent branch of
the legislature; it was moreover a Council of State; that
is, in some cases, a branch of the executive power; for
its consent was necessary to the performance of
certain Acts, and its advice was to be asked, at least,
if not followed, previous to many other Acts, to be
done by the Governor. The members of this Coun-
cil, to whom functions so distinct and important
were attributed, were not only eligible, but in case of
misdemeanor, amenable by the General Assembly.
The inconveniences of this had been severely felt by
a long succession of Governors: Their letters are
filled with complaints of them. To be known, to be
believed, to be even suspected, to be inclined to
support the supreme authority of Parliament, or the
constitutorial rights of the King, in the provincial
Government, was sufficient reason for exclusion from
the provincial Council. Did the Council appear to
be a little untractable? Did it hesitate to go all
lengths, on what was called, the popular side? It was
reminded, that the day of election was at hand.

* See printed letters of Governors Hutchinson and Oliver, p. 38.

What
What resistance could a Council, thus dependent, give to the extravagance of a democratic party? Deprived as it was of that free agency, without which, power cannot subsist: of that respect and dignity, without which, it cannot operate; what advantage would the constitution derive from such a Council in its legislative capacity? Consider it in its executive capacity, and it was to be full as useless. What vigour could it be expected to shew? What power could it exert? Let us see what vigour it did shew; what power it did exert. By bands of armed men, parading publicly at noonday, in the sight of the Magistrates, private property was destroyed; the property of the King seized; his magazines razed to the ground; his officers compelled by torture to resign their employments; his Courts broken open; his Judges assaulted; the files and public records destroyed; the houses of his Governors pillaged.—The Council meanwhile looked on as cool and unconcerned spectators: They were exhorted to enforce the orders of Government; to advise and assist the Governor in the execution of them:—What was their reply?—“They did not see their way clear enough to give any advice or assistance.”

Was it then an Act of tyranny in the Parliament; Was it an unpardonable crime to rescue one branch of their Government from such a servile dependence on another branch, as defeated all the advantages to be derived from it?
ARTICLE XXII.

For suspending our own legislatures and declaring themselves invested with power to legislate for us, in all cases whatsoever.

ANSWER.

He who despairs of convincing, may find it his interest to confound. Such seems to have been the view of the framers of this Article. Two distinct Acts—passed in different years, upon different occasions, with different views, (the operation of one being confined to a single Colony, and the other amounting to no more than a naked assertion of fact, scarcely meant to operate at all)—are here blended together, as being one general law, intended to operate in all the Colonies.

For in reading this Article, who would not conclude, that by some one Act, the Parliament had suspended the legislatures of all the Provinces; and had taken on itself the exclusive right of making laws for them all?

The Act by which Parliament is said to have suspended their legislatures, is a conditional Act for restraining the Governor and Council of New York alone, from assenting to any bill till the Assembly should have made provision for furnishing the King's troops with all the necessaries required by law.

7 Geo. III. cap. 59. 6 Geo. III. cap. 12.

The refusal of this Colony to furnish the troops with the necessaries required by law, followed immediately on the repeal of the Stamp Act. A repeal by which the partisans of America maintained that the obedience of the Colonies was secured,
IMAGE EVALUATION
TEST TARGET (MT-3)

6"
ARTICLE XXII.

That it is the indubitable prerogative of the King to station his troops where he sees fit; that where the troops are stationed they must be quartered; that where the provincial legislatures will not provide for these objects, it is incumbent on Parliament to provide for them, are points, on which we have already insisted.

That a local, subordinate legislature may take on itself to annul the provisions of an Act of the supreme legislature of the whole empire, is a proposition so extravagant, that no man, I think, can maintain it. That the suspension of the functions of a subordinate legislature till it recovered from such a fit of extravagance, is the mildest censure that could be passed upon it, will I suppose be readily allowed. To state this Act, is therefore to justify it.

The Act of Declaration contains a mere assertion of fact, without either command or penalty.

The Act, to which the second clause of this Article alludes, was passed a year before, under the administration of a noble Lord, whom the Congref[s] clasped in the "band of illustrious patriots," so long as they allowed any patriotism to remain among us. It contains only a simple assertion of the power of Parliament, to exert the same authority over its subjects in America, as over all the other subjects of the empire: That is, to make laws binding in all cases whatsoever. In this Act, not a syllable is said about suspending their legislatures. It exacts no recognition of the authority it asserts: No restitution of the resolves, by which that authority had been denied. It

It was under the administration of the same noble Lord that the Act for providing his Majesty's troops with necessaries was passed; And it was the observance of this Act, which, that for suspending the legislature of New-York, was meant to enforce.
is armed with no penalty: It can hardly be called a law: It does not even contain a command. It is, in short, the most harmless piece of parchment, that ever was sent forth into the world. To urge this Act, as a plea for rebellion, is not less ridiculous than it would be in the Grand Turk to declare war against the King of Naples, for styling himself King of Jerusalem.

ARTICLE XXIII.

He has abdicated Government here, by declaring us out of his protection, and waging war against us.

ANSWER.

To exact obedience to law, to punish the disobedient, have been in all ages and countries, considered as the highest Acts of Government; as functions which appertain to, and distinguish, the supreme power of the state. The Members of the American Congress are the first of all mankind who have discovered, that to do these Acts, and to exercise these functions, is to abdicate Government.

How are they declared out of his Majesty's protection? Just as a simple individual, who should be outlawed, put out of the protection of the Laws and of the King, executor of the law, for refusing to recognize the authority of the law. Is such an individual released from all its duties, and it return to law?
ARTICLE XXIII.

released from his allegiance? Does the King, in withdrawing his protection, renounce his authority? It cannot be pretended. The cases are exactly alike:—The parallel holds throughout. The outlaw may submit to the authority of the law; may obtain a reversal of his sentence; may re-enter under the protection of the King. The Americans have only to return to their allegiance; and by that very return they are reinstated under the protection of the King.

War no more waged against them, than by the Sheriff, at the head of the posse comitatus, against rioters.

How is war waged against them? Individuals who resist the law, are punished by individual officers; when numbers resist, numbers must be sent to punish; if they who resist take up arms, those who are to punish must likewise arm. If it flatter their pride, they may call this "waging war against them." With as much reason may the Sheriff be said to wage war against rioters, whom he summons the posse comitatus to quell; against malefactors, whom he orders the constables to conduct to punishment.

ARTICLE XXIV.

He has plundered our seas; ravaged our coasts; burnt our towns, and destroyed the lives of our people.

ANSWER.

The answer to the last Article is an answer to this. To plunder his Majesty's stores; pillage his magazines;
KinesfeiZe his fortresses; burn his ships; destroy the property of his subjects; torture his officers; invade and pillage his peaceful provinces; were the trifling—
or, as the Congress would probably word it,—the pretended—offences, which brought on the Americans the Acts of severity, to which this Article alludes.

With as good a grace then, I conceive, do they complain of their towns being burnt, and their lives destroyed, as their ancient ally, the well known Kid, might have complained of his ships being seized, and his self and trusty companions, consigned to the hands of justice.

One difference indeed there is between the present rebels, and the ancient pirate; the latter did not adopt the regal style. He did not talk of our seas, our coasts, our towns, and our people. Had he thought him of that expedient, he would have risen in estimation and in rank: Instead of the guilty pirate, he would have become the independent prince; and taken among the "maritime" powers—"that separate and equal "station, to which"—he too might have discovered—"the laws of nature and of nature's God entitled him."

**ARTICLE XXV.**

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation and tyranny already begun with circumstances of cruelty.
To employ foreign troops, if a matter of choice, a mark of tenderness to the British subjects, and no mark of extraordinary severity to the Americans.

Not a matter of choice. In all our late wars, foreign and domestic foreign troops employed. In bringing about the Revolution; foreign troops were employed, after the Revolution, in suppressing the rebellion in Ireland and Scotland. During the last war, that Britons might fight for the Americans,

That his Majesty should employ foreign troops in the reduction of his rebellious subjects in America; that endeavouring to bring them back to their duty, he should expose as little as might be, the lives of his loyal subjects in Britain, were it a matter of choice, would be a mark of his paternal tenderness for us; and surely no mark of extraordinary severity to them. Of all wars, civil wars have generally been attended with the greatest acts of ferocity; the bitterest enemy is brother fighting against brother.

The truth however is; it was not a matter of choice. So small is the ordinary establishment of the British army, that there has not been a war, foreign or domestic, within the memory of us or our fathers, where foreign troops have not been employed. Foreign troops were employed in bringing about the Revolution; foreign troops were employed, since the accession of the House of Hanover, in suppressing the rebellions in Scotland. During the last war foreign troops were employed, that Britons might shed their blood in support of these ungrateful Americans; might sacrifice their own lives in driving from their backs an enemy, who from their first establishment, had kept them in perpetual alarm.

That
That his Majesty should pay the troops he employs, is, I presume, no crime. Whether they be foreign, or domestic, they must be paid. Troops receiving pay, are said to be mercenaries: whether the troops then be foreign or domestic, mercenaries they must be. Are not the troops of the Congress under the same predicament? Are they not mercenaries? Does not the Congress pay them? The Congress will not, I suppose, take merit to itself, that instead of solid metal, it pays with fleeting paper.

That from the shock of contending armies death and desolation should ensue, however to be lamented, is hardly, I doubt, to be avoided.

To what then are these high founding words—of “foreign armies”—of “mercenaries”—of “death and desolation,”—reduced? The guilt, if any guilt there be, must consist in the ends, for which these armies are employed; most certainly it consists not in the circumstance of their being foreigners or mercenaries, or killing those who attack them, or being killed by them.

For what end are they employed? To the view of an Englishman, that end would appear to be—the suppression of a Rebellion: To the understanding of an Englishman no end could appear more lawful. Were that Rebellion on the borders of the Tweed, an American, a President of the Congress, would, without hesitation, pronounce the suppression of it, by whatever force, to be lawful. Not so when Rebellion stalks along the shores of the Atlantic: What in the former case would be the lawful exercise of a lawful power, “becomes in this—tyranny—perfidy—cruelty.” So says the Congress.

That this power should be in the hands of the Congress, is, I presume, no crime. Whether they be foreign, or domestic, they must be governed. Governments receiving pay, are said to be mercenary: whether the Congress then be foreign or domestic, mercenaries they must be. Are not the governments of the Congress under the same predicament? Are they not mercenaries? Does not the Congress govern them? The Congress will not, I suppose, take merit to itself, that instead of solid metal, it pays with fleeting paper.
ARTICLE XXV.

The troops were sent, we are told, to complete the work of tyranny: The proofs of tyranny, if a plan of tyranny were formed, must therefore have preceded the sending of the troops. Not a single proof has the Congress alleged of it. All the facts, or pretended facts, they have submitted as proofs, have been examined. Of these, some have appeared to have existed only in their own imagination; the rest are regular Acts of Government; the exercise of acknowledged powers.

What are the circumstances of cruelty? To allege the charge is not to prove it. To allege it without adducing a single fact in support of it, is surely to disprove it, is to acknowledge that no proofs can be found. By the rebellious party it is notoriously and strictly true, that "the works of death and defolation and tyranny were begun," upon his Majesty's innocent and loyal subjects, before any foreign troops were sent; before the idea of sending them was suggested; before his Majesty's troops had committed any hostilities:—Begun with circumstances of cruelty, utterly unparalleled. It was endless to cite examples of cruelty shewn to individuals; to swell the paper with a recital of the cruelties offered to a Rivington; a Malcolm,

*Café of Rivington, in 1773.*

*In the New-York Gazetteer of November 2, 1775, Mr. Rivington inferred at length, the preface to a book, entitled, "Remarks on the principal Acts of the thirteenth Parliament," together with a plan of reconciliation proposed at the end of that work. He said not a word in praise or dispraise, either of the work in general, or of that part of it which he laid before the public. He took on his self only to name the author, and to add—"that the work had been much read in England"—This insertion gave violent offence to the democratic party. In his Paper of the sixteenth of the same month, he inferred the conciliatory motion made by Lord North in the House of Commons, on the 20th of February, 1775.*
Malcolm *, a Harrison *, a Roome *, to the Proprietors of the Hospital at Marble-Head; to the Negro Pilot

1775; together with the arguments which his Lordship was said to have adduced in support of it. He inferred an address presented to his Majesty in the month of September, by the Gentlemen, Clergy, and Inhabitants of the town of Manchester. He inferred an account of the success with which Major Boyle had met in raising recruits: He inferred a letter on modern Patriotism. He inferred a lift of the troops employed and paid by Great Britain, during the last war; together with a private letter from London on the strength and resources of Great Britain. These Articles were, for the most part, transcribed from English News-papers. In his paper of November 23, Mr. Rivington inferred a letter, tending to take off the weight of the conclusions which might be drawn from his former insertions, in favour of Great Britain and against America. Notwithstanding this proof of his impartiality, on the same day, seventy-five of the Connecticut light-horse, surrounded and entered his house, with bayonets fixed, at noon-day, totally destroyed all his types, and stock, and reduced him, at near sixty years of age, to begin the world again.

The astonished people beheld this scene without offering any assistance to the persecuted printer. At the foot of the Gazetteer, published that day, he added in manuscript, an account of these proceedings; which he concluded by saying, “That the New-York Gazetteer must be discour- aged till America should be blessed with the restoration of a good government.” For this last phrase he was threatened publicly with assassination, unless he quitted the Province.

* This Mr. Malcolm hid a small place in the customs.—Insulted in the streets, during the winter in 1772, he threatened to strike the person who insulted him. He was soon after dragged out of his house, stripped, faltert, carted for several hours in the severest frost; whipt with a severity never inflicted by the most unfeeling executioner in a civilized country; and at last, under the gallows, tarred and feathered. The transaction passed in the presence of thousands of applauding spectators:—Some of them members of the General Court. The unfortunate man, contrary to all expectation, survived this inhuman usage. He presented a memorial to the General Assembly; praying their interposition. The memorial was read i—And he obtained—What?—leave to withdraw it.

w A smuggling vessel, belonging to Hancock, was seized by the Custom-house officers, on the 10th of June 1768. A mob was immediately raised, the officers insulted, their houses assaulted, a boat belonging to the Collector,
ARTICLE XXV.

Pilot at Charles Town; to thousands and thousands of others, who might be named. Such adepts are they in the art of torturing, that they have invented new kinds of cruelties; cruelties unknown even to the savage executioners of an inquisition.

Collector, burnt in triumph. Mr. Harrison, the Collector, an old man, of an irreproachable character, was pelted with bricks-bats, from one of which he received a contusion in his breast; under the ill effects of which, he languished for more than twelve months. The Governor pressed the Council for their advice and assistance in securing the rioters, but they declined it; sliling the riot, "only a brusk."

Case of Mr. Roome, not a native of America, was sent in the year 1767, from London to Rhode-Island, to sue for, and collect, large outstanding debts. This poor man, in a familiar letter to a friend in the same Province, expresses a just indignation at the difficulties he had to encounter in the execution of his trust; difficulties arising from the iniquitous tendency of the Provincial Laws, and the partial proceedings of the Provincial Courts; all calculated to delay, or defraud, the English creditors. The private letter was among those stolen and sent back to America, by Dr. Franklyn. On the receipt of it Mr. Roome was brought before the Assembly and thrown into prison, where he continued some months.

Case of the proprietors of the Hospital at Marble-Head.

A sanguinary arose that infection had been communicated from a Hospital, erected at Marble-head, for the purpose of inoculation. The mob—usual administrators of justice in that unhappy country—arose, burnt the Hospital; threatened to burn the houses of the proprietors; and continued parading the streets for several days; menacing a general massacre and devastation. The injured parties applied to the General Assembly. A Committee was ordered to repair to Marble-head, report the facts and inquire into the causes. The Committee reported the facts, nearly as stated in the petition; the report was received; and—nothing further done by the Assembly.

Case of the Negro Pilot at Charles Town.

On the 18th of August 1775, before any hostilities begun, or were even threatened there, they executed a Negro Pilot at Charles Town, who had saved near a thousand pounds sterling by his industry, under the false pretence of his having introduced arms and ammunition among the slaves. So groundless was the accusation, that the Judges made a solemn report of the incompetency of the evidence against him. In vain did the Governor most earnestly endeavour to save him. These assassins threatened, that if he interposed, they would hang the Negro at his (the Governor's) own door.
Tarring and feathering, a species of torture as repugnant to decency, as (with the outrages of which it has been made the prelude) it is shocking to humanity, is the undisputed right of the American rebels.

Googing is another species of torture, of which the name, and the practice, are peculiar to their selves:

Of their adroiteness in inflicting it, more than one of the British soldiers at Lexington, are melancholy proofs.

The Congress must not tell us, that these are the outrages of the mob. They are not the exclusive acts of the persons by whose hands they were perpetrated, they are as properly the acts of all the Assemblies, lawful or unlawful, which in the provinces where they were perpetrated, have seized the executive power; they are the acts of the authors of this audacious Declaration; of these men who stile their selves the Congresss. Acts so notorious in their perpetration, so flagitious in their nature, not to punish, is to countenance, approve, adopt.—But in this I blame them not. They could not punish, knowing as they know, that it was only under the terror which such daring outrages inspired, that their rebellious enterprises could have any chance of success. How besides could they punish, as bodies, acts, of which, as individuals, so many of them had been spectators, promoters, perpetrators.

Of acts of death and desolation committed under arms, who set the example? The first acts of hostili-

* Such as carting, whipping, haltering, &c.

+ This is a way of tearing the eyes out of the sockets.
ty, by whom were they committed? The Americans.—
The first trigger was drawn, the first musket was fired
by them. They carried into the field the same thirst of
torturing, which they had not been able to satiate in
their towns. Their humanity is written in indelible
characters with the blood of the soldiers scalped and
goosed at Lexington.c.

But the Congress talks of circumstances of perfidy.
What compacts have been violated by his Majesty, or
his Parliament? This is tender ground. The Con-
gress should not have touched it. Perfidy is a word that
should be erased from their vocabulary.

Charges unsupported by proofs recoil on the ac-
cuser; I would not charge even rebels with perfidy, if
I had not proofs. The affair of Cedres shall vindicate
my charge.

An English Captain, of the name of Foster, at the
head of about thirty regulars, with a party of Indians,
surprised, defeated, and took a detachment of about
five hundred and ten men, under the command of one
of Arnold’s officers. Some Indians had fallen in the
attack; to their manes their countrymen proposed to
sacrifice, some at least of the prisoners. Captain Foster
humanely interposed; his eloquence, seconded by pre-
fents to a considerable amount, prevailed; the unhappy
victims were saved; all but one, who in spite of his en-
deavours fell. Not having men enough of his own to
guard them; fearful of exposing them to the return of
Indian resentment; apprehensive that in the case of be-
ing attacked, necessity might be urged not only to jus-
tify, but to compel the putting of them to death, Captain

* See General Gage’s account of the skirmish at Lexington.

Foster
Foster embraced the generous resolution of setting them free. Attentive, however, to the good of his Majesty's soldiers, as well as tender to the sufferings of rebels, he expressly stipulated, that an equal number of English and Canadians made prisoners at St. John's, should be returned to Canada as quick as possible. For the performance of this stipulation, four of the principal officers of the rebels remained as hostages. The cartel was communicated to Arnold. By Arnold it was approved and ratified. He sent a copy of it to the Congress. If any convention can be sacred, this surely is that convention. If any act deserve the name of perfidy, the breach of such a convention is surely that act; yet this virtuous Congress, who descry tyranny in the exercise of a regular Government; cruelty in forbearance, and perfidy in the observance of law; signified by a flag of truce, as they call it, in terms of the utmost insolence, to General Burgoyne, their refusal to comply with the engagement, or return the prisoners, threatening if the hostages be touched, to sacrifice the English, who by the cartel ought to have been given in exchange. Alleging in excuse, the death of one man, who was killed before the cartel was accepted, or even proposed.

AND shall the Congress after this declaim against the rule of warfare of the Indian savage? At the bare mention of such a perfidy as this, a deeper dye would tinge the savage cheek than their own paint could stain upon it. What will be the probable consequences of this perfidious violation of the law of war? Indians whom, as we shall see hereafter, the Congress first engaged in this dispute—Indians claim a property in their prisoners; their property in the rebels taken pris-
ARTICLE XXV.

Toners at Cedres, was purchased by the King's officer, with the King's money. The condition of the purchase was stipulated to be the liberty of an equal number of loyal troops. That condition is violated with insolence, with perfidy. In the course of this contest, should it again happen that rebels fall into the hands of Indians, who will pay their ransom, what officer will think his self at liberty to advance the money of the King, only to rivet the chains of the soldiers of the King? Whatever be the known rule of Indian warfare, the Congress has pronounced that the rule shall be followed with the utmost severity. If the horrors of battle be rendered tenfold more horrible by the deliberate sacrifice of the prisoners, the Congress has commanded that it shall be so. Should prisoners hereafter be slaughtered; at the hands of the Congress will their blood be required.

ARTICLE XXVI.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.
ANSWER.

To urge the alleviation of punishment as a proof of tyranny, is a piece of folly referred to the American Congress. These "fellow-citizens taken captive on the high seas"—What are they? In the eye of the captors, what are they? Rebels. What is the punishment denounced against rebels by the law of captors? Death, forfeiture of goods, corruption of blood. Instead of this, what is the punishment inflicted by the Act against which this article complains? To serve on board his Majesty's fleet. It is not even added that they shall serve in America; that they shall bear arms against the partners of their guilt.

With what indignation must this article be read when it is known, that what is here imputed to his Majesty as excessive severity against rebels, has been inflicted by the members of this very Congress on numbers of our own fellow-citizens, innocent even in the eyes of that Congress! It is known with what zeal the agents of the Colonists have, of late years, been employed in inveigling citizens and labourers to go to America. Numerous are the Scotch and Irish emigrants who have gone thither on the faith of engagements that they should be free, and encouraged to exercise their respective trades. These men were innocent in the eyes of the Congress. To the Members of it, they owed no obedience; from them they had received no benefit. Yet it is the boast among the Rebels, that on their arrival there, instead of obtaining the peaceful settlements they had been promised, these unhappy men were compelled "to bear arms " against...
ARTICLE XXVI.

"against their country; to become the executioners of their friends and brethren, or to fall their selves by their hands."

ARTICLE XXVII.

He has excited domestic insurrections among us; and has endeavoured to bring on the inhabitants of our frontiers the merciless Indian Savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

ANSWER.

The article now before us consists of two charges, each of which demands a separate and distinct consideration. The one is, that his Majesty—"has excited domestic insurrections among them;" the other—"that he has endeavoured to bring on the inhabitants of their frontiers the merciless Indian Savages."

By his Majesty, in the first charge, is meant—not his Majesty, but—one of his Majesty’s Governors. He, it seems, excited domestic insurrections among them—Be it so—But who are meant by them? Men in rebellion; men who had excited, and were continuing to excite, civil insurrections against his
his Majesty's government; men who had excited, and were continuing to excite, one set of citizens to pillage the effects, burn the houses, torture the persons, cut the throats of another set of citizens.

But how did his Majesty's Governors excite domestic insurrections? Did they set father against son, or son against father, or brother against brother? No—they offered freedom to the slaves of these affiurers of liberty. Were it not true, that the charge was fully justified by the necessity, to which the rebellious proceedings of the Complainants had reduced the Governor, yet with what face can they urge this as a proof of tyranny? Is it for them to say, that it is tyranny to bid a slave be free? to bid him take courage, to rise and assist in reducing his tyrants to a due obedience to law? to hold out as a motive to him, that the load which crushed his limbs shall be lightened; that the whip which harrowed up his back shall be broken, that he shall be raised to the rank of a freeman and a citizen? It is their boast that they have taken up arms in support of these their own self-evident truths—"that all men are equal"—"that all men are endowed with the unalienable rights of life, liberty, and the pursuit of happiness." Is it for them to complain of the offer of freedom held out to these wretched beings? of the offer of reinstating them in that equality, which, in this very paper, is declared to be the gift of God to all; in those unalienable rights, with which, in this very paper, God is declared to have endowed all mankind?

With respect to the other measure, the attempt—and it has been more than an attempt—to engage the Indians against them—Were it necessary, I should be bold
ARTICLE XXVII.

Because force being necessary, that force which is most easily to be procured, and most likely to be effective, ought to be employed. And because it is only letting loose an enemy whom we had restrained, we had encountered in defence of the Americans.

But this was not a voluntary act of his Majesty. The Congress first engaged the Indians.

No Indians appeared on the side of Government till the year 1776. In the northern Colo-

bold enough to avow—what, I believe, has already been said by some one upon this subject—"That since "force is become necessary to support the authority of "Parliament, that force which is most easily to be "procured, and most likely to be effective, is the force "which ought to be employed." I should be bold enough to avow, that to me it would make little difference, "whether the instrument be a German or a Calmuck, "a Russian or a Mohawk."

Should the force of prejudice be too strong to yield to this defence, were it necessary we might have recourse to another consideration. We might urge, that after all, we are only letting loose on them an enemy whom we had hitherto restrained; an enemy from whom, but by our protection, they would never have been delivered; an enemy whom, in their defence, we oft-times have encountered.

On these grounds we might, I think, safely rest the defence of the second charge contained in this Article. But the truth is, we are not compelled to defend it on this ground. How merciless soever the Indian Savages may be, how destructive soever be their known rule of warfare, it is the height of insolence in the Congress to complain that they are invited to join us: It is the basest hypocritry to impute it to his Majesty, as a voluntary act of severity—because—and this reason, I think, admits of no reply—the Congress were the first to engage the Indians in this dispute.

The Congress knows this assertion to be true. It was not till the affair of Cedres, that is, till the year 1776, that any Indians appeared on the side of Government. It was early in the year 1775, that the Rebels surprized Ticonderoga; made incursions and committed
committed hostilities in the frontiers of his Majesty's province of Quebec; a province at that time in peace. Now the Members of the Congress cannot deny that at that very time, they had not barely engaged, but had brought down as many Indians as they could collect against his Majesty's troops in New England, and the northern Provinces.

Nor were they less industrious or less tardy in bringing down the Indians into the southern Colonies; for at the same time, namely, early in the year 1775, the Committee of Carolina deputed six persons to treat with the Creek and Cherokee Indians. Were it necessary I could name them. Sir James Wright, Governor of Georgia, and Mr. Stuart, superintendent for his Majesty in the Cherokee nation, had been driven, the one from his usual place of residence, the other out of the Province. One person still remained, Mr. Cameron, the deputy superintendent in the Cherokee nation: he was in their way; his presence impeded the treaty they wished to form with the Cherokees; obstructed measures which, imputed to his Majesty, they call the height of cruelty, but adopted by their selves, become only, in their own language, "means of defence." He therefore was considered as an object that was at any rate to be removed. The deputies of the Committee requested; or, as their selves explained it, "commanded," him to retire. He not obeying their orders, one of the deputies, accompanied by two independent preachers* after having gone through the interior and back parts of Carolina and Georgia, on the pious mission of haranguing and incit-

* Their names are Hart and Tenant: Such pious pastors should be known.
ARTICLE XXVII.

In the attempt on Tybee Island they employed Indians, and dressed their own party as Indians, and scalped the wounded.

Early in the beginning of the present year, an attempt was made on Tybee Island, where the Rebels expected to find the Governor of Georgia, with several officers and gentlemen. Happily they were not there. Had they been there, we may judge of the treatment they would have received by that which was actually inflicted on some mariners and a ship-carpenter, whom the Rebels did surprize there. One of them was killed; three mortally wounded. The first died, not of the wounds he received in the attack, but under the cruel torture of the scalping knife. So far were these troops of the Congress from being averse to employ the Indians, that they not only brought Indians with them, but determined, as we see, to adopt their known rule of warfare; the whole party of Rebels were dressed and painted like Indians.

Yet these men can, without a blush, impute it to the King as a voluntary act of severity, that his Majesty has engaged the Indians.

1 His name is Richard Pearis.
2 On the 25th of March.
ARTICLE XXVIII.

In every stage of these oppressions we have petitioned for redress in the most humble terms; our repeated petitions have been answered only by repeated injury.

ANSWER.

Very different are the ideas which seem to be attached to the same terms on this side of the Atlantic and on the other. Here Acts of Parliament are Acts of the Legislature, acknowledged to be supreme; there Acts only of pretended legislation, of unacknowledged individuals. Here treason is an offence of the most atrocious nature; there only a pretended offence. Here to deny the authority of Parliament is the utmost height of audacity; there it is the lowest pitch of humility.

This distinction it was necessary to make, before we could come at the meaning of this article. The reader might otherwise have imagined, that in the resolutions of the American Assemblies, in their addresses to the good people of England, in their Petitions to the King or the Parliament, the authority of Parliament, and their own just and constitutional subordination to it, had been recognised, and the undisputed prerogative of the Crown allowed; that specific demands of what would satisfy them had been made, and specific offers of what they would do had been tendered. It might otherwise require more than common discernment to
ARTICLE XXVIII.

find out the humility of their Petitions: what they call a Petition for Redress, would still pass in the eyes of men of common understanding for a claim of independence.

To go through the proceedings of all their Assemblies, to cite all their Resolutions, Addresses, and Petitions, would be to the reader, as well as to the writer, unspeakably irksome. Let us then begin by the proceedings of that Congress which sat in seventy-four. At that time hostilities were not begun, at least on the part of the Crown. So far from it, that the Congress expressed its surprize at the steps, which the appearance of hostility on the part of the Provincials compelled the Commander of his Majesty's forces to take, for the purpose, not of attacking them, but securing his own troops from being attacked. Besides, the professed object of that Congress, as their selves declare it, in a letter to General Gage, was "by the pursuit of dutiful and peaceable measures, to procure a cordial and effectual reconciliation between Great Britain and the Colonies." If ever, it must be then, when they were assembled with this design, that their language would be decent and humble, their proposals candid and explicit. If there we find no traces of humility or candour, it would be folly in the extreme to look for it thereafter.

Now as well in the Resolves, as in the Addresses and Petitions of that Congress, the legislative power of Parliament, and the known prerogative of the Crown are declared to be grievances. In contradistinction to what we have seen to be the constant course of government, they deny the right of the Crown to station the troops in such part of the empire as in its wisdom
it shall see fit; they deny the authority of Parliament to make any law, relating to their internal policy, or to taxation internal or external; points on which they claim the exclusive right of legislature to their own Assemblies. In all humility they resolved, that the open resistance shewn to the legislative power of Parliament by the inhabitants of Bofton; that all the outrages by which that resistance was manifested and attended—such as destroying the property of his Majesty's British subjects, seizing his stores, burning his magazines, torturing his officers, shutting up the Courts of Justice, were most thoroughly to be approved, ought to be supported by the united efforts of North America, to be kept alive by contributions from all the Colonies.

These are the humble Petitions to which this article alludes. What return could by any Government be made to them, we may leave to any man to determine who knows what Government is. But they petitioned for redress. Their grievances we see they state in very comprehensive terms; so comprehensive, as to take in every Act of Government. Were the offers of what they were ready to do more precise and explicit? What motives did they hold out to induce the King and Parliament to give up so large a portion of an authority, hitherto undisputed? They very gravely assured his Majesty, that they had always been as submissive and as dutiful as they ought to be; that they would hereafter be just as submissive and as dutiful as they had been; that moreover in complying with their demands, he would obtain the inestimable advantage of—what?—“seeing all jealousies removed”—that is—if he would take away every trace of their subordination to his self and

ARTICLE

XXVIII.

The open resistance shewn to the legislative power of Parliament by the people of Boston, and all the outrages that attended it, were thoroughly approved, and declared worthy of general support.

Nothing offered on their parts.

See the printed Journal and proceedings of this Congress.
ARTICLE XXVIII.

Parliament, they would not complain of his authority; if neither he, nor his Parliament would exercise any power over them, they would not be jealous of his power or that of Parliament.

They ought precisely to have stated what they wanted, and what they were ready to submit to.

It is for malcontents, persons who profess their selves dissatisfied, to state precisely what it is with which they are dissatisfied; what it is that will content them; what it is to which they are willing to submit. They know it for certain, at least they ought to know it; is it not for them then to declare it, to declare their own feelings, what passes in their own breasts? Or is Government, who does not know it, cannot know it, to torture itself to divine it?

This was not done; and yet so far was the British Government " from answering,"—as the Congress words it,—" their repeated Petitions, by repeated in- " juries;" that it made the first advances, actually held out terms of accommodation. These terms were submitted to the consideration of the respective Assemblies; and who would think it?—these Assemblies so tremblingly alive to every the gentlest touch of their rights by the King or Parliament, declared without reserve, and without a blush, that all their powers were absorbed by a body unknown to their laws,—by a Congress. To that Congress then which fate in 1775, they referred it to consider of the terms held out to them. By these humble Petitioners how were the terms received?

The Parliament was declared to be "a body of men "extraneous to their constitution." The proposition held out by Parliament, was declared to be "infidious and un- "reasonable;" the requisition to furnish "any contributi- "on, any aid, under the form of a tax," was declared to be "unjust."
It is with much content, to know that God has declared His purposes to be interceded for the support of the civil government, or administration of justice, as the true object of the British Parliament. The reason for this assertion was added, and was such as concluded against the whole power of Parliament: That the provisions already made pleased their selves.

Is this the language of subjects humbly petitioning for redress? Of men, who profess their selves members of one large empire, and subordinate in any degree, to the supreme controlling body of that empire? or is it the language of one independent state to another?

Could any doubt arise in the mind of any candid man, whether independence had, or had not, been all along the determined object of the leading men in America, he would have only to peruse the printed proceedings of these two Assemblies, which sat under the title of Congresses. In the first, they professed to desire nothing more ardently, than that some mode might be adopted of hearing and relieving their griefs, some proposition held forth which might be a ground of reconciliation. Dreading, meanwhile, nothing so much as the accomplishment of their pretended wishes, they throw into their Votes and Addresses, and Petitions, terms expressive of the highest contempt for the authority of Parliament, and of their firm resolution not to submit to the exercise of the undisputed prerogative of the Crown.

1 See the proceedings of the Congress in 1775.

2 To their own account of the proceedings there, we may apply the words of Cicero, though in a different sense from that in which he used them, "Quaecumque hunc librum legertis, nihil amplius est, quod defideret."
They professed to ask only for "Life, Liberty, and Property." But when they came to explain their professions, it appeared, that by property they meant a total exemption from contributing anything to the common burdens of the State; by liberty, a total manumission from the authority of Parliament, the Crown, or the Law; an entire abolition of all the customs of their ancestors, all the institutions of their forefathers.

When terms were offered, the consideration of them was referred by the Provincial Assemblies to the Congress; and by that Congress treated with indignity.

To that Congress they were presented at the very beginning of their Session. Instead of being taken up directly, as surely might have been expected, considering the importance of the object, and the dignity of that august body, from whom they originally came, they were laid aside; the Congress proceeded to vote a paper-currency, to seize the public revenues, to raise armies, to appoint officers, to suspend the courts of justice, and then—at the close of the Session—condescended at last to read the terms held out. No change, no modification, was proposed in them, but they were cruelly rejected in the terms of disrespect and insolence and rancor, we have already cited.

But this is not all, men who petition in earnest for redress, will wait the event of their Petitions. The last Petition, addressed to the King, was drawn up in the month of August, and presented to the King in the month of September 1775. In the same month of August,
August, before their Petition had reached the Throne, a boat belonging to the Asia was burnt at New York; two ships were seized by vessels fitted out in South Carolina. Before they could hear how their Petition had been received, St. John's was attacked, Montreal attempted, Canada invaded by Arnold, commissions issued by Washington to cruise on the ships of Great Britain, as against a foreign enemy; Courts of Admiralty appointed to try and condemn them as lawful captures.

Can any man after this entertain a doubt whether they were determined on independence? Had an Angel descended from Heaven with terms of accommodation, which offered less than independence, they would have driven him back with hostile scorn.
IN examining this singular Declaration, I have hitherto confined myself to what are given as facts, and alleged against his Majesty and his Parliament, in support of the charge of tyranny and usurpation. Of the preamble I have taken little or no notice. The truth is, little or none does it deserve. The opinions of the modern Americans on Government, like those of their good ancestors on witchcraft, would be too ridiculous to deserve any notice, if like them too, contemptible and extravagant as they be, they had not led to the most serious evils.

Is this preamble however it is, that they attempt to establish a theory of Government; a theory, as absurd and visionary, as the system of conduct in defence of which it is established, is nefarious. Here it is, that maxims are advanced in justification of their enterprises against the British Government. To these maxims, adduced for this purpose, it would be sufficient to say, that they are repugnant to the British Constitution. But beyond this they are subversive of every actual or imaginable kind of Government.

They are about "to assume," as they tell us, "among the powers of the earth, that equal and separate..."
REVIEW, "station to which"—they have lately discovered—"the laws of Nature, and of Nature's God entitle them." What difference these acute legislators suppose between the laws of Nature, and of Nature's God, is more than I can take upon me to determine, or even to guess. If to what they now demand they were entitled by any law of God, they had only to produce that law, and all controversy was at an end. Instead of this, what do they produce? What they call self-evident truths. "All men," they tell us, "are created equal." This surely is a new discovery; now, for the first time, we learn, that a child, at the moment of his birth, has the same quantity of natural power as the parent, the same quantity of political power as the magistrate.

That the rights of "life, liberty, and the pursuit of happiness"—by which, if they mean anything, they must mean the right to enjoy life, to enjoy liberty, and to pursue happiness—they "hold to be unalienable." This they "hold to be among truths self-evident." At the same time, to secure these rights, they are content that Governments should be instituted. They perceive not, or will not seem to perceive, that nothing which can be called Government ever was, or ever could be, in any instance, exercised, but at the expense of one or other of those rights. That, consequently, in as many instances as Government is ever exercised, some one or other of these rights, pretended to be unalienable, is actually alienated.

That men who are engaged in the design of subverting a lawful Government, should endeavour by a cloud of words, to throw a veil over their design; that they should endeavour to beat down the criteria between tyranny and lawful government, is not at all surprising.
surprising. But rather surprising it must certainly appear, that they should advance maxims so incompatible with their own present conduct. If the right of enjoying life be unalienable, whence came their invasion of his Majesty's province of Canada? Whence the unprovoked destruction of so many lives of the inhabitants of that province? If the right of enjoying liberty be unalienable, whence came so many of his Majesty's peaceable subjects among them, without any offence, without so much as a pretended offence, merely for being suspected not to wish well to their enormities, to be held by them in durance? If the right of pursuing happiness be unalienable, how is it that so many others of their fellow-citizens are by the same injustice and violence made miserable, their fortunes ruined, their persons banished and driven from their friends and families? Or would they have it believed, that there is in their selves some inferior sanctity, some peculiar privilege, by which these things are lawful to them, which are unlawful to all the world besides? Or is it, that among acts of coercion, acts by which life or liberty are taken away, and the pursuit of happiness restrained, those only are unlawful, which their delinquency has brought upon them, and which are exercised by regular, long established, accustomed governments?

In these tenets they have outdone the utmost extravagance of all former fanatics. The German Anabaptists indeed went so far as to speak of the right of enjoying life as a right unalienable. To take away life, even in the Magistrate, they held to be unlawful. But they went no farther, it was reserved for an American Congress, to add to the number of unalienable rights, that of enjoying liberty, and pursuing happiness;
REVIEW.

They allow Governments long established, should not be changed for light reasons.

Here then they have put the axe to the root of all Government; and yet, in the same breath, they talk of "Governments," of Governments "long established." To these last, they attribute some kind of respect; they vouchsafe even to go so far as to admit, that "Governments, long established, should not be changed for light or transient reasons."

Yet they are about to change a Government, a Government whose establishment is coeval with their own existence as a Community. What causes do they assign? Circumstances which have always subsisted, which must continue to subsist, wherever Government has subsisted, or can subsist.

For what, according to their own shewing, what was their original, their only original grievance? That they were actually taxed more than they could bear? No; but that they were liable to be so taxed. What is the amount of all the subsequent grievances they allege? That they were actually oppressed by Government? That Government had actually misused its power? No; but that it was possible they might be oppressed; possible that Government might misuse its powers. Is there any where, can there be imagined any where, that Government, where subjects are not liable to be taxed more than they can bear?
where it is not possible that subjects may be oppressed, not possible that Government may misuse its powers.

This, I say, is the amount, the whole sum and substance of all their grievances. For in taking a general review of the charges brought against His Majesty, and his Parliament, we may observe that there is a studied confusion in the arrangement of them. It may therefore be worth while to reduce them to the several distinct heads, under which I should have classed them at the first, had not the order of the Answer been necessarily prescribed by the order—or rather the disorder—of the Declaration.

The first head consists of Acts of Government, charged as so many acts of incroachment, so many usurpations upon the present King and his Parliaments exclusively, which had been constantly exercised by his Predecessors and their Parliaments.

In all the articles comprised in this head, is there a single power alleged to have been exercised during the present reign, which had not been constantly exercised by preceding Kings, and preceding Parliaments? Read only the commission and instruction for the Council of Trade, drawn up in the 9th of King William III. addressed to Mr. Locke, and others. See there what

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* Under this head are comprised articles I. II, so far as they are true, III. VII. IX. so far as the last relates to the tenure of the Judges' offices, XI. XII. XIII. XIV. XVII. XVIII. so far as the last relates to the establishment of Courts of Admiralty in general, and the causes, the cognizance of which is attributed to them. XIX. XXII. so far as the latter relates to the Declaration of the power of Parliament to make laws for the Colonies binding in all cases whatsoever.

powers were exercised by the King and Parliament over the Colonies. Certainly the Commissioners were directed to inquire into, and make their reports concerning those matters only, in which the King and Parliament had a power of controlling the Colonies. Now the Commissioners are instructed to inquire—into the condition of the Plantations, "as well with regard to the administration of Government and Justice, as in relation to the commerce thereof;"—into the means of making "them most beneficial and useful to England;"—"into the staples and manufactures, which may be encouraged there;"—"into the trades that are taken up and exercised there, which may prove prejudicial to England;"—"into the means of diverting them from such trades." Farther, they are instructed "to examine into, and weigh the Acts of the Assemblies of the Plantations;"—"to set down the usefulness or mischief to the Crown, to the Kingdom, or to the Plantations their selves."—And farther still, they are instructed "to require an account of all the monies given for public uses by the Assemblies of the Plantations, and how the same are, or have been expended, or laid out." Is there now a single Act of the present reign which does not fall under one or other of these instructions.

The powers then, of which the several articles now before us complain, are supported by usage; were conceived to be so supported then, just after the Revolution, at the time these instructions were given; and were they to be supported only upon this foot of usage, still that usage being coeval with the Colonies, their tacit consent and approbation, through all the successive periods in which that usage has prevailed, would be implied;—even then the legality of those powers would stand upon the same foot as most of the prerogatives
On many occasions expressly recognized as such by the Colonial Assemblies.

The effects of them beneficial.

On many occasions expressly recognized as such by the Colonial Assemblies.

The leaves can the Americans have to complain against the exercise of these powers, as it was under the constant exercise of the self-same powers, that they have grown up with a vigour and rapidity unexampled: That within a period, in which other communities have fearcely had time to take root, they have shot forth exuberant branches. So flourishing is their agriculture, that—we are told—"besides feeding plentifully their own growing multitudes, their annual exports have exceeded a million." So flourishing is their trade, that—we are told—"it has increased far beyond the speculations of the most fanguine
"fauarine imagination." So powerful are they in arms, that we see them defy the united force of that nation, which, but a little century ago, called them into being; which, but a few years ago, in their defence, encountered and subdued almost the united force of Europe.

If the exercise of powers, thus established by usage, thus recognised by express declarations, thus sanctified by their beneficial effects, can justify rebellion, there is not that subject in the world, but who has, ever has had, and ever must have, reason sufficient to rebel: There never was, never can be, established, any government upon earth.

The second head consists of Acts, whose professed object was either the maintenance, or the amendment of their Constitution. These Acts were passed with the view either of freeing from impediments the course of their commercial transactions, or of facilitating the administration of justice, or of poising more equally the different powers in their Constitution; or of preventing the establishment of Courts, inconsistent with the spirit of the Constitution.

To state the object of these Acts, is to justify them. Acts of tyranny they cannot be: Acts of usurpation they are not; because no new power is assumed. By former Parliaments, in former reigns, officers of customs had been sent to America: Courts of Admiralty had been established there. The in-

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c See Mr. Burke's speeches.
d Article X.
e Article XVIII. so far as it relates to the multiplication of the Courts of Admiralty.
f Article XXI.
g Article VIII.
crease of trade and population induced the Parliaments, under the present reign, for the conveniency of the Colonists, and to obviate their own objections of delays arising from appeals to England, to establish a Board of Customs, and an Admiralty Court of Appeal. Strange indeed is it to hear the establishment of this Board, and these Courts, alleged as proofs of usurpation; and in the same paper, in the same breath, to hear it urged as a head of complaint, that his Majesty refused his assent to a much greater exertion of power—-to an exertion of power, which might be dangerous; the establishment of new Courts of Judicature. What in one instance he might have done, to have done in another, cannot be unconstitutional. In former reigns, charters had been altered; in the present reign, the constitution of one charter, having been found inconsistent with the ends of good order and government, was amended.

The third head consists of temporary Acts, passed pro re nata, the object of each of which was to remedy some temporary evil, and the duration of which was restrained to the duration of the evil itself.

Neither in these Acts was any new power assumed; in some instances only, the objects upon which that power was exercised, were new. Nothing was done but what former Kings and former Parliaments have shewn their selves ready to do, had the same circumstances subsisted. The same circumstances never did subsist before, because, till the present reign, the

b Under this head may be class'd Articles IV. V. VI. IX. so far as the last relates to the payment of the Judges by the Crown. XV. XXII. so far as the latter relates to the suspension of their legislatures.
Colonies never dared to call into question the supreme authority of Parliament.

No charge, classed under this head, can be called a grievance. Then only is the subject aggrieved, when, paying due obedience to the established Laws of his country, he is not protected in his established rights. From the moment he withholds obedience, he forfeits his right to protection. Nor can the means employed to bring him back to obedience, however severe, be called grievances; especially if those means be to cease the very moment that the end is obtained.

The last head consists of Acts of self-defence, exercised in consequence of resistance already shewn, but represented in the Declaration as Acts of oppression, tending to provoke resistance. Has his Majesty cut off their trade with all parts of the world? They first attempted to cut off the trade of Great Britain. Has his Majesty ordered their vessels to be seized? They first burnt the vessels of the King. Has his Majesty sent troops to chastise them? They first took up arms against the authority of the King. Has his Majesty engaged the Indians against them? They first engaged Indians against the troops of the King. Has his Majesty commanded their captives to serve on board his fleet? He has only saved them from the gallows.

Under this head may be classed Articles XVI. XXIII. XXIV. XXV. XXVI. XXVII. Two other Articles there are, not comprised within any of the four heads, the XX. and XXVIII. The former of these relates to the government of Quebec, with which the revolted Colonies have no more to do, than with the government of Russia: The latter relates to the humble petitions they pretend to have presented "in every "flage," as they style it, "of the oppressions," under which they pretend to labour. This we have seen to be false. No one humble petition, no one decent representation, have they offered.

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By some, these acts have been improperly called "Acts of punishment." And we are then asked, with an air of insult, "What! will you punish without "a trial, without a hearing?" And no doubt punishment, whether ordinary or extraordinary; whether by indictment, impeachment, or bill of attainder, should be preceded by judicial examination. But, the acts comprised under this head are not acts of punishment; they are, as we have called them, acts of self-defence. And these are not, cannot be, preceded by any judicial examination. An example or two will serve to place the difference between acts of punishment and acts of self-defence in a stronger light, than any definition we can give. It has happened, that bodies of manufacturers have risen, and armed, in order to compel their masters to increase their wages: It has happened, that bodies of peasants have risen, and armed, in order to compel the farmer to sell at a lower price. It has happened, that the civil magistrate, unable to reduce the insurgents to their duty, has called the military to his aid. But did ever any man imagine, that the military were sent to punish the insurgents? It has happened, that the insurgents have resisted the military, as they had resisted the civil magistrate: It has happened, that, in consequence of this resistance, some of the insurgents have been killed:—But did ever any man imagine that those who were thus killed, were therefore punished? No more can they be said to be punished, than could the incendiary, who should be buried beneath the ruins of the house, which he had feloniously set on fire. Take an example yet nearer to the present case. When the Duke of Cumberland led the armies of the kings, foreign and domestic, against the Rebels in Scotland, did any man conceive that he was
sent to punish the Rebels?—Clearly not.—He was sent to protect dutiful and loyal subjects, who remained in the peace of the King, against the outrages of Rebels, who had broken the peace of the King.—Does any man speak of those who fell at the battle of Culloden, as of men that were punished? Would that man have been thought in his senses, who should have urged, that the armies of the King should not have been sent against the Rebels in Scotland, till those very Rebels had been judicially heard, and judicially convicted? Does not every man feel that the fact, the only fact, necessary to be known, in order to justify those acts of self-defence, is simply this:—Are men in arms against the authority of the King?—Who does not feel, that to authenticate this fact, demands no judicial inquiry? If when his Royal Highness had led the army under his command into Scotland, there had been no body of men in arms; if, terrified at his approach, they had either laid down their arms and submitted, or had dispersed and retired quietly, each to his own home, what would have been the consequence? The civil magistrate would have searched for and seized upon those who had been in arms; would have brought them to a court of justice: That court would have proceeded to examine, and to condemn or to acquit, as evidence was, or was not, given of the guilt of the respective culprits. The Rebels did not submit, they did not lay down their arms, they did not disperse; they resisted the Duke: a battle ensued: some of the Rebels fled, others were slain, others taken. It is upon those only of the last class, who were brought before and condemned by Courts of Justice, that punishment was inflicted. By what kind of logic then are these acts ranked in the class of grievances?

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These are the Acts, these exertions of constitutional, and hitherto, undisputed powers, for which, in this audacious paper, a patriot King is traduced— as "a Prince, whose character is marked by every Act which may define a tyrant;" as "unfit to be the ruler of a free people." These are the Acts, these exertions of constitutional, and, hitherto, undisputed powers, by which the Members of the Congress declare their selves and their constituents to be "absolved from all allegiance to the British Crown;" pronounce "all political connection between Great Britain and America to be totally dissolved." With that hypocrisy which pervades the whole of the Declaration, they pretend indeed, that this event is not of their seeking; that it is forced upon them; that they only "acquiesce in necessity which denounces their separation from us;" which compels them hereafter to hold us, as they "hold the rest of mankind; enemies in war; in peace, friends."

How this Declaration may strike others, I know not. To me, I own, it appears that it cannot fail to use the words of a great Orator—"of doing us Knight's service." The mouth of faction, we may reasonably presume, will be closed; the eyes of those who saw not, or would not see, that the Americans were long since aspiring at independence, will be opened; the nation will unite as one man, and teach this rebellious people, that it is one thing for them to say, the connection, which bound them to us, is dissolved, another to dissolve it; that to accomplish their independence is not quite so easy as to declare it: that there is no
peace with them, but the peace of the King; or war with them, but that war, which offended justice, wage against criminals. — We hope, I hope, that it may be in the necessity of submitting to whatever burdens, of making whatever efforts may be necessary, to bring this ungrateful and rebellious people back to that allegiance they have long had it in contemplation to renounce, and have now at last so daringly renounced.

FINIS.