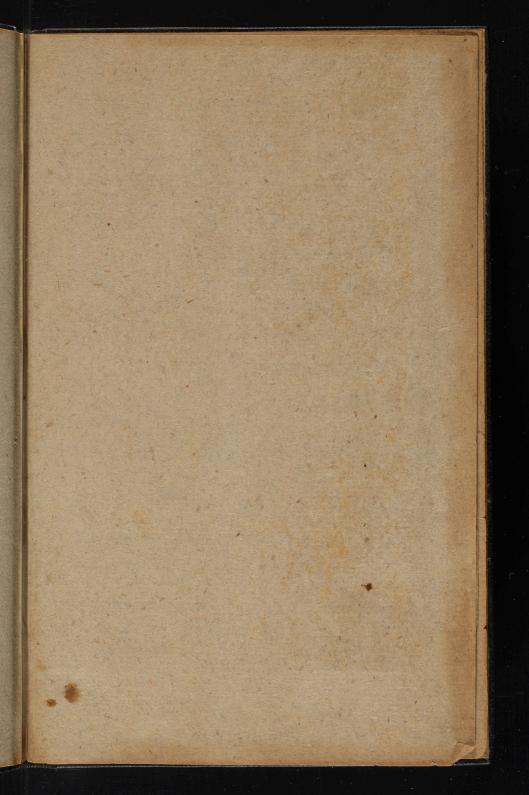
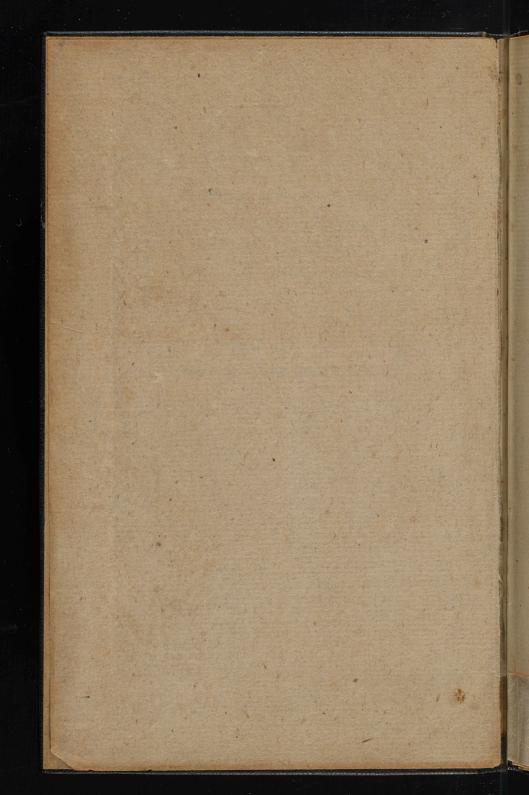
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SUMMARY VIEW
OFTHE

R I G H T S

BRITISH AMERICA.
SET FORTH IN SOME

R E S O L U T I O N S
INTENDED FOR THE

I N S P E C T I O N
OF THE PRESENT

DELEGATES
OFTHE

PEOPLE OF VIRGINIA.
NOW IN

CONVENTION.

BY A NATIVE, AND MEMBER OF THE HOUSE OF BURGESSES.

WILLIAMSBURG:
PRINTED BY CLEMENTINARIND

EST PROPRIUM MUNUS MAGISTRATUS INTELLIGERE,
SE GERERE PERSONAM CIVITATIS, DEBEREQUE
EJUS DIGNITATEM & DECUS SUSTINERE, SERVARE
LEGES, JURA DISCRIBERE, EA FIDEI SUÆ COMMISSA
MEMINISSE.

CICERO DE OF. L. I, C. 34.

It is the indispensable duty of the supreme magistrate to consider himself as acting for the whole community, and obliged to support its dignity, and to the people, with justice, their various rights, as he would be faithful to the great trust reposed in him.

THE PREFACE OF THE EDITORS.

THE following piece was intended to convey to the late meeting of DELEGATES the sentiments of one of their body, whose personal attendance was prevented by an accidental illness. In it the sources of our present unhappy differences are traced with such faithful accuracy, and the opinions entertained by every free American expressed with such a manly sirmness, that it must be pleasing to the present, and may be useful to future ages. It will evince to the world the moderation of our late convention, who have only touched with tenderness many of the claims insisted on in this pamphlet, though every heart acknowledged their justice. Without the knowledge of the author, we have ventured to communicate his sentiments to the public; who have certainly a right to know what the best and wifest of their members have thought on a subject in which they are so deeply interested.

Williamsburgh. July. 1774.

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SUMMARY VIEW

OFTHE

RIGHTS

OF

BRITISH AMERICA, &c.

RESOLVED, that it be an inftruction to the faid deputies, when affembled in general congress with the deputies from the other states of British America, to propose to the said congress that an humble and dutiful address be presented to his majesty, begging leave to lay before him, as chief magistrate of the British empire, the united complaints of his majesty's subjects in America; complaints which are excited by many unwarrantable encroachments and usurpations, attempted to be made by the legislature of one part of the empire, upon those rights which God and the laws have given equally and independently to all. To represent to his majesty that these his states have often individually made humble application to his imperial throne to obtain, through its intervention, fome redrefs of their injured rights, to none of which was ever even an answer condescended; humbly to hope that this their joint address, penned in the language of truth, and divested of those expressions of servility which would perfuade his majesty that we are asking favours, and not rights, shall obtain from his majesty a more respectful acceptance. And this his majesty will think we have reason to expect when he reflects that he is no more than the chief officer of the people, appointed by the laws, and circumscribed with definite powers, to affift in working the great machine of government, erected for their use, and consequently subject

to their superintendance. And in order that these our rights, as well as the invasions of them, may be laid more fully before his majesty, to take a view of them from the origin and first settlement of these countries.

To remind him that our ancestors, before their emigration to America, were the free inhabitants of the British dominions in Europe, and possessed a right which nature has given to all men, of departing from the country in which chance, not choice, has placed them, of going in quest of new habitations, and of there establishing new focieties, under such laws and regulations as to them shall feem most likely to promote public happiness. That their Saxon ancestors had, under this universal law, in like manner left their native wilds and woods in the north of Europe. had possessed themselves of the island of Britain, then less charged with inhabitants, and had established there that fystem of laws which has so long been the glory and protection of that country. Nor was ever any claim of superiority or dependence afferted over them by that mother country from which they had migrated: and were fuch a claim made, it is believed that his majesty's subjects in Great Britain have too firm a feeling of the rights derived to them from their ancestors, to bow down the sovereignty of their state before fuch visionary pretentions. And it is thought that no circumstance has occurred to distinguish materially the British from the Saxon emigration. America was conquered, and her fettlements made, and firmly established, at the expence of individuals, and not of the British public. Their own blood was spilt in acquiring lands for their fettlement, their own fortunes expended in making that fettlement effectual; for themselves they fought, for themselves they conquered, and for themselves alone they have right to hold. No shilling was ever issued from the public treasures of his majesty, or his ancestors, for their assistance, till of very late times, after the colonies had become established on a firm and permanent footing. That then, indeed, having become valuable to Great Britain for her commercial purposes, his

parliament was pleafed to lend them affiffance against an enemy, who would fain have drawn to herfelf the benefits of their commerce, to the great aggrandizement of herfelf, and danger of Great Britain. Such affistance, and in such circumstances, they had often before given to Portugal, and other allied states, with whom they carry on a commercial intercourfe: yet these states never supposed, that by calling in her aid, they thereby fubmitted themselves to her sovereignty. Had fuch terms been proposed, they would have rejected them with difdain, and trufted for better to the moderation of their enemies, or to a vigorous exertion of their own force. We do not, however, mean to under-rate those aids, which to us were doubties valuable, on whatever principles granted; but we would flew that they cannot give a title to that authority which the British parliament would arrogate over us, and that they may amply be repaid by our giving to the inhabitants of Great Britain fuch exclusive privileges in trade as may be advantageous to them, and at the same time not too restrictive to ourselves. That settlements having been thus effected in the wilds of America, the emigrants thought proper to adopt that fystem of laws under which they had hitherto lived in the mother country, and to continue their union with her by fubmitting themselves to the fame common fovereign, who was thereby made the central link connecting the feveral parts of the empire thus newly multiplied.

But that not long were they permitted, however far they thought themselves removed from the hand of oppression, to hold undisturbed the rights thus acquired, at the hazard of their lives, and loss of them fortunes. A family of princes was then on the British throne, whose treasonable crimes against their people brought on them afterwards the exertion of those facred and sovereign rights of punishment reserved in the hands of the people for cases of extreme necessity, and judged by the constitution unsafe to be delegated to any other judicature. While every day brought forth some new and unjustisable exertion of power over their subjects on that side the water, it was not

to be expected that those here, much less able at that time to oppose the designs of despotism, should be

exempted from injury.

Accordingly that country, which had been acquired by the lives, the labours, and the fortunes, of individual adventurers, was by these princes, at several times, parted out and distributed among the favourites and * followers of their fortunes, and, by an assumed right of the crown alone, were erected into distinct and independent governments; a meafure which it is believed his majesty's prudence and understanding would prevent him from imitating at this day, as no exercise of such a power, of dividing and difmembering a country, has ever occurred in his majesty's realm of England, though now of very antient standing: nor could it be justified or acquiesced under there, or in any other part of his majesty's empire.

That the exercise of a free trade with all parts of the world, possessed by the American colonists, as of

natural right, and which no law of their own had taken away or abridged, was next the object of unjust encroachment. Some of the colonies having thought proper to continue the administration of their government in the name and under the authority of his majesty king Charles the first whom, notwithstanding his late deposition by the commonwealth of England, they continued in the fovereignty of their state) the parliament for the commonwealth took the fame in high offence, and affumed upon themselves the power of prohibiting their trade with all other parts of the

world, except the island of Great Britain. arbitrary act, however, they foon recalled, and by

* 1621 Mora * 1632 Maryland was granted to lord Baltimore, 14. 6, 2. Pennsyl-.
Scotia was grant vania to Jenn, and the province of Carolina was in the year iffect of by James I. to granted Michoe patenter majerty, king Chariff II. in the 13th year to so by James 1. to seance Myle to be patent of maje ity, king Charles II. In the 15th Jen S. William alexander in 1632 many and was granted by Charles on tool Berkeley, Anthony lord Afalox, fir George Carteret, fir on Coleton, knight and boronet, and fir William berkley, knight at the Baltimore with the terms patent the laws of England were to be in force in Carolina: But the lords productors had pawer, with the content of the inhabitants, to make by-laws for the better government of the was granted by did province; so that no monly could be received, or law made, that of york. So

Duke of york. so also was new Tersey which the D. of york continued again to L. Berkley & S. George Carto, t. 30 also were the Delaware counties which the Jame Duke and again to William Penn. in 1665 the country in-cluding N. H.S. Ca sina Georgia & the Flondas was granted to the E. of Clarendon D. of albemarle, E. of Craven, L. Berheley, Dashley, S. Beorge Carteret, S. John Coleton H. S. W. Berheley. In 1601. Pennsylvania was granted toy Charles II. to W. Penn.

folemn treaty, entered into on the 12th day of March. 1651, between the faid commonwealth by their commissioners, and the colony of Virginia by their house of burgesses, it was expressly stipulated, by the 8th article of the faid treaty, that they should have "free trade as the people of England do enjoy to all places and with all nations, according to the laws of that commonwealth." But that, upon the restoration of his majesty king Charles the second, their rights of free commerce fell once more a victim to arbitrary power; and by feveral acts * of his reign, as well as of fome of his fuccessors, the trade of the colonies was laid under fuch restrictions, as shew what hopes they might form from the justice of a British parliament. were its uncontrouled power admitted over these states. History has informed us that bodies of men, as well as individuals, are fusceptible of the spirit of tyranny. A view of these acts of parliament for regulation, as it has been affectedly called, of the American trade, if all other evidence were removed out of the cafe. would undeniably evince the truth of this observation. Besides the duties they impose on our articles of export and import, they prohibit our going to any markets northward of Cape Finesterre, in the kingdom of Spain, for the fale of commodities which Great Britain will not take from us, and for the purchase of others, with which she cannot supply us; and that for no other than the arbitrary purposen of purchasing for themselves, by a facrifice of our rights and interests, certain privileges in their commerce with an allied state; who in confidence that their exclusive trade with America will be continued, while the principles and power of the British parliament be the fame, have indulged themselves in every exorbitance which their avarice could dictate, or our necessities extort; have raised their commodities. called for in America, to the double and treble of what they fold for before fuch exclusive privileges were given them, and of what better commodities of the fame kind would cost us elsewhere, and at the

^{* 12. 6. 2.} c. 18. 15. 6. 2. c. 11. 25. 6. 2. c. 7. 7. 8. W. M. c. 22. 11. W. 3. 4. Anne. 6. G. 2. c. 13.

fame time give us much less for what we carry thither than might be had at more convenient ports. That these acts prohibit us from carrying in quest of other purchasers the furplus of our tobaccoes remaining after the confumption of Great Britain is supplied: fo that we must leave them with the British merchant for whatever he will please to allow us, to be by him reshipped to foreign markets, where he will reap the benefits of making fale of them for full value. That to heighten still the idea of parliamentary justice, and to shew with what moderation they are like to exercife power, where themselves are to feel no part of its weight, we take leave to mention to his majesty certain other acts of British parliament, by which they would prohibit us from manufacturing for our own use the articles we raife on our own lands with our own labour. By an act * passed in the 5th Year of the reign of his late majesty king George the second, an American subject is forbidden to make a hat for himself of the fur which he has taken perhaps on his own foil; an instance of despotism to which no parrallel can be produced in the most arbitrary ages of British history. By one other act, + passed in the 23d year of the fame reign, the iron which we make we are forbidden to manufacture, and heavy as that article is, and necessary in every branch of husbandry, besides commission and insurance, we are to pay freight for it to Great Britain, and freight for it back again, for the purpose of supporting not men, but machines, in the island of Great Britain. In the same spirit of equal and impartial legiflation is to be viewed the act of parliament, f passed in the 5th year of the same reign, by which American lands are made fubject to the demands of British creditors, while their own lands were still continued unanswerable for their debts: from which one of these conclusions must necessarily follow, either that justice is not the same in America as in Britain, or elfe that the British parliament pay less regard to it here than there. But that we do not point out to his majesty the injustice of these acts, with intent to rest on that principle the cause of their

* 5. G. 2.c. + 23. G. 2. c. 29. 1 5. G. .276.

in 1621, no Scotia was gran - ed by James I. S. William al ender in 1637 manyland wa granted by Ch. 3. to L. Baltin in 1664. newy was granted Charles 11. to

Duke of york also was New Jersey which the D. of york and again to L. Berkley & S" George Cartes t : So also were the Delaware courties which the Jame Duke and Las again to William Penn. in 1665 the country in-cluding N. S. S. Ca olina Georgia & the Floridas was granted to the R. of Clarendon D. of albernarle, E. of craver, L. Berheley, Dashley, 5. Feorge Carterit, 5. John Coleton 45. W. Berheley. on 1601. Pennsylvania was granted toy Charles 11. E. W. Penn.

nullity; but to shew that experience confirms the propriety of those political principles which exempt us from the jurisdiction of the British parliament. The true ground on which we declare these acts void, is, that the British parliament has no right to exercise au-

thority over us.

That these exercises of usurped power have not been confined to instances alone, in which themselves were interested, but they have also intermeddled with the regulation of the internal assairs of the colonies. The act of the the 9th of Anne for establishing a post office in America seems to have had little connection with British convenience, except that of accommodating his majesty's ministers and favourites with the

fale of a lucrative and eafy office.

That thus have we hastened through the reigns which preceded his majesty's, during which the violations of our right were less alarming, because repeated at more distant intervals than that rapid and bold fuccession of injuries which is likely to distinguish the present from all other periods of American story. Scarcely have our minds been able to emerge from the astonishment into which one stroke of parliamentary thunder has involved us, before another more heavy, and more alarming, is fallen on us. Single acts of tyranny may be ascribed to the accidental opinion of a day; but a feries of oppressions, begun at a distinguished period, and pursued unalterably through every change of ministers, too plainly prove a deliberate and systematical plan of reducing us to flavery.

That the act * passed in the 4th year of his majesty's reign, intitled "An act for granting certain duties in the British colonies and plantations in America,

&cc."

One other act †, passed in the 5th year of his reign, intitled "An act for granting and applying certain stamp duties and other duties in the British colonies and plantations in America, &c."

One other act;, passed in the 6th year of his reign, intituled "An act for the better securing the depend-

^{* 4.} G. 3. c. 15. † 5. G. 3. c. 12. † 6. G. 3. c. 12.

ency of his majesty's dominions in America upon the crown and parliament of Great Britain;" and one other act*, passed in the 7th year of his reign, intituled "An act for granting duties on paper, tea, &c." form that connected chain of parliamentary usurpation, which has already been the subject of frequent applications to his majesty, and the houses of lords and commons of Great Britain; and no answers having yet been condescended to any of these, we shall not trouble his majesty with a repetition of the

matters they contained.

But that one other act, passed in the same 7th year of his reign, having been a peculiar attempt, must ever require peculiar mention; it is intituled "An act for fuspending the legislature of New York." One free and independent legislature hereby takes upon itself to suspend the powers of another, free and independent as itself; thus exhibiting a phoenomenon unknown in nature, the creator and creature of its own power. Not only the principles of common fense, but the country feelings of human nature, must be surrendered up before his majesty's subjects here can be perfuaded to believe that they hold their political existence at the will of a British parliament. Shall these governments be dissolved, their property annihilated, and their people reduced to a state of nature, at the imperious breath of a body of men, whom they never faw, in whom they never confided, and over whom they have no powers of punishment or removal, let their crimes against the American public be ever fo great? Can any one reason be affigned why 160,000 electors in the island of Great Britain should give law to four millions in the states of America, every individual of whom is equal to every individual of them, in virtue, in understanding, and in bodily strength? Were this to be admitted, instead of being a free people, as we have hitherto supposed, and mean to continue ourselves, we should fuddenly be found the flaves, not of one, but of 160,000 tyrants, distinguished too from all others by this fingular circumstance, that they are removed

* 7. G. 3. + 7. G. 3. c. 59.

H in 1621. M Scotia was ga - Ed by James 3 5. William 6 - ender, in 163 Manyland w granted by 1 I. to L. Balli in 1664. New was granted Charles 11. Duke of 1800

Duke of you also were the Delaware counties which the James Duke of the Country in-Jame Duke of the again to William Penn. in 1665 the country including N. H. S. Ca olina Georgia & the Floridas was granted to the E. of Clarendon D. of albomarle, E. of craver, L. Berheley, L'ashley, S. Beorge Carteret, S. Sohn Colston,

from the reach of fear, the only restraining motive

which may-hold the hand of a tyrant.

That by "an act * to discontinue in such manner and for fuch time as are therein mentioned the landing and discharging, lading or shipping, of goods. wares, and merchandize, at the town and within the harbour of Boston, in the province of Massachusetts Bay, in North America," which was passed at the last fession of British parliament; a large and populous town, whose trade was their fole subfistence, was deprived of that trade, and involved in utter ruin. Let us for a while suppose the question of right sufpended, in order to examine this act on principles of justice: An act of parliament had been passed imposing duties on teas, to be paid in America, against which act the Americans had protested as inauthoritative. The East India company, who till that time had never fent a pound of tea to America on their own account. step forth on that occasion the affertors of parliamentary right, ann fend hither many ship loads of that obnoxious commodity. The masters of their feveral veffels, however, on their arrival in America, wifely attended to admonition, and returned with their cargoes. In the province of the alone the remonstrances of the people were difregarded, and a compliance, after being many days waited for, was flatly refused. Whether in this the master of the vessel was governed by his obstinacy, or his instructions, let those who know, fay. There are extraordinary fituations which require extraordinary interposition. An exasperated people, who feel that they possess power, are not easily restrained within limits strictly regular. A number of them affembled in the town of Boston, threw the tea into the ocean, and dispersed without doing any other act of violence. If in this they did wrong, they were known and were amenable to the laws of the land, against which it could not be objected that they had ever, in any instance, been obstructed or diverted from their regular course in favour of popular offenders. They should therefore not have been distrusted on this occasion.

^{* 14.} G. 3.

But that ill fated colony had formerly been bold in their enmities against the house of Stuart, and were now devoted to ruin by that unfeen hand which governs the momentous affairs of this great empire. On the partial representations of a few worthless ministerial dependents, whose constant office it has been to keep that government embroiled, and who. by their treacheries, hope to obtain the dignity of the British knighthood, without calling for a party accufed, without asking a proof, without attempting a distinction between the guilty and the innocent, the whole of that antient and wealthy town is in a moment reduced from opulence to beggary. Men who had fpent their lives in extending the British commerce, who had invested in that place the wealth their honest endeavours had merited, found themselves and their families thrown at once on the world for fubfiftence by its charities. Not the hundredth part of the inhabitants of that town had been concerned in the act complained of; many of them were in Great Britain and in other parts beyond fea; yet all were involved in one indifcriminate ruin, by a new executive power, unheard of till then, that of a British parliament. A property, of the value of many millions of money, was facrificed to revenge, not repay, the loss of a few thousands. This is administering justice with a heavy hand indeed! and when is this tempest to be arrested in its course? Two wharfs are to be opened again when his majesty shall think proper. The refidue which fined the extensive shores of the bay of Boston are forever interdicted the exercise of commerce. This little exception feems to have been thrown in for no other purpose than that of fetting a precedent for investing his majesty with legislative powers. If the pulse of his people shall beat calmly under this experiment, another and another will be tried, till the measure of despotism be filled up. It would be an infult on common fense to pretend that this exception was made in order to restore its commerce to that great town. The trade which cannot be received at two wharfs alone must of neressity be transferred to some other place; to which

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also was New Terrey which the D. of york again to L. Berkley & S. George Carter t. so also were the Delaware counties which the Jame Duke good to again to William Penn. in 1665 the country in cluding N. O.S. Ca olina, Georgia & the Floridas was granted to the E. of Clarendon D. of albemarle, Editoraven, D. Berkley, D. askley, S. Jeorge Carteret, S. John Coleton, & S. W. Berkley, M. 1601. Pennsylvania was granted by Charles 11. to w. Penn.

it will foon be followed by that of the two wharfs. Confidered in this light, it would be an infolent and cruel mockery at the annihilation of the town of Boston.

By the act * for the suppression of riots and tumults in the town of Boston, passed also in the last fession of parliament, a murder committed there is. if the governor pleases, to be tried in the court of King's Bench, in the island of Great Britain, by a jury of Middlesex. The witnesses, too, on receipt of fuch a fum as the governor shall think it reasonable for them to expend, are to enter into recognizance to appear at the trial. This is, in other words, taxing them to the amount of their recognizance, and that amount may be whatever a governor pleases; for who does his majesty think can be prevailed on to cross the Atlantic for the fole purpose of bearing evidence to a fact? His expences are to be borne, indeed, as they shall be estimated by a governor; but who are to feed the wife and children whom he leaves behind, and who have had no other fubfistence but his daily labour? Those epidemical disorders, too, so terrible in a foreign climate, is the cure of them to be effimated among the articles of expence, and their danger to be warded off by the almighty power of parliament? And the wretched criminal, if he happen to have offended on the American fide, stripped of his privilege of trial by peers of his vicinage, removed from the place where alone full evidence could be obtained, without money, without counsel, without friends, without exculpatory proof, is tried before judges predetermined to condemn. The cowards who would fuffer a countryman to be torn from the bowels of their fociety, in order to be thus offered a facrifice to parliamentary tyranny, would merit that everlafting infamy now fixed on the authors of the act! A clause + for a similar purpose had been introduced into an act, passed in the 12th year of his majesty's reign, intitled "An act for the better fecuring and preferving his majesty's dockyards, magazines, ships, ammunition, and stores;" against which, as

^{* 14.} G. 3. † 12. G. 3. c. 24.

meriting the fame cenfures, the feveral colonies have already protested.

That these are the acts of power, assumed by a body of men, foreign to our constitutions, and unacknowledged by our laws, against which we do, on behalf of the inhabitants of British America, enter this our solemn and determined protest; and we do earnestly entreat his majesty, as yet the only mediatory power between the several states of the British empire, to recommend to his parliament of Great Britain the total revocation of these acts, which, however nugatory they be, may yet prove the cause of further

discontents and jealousies among us.

That we next proceed to confider the conduct of his majefty, as holding the executive powers of the laws of these states, and mark out his deviations from the line of duty: By the constitution of Great Britain, as well as of the several American states, his majesty possesses the power of refusing to pass into a law any bill which has already passed the other two branches of legislature. His majesty, however, and his ancestors, conscious of the impropriety of opposing their single opinion to the united wisdom of two houses of parliament, while their proceedings were unbiassed by interested principles, for several ages past have modestly declined the exercise of this power in that part of his empire called Great Britain. But by change of circumstances, other principles than those of justice simply have obtained an influence on their determinations: the addition of new states to the British empire has produced an addition of new, and fometimes opposite interests. It is now, therefore, the great office of his majesty, to resume the exercise of his negative power, and to prevent the passage of laws by any one legislature of the empire, which might bear injuriously on the rights and interests of another. Yet this will not excuse the wanton exercife of this power which we have feen his majesty practife on the laws of the American legislatures. For the most triffing reasons, and sometimes for no conceivable reason at all, his majesty has rejected laws of the most falutary tendency. The abolition of do-

H in 1621. Y Scotia was go - co by James S. William (conders, in (6) Manyland w granted by I to L. Ball was grantes charles IS.

Duke of you also was New Tersey which the D. of york again to L. Berkley & S. George Carter t. So also were the Delaware countries which the Jame Duke on the again to William Penn. in 1665 the country including N. V. S. Carolina Georgia & the Floridas was granted to the E. of Clarendon D. of albemarle, E. of Craver, D. Berkeley, Lastley, S. George Carter t, S. John Coleton & S. W. Berkley, in 1601. Pennsylvania was granted by Charles 11. to W. Penn.

colonies, where it was unhappily introduced in their infant state. But previous to the enfranchisement of the flaves we have, it is necessary to exclude all further importations from Africa; yet our repeated attempts to effect this by prohibitions, and by imposing duties which might amount to a prohibition, have been hitherto defeated by his majesty's negative: Thus preferring the immediate advantages of a few British Accordains to the lasting interests of the American states, and to the rights of human nature, deeply wounded by this infamous practice. Nay, the fingle interpolition of an interested individual against a law was scarcely ever known to fail of success, though in the opposite scale were placed the interests of a whole country. That this is fo shameful an abuse of a power trusted with his majesty for other purposes, as if not reformed, would call for fome legal restrictions.

With equal inattention to the necessities of his people here has his majesty permitted our laws to lie neglected in England for years, neither confirming them by his affent, nor annulling them by his negative: fo that fuch of them as have no suspending clause we hold on the most precarious of all tenures, his maiesty's will, and such of them as suspend themselves till his majesty's affent be obtained, we have feared, might be called into existence at some future and distant period, when time, and change of circumstances, shall have rendered them destructive to his people here. And to render this grievance still more oppressive, his majesty by his instructions has laid his governors under fuch restrictions that they can pass no law of any moment unless it have such suspending clause; so that, however immediate may be the call for legislative interposition, the law cannot be executed. till it has twice croffed the atlantic, by which time the evil may have fpent its whole force.

But in what terms, reconcileable to majeffy, and at the fame time to truth, shall we speak of a late instruction to governor of the colony of Virginia, by which he is forbidden to assent to any law for the division of a county, unless the new county

will confent to have no representative in assembly? That colony has as yet fixed no boundary to the westward. Their western counties, therefore, are of indefinite extent: fome of them are actually feated many hundred miles from their eastern limits. Is it possible, then, that his maiesty can have bestowed a fingle thought on the fituation of those people, who, in order to obtain justice for injuries, however great or small, must, by the laws of that colony, attend their county court, at fuch a distance, with all their witnesses, monthly, till their litigation be determined? Or does his majesty seriously wish, and publish it to the world, that his fubjects should give up the glorious right of representation, with all the benefits derived from that, and fubmit themselves the absolute slaves of his fovereign will? Or is it rather meant to confine the legislative body to their present numbers, that they may be the cheaper bargain whenever they shall become worth a purchase.

One of the articles of impeachment against Tressisan, and the other judges of Westminster Hall, in the reign of Richard the second, for which they suffered death, as traitors to their country, was, that they had advised the king that he might dissolve his parliament at any time; and succeeding kings have adopted the opinion of these upjust judges. Since the

rilliams, however, the British constitution, neither his majesty, nor his ancestors, have exercised such a power of dissolution in the island of Great Britain; and when his majesty was petitioned, by the united voice of his people there, to dissolve the prefent parliament, who had become obnoxious to them, his ministers were heard to declare, in open parliament, that his majesty possessed in open parliament, that his majesty possessed no such power by the constitution. But how different their language and his practice here! To declare, as their duty required, the known rights of their country, to oppose the usurpations of every foreign judicature, to difregard the imperious mandates of a minister or governor, have been the avowed causes of dissolving houses of representatives in America. But if such powers be

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Duke of you also were the Delaware counties which the James Duke of the Country in-Jame Duke on the again to William Penn. in 1665 the country including N. H. S. Carolina Georgia & the Floridas was granted to the E. of Clarendon D. of albomarle, E. of Craven, L. Berheley, L'askley, S. George Carterit, S. John Colution, really vested in his majesty, can he suppose they are there placed to awe the members from such purposes as these? When the representative body have lost the considence of their constituents, when they have notoriously made sale of their most valuable rights, when they have assumed to themselves powers which the people never put into their hands, then indeed their continuing in office becomes dangerous to the state, and calls for an exercise of the power of dissolution. Such being the causes for which the representative body should, and should not, be dissolved, will it not appear strange to an unbiassed observer, that that of Great Britain was not dissolved, while those of the colonies have repeatedly incurred that sentence?

But your majelty, or your governors, have carried this power beyond every limit known, or provided for, by the laws: After disfolving one house of representatives, they have refused to call another, fo that, for a great length of time, the legislature provided by the laws has been out of existence. From the nature of things, every fociety must at all times possess within itself the fovereign powers of legislation. The feelings of human nature revolt against the supposition of a state so situated as that it may not in any emergency provide against dangers which perhaps threaten immediate ruin. While those bodies are in existence to whom the people have delegated the powers of legislation, they alone possess and may exercise those powers; but when they are disfolved by the lopping off one or more of their branches, the power reverts to the people, who may exercife it to unlimited extent, either affembling together in person, sending deputies, or in any other way they may think proper. We forbear to trace confequences further; the dangers are conspicuous with which this practice is replete.

That we shall at this time also take notice of an error in the nature of our land holdings, which crept in at a very early period of our settlement. The introduction of the feudal tenures into the kingdom of England, though antient, is well enough understood to set this matter in a proper light. In the earlier ages of the Saxon settlement seudal holdings were

certainly altogether unknown: and very few. if any. had been introduced at the time of the Norman conquest. Our Saxon ancestors held their lands, as they did their personal property, in absolute dominion, difencumbered with any fuperior, answering nearly to the nature of those possessions which the fedualists term allodial. William, the Norman, first introduced that fystem generally. The lands which had belonged to those who fell in the battle of Hastings. and in the subsequent insurrections of his reign. formed a confiderable proportion of the lands of the whole kingdom. These he granted out, subject to feudal duties, as did he also those of a great number of his new subjects, who, by persuasions or threats, were induced to furrender them for that purpose. But Itill much was left in the hands of his Saxon fubjects; held of no superior, and not subject to seudal conditions. These, therefore, by express laws, enacted to render uniform the fystem of military defence, were made liable to the same military duties as if they had been feuds; and the Norman lawyers foon found means to faddle them also with all the other feudal burthens. But still they had not been furrendered to the king, they were not derived from his grant, and therefore they were not holden of him. A general principle, indeed, was introduced, that "all lands in England were held either mediately or immediately of the crown," but this was borrowed from those holdings, which were truly feudal, and only applied to others for the purposes of illustration. Feudal holdings were therefore but exceptions out of the Saxon laws of possession, under which all lands were held in absolute right. These, therefore, still form the basis, or ground-work, of the common law, to prevail wherefoever the exceptions have not taken place. America was not conquered by William the Norman, nor its lands furrendered to him, or any of his fuccessors. Possessions there are undoubtedly of the allodial nature. Our ancestors, however, who migrated hither, were migrated hither, were the fictitious principle that all lands belong originally to the king, they were early perfuaded to believe

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Jame Duke and again to William Penn. in 1665 the country including N. V. S. Carolina Georgia & the Floridas was granted to the E. of Clarendon. D. of albemarke, E. of Craven, L. Berkeley, L. askley, S. Beorge Carteret, S. John Coleton. H. S. W. Berkley. on 1601. Pennsylvania was granted by Charles 11. to W. Penn.

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real: and accordingly took grants of their own lands from the crown. And while the crown continued to grant for fmall fums, and on reasonable rents: there was no inducement to arrest the error, and lay it open to public view. But his majesty has lately taken on him to advance the terms of purchase, and of holding to the double of what they were; by which means the acquifition of lands being rendered difficult, the population of our country is likely to be checked. It is time, therefore, for us to lay this matter before his majefty, and to declare that he has no right to grant lands of himself. From the nature and purpose of civil institutions, all the lands within the limits which any particular fociety has circumferibed around itself are assumed by that society, and subject to their allotment only. This may be done by themselves, affembled collectively, or by their legislature, to whom they may have delegated fovereign authority; and if they are allotted in neither of these ways, each individual of the fociety may appropriate to himself fuch lands as he finds vacant, and occupancy will give him title.

That in order to enforce the arbitrary measures before complained of, his majesty has from time to time fent among us large bodies of armed forces, not made up of the people here, nor raised by the authority of our laws. Did his majesty possess such a right as this. it might fwallow up all our other rights whenever he should think proper. But his majesty has no right to land a fingle armed man on our shores, and those whom he fends here are liable to our laws made for the suppression and punishment of riots, routs, and unlawful affemblies; or are hostile bodies, invading us in defiance of law. When in the course of the late war it became expedient that a body of Hanoverian troops should be brought over for the defence of Great Britain, his majesty's grandfather, our late fovereign, did not pretend to introduce them under any authority he possessed. Such a measure would have given just alarm to his subjects in Great Britain, whose liberties would not be fafe if armed men of another country, and of another spirit, might be brought into the realm at any time without the confent of their legislature. He therefore applied to parliament, who passed an act for that purpose, limiting the number to be brought in and the time they were to continue. In like manner is his majesty restrained in every part of the empire. He possesses, indeed, the executive power of the laws in every state; but they are the laws of the particular state which he is to administer within that state, and not those of any one within the limits of another. Every state must judge for itself the number of armed men which they may fasely trust among them, of whom they are to consist, and under what restrictions they shall be laid.

To render these proceedings still more criminal against our laws, instead of subjecting the military to the civil powers, his majesty has expressly made the civil subordinate to the military. But can his majesty thus put down all law under his feet? Can he erect a power superior to that which erected himself? He has done it indeed by force; but let him remember

that force cannot give right.

That thefe are our grievances which we have thus laid before his majesty, with that freedom of language and fentiment which becomes a free people claiming their rights, as derived from the laws of nature, and not as the gift of their chief magistrate: Let those flatter who fear; it is not an American art. To give praise which is not due might be well from the venal, but would ill befeem those who are afferting the rights of human nature. They know, and will therefore fay, that kings are the fervants, not the proprietors of the people. Open your breast, fire, to liberal and expanded thought. Let not the name of George the third be a blot in the page of history. You are furrounded by British counsellors, but remember that they are parties. You have no ministers for American affairs, because you have none taken from among us, nor amenable to the laws on which they are to give you advice. It behoves you, therefore, to think and to act for yourfelf and your people. The great principles of right and wrong are legible to every reader; to purfue them requires not the aid of many counfellors. The whole art of government

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confifts in the art of being honest. Only aim to do your duty, and mankind will give you credit where you fail. No longer persevere in facrificing the rights of one part of the empire to the inordinate defires of another: but deal out to all equal and impartial right. Let no act be passed by any one legislature which may infringe on the rights and liberties of another. This is the important post in which fortune has placed you, holding the balance of a great, if a well poised empire. This, fire, is the advice of your great American council, on the observance of which may perhaps depend your felicity and future fame. and the prefervation of that harmony which alone can continue both to Great Britain and America the reciprocal advantages of their connection. It is neither our wish, nor our interest, to separate from her. We are willing, on our part, to facrifice every thing which reason can ask to the restoration of that tranquility for which all must wish. On their part. let them be ready to establish union and a generous plan. Let them name their terms, but let them be just. Accept of every commercial preference it is in our power to give for fuch things as we can raife for their use, or they make for ours. But let them not think to exclude us from going to other markets to dispose of those commodities which they cannot use. or to supply those wants which they cannot supply. Still less let it be proposed that our properties within our own territories shall be taxed or regulated by any power on earth but our own. The God who gave us life gave us liberty at the fame time; the hand of force may destroy, but cannot disjoin them. This, fire, is our last, our determined resolution; and that you will be pleafed to interpofe with that efficacy which your earnest endeavours may ensure to procure redress of these our great grievances, to quiet the minds of your fubjects in British America, against any apprehensions of future encroachment, to establish fraternal love and harmony through the whole empire, and that these may continue to the latest ages of time, is the fervent prayer of all British America!

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