

# The Rights of the British Colonies Asserted and Proved

The Rights of the British Colonies

Asserted and proved.

By James Otis Of the Political and Civil Rights of the British Colonists.

Here indeed opens to view a large field; but I must study brevity – Few people have extended their enquiry after the foundation of any of their rights, beyond a charter from the crown. There are others who think when they have got back to old Magna Charter, that they are at the beginning of all things. They imagine themselves on the borders of Chaos (and so indeed in some respects they are) and see creation rising out of the unformed mass, or from nothing. Hence, say they, spring all the rights of men and of citizens. –But liberty was better understood, and more fully enjoyed by our ancestors, before the coming in of the first Norman Tyrants, than ever after, till it was found necessary, for the salvation of the kingdom, to combat the arbitrary and wicked proceedings of the Stuarts.

The present happy and most righteous establishment is justly built on the ruins, which those Princes brought on their family; and two of them on their own heads – The last of the name sacrificed three of the finest kingdoms in Europe, to the councils of bigotted old women, priests, and more weak and wicked ministers of state: he afterward went a grazing in the fields of St. Germain, and there died in disgrace and poverty, a terrible example of God's vengeance on arbitrary princes!

The deliverance under God wrought by the prince of Orange, afterwards deservedly made King William III was a joyful an event to the colonies as to Great-Britain; in some of them, steps were taken in his favour as soon as in England.

They all immediately acknowledged King William and Queen Mary as their lawful Sovereign. And such has been the zeal and loyalty of the colonies ever since for that establishment, and for the protestant succession in his present Majesty's illustrious family, that I believe there is not one man in an hundred (except in Canada) who does not think himself under the best national civil constitution in the world.

Their loyalty has been abundantly proved, especially in the late war. Their affection and reverence for their mother country is unquestionable. They yield the most chearful and ready obedience to her laws, particularly to the power of that august body the parliament of Great-Britain, the supreme legislative of the kingdom and its dominions. These I declare are my own sentiments of duty and loyalty. I also hold it

clear that the act of Queen Anne, which makes it high treason to deny "that the King with and by the authority of parliament, is able to make laws and statutes of sufficient force and validity to limit and bind the crown, and the descent, limitation, inheritance, and government thereof," is founded on the principles of liberty and the British constitution: and he that would palm the doctrine of unlimited passive obedience and non-resistance upon mankind, and thereby or by any other means serve the cause of the Pretender, is not only a fool and a knave, but a rebel against common sense, as well as the laws of God, of Nature, and his Country.

I also lay it down as one of the first principles from whence I intend to deduce the civil rights of the British colonies, that all of them are subject to, and dependent on Great-Britain; and that therefore as over subordinate governments, the parliament of Great-Britain has an undoubted power and lawful authority, to make acts for the general good, that by naming them, shall and ought to be equally binding, as upon the subjects of Great-Britain within the realm. This principle, I presume, will be readily granted on the other side of the Atlantic. It has been practiced upon for twenty years to my knowledge, in the province of Massachusetts-Bay; and I have ever received it, that it has been so from the beginning, in this and the sister provinces, through the continent.

I am aware, some will think it is time for me to retreat, after having expressed the power of the British parliament in quite so strong terms. But it is from and under this very power and its acts, and from the common law, that the political and civil rights of the Colonists are derived: and upon those grand pillars of liberty shall be defence be rested. At present, therefore the reader may suppose, that there is not one provincial charter on the continent; he may, if he pleases, imagine all taken away, without fault, without forfeiture, without trial or notice. All this really happened to some of them in the last century. I would have the reader carry his imagination still further, and suppose a time may come when instead of a process at common law, the parliament shall give a decisive blow to every charter in America, and declare them all void. Nay it shall also be granted, that it is barely possible, the time may come, when the real interest of the whole may require an act of parliament to annihilate all those charters. What could follow from all this that would shake one of the essential, natural, civil, or religious rights of the colonists? Nothing. They would be men, citizens and British subjects after all. No act of Parliament can deprive them of the liberties of such, unless any will contend that an act of Parliament can make slaves not only of one but of two millions of the commonwealth. And if so, why not of the whole? I freely own that I can find nothing in the laws of my country that would justify the Parliament in making one slave, nor did they ever professedly undertake to make one.

Two or three innocent colony charters have been threatened with destruction a hundred and forty years past. I wish the present enemies of those harmless charters would reflect a moment, and be convinced that an act of parliament that should demolish those bugbears to the foe of liberty, would not reduce the Colonists to a state of absolute slavery. The worst enemies of the charter governments are by no means to be found in England. It is a piece of justice due to Great-Britain to own, they are and have ever been natives of or residents in the colonies. A set of men in America, without honour or love to their country, have been long grasping at powers, which they think unattainable while these charters stand in the way. But they will meet with insurmountable obstacles to their project for enslaving the British colonies, should those, arising from provincial charters be removed. It would indeed seem very hard and severe for those

of the colonists who have charters with peculiar privileges to lost them. They were given to their ancestors, in consideration of their sufferings and merit, in discovering and settling America. Our forefathers were soon worn away in the toils of hard labour on their little plantations, and in war with the savages. They thought they were earning a sure inheritance for their posterity. Could they imagine it would ever be thought just to deprive them or theirs of their charter privileges! Should this ever be the case, there are, thank God, natural, inherent, and inseparable rights as men, and as citizens, that would remain after the so-much-wished-for catastrophe, and which, whatever became of charters, can never be abolished de jure, if de facto, till the general conflagration. Our rights as men and freeborn British subjects, gave all the colonists enough to make them very happy in comparison with the subjects of any other prince in the world.

Every British Subject born on the continent of America, or in any other of the British dominions, is by law of God and nature, by the common law, and by act of parliament (exclusive of all charters from the crown) entitled to all the natural, essential, inherent and inseparable rights of our fellow subjects in Great-Britain. Among those rights are the following, which it is humbly conceived no man or body of men, not excepting the parliament, justly, equitably, and consistently with their own rights and the constitution, can take away.

1st. That the Supreme and Subordinate powers of legislation should be free and sacred in the bands where the community have once rightfully placed them.

2nd. That Supreme national legislative cannot be altered justly till the commonwealth is dissolved, nor a subordinate legislative taken away without forfeiture or other good cause. Nor then can the subjects in the subordinate government be reduced to a state of slavery, and subject to the despotic rule of others. A state has no right to make slaves of the conquered. Even when the subordinate right of legislature is forfeited, and so declared, this cannot affect the natural persons either of those who were invested with it, or the inhabitants, so far as to deprive them of the rights of subjects and of men. –The colonists will have an equitable right, notwithstanding any such forfeiture of charter to be represented in parliament, or to have some new subordinate legislature among themselves. It would be best if they had both.

Deprived, however, of their common rights as subjects, they cannot lawfully be, while they remain such. A representation in Parliament from the several colonies, since they are become so large and numerous, as to be called on not only to maintain provincial government, civil and military, among themselves, for this they have cheerfully done, but to contribute towards the support of a national standing army, by reason of the heavy national debt, when they themselves owe a large one, contracted in the common cause, cannot be thought an unreasonable thing, nor if asked, could it be called an immodest request. *Qui sentit commodum sentire debet et onus*, has been thought a maxim of equity. But that a man should bear a burthen for other people, as well as himself, without a return, never long found a place in any law-book or decrees, but those of the most despotic princes. Besides the equity of an American representation in Parliament, a thousand advantages would result from it. It would be the most effectual means of giving those of both countries a thorough knowledge of each other's interests, as well as that of the whole, which are inseparable.

Were this representation allowed, instead of the scandalous memorials and depositions that have been sometimes, in days of old, privately cooked up in an inquisitorial manner by persons of bad minds and

wicked views and sent from America to the several boards, persons of the first reputation among their countrymen might be on the spot from the several colonies truly to represent them. Future ministers need not, like some of their predecessors, have recourse for information in American affairs to every vagabond stroller that has run or rid post through America from his creditors, or to people of no kind of reputation from the colonies, some of whom, at the time of administering their sage advice, have been as ignorant of the state of this country as of the regions in Jupiter and Saturn.

No representation of the colonies in Parliament alone would, however, be equivalent to a subordinate legislative among themselves, nor so well answer the ends of increasing their prosperity and the commerce of Great Britain. It would be impossible for the Parliament to judge so well of their abilities to bear taxes, impositions on trade, and other duties and burdens, or of the local laws that might be really needful, as a legislative here.

Thirdly. No legislative, supreme or subordinate, has a right to make itself arbitrary.

It would be a most manifest contradiction for a free legislative, like that of Great Britain, to make itself arbitrary.

Fourthly. The supreme legislative cannot justly assume a power of ruling by extempore arbitrary decrees, but is bound to dispense justice by known settled rules and by duly authorized independent judges.

Fifthly. The supreme power cannot take from any make any part of his property, without his consent in person or by representation.

Sixthly. The legislature cannot transfer the power of making laws to any other hands.

These are their bounds, which by God and nature are fixed; hitherto have they a right to come, and no further.

1. To govern by stated laws.
2. Those laws should have no other end ultimately but the good of the people.
3. Taxes are not to be laid on the people but by their consent in person or by deputation.
4. Their whole power is not transferable. [Note: See Locke on government]

These are the first principles of law and justice, and the great barriers of a free state and of the British constitution in particular. I ask, I want, no more. Now let it be shown how it is reconcilable with these principles, or to many other fundamental maxims of the British constitution, as well as the natural and civil rights which by the laws of their country all British subjects are entitled to as their best inheritance and birthright, that all the northern colonies, who are without one representative in the House of Commons, should be taxed by the British Parliament.

That the colonists, black and white, born here are freeborn British subjects, and entitled to all the essential civil rights of such is a truth not only manifest from the provincial charters, from the principles of the common law, and acts of Parliament, but from the British constitution, which was re-established at the Revolution with a professed design to secure the liberties of all the subjects to all generations.

In the 12 and 13 of Wm. cited above, the liberties of the subject are spoken of as their best birthrights. No one ever dreamed, surely, that these liberties were confined to the realm. At that rate no British subjects in the dominions could, without a manifest contradiction, be declared entitled to all the privileges of subjects born within the realm to all intents and purposes which are rightly given foreigners by Parliament after residing seven years. These expressions of Parliament as well as of the charters must be vain and empty sounds unless we are allowed the essential rights of our fellow subjects in Great Britain.

Now can there be any liberty where property is taken away without consent? Can it with any color of truth, justice, or equity be affirmed that the northern colonies are represented in Parliament? Has this whole continent of near three thousand miles in length, and in which and his other American dominions His Majesty has or very soon will have some millions of as good, loyal, and useful subjects, white and black, as any in the three kingdoms, the election of one member of the House of Commons?

Is there the least difference as to the consent of the colonists whether taxes and impositions are laid on their trade and other property by the crown alone or by the Parliament? As it is agreed on all hands the crown alone cannot impose them, we should be justifiable in refusing to pay them, but must and ought to yield obedience to an act of Parliament, though erroneous, till repealed.

I can see no reason to doubt but that the imposition of taxes, whether on trade, or on land, or houses, or ships, on real or personal, fixed or floating property, in the colonies is absolutely irreconcilable with the rights of the colonists as British subjects and as men. I say men, for in a state of nature no man can take my property from me without my consent if he does, he deprives me of my liberty and makes me a slave. If such a proceeding is a breach of the law of nature, no law of society can make it just. The very act of taxing exercised over those who are not represented appears to me to be depriving them of one of their most essential rights as freemen, and if continued seems to be in effect an entire disfranchisement of every civil right. For what one civil right is worth a rush after a man's property is subject to be taken from him at pleasure without his consent? If a man is not his own assessor in person or by deputy, his liberty is gone or lays entirely at the mercy of others.

I think I have heard it said that when the Dutch are asked why they enslave their colonies, their answer is that the liberty of Dutchmen is confined to Holland, and that it was never intended for provincials in America or anywhere else. A sentiment, this, very worthy of modern Dutchmen; but if their brave and worthy ancestors had entertained such narrow ideas of liberty, seven poor and distressed provinces would never have asserted their rights against the whole Spanish monarchy, of which the present is but a shadow. It is to be hoped none of our fellow subjects of Britain, great or small, have borrowed this Dutch maxim of plantation politics; if they have, they had better return it from whence it came; indeed they had. Modern Dutch or French maxims of state never will suit with a British constitution. It is a maxim

that the King can do no wrong; and every good subject is bound to believe his King is not inclined to do any. We are blessed with a prince who has given abundant demonstrations that in all his actions he studies the good of his people and the true glory of his crown, which are inseparable. It would therefore be the highest degree of impudence and disloyalty to imagine that the King, at the head of his Parliament, could have any but the most pure and perfect intentions of justice, goodness, and truth that human nature is capable of. All this I say and believe of the King and Parliament in all their acts, even in that which so nearly affects the interest of the colonists, and that a most perfect and ready obedience is to be yielded to it while it remains in force. I will go further, and readily admit that the intention of the ministry was not only to promote the public good by this act, but that Mr. Chancellor of the Exchequer had therein a particular view to the "ease, the quiet, and the good will of the colonies," he having made this declaration more than once. Yet I hold that 'tis possible he may have erred in his kind intentions towards the colonies, and taken away our fish and given us a stone. With regard to the Parliament, as infallibility belongs not to mortals, 'tis possible they may have been misinformed and deceived. The power of Parliament is uncontrollable but by themselves, and we must obey. They only can repeal their own acts. There would be an end of all government if one or a number of subjects or subordinate provinces should take upon them so far to judge of the justice of an act of Parliament as to refuse obedience to it. If there was nothing else to restrain such a step, prudence ought to do it, for forceably resisting the Parliament and the King's laws is high treason. Therefore let the Parliament lay what burdens they please on us, we must, it is our duty to submit and patiently bear them till they will be pleased to relieve us. And 'tis to be presumed the wisdom and justice of that august assembly always will afford us relief by repealing such acts as through mistake or other human infirmities have been suffered to pass, if they can be convinced that their proceedings are not constitutional or not for the common good. The Parliament may be deceived, they may have been misinformed of facts, and the colonies may in many respects be misrepresented to the King, his Parliament, and his ministry. In some instances, I am well assured the colonies have been very strangely misrepresented in England. I have now before me a pamphlet called the administration of the Colonies said to be written by a gentleman who formerly commanded in chief in one of them. I suppose this book was designed for public information and use. There are in it many good regulations proposed which no power can enforce but the Parliament. From all which I infer that if our hands are tied by the passing of an act of Parliament, our mouths are not stopped, provided we speak of that transcendent body with decency, as I have endeavored always to do; and should anything have escaped me or hereafter fall from my pen that bears the least aspect but that of obedience, duty, and loyalty to the King and Parliament, and the highest respect for the ministry, the candid will impute it to the agony of my heart rather than to the pravity of my will. If I have one ambitious wish, it is to see Great-Britain at the head of the world, and to see my King, under God, the father of mankind. I pretend neither to the spirit of prophecy nor any uncommon skill in predicting a crisis, much less to tell when it begins to be "nascent" or is fairly midwived into the world. But if I were to fix a meaning to the two first paragraphs of the Administration of the Colonies, though I do not collect it from them, I should say the world was at the eve of the highest scene of earthly power and grandeur that has been ever yet displayed to the view of mankind. The cards are shuffling fast through all Europe. Who will win the prize is with God. This however I know, *detur digniori*. The next universal monarchy will be favorable to the human race, for it must be founded on the principles of equity, moderation, and justice. No country has been more distinguished for these principles than Great Britain, since the Revolution. I take it every subject has a



right to give his sentiments to the public, of the utility or inutility of any act whatsoever, even after it is passed, as well as while it is pending. The equity and justice of a bill may be questioned with perfect submission to the legislature. Reasons may be given why an act ought to be repealed, and yet obedience must be yielded to it till that repeal takes place; If the reasons that can be given against an act are such as plainly demonstrate that it is against natural equity, the executive courts will adjudge such act void. It may be questioned by some, though I make no doubt of it, whether they are not obliged by their oaths to adjudge such act void. If there is not a right of private judgment to be exercised, so far at least as to petition for a repeal or to determine the expediency of risking a trial at law, the Parliament might make itself arbitrary, which it is conceived it cannot by the constitution. I think every man has a right to examine as freely into the origin, spring, and foundation of every power and measure in a commonwealth as into a piece of curious machinery or a remarkable phenomenon in nature, and that it ought to give no more offense to say the Parliament have erred or are mistaken in a matter of fact or of right than to say it of a private man, if it is true of both. If the assertion can be proved with regard to either, it is a kindness done them to show them the truth. With regard to the public, it is the duty of every good citizen to point out what he thinks erroneous in the commonwealth.

I have waited years in hopes to see some one friend of the colonies pleading in public for them. I have waited in vain. One privilege is taken away after another, and where we shall be landed God knows, and I trust will protect and provide for us even should we be driven and persecuted into a more western wilderness on the score of liberty, civil and religious, as many of our ancestors were to these once inhospitable shores of America. I had formed great expectations from a gentleman who published his first volume in quarto on the rights of the colonies two years since; but, as he foresaw, the state of his health and affairs have prevented his further progress. The misfortune is, gentlemen in America the best qualified in every respect to state the rights of the colonists have reasons that prevent them from engaging. Some of them have good ones. There are many infinitely better able to serve this cause than I pretend to be; but from indolence, from timidity, or by necessary engagements they are prevented. There has been a most profound and I think shameful silence, till it seems almost too late to assert our indisputable rights as men and as citizens. What must posterity think of us? The trade of the whole continent taxed by Parliament, stamps and other internal duties and taxes as they are called, talked of, and not one petition to the King and Parliament for relief.

I cannot but observe here that if the Parliament have an equitable right to tax our trade, 'tis indisputable that they have as good an one to tax the lands and everything else. The taxing trade furnishes one reason why the other should be taxed, or else the burdens of the province will be unequally borne, upon a supposition that a tax on trade is not a tax on the whole. But take it either way, there is no foundation for the distinction some make in England between an internal and an external tax on the colonies. By the first is meant a tax on trade, by the latter a tax on land and the things on it. A tax on trade is either a tax of every man in the province, or 'tis not. If 'tis not a tax on the whole, 'tis unequal and unjust that a heavy burden should be laid on the trade of the colonies to maintain an army of soldiers, customhouse officers, and fleets of guardships, all which the incomes of both trade and land would not furnish means to support so lately as the last war, when all was at stake, and the colonies were reimbursed in part by Parliament. How can it be supposed that all of a sudden the trade of the colonies alone can bear all this terrible burden? The late acquisitions in America, as glorious as they have been and as beneficial as

they are to Great Britain, are only a security to these colonies against the ravages of the French and Indians. Our trade upon the whole is not, I believe, benefited by them one groat. All the time the French islands were in our hands, the fine sugars, etc., were all shipped home. None as I have been informed were allowed to be brought to the colonies. They were too delicious a morsel for a North American palate. If it be said that a tax on the trade of the colonies is an equal and just tax on the whole of the inhabitants, what then becomes of the notable distinction between external and internal taxes? Why may not the Parliament lay stamps, land taxes, establish tithes to the Church of England, and so indefinitely? I know of no bounds. I do not mention the tithes out of any disrespect to the Church of England, which I esteem by far the best national church and to have had as ornaments of it many of the greatest and best men in the world. But to those colonies who in general dissent from a principle of conscience it would seem a little hard to pay towards the support of a worship whose modes they cannot conform to. ...

As to the colonists being represented by the provincial agents, I know of no other power ever given them, but to appear before his Majesty and, and his ministry. Sometimes they have been directed to petition the parliament: But they none of them have, and I hope never will have, a power given them, by the colonist, to act as representatives, and to consent to taxes; and if they should make any concessions to the ministry, especially without order, the provinces could not by that be considered as represented in parliament. *Hibernia habet Parliamentum & faciunt leges et nostra statuta non ligant eos, quia non mittant milites ad Parliamentum, sed personae eorum sunt subiecti Regis, sicut inhabitantes Calinae Gasconiae & Guennae.* 12 Rep. III. cites Rich. III c. 12.

“Ireland hath parliaments, and make laws, and our statutes do not bind them, because they send no knights to parliament; but their persons are subjects of the King, as the inhabitants of Guiene, Gascony, &c.”

Yet, if especially named, or by general words included as within any of the King's dominions, Ireland, says Ld. Coke, might be bound. 4. Inst. 351

From all which it seems plain, that the reason why Ireland and the plantations are not bound, unless named by an act of parliament, is, because they are not represented in the British parliament. Yet, in special cases, the British parliament has an undoubted right, as well as power, to bind both by their acts. But whether this can be extended to an indefinite taxation of both, is the great question. I conceive the spirit of the British constitution must make an exception of all taxes, until it is thought fit to unite a dominion to the realm. Such taxation must be considered either as uniting the dominions to the realm, or disenfranchising them. If they are untied, they will be intitled to a representation, as well as Wales; if they are so taxed without a union, or representation, they are so far disenfranchised. I do not find any thing that looks like a duty on the colonies before the 25th of C. II. c. 7. imposing a duty on innumerable commodities. The liberty of the subject was little attended to in that reign. If the nation could not fully assert their rights till the revolution, the colonies could not expect to be heard. I look upon this act rather as a precedent of power, than of right and equity; if it is such, it will not affect my argument. The act appointing a tax on all mariners, of a certain sum per month, to be deducted out of their wages, is not to be compared with this. Mariners are not inhabitants of any part of the dominions: the sea is their element, till they are decrepit, and then the hospital is open for all marines who are British subjects



without exception. The general post-office established through the dominions, is for the convenience of trade and commerce: it is not laying any burden upon it, for besides that it is upon the whole cheaper to correspond in this way than any other, every one is at liberty to send his own letters by a friend. The act of the 6th of his late Majesty, though it imposes a duty in terms, has been said to be designed for a prohibition; which is probable from the sums imposed; and it is pity it had not been so expressed, as there is not the least doubt of the just and equitable right of the parliament to lay prohibitions through the dominions, when they think the good of the whole requires it. But as has been said, there is an infinite difference between that and the exercise of unlimited power of 'taxation, over the dominions, without allowing them a representation.' It is said that the duties imposed by the new act will amount to a prohibition: Time only can ascertain this. The utility of this act is so fully examined in the appendix, that I shall add nothing on that head here. It may be said that the colonies ought to bear their proportion of the national burdens: It is just that they should, and I think I have proved they have always done it freely and cheerfully, and I know no reason to doubt but they ever will.

Sometimes we have been considered only as the corporations in England: And it may be urged that it is no harder upon us to be taxed by parliament for the general cause than for them, who besides are at the expence of their corporate subordinate government. I answer, 1. Those corporations are represented in parliament. 2. The colonies are and have been at a great expence in raising men, building forts, and supporting the King's civil government here. Now I read of no governors and other officers of his Majesty's nomination, that the city of London taxes its inhabitants to support; I know of no forts and garrisons that the city of London has lately built at its own expence, or of any annual levies that they have raised for the King's service and the common cause. These are things very fitting and proper to be done by a subordinate dominion, and it is their duty to do all they are able; but it seems but equal that they should be allowed to assess the charges of it themselves. The rules of equity and the principles of the constitution seem to require this. Those who judge of the reciprocal rights that subsist between a supreme and subordinate state of dominion, by no higher rules than are applied to a corporation of button-makers, will never have a very comprehensive view of them. Yet, sorry am I to say it, many elaborate writers on the administration of the colonies, seem to me never to rise higher in their notions, than what might be expected from his secretary to one of the quorum. If I should be ranked among this number, I shall have this consolation, that I have fallen into what is called very good company, and among some who have seen very high life below stairs. I agree with the Administrator, that of whatever revenues raised in the colonies, if they must be raised without our consent, "the first and special appropriation of them ought to be to the paying the Governors, and all the other Crown officers;" for it would be hard for the Colonists to be obliged to pay them after this. It was on this principle that at the last assembly of this province, I moved to stop every grant to the officers of the Crown; more especially as I know some who have built very much upon the find salaries they shall receive from the plantation branch of the revenue. Nor can I think it "injustice to the frame of human nature," (Adm. p57) to suppose, if I did not know it, that with similar views several officers of the Crown in some of the colonies have been pushing for such an act for many years. They have obtained their wish, and much good it will do them; but I would not give much for all that will center neat in the exchequer, after deducting the costs attending the execution of it, and the appropriations to the several officers proposed by the Administrator. What will be the unavoidable consequence of all this, suppose another war should

happen, and it should be necessary to employ as many provincials in America as in the last? Would it be possible for the colonies, after being burthened in their trade, perhaps after it is ruined, to raise men? Is it probable that they would have spirit enough to exert themselves? If it is said the French will never try for America, or if they should, regular troops are only to be employed. I grant our regular troops are the best in the world, and that the experience of the present officers shews that they are capable of every species of American service; yet we should guard against the worst. If another trial for Canada should take place, which from the known temper of France, we may judge she will bring on the first fair opportunity, it might require 30 or 40,000 regulars to secure his Majesty's just rights. If it should be said, that other American duties must then be levied, besides the impossibility of our being able to pay them, the danger recurs of a large standing army so remote from home. Whereas a good provincial militia, with such occasional succours from the mother country, as exigencies may require, never was, and never will be attended with hazard. The experience of past times will shew, that an army of 20 or 30,000 veterans, half 3000 miles from Rome, were very apt to proclaim Caesars. The first of the name, the assassin of his country owed his false glory, to stealing the affections of an army from a commonwealth. I hope these hints will not be taken amiss; they seem to occur from the nature of the subject I am upon: they are delivered in pure affection to my King and country, and amount to no reflection on any man. The best army, and the best men, we may hereafter have, may be led into temptation; all I think, is, that a prevention of evil is much easier than a deliverance from it.

The sum of my argument is, That civil government is of God: that the administrators of it were originally the whole people: that they might have devolved it on whom they pleased: that this devotion is fiduciary, for the good of the whole: that by the British constitution, this devolution is on the King, lords and commons, the supreme, sacred and uncontrollable legislative power, not only in the realm, but through the dominions: that by the abdication, the original compact was broken to pieces: that by the revolution it was renewed, and more firmly established, and the rights and liberties of the subject in all parts of the dominions, more fully explained and confirmed: that in consequence of this establishment and the acts of succession and union, his Majesty George III. it rightful king and sovereign, and with his parliament, the supreme legislative of Great-Britain, France and Ireland, and the dominions thereunto belonging: that this constitution is the most free one, and by far the best, now existing on the earth: that by this constitution, every man in the dominions is a free man: that no parts of his Majesty's dominions can be taxed without their consent: that every part has a right to be represented in the supreme or some subordinate legislature, that the refusal of this, would seem to be a contradiction in practice to the theory of the constitution: that the colonies are subordinate dominions, and are now in such a state, as to make it best for the good of the whole, that they should not only be continued in the enjoyment of subordinate legislation, but be also represented in some proportion to their number and estates in the grand legislation of the nation: that this would firmly unite all parts of the British empire, in the greatest peace and prosperity; and render it invulnerable and perpetual.

