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Daniel Leonard, *Massachusettsensis* [1776]

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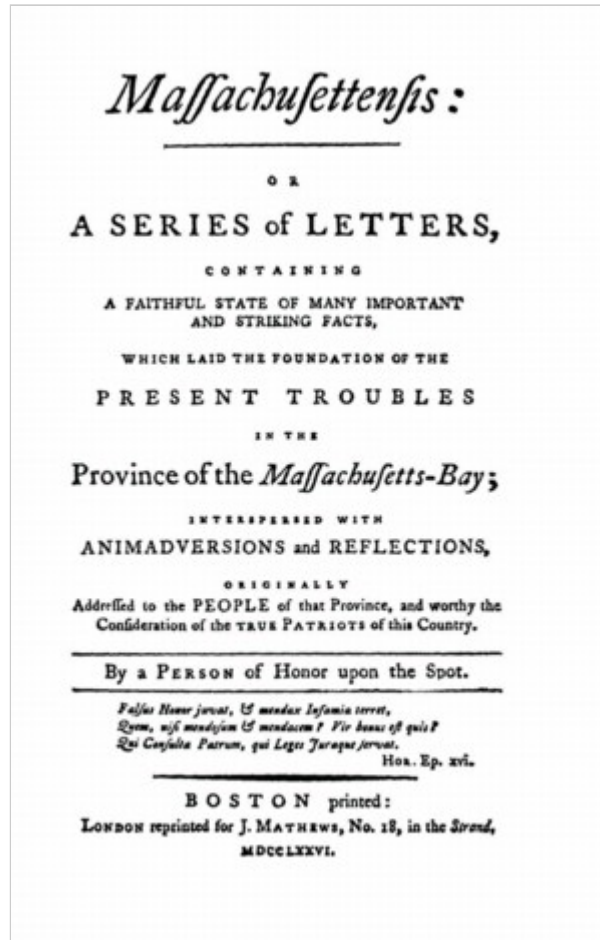
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Author: [Daniel Leonard](#)

## About This Title:

A legalistic defense of the Loyalist opposition to the right of the American colonies to seek independence from Britain. This work was the subject of John Adam's lengthy rebuttal in "Novanglus".

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## PREFACE.

THIS excellent pamphlet was published in a series of letters, which first appeared in one of the weekly news-papers at Boston, and afterwards in the form of a pamphlet, entitled *Massachusettensis*, in the course of the last winter. It has been thought, that a republication of a detail and discussion of facts and circumstances, which were unanswerable upon the spot, might at least silence the clamors of those people at home, who, without proper evidence or information, but with an excess of terror for our public liberties, have persuaded themselves, that the cause of America and true patriotism is one and the same, and that, therefore, the constitution of this country must at all events submit to the ruinous pretensions of her colonies. To enlarge upon the merits of the piece itself, either respecting the intimate knowledge it contains of the subject, or the force, acumen and justice of the author's reasonings (whatever room the editor may suppose there is for encomiums), is purposely omitted, in deference to the public, who will undoubtedly render the approbation it may be found to deserve. It is necessary, and only necessary, to say, that these letters were written by a gentleman of honor, rank and learning, who saw what he describes, and who knows the truth of what he avers. The reflections, which he has made (and reflections, justly made, constitute, as *M. Rollin* observes, "the very soul of history"), are natural and solid deductions from the state of things under his own observation. They need only a candid and impartial perusal to be both admitted and admired; though, to the disgrace of human nature, it must be owned, in the words of a very ingenious writer, that *weak is the effect of eloquence* (and, I may add, even of reason and truth itself) *on the prædeterminations of party\**. In a word, his facts and arguments not only seem incontestable; but there appears, throughout the whole, that spirit of philanthropy and concern for the welfare of his misguided countrymen, which recommends the author as much to the heart, as his good sense does his book to the understanding.

The reader, however, ought to be apprized of the author's meaning in the use of the words Whig and Tory, which frequently occur in the letters. These terms have very different significations in Old and New England. In America, the word Tory now implies *a friend to the supremacy of the British constitution over all the empire*; and the word Whig, *an asserter of colonial independence*, or (what is just the same) of legislations, distinct and divided from British legislation, in all the several provinces. In this sense, and in this sense alone, are the terms applied throughout the letters (as the author himself explains them at page 115.), and have no sort of reference to the odious distinctions which formerly prevailed, but have now happily subsided, in this country, upon the notion of a *separate* interest between the *King* and *People*. In the present controversy, the King and People of the British islands have, and can have, but *one* interest; which American independence, aiming first at the *unity* of our constitution, then at the *extent* of our commerce, and lastly at the *dignity* of our power, attempts to destroy. Yet this is the mock-patriotism of the day—a patriotism, founded on the ignorance of some, urged by the artifices of others, and tending to the ruin of all. To be a patriot in mode, is to aim at a separation of the state into *twenty* or *thirty* different parcels, instead of seeking a consolidation of several provinces into *one* empire. People of this stamp are for saving our enemies the trouble of enforcing the

difficult part of their motto — *divide & impera* — by attempting the *first* for them. Happily, the good sense of the nation has begun to detect the imposture; and, 'tis hoped, that, in a little time, the well-disposed Americans will perceive, that Britons, detesting tyranny in all its forms, and always willing to rescue even foreign nations from the yoke of bondage, have no thoughts of imposing it upon their children. They have ever been too brave to be slaves themselves, and too generous to make slaves of others. They never had more liberty in their persons, properties, religion, speech, writings, and actions, than in the present reign: I had almost said, they cannot have more, without an abrogation of all order and government. These invaluable blessings can only be secured by the preservation of their happy constitution. In a word, let their enemies name the monarchy or republic upon earth, which can boast their noble zeal for true liberty, or an equal possession of public freedom!

And what has America obtained by her revolt from the constitution of Britain? I speak not of that province, which is at present the seat of war; but of those, who are yet unmolested in the exercise of their new prerogatives, and of their boasted *natural rights*. What oppressions have not these endured from the arbitrary dictates of a lawless congress, or the savage determinations of an insolent mob? Peaceable subjects, merely for being *peaceable*, have been haled away to prison, forced into their army, or stripped of their possessions. Men, who have remonstrated against such brutal proceedings, have been still more ignominiously treated, and, without either the appearance of legal decision or the forms of legal punishment, have been exposed to all the indecent resentments of an abandoned multitude. Clergymen, of the established church, have been driven from their cures, upon no other account than for not omitting the prayer for the King and royal family, in the common use of divine service. These are some of the choicest blessings, which congresses and committees have bestowed: Let me ask, if such can possibly be expected from the King and parliament of Great-Britain?

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## LETTER I.

### To The Inhabitants Of The Province Of The Massachusetts-Bay.

WHEN a people, by what means soever, are reduced to such a situation, that every thing they hold dear, as men and citizens, is at stake, it is not only excusable, but even praiseworthy, for an individual to offer to the public any thing, that he may think has a tendency to ward off the impending danger; nor should he be restrained from an apprehension that what he may offer will be unpopular, any more than a physician should be restrained from prescribing a salutary medicine, through fear it might be unpalatable to his patient.

The press, when open to all parties and influenced by none, is a salutary engine in a free state, perhaps a necessary one to preserve the freedom of that state; but, when a party has gained the ascendancy so far as to become the licensers of the press, either by an act of government, or by playing off the resentment of the populace against printers and authors; the press itself becomes an engine of oppression or licentiousness, and is as pernicious to society as otherwise it would be beneficial. It is too true to be denied, that, ever since the origin of our controversy with Great Britain, the press, in this town, has been much devoted to the partizans of liberty: they have been indulged in publishing what they pleased, *fas vel nefas*, while little has been published on the part of government. The effect this must have had upon the minds of the people in general is obvious; they must have formed their opinion upon a partial view of the subject, and of course it must have been in some degree erroneous: In short, the changes have been rung so often upon oppression, tyranny and slavery, that, whether sleeping or waking, they are continually vibrating in our ears; and it is now high time to ask ourselves, whether we have not been deluded by found only.

My dear countrymen, let us divest ourselves of prejudice, take a view of our present wretched situation, contrast it with our former happy one, carefully investigate the cause, and industriously seek some means to escape the evils we now feel, and prevent those that we have reason to expect.

We have been so long advancing to our present state, and by such gradations, that perhaps many of us are insensible of our true state and real danger. Should you be told, that acts of high treason are flagrant through the country, that a great part of the province is in actual rebellion; would you believe it true? Should you not deem the person asserting it an enemy to the province? Nay, should you not spurn him from you with indignation? Be calm, my friends, it is necessary to know the worst of a disease, to enable us to provide an effectual remedy. Are not the bands of society cut asunder, and the sanctions, that hold man to man, trampled upon? Can any of us recover a debt, or obtain compensation for an injury, by law? Are not many persons, whom once we respected and revered, driven from their homes and families, and forced to sly to the army for protection, for no other reason but their having accepted commissions under our king? Is not civil government dissolved? Some have been

made to believe, that nothing short of attempting the life of the king, or fighting his troops, can amount to high treason or rebellion. If, reader, you are one of those, apply to an honest lawyer (if such an one can be found), and enquire what kind of offence it is, for a number of men to assemble armed, and forceably to obstruct the course of justice, even to prevent the king's courts from being held at their stated terms; for a body of people to seize upon the king's provincial revenue, I mean the monies collected by virtue of grants made to his Majesty for the support of his government within this province; for a body of men to assemble without being called by authority, and to pass governmental acts; or for a number of people to take the militia out of the hands of the king's representative; or to form a new militia, or to raise men and appoint officers for a public purpose, without the order or permission of the king or his representative; or for a number of men to take to their arms, and march with a professed design of opposing the king's troops: ask, reader, of such a lawyer, what is the crime, and what the punishment; and if per chance thou art one that hast been active in these things, and art not insensibility itself, his answer will harrow up thy soul.

I assure you, my friends, I would not that this conduct should be told beyond the borders of this province; I wish it were consigned to perpetual oblivion; but, alas, it is too notorious to be concealed: our news-papers have already published it to the world, and we can neither prevent nor conceal it. The shaft is already sped, and the utmost exertion is necessary to prevent the blow. We already feel the effects of anarchy: mutual confidence, affection and tranquillity, those sweeteners of human life, are succeeded by distrust, hatred and wild uproar; the useful arts of agriculture and commerce are neglected for cabaling, mobbing this or the other man, because he acts, speaks, or is suspected of thinking different from the prevailing sentiment of the times, in purchasing arms and forming a militia, O height of madness! with a professed design of opposing Great-Britain. I suspect many of us have been induced to join in these measures, or but faintly to oppose them, from an apprehension that Great-Britain would not or could not exert herself sufficiently to subdue America. Let us consider this matter: However closely we may hug ourselves in the opinion that the parliament has no right to tax or legislate for us, the people of England hold the contrary opinion as firmly: they tell us we are a part of the British empire; that every state from the nature of government must have a supreme uncontrollable power coëxtensive with the empire itself; and that, that power is vested in parliament. It is as absurd to deny this doctrine in Great-Britain, as it is to assert it in the colonies; so there is but little probability of serving ourselves at this day by our ingenious distinctions between a right of legislature for one purpose and not for another. We have bid them defiance, and the longest sword must carry it, unless we change our measures. Mankind are the same in all parts of the world; the same fondness for dominion that presides in the breast of an American, actuates the breast of an European. If the colonies are not a part of the British empire already, and subject to the supreme authority of the state, Great-Britain will make them so. Had we been prudent enough to confine our opposition within certain limits, we might have stood some chance of succeeding once more; but alas we have passed the Rubicon. It is now universally said and believed, in England, that if this opportunity of reclaiming the colonies, and reducing them to a sense of their duty is lost, they in truth will be dismembered from the empire, and become as distinct a state from Great-Britain as



Hanover; that is, although they may continue their allegiance to the person of the King, they will own none to the imperial crown of Great-Britain, nor yield obedience to any of her laws but such as they shall think proper to adopt. Can you indulge the thought one moment, that Great-Britain will consent to this? For what has she protected and defended the colonies against the maritime powers of Europe, from their first British settlement to this day? For what did she purchase New-York of the Dutch? For what was she so lavish of her best blood and treasure in the conquest of Canada, and other territories in America? Was it to raise up a rival state, or to enlarge her own empire? Or, if the consideration of empire was out of the question, what security can she have of our trade, when once she has lost our obedience? I mention these things, my friends, that you may know how people reason upon the subject in England; and to convince you that you are much deceived, if you imagine that Great-Britain will accede to the claims of the colonies: she will as soon conquer New-England as Ireland or Canada, if either of them revolted; and by arms, if the milder influences of government prove ineffectual. Perhaps you are as fatally mistaken in another respect, I mean as to the power of Great-Britain to conquer; but can any of you, that think soberly upon the matter, be so deluded as to believe that Great-Britain, who so lately carried her arms with success to every part of the globe, triumphed over the united powers of France and Spain, and whose fleets give law to the ocean, is unable to conquer us? Should the colonies unite in a war with Great-Britain (which by the way is not a supposable case) the colonies south of Pennsylvania would be unable to furnish any men; they have not more than is necessary to govern their numerous slaves, and to defend themselves against the Indians. I will suppose that the northern colonies can furnish as many, and indeed more men than can be used to advantage; but have you arms fit for a campaign? If you have arms, have you military stores, or can you procure them? When this war is proclaimed, all supplies from foreign parts will be cut off. Have you money to maintain the war? Or had you all those things, some others are still wanting, which are absolutely necessary to encounter regular troops, that is discipline, and that subordination whereby each can command all below him from a general officer to the lowest subaltern: these you neither have nor can have in such a war. It is well known that the provincials in the late war were never brought to a proper discipline, though they had the example of the regular troops to encourage, and the martial law to enforce it. We all know, notwithstanding the province law for regulating the militia, it was under but little more command than what the officers could obtain from treating and humouring the common soldiers: what then can be expected from such an army as you will bring into the field, if you bring any, each one a politician, puffed up with his own opinion, and feeling himself second to none? Can any of you command ten thousand such men? Can you punish the disobedient? Can all your wisdom direct their strength, courage and activity to any given point? Would not the least disappointment or unfavourable aspect cause a general dereliction of the service? Your new-fangled militia have already given us a *specimen* of their future conduct. In some of their companies, they have already chosen two, in others three sets of officers, and are as dissatisfied with the last choice as the first. I do not doubt the natural bravery of my countrymen: all men would act the same part in the same situation. Such is the army, with which you are to oppose the most powerful nation upon the globe. An experienced officer would rather take his chance with five thousand British troops, than with fifty thousand such militia. I have hitherto confined my observations to the war within the interior parts of the colonies;

let us now turn our eyes to our extensive sea coast, and that we find wholly at the mercy of Great-Britain; our trade, fishery, navigation and maritime towns taken from us, the very day that war is proclaimed. Inconceivably shocking the scene, if we turn our views to the wilderness; our back settlements a prey to our ancient enemy, the Canadians, whose wounds received from us in the late war will bleed afresh at the prospect of revenge, and to the numerous tribes of savages, whose tender mercies are cruelties: thus with the British navy in the front, Canadians and savages in the rear, a regular army in the midst, we must be certain that, when ever the sword of civil war is unsheathed, devastation will pass through our land like a whirlwind, our houses be burnt to ashes, our fair possessions laid waste, and he that falls by the sword will be happy in escaping a more ignominious death.

I have hitherto gone upon a supposition that all the colonies from Nova-Scotia to Georgia would unite in the war against Great-Britain; but I believe if we consider coolly upon the matter, we shall find no reason to expect any assistance out of New-England: if so, there will be no arm stretched out to save us, New-England, or perhaps this self-devoted province will fall alone the unpitied victim of its own folly, and furnish the world with one more instance of the fatal consequences of rebellion.

I have as yet said nothing of the difference in sentiment among ourselves: upon a superficial view we might imagine, that this province was nearly unanimous, but the case is far different. A very considerable part of the men of property in this province are at this day firmly attached to the cause of government; bodies of men compelling persons to disavow their sentiments, to resign commissions, or to subscribe leagues and covenants, have wrought no change in their sentiments: it has only attached them more closely to government, and caused them to wish more fervently, and to pray more devoutly for its restoration: these and thousands beside, if they fight at all, will fight under the banners of loyalty. I can assure you that associations are now forming in several parts of this province for the support of his Majesty's government and mutual defence; and let me tell you, when ever the royal standard shall be set up, there will be such a flocking to it, as will astonish the most obdurate. And now, in God's name, what is it that has brought us to this brink of destruction? Has not the government of Great-Britain been as mild and equitable in the colonies as in any part of her extensive dominions? Has not she been a nursing mother to us from the days of our infancy to this time? Has she not been indulgent almost to a fault? Might not each one of us at this day have sat quietly under his own vine and fig-tree, and there have been none to make us afraid, were it not for our own folly? Will nor posterity be amazed, when they are told that the present distraction took its rise from a three-penny duty on tea, and call it a more unaccountable frenzy, and more disgraceful to the annals of America than that of the *witchcraft*.

I will attempt in the next paper to retrace the steps and mark the progressions that led us to this state. I promise to do it with fidelity, and, if any thing should look like reflecting on individuals or bodies of men, it must be set down to my impartiality, and not to a fondness for censuring.

MASSACHUSETTENSIS.

December 12, 1774.

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## LETTER II.

### To The Inhabitants Of The Province Of Massachusetts-Bay.

My Dear Countrymen,

I ENDEAVOURED last week to convince you of our real danger, not to render you desperate, but to induce you to seek immediately some effectual remedy. Our case is not remediless, as we have to deal with a nation not less generous and humane than powerful and brave; just indeed, but not vindictive.

I shall, in this and successive papers, trace this yet growing distemper through its several stages, from its first rise to the present hour, point out the causes, mark the effects, shew the madness of persevering in our present line of conduct, and recommend what, I have been long convinced, is our only remedy. I confess my self to be one of those that think our present calamity is in a great measure to be attributed to the bad policy of a popular party in this province; and that their measures for several years past, whatever may have been their intention, have been diametrically opposite to their profession,—the public good; and cannot, at present, but compare their leaders to a false guide, who, having led a benighted traveller through many mazes and windings in a thick wood, finds himself at length on the brink of a horrid precipice, and, to save himself, seizes fast hold of his follower, to the utmost hazard of plunging both headlong down the steep, and being dashed in pieces together against the rocks below.

In ordinary cases, we may talk in the measured language of a courtier; but when such a weight of vengeance is suspended over our heads, by a single thread, as threatens every moment to crush us to atoms, delicacy itself would be ill-timed: I will declare the plain truth whenever I find it, and claim it as a right to canvass popular measures and expose their errors and pernicious tendency, as freely as governmental measures are canvassed, so long as I confine myself within the limits of the law.

At the conclusion of the late war, Great-Britain found, that, though she had humbled her enemies, and greatly enlarged her own empire, that the national debt amounted to almost one hundred and fifty millions, and that the annual expence of keeping her extended dominions in a state of defence, which good policy dictates no less in a time of peace than war, was increased in proportion to the new acquisitions. Heavy taxes and duties were already laid, not only upon the luxuries and conveniences, but even the necessaries of life in Great-Britain and Ireland. She knew, that the colonies were as much benefited by the conquests in the late war, as any part of the empire, and indeed more so, as their continental foes were subdued, and they might now extend their settlements not only to Canada, but even to the western ocean—The greatest opening was given to agriculture, the natural livelihood of the country, that ever was known in the history of the world, and their trade was protected by the British navy. The revenue to the crown, from America, amounted to but little more than the charges

of collecting it.—She thought it as reasonable, that the colonies should bear a part of the national burden, as that they should share in the national benefit. For this purpose, the stamp-act was passed. The colonies soon found, that the duties imposed by the stamp-act would be grievous, as they were laid upon custom-house papers, law-proceedings, conveyancing, and indeed extended to almost all their internal trade and dealings. It was generally believed through the colonies, that this was a tax not only exceeding our proportion, but beyond our utmost ability to pay. This idea united the colonies generally in opposing it. At first we did not dream of denying the *authority* of parliament to tax us, much less to legislate for us. We had always considered ourselves, as a part of the British empire, and the parliament, as the supreme legislature of the whole. Acts of parliament for regulating our internal polity were familiar. We had paid postage, agreeable to act of parliament for establishing a post-office, duties imposed for regulating trade, and even for raising a revenue to the crown, without questioning the right, though we closely adverted to the rate or quantum. We knew that, in all those acts of government, the good of the whole had been consulted, and, whenever through want of information any thing grievous had been ordained, we were sure of obtaining redress by a proper representation of it. We were happy in our subordination; but in an evil hour, under the influence of some malignant planet, the design was formed of opposing the stamp-act by a denial of the right of parliament to make it. The love of empire is so predominant in the human breast, that we *rarely* find an individual content with relinquishing a power that he is able to retain; *never*, a body of men. Some few months after it was known that the stamp-act was passed, some resolves of the house of burgesses in Virginia, denying the right of parliament to tax the colonies, made their appearance. We read them with wonder—they savoured of independence—they flattered the human passions—the reasoning was specious—we wished it conclusive. The transition, to believing it so, was easy—and we, and almost all America, followed their example, in resolving that the parliament had no such right. It now became unpopular to suggest the contrary; his life would be in danger that asserted it. The news-papers were open to but one side of the question; and the inslamatory pieces that issued weekly from the press, worked up the populace to a fit temper to commit the outrages that ensued. A non-importation was agreed upon, which alarmed the merchants and manufacturers in England. It was novel, and the people in England then supposed, that the love of liberty was so powerful in an American merchant, as to stifle his love of gain, and that the agreement would be religiously adhered to. It has been said, that several thousands were expended in England, to foment the disturbances there. However that may be, opposition to the ministry was then gaining ground, from circumstances, foreign to this.—The ministry was changed, and the stamp-act repealed.—The repealing statute passed, with difficulty however, through the house of peers: near forty noble lords protested against giving way to such an opposition, and foretold what has since literally come to pass in consequence of it. When the statute was made, imposing duties upon glass, paper, India teas, &c. imported into the colonies, it was said, that this was another instance of taxation; for some of the dutied commodities were necessaries, we had them not within ourselves, were prohibited from importing them from any place except Great-Britain, were therefore obliged to import them from Great-Britain, and, consequently, were obliged to pay the duties. Accordingly, news-paper publications, pamphlets, resolves, non-importation agreements, and the whole system of American opposition, were again put in motion. We obtained a partial

repeal of this statute, which took off the duties from all the articles, except teas. This was the lucky moment when to have closed the dispute. We might have made a safe and honorable retreat. We had gained much, perhaps more than we expected. If the parliament had passed an act, declaratory of their right to tax us; our assemblies had resolved, ten times, that they had no such right. We could not complain of the three-penny duty on tea as burdensome, for a shilling which had been laid upon it, for the purpose of regulating trade and therefore was allowed to be constitutional, was taken off; so that we were in fact gainers nine-pence in a pound by the new regulation. If the appropriation of the revenue, arising from this statute was disrelished, it was only our striking off one article of luxury from our manner of living, an article too, which if we may believe the resolves of most of the towns in this province, or rely on its *collected wisdom* in a resolve of the house of representatives, was to the last degree ruinous to health. It was futile to urge its being a precedent, as a reason for keeping up the ball of contention; for, allowing the supreme legislature ever to want a precedent, they had many for laying duties on commodities imported into the colonies. And besides, we had great reason to believe that the remaining part of the statute would be repealed, as soon as the parliament should suppose it could be done with honour to themselves; as the incidental revenue, arising from the former regulation, was four fold to the revenue arising from the latter. A claim of the right, could work no injury, so long as there was no grievous exercise of it; especially as we had protested against it, through the whole, and could not be said to have departed from our claims in the least. We might now upon good terms have dropped the dispute, and been happy in the affections of our mother-country; but *that* is yet to come. Party is inseparable from a free state. The several distributions of power, as they are limited by, so they create perpetual dissensions between, each other, about their respective boundaries; but the greatest source is the competition of individuals for preferment in the state. Popularity is the ladder by which the partizans usually climb.—Accordingly the struggle is, who shall have the greatest share of it. Each party possesses *disinterested patriotism*, though some cynical writers have ventured to assert, that self-love is the ruling passion of the whole. There were two parties in this province of pretty long standing, known by the name of *whig* and *tory*, which at this time were not a little embittered against each other.—Men of abilities and acknowledged probity were on both sides. If the tories were suspected of pursuing their private interest through the medium of court favour, there was equal reason to suspect the whigs of pursuing their private interest by the means of popularity. Indeed some of them owed all their importance to it, and must in a little time have sunk into obscurity, had these turbulent commotions then subsided.

The tories and whigs took different routs, as usual. The tories were for closing the controversy with Great-Britain, the whigs for continuing it: the tories were for restoring government in the province, which had become greatly relaxed by these convulsions, to its former tone; the whigs were averse to it: they even refused to revive a temporary riot act, which expired about this time. Perhaps they thought, that mobs were a necessary ingredient in their system of opposition: However, the whigs had great advantages in the unequal combat, their scheme flattered the people with the idea of independence; the tories' plan supposed a degree of subordination, which is rather an humiliating idea; besides there is a propensity in men to believe themselves injured and oppressed whenever they are told so. The ferment, raised in their minds in

the time of the stamp-act, was not yet allayed, and the leaders of the whigs had gained the confidence of the people by their successes in their former struggle; so that they had nothing to do but to keep up the spirit among the people, and they were sure of commanding in this province. It required some pains to prevent their minds settling into that calm, which is ordinarily the effect of a mild government; the whigs were sensible that there was no oppression that could be either seen or felt; if any thing was in reality amiss in government, it was its being too lax: So far was it from the innocent being in danger of suffering, that the most atrocious offenders escaped with impunity. They accordingly applied themselves to work upon the imagination, and to inflame the passion; for this work they possessed great talents. I will do justice to their ingenuity: they were intimately acquainted with the feelings of man, and knew all the avenues to the human heart:—Effigies, paintings, and other imagery, were exhibited; the fourteenth of August was celebrated annually as a festival in commemoration of a mob's destroying a building, owned by the late Lieutenant Governor, which was supposed to have been erected for a stamp-office, and compelling him to resign his office of stamp-master under liberty-tree; annual orations were delivered in the old-south meeting house, on the fifth of March, the day when some persons were unfortunately killed by a party of the twenty-ninth regiment; lists of imaginary grievances were continually published; the people were told weekly, that the ministry had formed a plan to enslave them; that the duty upon tea was only a prelude to a window-tax, hearth-tax, land-tax, and poll-tax, and these were only paving the way for reducing the country to lordships: this last bait was the more easily swallowed, as there seems to be an apprehension of that kind hereditary to the people of New-England; and they were conjured by the duty they owed themselves, their country, and their God, by the reverence due to the sacred memory of their ancestors, and all their toils and sufferings in this once inhospitable wilderness, and by their affections for unborn millions, to rouse and exert themselves in the common cause. This perpetual incantation kept the people in continual alarm. We were farther stimulated by being told, that the people of England were depraved, the parliament venal, and the ministry corrupt; nor were attempts wanting to traduce Majesty itself. The kingdom of Great-Britain was depicted as an ancient structure, once the admiration of the world, now sliding from its base, and rushing to its fall. At the same time, we were called upon to mark our own rapid growth, and to behold the certain evidence that America was upon the eve of independent empire.

When we consider what effect a well wrote tragedy or novel has on the human passions, though we know it to be all fictitious; what effect must all this be supposed to have had upon those, that believed these high wrought images to be realities?

The tories have been censured for remissness in not having exerted themselves sufficiently at this period: The truth of the case is this; they saw and shuddered at the gathering storm, but durst not attempt to dispel it, lest it should burst on their own heads. Printers were threatned with the loss of their bread, for publishing freely on the tory side. One Mr. Mien was forced to fly the country for persisting in it.

All our dissenting ministers were not inactive on this occasion. When the clergy engage in a political warfare, religion becomes a most powerful engine, either to support or overthrow the state. What effect must it have had upon the audience to hear

the same sentiments and principles which they had before read in a news-paper, delivered on Sundays from the pulpits, with a religious awe, and the most solemn appeals to heaven, from lips which they had been taught, from their cradles, to believe could utter nothing but eternal truths? What was it natural to expect from a people, bred under a free constitution, jealous of their liberty, credulous even to a proverb, when told their privileges were in danger, thus wrought upon in the extreme? I answer:—Outrages, disgraceful to humanity itself. What mischief was not an artful man, who had obtained the confidence and guidance of such an enraged multitude, capable of doing? He had only to point out this or the other man as an enemy to his country, and no character, station, age or merit, could protect the proscribed from their fury. Happy was it for him, if he could secrete his person, and subject his property only to their lawless ravages. By such means, many people naturally brave and humane, have been wrought upon to commit such acts of private mischief and public violence, as will blacken many a page in the history of our country.

I shall next trace the effects of this spirit, which the whigs had thus infused into the body of the people, through the courts of common law, and the general-assembly; and mark the ways and means whereby they availed themselves of it to the subversion of our charter constitution, antecedent to the late act of parliament.

MASSACHUSETTENSIS.

December 19, 1774.



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## LETTER III.

### To The Inhabitants Of The Province Of Massachusetts-Bay.

TO undertake to convince a person of his error is the indispensable duty, the certain, though dangerous, test of friendship. He that could see his friend persevering in a fatal error, without reminding him of it, and striving to reclaim him, through fear that he might thereby incur his displeasure, would little deserve the sacred name himself. Such delicacy is not only false, but criminal. Were I not fully convinced, upon the most mature deliberation that I am capable of, that the temporal salvation of this province depends upon an entire and speedy change of measures, which must depend upon a change of sentiment, respecting our own conduct, and the justice of the British nation; I never should have obtruded myself on the public.—I repeat my promise, to avoid personal reflection as much as the nature of the task will admit of; but I will continue faithfully to expose the wretched policy of the whigs, tho' I may be obliged to penetrate the *arcana*, and discover such things as, were there not a necessity for it, I should be infinitely happier in drawing a veil over, or covering with a mantle. Should I be so unfortunate as to incur your displeasure, I shall nevertheless think myself happy if I can but snatch one of my fellow-subjects as a brand out of the burning.

Perhaps some may imagine, that I have represented too many of my countrymen, as well as the leading whigs, in an unjust point of light, by supposing *these* so wicked as to mislead, or *those* so little circumspect as to be misled, in matters of the last importance. Whoever has been conversant with the history of man, must know that it abounds with such instances. The same game, and with the same success, has been played in all ages and in all countries.

The bulk of the people are generally but little versed in matters of state. Want of inclination or opportunity to figure in public life, makes them content to rest the affairs of government in the hands, where accident or merit has placed them. Their views and employments are confined to the humbler walks of business or retirement. There is a latent spark however in their breasts, capable of being kindled into a flame; to do this has always been the employment of the disaffected. They begin by reminding the people of the elevated rank they hold in the universe, as men; that all men by nature are equal; that Kings are but the ministers of the people; that their authority is delegated to them by the people for their good; and that they have a right to resume it, and place it in other hands, or keep it themselves, whenever it is made use of to oppress them. Doubtless there have been instances, where these principles have been inculcated to obtain a redress of real grievances, but they have been much oftener perverted to the worst of purposes.—No government, however perfect in theory, is administered in perfection; the frailty of man does not admit of it. A small mistake, in point of policy, often furnishes a pretence to libel government, and persuade the people, that their rulers are tyrants, and the whole government a system of oppression. Thus the seeds of sedition are usually sown; and the people are led to sacrifice real liberty to licentiousness, which gradually ripens into rebellion and civil

war. And what is still more to be lamented, the generality of the people, who are thus made the dupes of artifice, and the mere stilts of ambition, are sure to be losers in the end. The best they can expect, is to be thrown neglected by, when they are no longer wanted; but they are seldom so happy: if they are subdued, confiscation of estate and ignominious death are their portion; if they conquer, their own army is often turned upon them, to subjugate them to a more tyrannical government than that they rebelled against. History is replete with instances of this kind: we can trace them in remote antiquity; we find them in modern times, and have a remarkable one in the very country from which we are derived. It is an universal truth, that he that would excite a rebellion, whatever professions of philanthropy he may make, when he is insinuating and worming himself into the good graces of the people, is at heart as great a tyrant as ever wielded the iron rod of oppression. I shall have occasion hereafter to consider this matter more fully, when I shall endeavour to convince you, how little we can gain, and how much we may lose, by this unequal, unnatural, and desperate contest. My present business is, to trace the spirit of opposition to Great-Britain through the general court, and the courts of common law. In moderate times, a representative that votes for an unpopular measure, or opposes a popular one, is in danger of losing his election the next year; when party runs high, he is sure to do it. It was the policy of the whigs to have their questions, upon high matters, determined by yea and nay votes, which were published with the representatives names in the next gazette. This was commonly followed by severe strictures and the most illiberal invectives upon the dissentients: sometimes they were held up as objects of resentment, of contempt at others; the abuse was in proportion to the extravagance of the measure they opposed. This may seem not worth notice, but its consequences were important. The scurrility made its way into the dissentient's town, it furnished his competitor with means to supplant him, and he took care to shun the rock his predecessor had split upon. In this temper of the times, it was enough to know who voted with Cassius and who with Lucius, to determine who was a friend and who an enemy to the country, without once adverting to the question before the house. The loss of a seat in the house was not of so much consequence; but, when once he became stigmatized as an enemy to his country, he was exposed to insult; and if his profession or business was such, that his livelihood depended much on the good graces of his fellow citizens, he was in danger of losing his bread and involving his whole family in ruin.

One particular set of members, in committee, always prepared the resolves and other spirited measures. At first they were canvassed freely, at length would slide through the house without meeting an obstacle: The lips of the dissentients were sealed up; they sat in silence, and beheld with infinite regret the measures they durst not oppose. Many were borne down against their wills by the violence of the current: upon no other principle can we reconcile their ostensible conduct in the house to their declarations in private circles. The apparent unanimity in the house encouraged the opposition out of doors, and *that* in its turn strengthened the party in the house. Thus they went on, mutually supporting and up-lifting each other. Assemblies and towns resolved alternately: some of them only omitted resolving to snatch the sceptre out of the hands of our Sovereign, and to strike the imperial crown from his sacred head.

A master-stroke in politics, respecting the agent, ought not to be neglected. Each colony has usually an agent residing at the court of Great-Britain: These agents are

appointed by the three branches of their several assemblies, and indeed there cannot be a provincial agent without such appointment. The whigs soon found, that they could not have such services rendered them from a provincial agent, as would answer their purposes. The house therefore refused to join with the other two branches of the general court in the appointment. The house chose an agent for themselves; and the council appointed another. Thus we had two agents for private purposes, and the expence of agency doubled; and with equal reason a third might have been added, as agent for the Governor, and the charges been trebled.

The additional expence was of little consideration, compared with another inconvenience that attended this new mode of agency. The person, appointed by the house, was the ostensible agent of the province, though in fact he was only the agent of a few individuals that had got the art of managing the house at their pleasure. He knew his continuing in office depended upon *them*. An office that yielded several hundred pounds sterling annually, the business of which consisted in little more than attending the levees of the Great, and writing letters to America, was worth preserving. Thus he was under a strong temptation to sacrifice the province to a party; and echoed back the sentiments of his patrons.

The advices, continually received from one of the persons that was thus appointed agent, had great influence upon the members of the house of more moderate principles. He had pushed his researches deep into nature, and made important discoveries: they thought he had done the same in politics, and did not admire him less as a politician than as a philosopher. His intelligence, as to the disposition of his Majesty, the ministry, the parliament, and the nation in general, was deemed the most authentic. He advised us to keep up our opposition, to resolve and re-resolve, to cherish a military spirit; uniformly holding up this idea, that if we continued firm, we had nothing to fear from the government in England. He even proposed some modes of opposition himself. The spirited measures were always ushered into the house with a letter from him. I have been sometimes almost ready to suspect him of being the *primum mobile*, and that, like the man behind the curtain at a puppet-shew, he was playing off the figures here with his own secret wires. If he advised to these measures contrary to his better knowledge, from sinister views, and to serve a private purpose, he has *wilfully* done the province irreparable injury. However, I will do him justice: he enjoined it upon us to refrain from violence, as that would unite the nation against us; and I am rather inclined to think that he was deceived himself with respect to the measures he recommended, as he had already felt the resentment of that very government which he told us there was nothing to fear from. This disposition of the house could not have produced such fatal effects, had the other two branches of the legislature retained their constitutional freedom and influence. They might have been a sufficient check.

The councillors depended upon the general assembly for their political existence: the whigs reminded the council of their mortality. If a councillor opposed the violent measures of the whigs with any spirit, he lost his election the next May. The council consisted of twenty-eight. From this principle, near half that number, mostly men of the first families, note and abilities, with every possible attachment to their native country, and as far from temptation as wealth and independence could remove them,

were tumbled from their seats in disgrace. Thus the board, which was intended to moderate between the two extremes of prerogative and privilege, lost its weight in the scale, and the political balance of the province was destroyed.

Had the chair been able to retain its own constitutional influence, the loss of the board would have been less felt; but, no longer supported by the board, that fell likewise. The Governor, by the charter, could do little or nothing without the council. If he called upon a military officer to raise the militia, he was answered, they were there already. If he called upon his council for their assistance, they must first enquire into the cause. If he wrote to government at home to strengthen his hands, some officious persons procured and sent back his letters.

It was not the person of a Bernard or Hutchinson that made them obnoxious: any other governors would have met with the same fate, had they discharged their duty with equal fidelity; that is, had they strenuously opposed the principles and practices of the whigs; and when they found that the government here could not support itself, wrote home for aid sufficient to do it. And let me tell you, had the intimations in those letters, which you are taught to execrate, been timely attended to, we had been as happy a people as good government could make us. Governor Bernard came here recommended by the affections of the province, over which he had presided. His abilities are acknowledged. True British honesty and punctuality are traits in his character too strongly marked to escape the eye of prejudice itself. We know Governor Hutchinson to be amiable and exemplary in private life: his great abilities, integrity and humanity, were conspicuous in the several important departments that he filled, before his appointment to the chair, and reflect honour on his native country. But his abilities and integrity, added to his thorough knowledge of the province, in all its interests and connections, were insufficient in this case. The constitution itself was gone, though the ancient form remained: the spirit was truly republican. He endeavoured to reclaim us by gentle means. He strove to convince us by arguments, drawn from the first principles of government, our several charters, and the express acknowledgments of our ancestors, that our claims were inconsistent with the subordination due to Great-Britain; and, if persisted in, might work the destruction of those that we were entitled to. For this, he was called an enemy to his country, and set up as a mark for the envenomed arrows of malice and party rage. Had I entertained a doubt about its being the governor, and not the man, that was aimed at; the admirable facility with which the news-paper abuse was transferred from Governor Hutchinson to his humane and benevolent successor, General Gage, almost as soon as he set foot on our shore, would have removed it.

Thus, disaffection to Great-Britain being infused into the body of the people, the subtle poison stole through all the veins and arteries, contaminated the blood, and destroyed the very stamina of the constitution. Had not the courts of justice been tainted in the early stages, our government might have expelled the virus, purged off the peccant humors, and recovered its former vigour by its own strength. The judges of the superior courts were dependent upon the annual grants of the general court for their support. Their salaries were small in proportion to the salaries of other officers in the government of less importance.

They had often petitioned the assembly to enlarge them, without success. They were at this time reminded of their dependence. However, it is but justice to say, that the judges remained unshaken, amid the raging tempests, which is to be attributed rather to their firmness than situation. But the spirit of the times was very apparent in the juries. The grand jurors were elective; and in such places where libels, riots, and insurrections were the most frequent, the high whigs took care to get themselves chosen. The judges pointed out to them the seditious libels on governors, magistrates, and the whole government; but to no effect. They were enjoined to present riots and insurrections, of which there was ample evidence, with as little success.

It is difficult to account for so many of the first rate whigs being returned to serve on the petit-jury at the term next after extraordinary insurrections, without supposing some legerdemain in drawing their names out of the box. It is certain, that, notwithstanding swarms of the most virulent libels infested the province, and there were so many riots and insurrections, scarce one offender was indicted, and I think not one convicted and punished. Causes of *meum et tuum* were not always exempt from party influence. The mere circumstance of the whigs gaining the ascendancy over the tories is trifling. Had the whigs divided the province between them, as they once flattered themselves they should be able to do, it would have been of little consequence to the community, had they not cut asunder the very sinews of government, and broke in pieces the ligaments of social life in the attempt. I will mention two instances, which I have selected out of many, of the weakness of our government, as they are recent and unconnected with acts of parliament. One Malcolm, a loyal subject, and, as such, entitled to protection, the evening before the last winter sessions of the general-court, was dragged out of his house, stripped, tarred and feathered, and carted several hours in the severest frost of that winter, to the utmost hazard of his life. He was carried to the gallows with an halter about his neck, and, in his passage to and from the gallows, was beaten with as cruel stripes as ever were administered by the hands of a savage. The whipping, however, kept up the circulation of his blood, and saved the poor man's life. When they had satiated their malice, they dispersed in good order. This was transacted in the presence of thousands of spectators, some of whom were members of the general-court. Malcolm's life was despaired of several days, but he survived and presented a memorial to the general-assembly, praying their interposition. The petition was read, and all he obtained was, leave to withdraw it. So that he was destitute of protection every hour until he left the country; as were thousands beside, until the arrival of the King's troops. This originated in a small fracas in the street, wherein Malcolm struck, or threatened to strike, a person that insulted him, with a cutlass, and had no connection with the quarrel of the times, unless his sustaining a small post in the customs made it.

The other instance is much stronger than this, as it was totally detached from politics. It had been suspected, that infection had been communicated from an hospital, lately erected at Marblehead, for the purpose of innoculating the small-pox, to the town's people. This caused a great insurrection: the insurgents burnt the hospital; not content with that, threatened the proprietors and many others, some of the first fortunes and characters in the town, with burning their houses over their heads, and continued parading the streets, to the utmost terror of the inhabitants several days. A massacre and general devastation was apprehended. The persons threatened, armed themselves,

and petitioned the general-assembly, which was then sitting, for assistance, as there was little or no civil authority in the place. A committee was ordered to repair to Marblehead, report the facts, and inquire into the cause. The committee reported the facts nearly as stated in the petition; the report was accepted, and nothing farther done by the assembly. Such demonstrations of the weakness of government, induced many persons to join the whigs, to seek from them that protection, which the constitutional authority of the province was unable to afford.

Government, at home, early in the day, made an effort to check us in our career, and to enable us to recover from anarchy without her being driven to the necessity of altering our provincial constitution, knowing the predilection that people always have for an antient form of government. The judges of the superior court had not been staggered, though their feet stood in slippery places; they depended upon the leading whigs for their support. To keep them steady, they were made independent of the grants of the general-assembly. But it was not a remedy any way adequate to the disease. The whigs now turned their artillery against them; and it played briskly.—The chief justice, for accepting the crown grant, was accused of receiving a royal bribe.

Thus, my friends, those very persons, who had made you believe, that every attempt to strengthen government, and save our charter, was an infringement of your privileges; by little and little, destroyed your real liberty, subverted your charter constitution, abridged the freedom of the house, annihilated the freedom of the board, and rendered the governor a mere doge of Venice. They engrossed all the power of the province into their own hands: A democracy or republic it has been called, but it does not deserve the name of either—It was, however, a despotism, cruelly carried into execution by mobs and riots, and more incomparable with the rights of mankind, than the enormous monarchies of the East. The absolute necessity of the interposition of parliament is apparent. The good policy of the act, for regulating the government in this province, will be the subject of some future paper. A particular Inquiry into the despotism of the whigs will be deferred for a chapter on congresses. I shall next ask your attention to a transaction, as important in its consequences, and perhaps more so, than any I have yet mentioned, I mean the destruction of the tea, belonging to the East-India company. I am sensible of the difficulty of the task, in combating generally received opinions. It is hard work to eradicate deep-rooted prejudice. But I will persevere. There are hundreds, if not thousands, in the province, that will feel the truth of what I have written, line by line, as they read it; and as to those who obstinately shut their eyes against it now, haply the sever of the times may intermit; there may be some lucid interval when their minds shall be open to truth before it is too late to serve them, otherwise it will be revealed to them in bitter moments, attended with keen remorse and unutterable anguish. *Magna est veritas et prævalebunt.*

#### MASSACHUSETTENSIS.

December 26, 1774.

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## LETTER III.

### To The Inhabitants Of The Province Of Massachusetts-Bay.

PERHAPS, by this time, some of you may enquire who it is, that suffers his pen to run so freely? I will tell you; it is a native of this province, that knew it before many, that are now basking in the rays of political sunshine, had a being. He was favored, not by whigs or tories, but the people, with such a stand in the community, as that he could distinctly see all the political manœuvres of the province. He saw some with pleasure, others with pain. If he condemns the conduct of the whigs, he does not always approve of the conduct of the tories. He dwells upon the misconduct of the former, because we are indebted to that for bringing us into this wretched state; unless the supineness of the latter, at some periods, and some impolitic efforts to check the whigs in their career, at others, that served like adding fuel to the fire, ought to be added to the account. He is now repaying your favours, if he knows his own heart, from the purest gratitude and the most undissembled patriotism, which will one day be acknowledged. I saw the small seed of sedition, when it was implanted: it was, as a grain of mustard. I have watched the plant until it has become a great tree; the vilest reptiles that crawl upon the earth, are concealed at the root; the foulest birds of the air rest upon its branches. I now would induce you to go to work immediately with axes and hatchets, and cut it down, for a two-fold reason; because it is a pest to society, and lest it be felled suddenly by a stronger arm, and crush its thousands in the fall.

An apprehension of injustice in the conduct of Great-Britain towards us, I have already told you was one source of our misery. Last week I endeavoured to convince you of the necessity of her regulating, or rather establishing, some government amongst us. I am now to point out the principles and motives, upon which the blockade act was made. The violent attack upon the property of the East-India company, in the destruction of their tea, was the cause of it. In order to form a right judgment of that transaction, it is necessary to go back and view the cause of its being sent here. As the government of England is mixt, so the spirit or genius of the nation is at once monarchical, aristocratical, democratical, martial, and commercial. It is difficult to determine, which is the most predominant principle; but it is worthy of remark, that to injure the British nation upon either of these points, is like injuring a Frenchman in the point of honor. Commerce is the great source of national wealth; for this reason it is cherished by all orders of men from the palace to the cottage. In some countries, a merchant is held in contempt by the nobles; in England they respect him. He rises to high honors in the state, often contracts alliances with the first families in the kingdom, and noble blood flows in the veins of his posterity. Trade is founded upon persons or countries mutually supplying each other with their redundances. Thus none are impoverished, all enriched, the asperities of human life worn away, and mankind made happier by it. Husbandry, manufacture, and merchandize are its triple support: deprived of either of these, it would cease.

Agriculture is the natural livelihood of a country but thinly inhabited, as arts and manufactures are of a populous one. The high price of labour prevents manufactures being carried on to advantage in the first; scarcity of soil obliges the inhabitants to pursue them in the latter. Upon these, and the considerations arising from the fertility and produce of different climates, and such like principles, the grand system of the British trade is founded. The collected wisdom of the nation has always been attentive to this great point of policy, that the national trade might be so balanced and poised, as that each part of her extended dominions might be benefited, and the whole centre to the good of the empire. This evinces the necessity of acts for regulating trade.

To prevent one part of the empire being enriched at the expence and to the impoverishing of another, checks, restrictions, and sometimes absolute prohibitions, are necessary. These are imposed or taken off as circumstances vary. To carry the acts of trade into execution, many officers are necessary. Thus we see a number of custom-house officers so constituted, as to be checks and controuls upon each other, and prevent their swerving from their duty, should they be tempted; and a board of commissioners appointed to superintend the whole, like the commissioners of the customs in England. Hence also arises the necessity of courts of admiralty.

The laws and regulations of trade are esteemed in England as sacred. An estate made by smuggling, or pursuing an illicit trade, is there looked upon as filthy lucre, as monies amassed by gaming; and upon the same principle, because it is obtained at the expence and often ruin of others. The smuggler not only injures the public, but often ruins the fair trader.

The great extent of sea-coast, many harbours, the variety of islands, the numerous creeks and navigable rivers, afford the greatest opportunity to drive an illicit trade in these colonies without detection. This advantage has not been overlooked by the avaricious, and many persons seem to have set the laws of trade at a defiance. This accounts for so many new regulations being made, new officers appointed, and ships of war from time to time stationed along the continent. The way to *Holland* and back again is well known; and by much the greatest part of the tea that has been drank in America for several years, has been imported from thence and other places, in direct violation of law. By this the smugglers have amassed great estates, to the prejudice of the fair trader. It was sensibly felt by the East-India company; they were prohibited from exporting their teas to America, and were obliged to sell it at auction in London; the London merchant purchased it, and put a profit upon it when he shipt it for America; the American merchant, in his turn, put a profit upon it, and after him the shopkeeper; so that it came to the consumers hands, at a very advanced price. Such quantities of tea were annually smuggled, that it was scarcely worth while for the American merchant to import tea from England at all. Some of the principal trading towns in America were wholly supplied with this commodity by smuggling: Boston however continued to import it, until advice was received that the parliament had it in contemplation to permit the East-India company to send their teas directly to America. The Boston merchants then sent their orders conditionally to their correspondents in England, to have tea shipt for them, in case the East-India company's tea did not come out. One merchant, a great whig, had such an order lying



in England for sixty chests, on his own account, when the company's tea was sent. An act of parliament was made to enable the East-India company to send their tea directly to America, and sell it at auction there; not with a view of raising a revenue from the three-penny duty, but to put it out of the power of the smugglers to injure them by their infamous trade. We have it from good authority, that the revenue was not the consideration before parliament; and it is reasonable to suppose it: for had *that* been the point in view, it was only to restore the former regulation, which was then allowed to be constitutional, and the revenue would have been respectable. Had this new regulation taken effect, the people in America would have been great gainers. The wholesale merchant might have been deprived of some of his gains; but the retailer would have supplied himself with this article, directly from the auction, and the consumer reap the benefit; as tea would have been sold, under the price that had been usual, by near one half. Thus the country in general would have been great gainers, the East-India company secured in supplying the American markets with this article, which they are entitled to by the laws of trade, and smuggling suppressed, at least as to tea. A smuggler and a whig are cousin-germans, the offspring of two sisters, avarice and ambition. They had been playing into each others hands a long time. The smuggler received protection from the whig; and he, in his turn, received support from the smuggler. The illicit trader now demanded protection from his kinsman, and it would have been unnatural in him to have refused it; and beside, an opportunity presented of strengthening his own interest. The consignees were connected with the tories, and that was a further stimulus.—Accordingly, the press was again set to work, and the old story repeated with additions about monopolies; and many infatuated persons once more wrought up to a proper pitch to carry into execution any violent measures, that their leaders should propose. A bold stroke was resolved upon. The whigs, though they had got the art of managing the people, had too much sense to be ignorant that it was all a meer finesse, not only without, but directly repugnant to law, constitution and government, and could not last always. They determined to put all at hazard, and to be *aut Cæsar aut nihil*. The approaching storm was foreseen; and the first ship that arrived with the tea was detained below Castle-William. A body meeting was assembled at the old-south meeting-house, which has great advantage over a town-meeting, as no law has yet ascertained the qualification of the voters; each person present, of whatever age, estate, or country, may take the liberty to speak or vote at such an assembly; and that may serve as a skreen to the town where it originated, in case of any disastrous consequence. The body-meeting consisting of several thousands, being thus assembled, with the leading whigs at its head, in the first place sent for the owner of the tea-ship, and required him to bring her to the wharf, upon pain of their displeasure; the ship was accordingly brought up, and the master was obliged to enter at the custom-house: He reported the tea, after which twenty days are allowed for landing it and paying the duty.

The next step was to resolve.—They resolved that the tea should not be landed, nor the duty paid, that it should go home in the same bottom that it came in, &c. &c. This was the same as resolving to destroy it, for as the ship had been compelled to come to the wharf, and was entered at the custom-house, it could not, by law, be cleared out, without the duties being first paid, nor could the Governor grant a permit for the vessel to pass Castle-William, without a certificate from the custom-house of such clearance, consistent with his duty. The body accordingly ordered a military guard to

watch the ship every night until further orders. The consignees had been applied to, by the selectmen, to send the tea to England: they answered, they could not, for if they did, it would be forfeited by the acts of trade, and they should be liable to make good the loss to the East-India company. Some of the consignees were mobbed, and all were obliged to fly to the castle, and there immure themselves. They petitioned the Governor and Council to take the property of the East-India company under their protection. The council declined being concerned in it. The consignees then offered the body to store the tea under the care of the selectmen or a committee of the town of Boston, and to have no further concern in the matter until they could send to England, and receive further instructions from their principals. This was refused with disdain. The military guard was regularly kept in rotation till the eve of the twentieth day, when the duties must have been paid, the tea landed, or be liable to seizure; then the military guard was withdrawn, or rather omitted being posted; and a number of persons in disguise forceably entered the ships (three being by this time arrived) split open the chefts, and emptied all the tea, being of ten thousand pounds sterling value, into the dock, and perfumed the town with its fragrance. Another circumstance ought not to be omitted: the afternoon before the destruction of the tea, the body sent the owner of one of the ships to the Governor, to demand a pass; he answered, that he would as soon give a pass for that as any other vessel, if he had the proper certificate from the custom-house, without which he could not give a pass for any, consistent with his duty. It was known that this would be the answer, when the message was sent; and it was with the utmost difficulty that the body were kept together till the messenger returned. When the report was made, a shout was set up in the galleries and at the door, and the meeting immediately dispersed. The Governor had, previous to this, sent a proclamation by the sheriff, commanding the body to disperse; they permitted it to be read, and answered it with a general hiss. These are the facts as truly and fairly stated, as I am able to state them. The oftensible reason for this conduct, was the tea's being subject to the three-penny duty. Let us take the advocates for this transaction upon their own principle, and admit the duty to be unconstitutional, and see how the argument stands. Here is a cargo of tea, subject, upon its being entered and landed, to a duty of three-pence per pound, which is paid by the East-India company, or by their factors, which amounts to the same thing. Unless we purchase the tea, we shall never pay the duty; if we purchase it, we pay the three-pence included in the price; therefore, lest we should purchase it, we have a right to destroy it A flimsy pretext! and it either supposes the people destitute of virtue, or that their purchasing of the tea was a matter of no importance to the community; but even this gauze covering is stripped off, when we consider, that the Boston merchants, and some who were active at the body-meeting, were every day importing from England large quantities of tea, subject to the same duty, and vending it unmolested; and at this time had orders lying in their correspondents hands, to send them considerable quantities of tea, in case the East-India company should not send it themselves.

When the news of this transaction arrived in England, and it was considered in what manner almost every other regulation of trade had been evaded by artifice, and when artifice could no longer serve, recourse was had to violence; the British lion was roused. The crown-lawyers were called upon for the law; they answered, high-treason. Had a Cromwell, whom some amongst us deify and imitate, in all his imitable perfections, had the guidance of the national ire; unless compensation had been made

to the sufferers immediately upon its being demanded, your proud capital had been levelled with the dust; not content with that, rivers of blood would have been shed to make atonement for the injured honour of the nation. It was debated whether to attain the principals of treason. We have a gracious king upon the throne, he felt the resentment of a man, softened by the relentings of a parent. The bowels of our mother country yearned towards her refractory, obstinate child.

It was determined to consider the offence in a milder light, and to compel an indemnification for the sufferers, and prevent the like for the future, by such means as would be mild, compared with the insult to the nation, or severe, as our future conduct should be: That was to depend upon us. Accordingly, the blockade act was passed; and had an act of justice been done in indemnifying the sufferers, and an act of loyalty in putting a stop to seditious practices, our port had long since been opened. This act has been called unjust, because it involves the innocent in the same predicament with the guilty: But it ought to be considered, that our news-papers had announced to the world, that several thousands attended those body-meetings; and it did not appear, that there was one dissentient, or any protest entered. I do not know, how a person could expect distinction in such a case, if he neglected to distinguish himself. When the noble lord proposed it in the house of commons, he called upon all the members present to mention a better method of obtaining justice in this case: scarce one denied the necessity of doing something; but none could mention a more eligible way. Even ministerial opposition was abashed. If any parts of the act strike us, like the severity of a master; let us coolly advert to the aggravated insult, and, perhaps, we shall wonder at the lenity of a parent. After this transaction, all parties seem to have laid upon their oars, waiting to see what parliament would do. When the blockade act arrived, many and many were desirous of paying for the tea immediately; and some, who were guiltless of the crime, offered to contribute to the compensation: but our leading whigs must still rule the roast, and that inauspicious influence, that had led us hitherto, plunged us still deeper in misery. The whigs saw their ruin connected with a compliance with the terms of opening the port; as it would afford a convincing proof of the wretchedness of their policy in the destruction of the tea, and as they might justly have been expected to pay the money demanded themselves; and so set themselves industriously to work to prevent it, and engage the other colonies to espouse their cause.

This was a crisis too important and alarming to the province to be neglected by its friends. A number of as respectable persons as any in this province, belonging to Boston, Cambridge, Salem, and Marblehead, now came forward, publicly to disavow the proceedings of the whigs, to do justice to the much injured character of Mr. Hutchinson, and to strengthen his influence at the court of Great-Britain, where he was going to receive the well-deserved plaudit of his sovereign, that he might be able to obtain a repeal or some mitigation of that act, the terms of which, they foresaw, the perverseness of the whigs would prevent a compliance with. This was done by several addresses, which were subscribed by upwards of two hundred persons, and would have been by many more, had not the sudden embarkation of Mr. Hutchinson prevented it. The justices of the court of common pleas and general sessions of the peace, for the county of Plymouth, sent their address to him in England. There were some of almost all orders of men, among these addressers; but they consisted

principally of men of property, and of large family connections; and several were independent in their circumstances, and lived wholly upon the income of their estates. Some indeed might be called partizans; but a very considerable proportion were persons that had, of choice, kept themselves at a distance from the political vortex, had beheld the competition of the whigs and tories, without any emotion; while the community remained safe, had looked down on the political dance, in its various mazes and intricacies, and saw one falling, another rising, rather as a matter of amusement: but, when they saw the capital of the province upon the point of being sacrificed by political cunning, it called up all their feelings.

Their motives were truly patriotic. Let us now attend to the ways and means by which the whigs prevented these exertions producing a good effect. Previous to this, a new and, till lately unheard of, mode of opposition had been devised, said to be the invention of the fertile brain of one of our party agents, called a committee of correspondence. This is the foulest, subtlest and most venomous serpent, that ever issued from the eggs of sedition. These committees generally consist of the highest whigs, or at least there is some high whig among them, that is the ruling spirit of the whole. They are commonly appointed at thin town-meetings, or if the meetings happen to be full, the moderate men seldom speak or act at all when this sort of business comes on. They have been by much too modest. Thus the meeting is often prefaced with "At a full town-meeting," and the several resolves headed with *nem. con.* with strict truth; when, in fact, but a small proportion of the town have had a hand in the matter. It is said that the committee for the town of Boston was appointed for a special purpose, and that their commission long since expired. However that may be, these committees, when once established, think themselves amenable to none; they assume a dictatorial stile, and have an opportunity, under the apparent sanction of their several towns, of clandestinely wreaking private revenge on individuals, by traducing their characters, and holding them up as enemies to their country wherever they go, as also of misrepresenting facts and propagating sedition through the country. Thus, a man of principle and property, in travelling through the country, would be insulted by persons whose faces he had never before seen, he would often feel the smart without suspecting the hand that administered the blow. These committees, as they are not known in law, and can derive no authority from thence, lest they should not get their share of power, sometimes engross it all; they frequently erect themselves into a tribunal, where the same persons are at once legislator, accusers, witnesses, judges and jurors, and the mob the executioners. The accused has no day in court, and the execution of the sentence is the first notice he receives. This is the channel through which liberty matters have been chiefly conducted the summer and fall past. This accounts for the same distempers breaking out in different parts of the province at one and the same time, which might be attributed to something supernatural by those that were unacquainted with the secret conductors of the infection. It is chiefly owing to these committees, that so many respectable persons have been abused, and forced to sign recantations and resignations; that so many persons, to avoid such reiterated insults, as are more to be deprecated by a man of sentiment than death itself, have been obliged to quit their houses, families and business, and fly to the army for protection; that husband has been separated from wife, father from son, brother from brother, the sweet intercourse of conjugal and natural affection interrupted, and the unfortunate refugee forced to

abandon all the comforts of domestic life. My countrymen, I beg you to pause and reflect on this conduct: have not these people, that are thus insulted, as good a right to think and act for themselves in matters of the last importance as the whigs? Are they not as closely connected with the interest of their country as the whigs? Do not their former lives and conversations appear to have been regulated by principle, as much as those of the whigs? You must answer, yes. Why then do you suffer them to be cruelly treated for differing in sentiment from you? Is it consistent with that liberty you profess? Let us waive the consideration of right and liberty, and see if this conduct can be reconciled to good policy. Do you expect to make converts by it? Persecution has the same effect in politics, that it has in religion; it confirms the sectary. Do you wish to silence them, that the inhabitants of the province may appear unanimous? The maltreatment they received for differing from you, is an undeniable evidence that we are not unanimous. It may not be amiss to consider, that this is a changeable world, and time's rolling wheel may, ere long, bring them uppermost; in that case, I am sure you would not wish to have them fraught with resentment. It is astonishing, my friends, that those, who are in pursuit of liberty, should ever suffer arbitrary power, in such an hideous form and squalid hue, to get a footing among them. I appeal to your good sense; I know you have it, and hope to penetrate to it, before I have finished my publications, notwithstanding the thick atmosphere that now envelops it. But, to return from my digression. The committee of correspondence represented the destruction of the tea *in their own way*. They represented those that addressed Governor Hutchinson, as persons of no note or property; as mean, base wretches and seekers, who had been sacrificing their country in adulation of him. Whole nations have worshipped the rising, but, if this be an instance, it is the only instance of people's worshipping the setting, sun. By this means, the humane and benevolent in various parts of the continent, were induced to advise us not to comply with the terms for opening our port, and engaged to relieve us with their charities, from the distress that must otherwise fall upon the poor. Their charitable intentions may ascend to heaven, like incense from the altar, in sweet memorial before the throne of God; but their donations came near proving fatal to the province: It encouraged the whigs to persevere in injustice, and has been the means of seducing many an honest man into the commission of a crime, that he did not suspect himself capable of being guilty of. What I have told you, are not the suggestions of a speculatist; there are some mistakes as to numbers, and there may be some as to time and place, partly owing to miscopying, and partly to my not always having the books and papers necessary to greater accuracy, at hand; but the relation of facts is in substance true, I had almost said, as holy writ.—I do not ask you to take the truths of them from an anonymous writer: The evidence of most of them is within your reach, examine for yourselves:—I promise, that the benefit you will reap therefrom will abundantly pay you for the trouble of the research; you will find, I have faithfully unriddled the whole mystery of our political iniquity. I do not address myself to whigs or tories, but to the *whole people*. I know you well. You are loyal at heart, friends to good order, and do violence to yourselves in harbouring, one moment, disrespectful sentiments towards Great-Britain, the land of our forefathers' nativity, and sacred repository of their bones: but you have been most insidiously induced to believe, that Great-Britain is rapacious, cruel, and vindictive, and envies us the inheritance purchased by the sweat and blood of our ancestors. Could that thick mist that hovers over the land, and involves it in more than Egyptian darkness, be but once dispelled, that you might see our sovereign

the provident father of all his people, and Great-Britain a nursing mother to these colonies, as they really are; long live our gracious king, and happiness to Britain, would resound from one end of the province to the other.

MASSACHUSETTENSIS.

January 2, 1775.

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## LETTER V.

### To The Inhabitants Of The Province Of Massachusetts-Bay.

#### My Dear Countrymen.

SOME of you may perhaps suspect that I have been wantonly scattering firebrands, arrows and death, to gratify a malicious and revengeful disposition: The truth is this; I had seen many excellent detached pieces, but could see no pen at work to trace our calamity to its source, and point out the many adventitious aids, that conspired to raise it to its present height; though I impatiently expected it, being fully convinced that you wait only to know the true state of facts, to rectify whatever is amiss in the province, without any foreign assistance. Others may be induced to think, that I grudge the industrious poor of Boston their scantlings of charity. I will issue a brief in their favour. The opulent, be their political sentiments what they may, ought to relieve them from their sufferings, and those who, by former donations, have been the innocent cause of protracting their sufferings, are under a tenfold obligation to assist them now; and at the same time to make the most explicit declarations, that they did not intend to promote nor ever will join in rebellion. Great allowances are to be made for the crossings, windings and tergiversations of a politician: he is a cunning animal, and as government is said to be founded in opinion, his tricks may be a part of the *arcana imperii*. Had our politicians confined themselves within any reasonable bounds, I never should have molested them; but when I became satisfied, that many innocent, unsuspecting persons were in danger of being drenched with blood and carnage, I could restrain my emotions no longer; and, having once broke the bands of natural reserve, was determined to probe the sore to the bottom, though I was sure to touch the quick. It is very foreign from my intentions to draw down the vengeance of Great-Britain upon the whigs; they are too valuable a part of the community to lose, if they will permit themselves to be saved: I wish nothing worse to the highest of them, than that they may be deprived of their influence, till such time as they shall have changed their sentiments, principles and measures.

Sedition has already been marked through its zigzag path to the present times. When the statute for regulaing the government arrived, a match was put to the train, and the mine, that had been long forming, sprung, and threw the whole province into confusion and anarchy. The occurrences of the summer and autumn past are so recent and notorious, that a particular detail of them is unnecessary. Suffice it to say, that every barrier that civil government had erected for the security of property, liberty and life, was broken down; and law, constitution and government trampled under by the rudest invaders. I shall not dwell upon these harsh notes much longer. I shall yet become an advocate for the leading whigs; much must be allowed to men in their situation, forcibly actuated by the chagrin of disappointment, the fear of punishment, and the fascination of hope at the same time.

Perhaps the whole story of empire does not furnish another instance of a forcible opposition to government with so much specious and so little real cause, with such apparent probability without any possibility of success. The stamp-act gave the alarm. The instability of the public counsels, from the Grenvillian administration to the appointment of the earl of Hillsborough to the American department, afforded as great a prospect of success, as the heavy duties, imposed by the stamp-act, did a colour for the opposition. It was necessary to give the history of this matter in its course, offend who it would, because those acts of government, that are called the greatest grievances, became proper and necessary, through the misconduct of our politicians; and the justice of Great-Britain towards us, could not be made apparent without first pointing out that. I intend to consider the acts of the British government, which are held up as the principal grievances, and enquire whether Great-Britain is chargeable with injustice in any one of them; but must first ask your attention to the authority of parliament. I suspect many of our politicians are wrong in their first principle, in denying that the constitutional authority of parliament extends to the colonies; if so, it must not be wondered at, that their whole fabric is so ruinous: I shall not travel through all the arguments that have been adduced, for and against this question, but attempt to reduce the substance of them to a narrow compass, after having taken a cursory view of the British constitution.

The security of the people from internal rapacity and violence, and from foreign invasion, is the end and design of government. The simple forms of government are monarchy, aristocracy and democracy, that is, where the authority of the state is vested in *one*, a *few*, or the *many*. Each of these species of government has advantages peculiar to itself, and would answer the ends of government, were the persons, intrusted with the authority of the state, always guided themselves by unerring wisdom and public virtue; but rulers are not always exempt from the weakness and depravity, which make government necessary to society. Thus monarchy is apt to rush headlong into tyranny, aristocracy to beget faction and multiplied usurpation, and democracy to degenerate into tumult, violence and anarchy. A government, formed upon these three principles in due proportion, is the best calculated to answer the ends of government, and to endure. Such a government is the British constitution, consisting of King, Lords and Commons, which at once includes the principal excellencies, and excludes the principal defects of the other kinds of government. It is allowed, both by Englishmen and foreigners, to be the most perfect system that the wisdom of ages has produced. The distributions of power are so just, and the proportions so exact, as at once to support and controul each other. An Englishman glories in being subject to and protected by such a government. The colonies are a part of the British empire. The best writers upon the laws of nations tell us, that when a nation takes possession of a distant country, and settles there, that country, though separated from the principal establishment or mother-country, naturally becomes a part of the state, equal with its ancient possessions. Two supreme or independent authorities cannot exist in the same state. It would be what is called *imperium in imperio*, and the height of political absurdity. The analogy between the political and human body is great. Two independent authorities in a state would be like two distinct principles of volition and action in the human body, dissenting, opposing, and destroying each other. If then we are a part of the British empire, we must be subject to the supreme power of the state, which is vested in the estates of parliament,



notwithstanding each of the colonies have legislative and executive powers of their own, delegated or granted to them for the purposes of regulating their own internal police, which are subordinate, and must necessarily be subject, to the checks, controul and regulation of the supreme authority.

This doctrine is not new; but the denial of it is. It is beyond a doubt that it was the sense both of the parent country and our ancestors, that they were to remain subject to parliament; it is evident from the charter itself, and this authority has been exercised by parliament, from time to time, almost ever since the first settlement of the country, and has been expressly acknowledged by our provincial legislatures. It is not less our interest than our duty to continue subject to the authority of parliament, which will be more fully considered hereafter. The principal argument against the authority is this; the Americans are entitled to all the privileges of an englishman; it is the privilege of an englishman to be exempt from all laws that he does not consent to in person, or by representative; the Americans are not represented in parliament, and therefore are exempt from acts of parliament, or, in other words, not subject to its authority. This appears specious; but leads to such absurdities as demonstrate its fallacy. If the colonies are not subject to the authority of parliament, Great-Britain and the colonies must be distinct states, as completely so as England and Scotland were before the union, or as Great-Britain and Hanover are now. The colonies in that case will owe no allegiance to the imperial crown, and perhaps not to the person of the King; as the title to the crown is derived from an act of parliament, made since the settlement of this province, which act respects the imperial crown only. Let us waive this difficulty, and suppose allegiance due from the colonies to the person of the king of Great Britain; he then appears in a new capacity, as king of America, or rather, in several new capacities, as king of Massachusetts, king of Rhode-Island, king of Connecticut, &c. &c. For, if our connection with Great Britain, by the parliament, be dissolved, we shall have none among ourselves; but each colony will become as distinct from the others, as England was from Scotland before the union. Some have supposed, that each state having one and the same person for its king, it is a sufficient connection: Were he an absolute monarch, it might be; but, in a mixed government, it is no union at all. For, as the king must govern each state by its parliament, those several parliaments would pursue the particular interest of its own state; and however well disposed the king might be to pursue a line of interest that was common to all, the checks and controul, that he would meet with, would render it impossible. If the king of Great-Britain has really these new capacities, they ought to be added to his titles; and then another difficulty will arise, the prerogatives of these new crowns have never been defined or limited. Is the monarchical part of the several provincial constitutions to be nearer, or more remote from absolute monarchy, in an inverted ratio to each one's approaching to, or receding from a republic? But let us suppose the same prerogatives inherent in the several American crowns, as are in the imperial crown of Great-Britain; where shall we find the British constitution, that we all agree we are entitled to? We shall seek for it in vain in our provincial assemblies. They are but faint sketches of the estates of parliament. The houses of representatives or burgesses have not all the powers of the house of commons: in the charter governments they have no more than what is expressly granted by their several charters. The first charters, granted to this province, did not empower the assembly to tax the people at all. Our council-boards are as destitute of the constitutional authority of the house of

lords, as their several members are of the noble independence and splendid appendages of peerage. The house of peers is the bulwark of the British constitution, and, thro' successive ages, has withstood the shocks of monarchy, and the sappings of democracy, whilst the constitution gained strength by the conflict. Thus, the supposition of our being independent states, or exempt from the authority of parliament, destroys the very idea of our having a British constitution. The provincial constitutions, considered as subordinate, are generally well adapted to those purposes of government, for which they were intended, that is, to regulate the internal police of the several colonies; but, having no principle of stability within themselves, tho' they may support themselves in moderate times, they would be merged by the violence of turbulent ones. The several colonies would become wholly monarchical or wholly republican, were it not for the checks, controuls, regulations and supports, of the supreme authority of the empire. Thus, the argument that is drawn from their first principle of our being entitled to English liberties, destroys the principle itself; it deprives us of the bill of rights, and all the benefits resulting from the revolution, of English laws, and of the British constitution.

Our patriots have been so intent upon building up American rights, that they have overlooked the rights of Great Britain, and our own interest. Instead of proving, that we were entitled to privileges which our fathers knew our situation would not admit us to enjoy, they have been arguing away our most essential rights. If there be any grievance, it does not consist in our being subject to the authority of parliament, but in our not having an actual representation in it. Were it possible for the colonies to have an equal representation in parliament, and were refused it upon proper application, I confess, I should think it a grievance: But, at present it seems to be allowed, by all parties, to be impracticable, considering that the colonies are distant from Great-Britain a thousand transmarine leagues. If that be the case, the right or privilege that we complain of being deprived of, is not withheld by Britain; but the first principles of government, and the immutable laws of nature, render it impossible for us to enjoy it. This is apparently the meaning of that celebrated passage in Governor Hutchinson's letter, that rang through the continent, viz. There must be an abridgement of what is called English liberties. He subjoins, that he had never yet seen the projection, whereby a colony, three thousand miles from the parent-state, might enjoy all the privileges of *that* parent-state and be subject to it, or in words to that effect. The obnoxious sentence, taken detached from the letter, appears very unfriendly to the colonies; but, considered in connection with the other parts of the letter, is but a necessary result from our situation. Allegiance and protection are reciprocal. It is our highest interest to continue a part of the British empire, and equally our duty to remain subject to the authority of parliament. Our own internal police may generally be regulated by our provincial legislatures; but, in national concerns, or where our own assemblies do not answer the ends of government, with respect to ourselves, the ordinances or interposition of the great council of the nation is necessary. In this case, the major must rule the minor. After many more centuries shall have rolled away, long after we, who are now bustling upon the stage of life, shall have been received to the bosom of mother earth, and our names are forgotten; the colonies may be so far encreased as to have the balance of wealth, numbers, and power in their favour. The good of the empire may then make it necessary to fix the seat of government here; and some future George, equally the friend of mankind with

him who now sways the British sceptre, may cross the Atlantic, and rule Great Britain by an American parliament.

MASSACHUSETTENSIS.

January 9, 1775.

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## LETTER VI.

### To The Inhabitants Of The Province Of Massachusetts-Bay.

HAD a person, some fifteen years ago, undertaken to prove that the colonies were a part of the British empire or dominion, and, as such, subject to the authority of the British parliament; he would have acted as ridiculous a part, as to have undertaken to prove a self-evident proposition: Had any person denied it, he would have been called a fool or madman. At this wise period, individuals and bodies of men deny it, notwithstanding in doing it they subvert the fundamentals of government, deprive us of British liberties, and build up absolute monarchy in the colonies; for our charters suppose regal authority in the grantor. If that authority be derived from the British crown, it præ-supposes this territory to have been a part of the British dominion, and as such subject to the imperial sovereign. If that authority was vested in the person of the King, in a different capacity; the British constitution and laws are out of the question, and the King must be as absolute to us, as tho' his prerogatives had never been circumscribed. Such must have been the sovereign authority of the several Kings, who have granted American charters, previous to the several grants: there is nothing to detract from it, at this time in those colonies that are destitute of charters; and the charter governments must then severally revert to absolute monarchy as their charters may happen to be forfeited by the grantees not fulfilling the conditions of them, for every charter contains an express or implied condition.

It is curious indeed to trace the denial and oppugnation to the supreme authority of the state. When the stampact was made, the authority of parliament to impose internal taxes was denied, but their right to impose external ones, or, in other words, to lay duties upon goods and merchandise, was admitted. When the act was made, imposing duties upon tea, &c. a new distinction was set up; that the parliament had a right to lay duties upon merchandise for the purpose of regulating trade, but not for the purpose of raising a revenue. That is, the parliament had good right and lawful authority to lay the former duty of a shilling on the pound, but had none to lay the present duty of three pence. Having got thus far safe, it was only taking one step more to extricate ourselves entirely from their fangs, and become independent states: *That* our patriots most heroically resolved upon, and flatly denied that parliament had a right to make any laws whatever, that should be binding upon the colonies. There is no possible medium between absolute independence and subjection to the authority of parliament. He must be blind indeed that cannot see our dearest interest in the latter, notwithstanding many pant after the former: misguided men! could they once overtake their wish, they would be convinced of the madness of the pursuit.

My dear countrymen, it is of the last importance that we settle this point clearly in our minds; it will serve as a sure test, certain criterion, and invariable standard, to distinguish the friends from the enemies of our country, patriotism from sedition, loyalty from rebellion. To deny the supreme authority of the state is a high misdemeanor, to say no worse of it; to oppose it by force is an overt act of treason,

punishable by confiscation of estate and a most ignominious death. The realm of England is an appropriate term for the ancient realm of England, in contradistinction to Wales and other territories that have been annexed to it. These, as they have been severally annexed to the crown, whether by conquest or otherwise, became a part of the empire, and subject to the authority of parliament, whether they send members to parliament or not, and whether they have legislative powers of their own or not.

Thus Ireland, which has perhaps the greatest possible subordinate legislature, and sends no members to the British parliament, is bound by its acts, when expressly named. Guernsey and Jersey are no part of the realm of England, nor are they represented in parliament, but are subject to its authority: And, in the same predicament are the American colonies, and all the other dispersions of the empire. Permit me to request your attention to this subject a little longer: I assure you it is as interesting and important, as it is dry and unentertaining.

Let us now recur to the first charter of this province, and we shall find irresistible evidence, that our being part of the empire, subject to the supreme authority of the state, bound by its laws and entitled to its protection, were the terms and conditions by which our ancestors held their lands and settled the province. Our charter, like all other American charters, is under the great seal of England; the grants are made by the King, for his heirs and *successors*, the several tenures to be of the King, his heirs and *successors*: in like manner are the reservations. It is apparent, the King acted in his royal capacity, as King of England, which necessarily supposes the territory granted, to be a part of the English dominions, holden of the crown of England.

The charter, after reciting several grants of the territory to Sir Henry Roswell and others, proceeds to incorporation in these words: ‘And for as much as the good and prosperous success of the plantations of the said parts of New-England aforesaid intended by the said Sir Henry Roswell and others, to be speedily set upon, cannot but chiefly depend, next under the blessing of almighty God and the support of our royal authority, upon the good government of the same, to the end that the *affairs of business*, which from time to time shall happen and arise concerning the said lands and the plantations of the same may be the better managed and ordered, we have further hereby, of our special grace, certain knowledge and meer motion, given, granted and confirmed, and for us, our heirs and successors, do give, grant and confirm unto our said trusty and well beloved subjects, Sir Henry Roswell, &c. and all such others as shall hereafter be admitted and made free of *the company and society hereafter mentioned*, shall from time to time and at all times, forever hereafter, be, by virtue of these presents, *one body corporate, politic in fact and name, by the name of the Governor and company of the Massachusetts-Bay, in New-England*; and them by the name of the Governor and company of the Massachusetts-Bay, in New-England, one body politic and corporate in deed, fact and name. We do for us, our heirs and successors make, ordain, constitute and confirm by these presents, and that by that name they shall have perpetual succession, and that by that name they and their successors shall be capable and enabled as well *to implead and to be impleaded, and to prosecute, demand and answer and be answered unto all and singular suits, causes, quarrels and actions of what kind or nature soever; and also to have, take, possess, acquire and purchase, any lands, tenements and hereditaments, or any goods*

*or chattles, the same to lease, grant, demise, aliene, bargain, sell and dispose of, as our liege people of this our realm of England, or any other corporation or body politic of the same, may do.*’ I would beg leave to ask one simple question, whether this looks like a distinct state or independent empire. Provision is then made for electing a governor, deputy governor and eighteen assistants. After which is this clause: ‘We do for us, our heirs and successors, give and grant to the said governor and company and their successors, that the governor, or in his absence the deputy-governor, of the said company for the time being, and such of the assistants or freemen of the said company as shall be present, or the greater number of them so assembled, whereof the governor or deputy-governor and six of the assistants, at the least to be seven, shall have full power and authority to choose, nominate and appoint such and so many others, as they shall think fit, and shall be willing to accept the same to be free of the said company and body, and them into the same to admit and to elect and constitute such officers as they shall think fit and requisite for the ordering, managing and dispatching of the affairs of the said governor and company and their successors, and to make *laws and ordinances for the good and welfare of the said company*, and for the government and ordering of the said lands and plantations and the people inhabiting and to inhabit the same, as to them from time to time shall be thought meet: *So as such laws and ordinances be not contrary or repugnant to the laws and statutes of this our realm of England.*’

Another clause is this; ‘And for their further encouragement, of our especial grace and favour, we do by these presents, for us, our heirs, and successors, yield and grant to the said governor and company and their successors, and every one of them, their factors and assigns, that they and every of them shall be free and quit from all taxes, subsidies and customs in New-England for the space of seven years, and from all taxes and impositions for the space of twenty-one years, upon all goods and merchandize, at any time or times hereafter, either upon importation thither, or exportation from thence into our realm of England, or into other of our dominions, by the said governor and company and their successors, their deputies, factors and assigns, &c.’

The exemption from taxes for seven years in one case, and twenty one years in the other, plainly indicates that, *after their expiration*, this province would be liable to taxation. Now I would ask, by what authority those taxes were to be imposed? It could not be by the governor and company, for no such power was delegated or granted to them; and besides it would have been absurd and nugatory to exempt them from their own taxation, supposing them to have had the power, for they might have exempted themselves.—It must therefore be by the King or parliament: it could not be by the *King alone*, for as King of England, the political capacity in which he granted the charter, he had no such power, exclusive of the lords and commons, consequently it must have been by the parliament. This clause in the charter is as evident a recognition of the authority of the parliament over this province, as if the words, “acts of parliament,” had been inserted, as they were in the Pennsylvania charter. There was no session of parliament after the grant of our charter until the year 1640.—In 1642 the house of commons passed a resolve, ‘that, for the better advancement of the plantations in New-England, and the encouragement of the planters to proceed in their undertaking, their exports and imports should be freed and discharged from all

customs, subsidies, taxations and duties, until the further order of the house.’ Which was gratefully received and recorded in the archives of our predecessors.—This transaction shews very clearly in what sense our connection with England was then understood. It is true that, in some arbitrary reigns, attempts were made by the servants of the crown to exclude the two houses of parliament, from any share of the authority over the colonies; they also attempted to render the King absolute in England: but the parliament always rescued the colonies, as well as England, from such attempts.

I shall recite but one more clause of this charter, which is this, ‘And further our will and pleasure is, and we do hereby for us, our heirs and successors, ordain, declare and grant to the said governor and company, and their successors, that all and every of the subjects of us, our heirs and successors, which shall go to and inhabit within the said land and premises hereby mentioned to be granted, and every of their children, which shall happen to be born there, or on the seas in going thither, or returning from thence, shall have and enjoy *all liberties and immunities of free and natural subjects, within any of the dominions* of us, our heirs or successors, to all intents, constructions and purposes whatsoever, as if they and every of them were born within the realm of England.’ It is upon this or a similar clause in the charter of William and Mary, that our patriots have built up the stupendous fabric of American independence. They argue from it a total exemption from parliamentary authority, because we are not represented in parliament.

I have already shewn, that the supposition of our being exempt from the authority of parliament, is pregnant with the grossest absurdities. Let us now consider this clause in connection with the other parts of the charter. It is a rule of law, founded in reason and common sense, to construe each part of an instrument, so as the whole may hang together, and be consistent with itself. If we suppose this clause to exempt us from the authority of parliament, we must throw away all the rest of the charter; for every other part indicates the contrary, as plainly as words can do it, and, what is still worse, this clause becomes *felo de se*, and destroys itself; for if we are not annexed to the crown, we are aliens, and no charter, grant or other act of the crown, can naturalize us or entitle us to the liberties and immunities of Englishmen. It can be done only by act of parliament. An alien is one born in a strange country, out of the allegiance of the King, and is under many disabilities though residing in the realm. As Wales, Jersey, Guernsey, Ireland, the foreign plantations, &c. were severally annexed to the crown, they became parts of one and the same empire, the natives of which are equally free as though they had been born in that territory, which was the antient realm. As our patriots depend upon this clause, detached from the charter, let us view it in that light. If a person, born in England, remove to Ireland, and settle there, he is then no longer represented in the British parliament; but he and his posterity are and will ever be subject to the authority of the British parliament: If he remove to Jersey, Guernsey, or any other parts of the British dominions that send no members to parliament, he will still be in the same predicament. So that the inhabitants of the American colonies do in fact enjoy all the liberties and immunities of natural-born subjects. We are entitled to no greater privileges than those, that are born within the realm; and they can enjoy no other than we do, when they reside out of it. Thus, it is evident, that this clause amounts to no more than the royal assurance, that we are a part of the British empire,

are not aliens, but natural-born subjects, and, as such, bound to obey the supreme power of the state, and entitled to protection from it. To avoid prolixity, I shall not remark particularly upon other parts of this charter, but observe in general, that whoever reads it with attention will meet with irresistable evidence in every part of it, that our being a part of the English dominions, subject to the English crown, and within the jurisdiction of parliament, were the terms upon which our ancestors settled this colony, and the very tenures by which they held their estates.

No lands within the British dominions are perfectly allodial; they are held mediately or immediately of the King, and, upon forfeiture, revert to the crown. My dear countrymen, you have many of you been most falsly and wickedly told, by our patriots, that Great-Britain was meditating a land tax, and seeking to deprive us of our inheritance; but had all the malice and subtilty of men and devils been united, a readier method to effect it could not have been devised, than the late denials of the authority of parliament, and forcible oppositions to its acts: Yet, this has been planned and executed chiefly by persons of *desperate* fortunes.

MASSACHUSETTENSIS.

January 16, 1775.



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## LETTER VII.

### To The Inhabitants Of The Province Of Massachusetts Bay.

IF we carry our researches further back than the emigration of our ancestors, we shall find many things that reflect light upon the object we are in quest of. It is immaterial when America was first discovered or taken possession of by the English. In 1602 one *Gosnold* landed upon one of the islands, called Elizabeth-islands, which were so named in honor of Queen Elizabeth, built a fort and projected a settlement; but his men were discouraged, and the project failed. In 1606 King James granted all the continent from 34 to 45 degrees, which he divided into two colonies, viz. the southern or Virginia, to certain merchants at London; the northern or New-England, to certain merchants at Plymouth in England. In 1607 some of the patentees of the northern colony began a settlement at Sagadahoc, but the emigrants were disheartened after the trial of one winter, and that attempt failed of success. Thus this territory had not only been granted by the crown for purposes of colonization, which are to enlarge the empire or dominion of the parent state, and to open new sources of national wealth; but actual possession had been taken by the grantees, previous to the emigration of our ancestors, or any grant to them. In 1620 a patent was granted to the adventurers for the northern colony, incorporating them by the name of *the council for the affairs of New-Plymouth*. From this company of merchants in England, our ancestors derived their title to this territory. The tract of land called Massachusetts was purchased of this company by Sir Henry Roswell and associates: their deed bears date, March 19th, 1627. In 1628 they obtained a charter of incorporation, which I have already remarked upon. The liberties, privileges and franchises, granted by this charter, do not, perhaps, exceed those granted to the city of London and other corporations within the realm. The legislative power was very confined; it did not even extend to levying taxes of any kind: that power was, however, assumed under this charter, which by law worked a forfeiture, and for this among other things, in the reign of Charles the Second, the charter was adjudged forfeited, and the franchises seized into the King's hands. This judgment did not affect our ancestors' title to their lands, which were not derived originally from the charter, though confirmed by it, but by purchase from the council at Plymouth, who held immediately under the crown. Besides, our ancestors had now reduced what before was a naked right to possession, and by persevering through unequalled toils, hardships and dangers, at the approach of which other emigrants had fainted, rendered New-England a very valuable acquisition both to the crown and nation. This was highly meritorious, and ought not to be overlooked in adjusting the present unhappy dispute; but our patriots would deprive us of all the merit, both to the crown and nation, by *severing us from both*. After the revolution, our ancestors petitioned the parliament to restore the charter. A bill for that purpose passed the house of commons, but went no further. In consequence of another petition, King William and Queen Mary granted our present charter for uniting and incorporating the Massachusetts, New-Plymouth, and several other territories into one province. More extensive powers of legislation, than those contained in the first charter, were become necessary, and were granted. And the form of the legislature was made to approach

nearer to the form of the supreme legislature. The powers of legislation are confined to local or provincial purposes, and further restricted by these words, viz. *So as the same be not repugnant or contrary to the laws of this our realm of England*. Our patriots have made many nice distinctions and curious refinements to evade the force of these words; but, after all, it is impossible to reconcile them to the idea of an independent state, as it is to reconcile disability to omnipotence. The provincial power of taxation is also restricted to provincial purposes, and allowed to be exercised over such only, as are inhabitants or proprietors within the province. I would observe here, that the granting *subordinate* powers of legislation, does not abridge or diminish the powers of the *higher* legislatures: thus we see corporations in England and the several towns in this province vested with greater or lesser powers of legislation, without the parliament, in one case, or the general court in the other; being restrained from enacting those very laws, that fall within the jurisdiction of the several corporations. Had our present charter been conceived in such equivocal terms, as that it might be construed as restraining the authority of parliament; the uniform usage, ever since it passed the seal, would satisfy us that its intent was different. The parliament in the reign when it was granted, long before and in every reign since, has been making statutes to extend to the colonies; and those statutes have been as uniformly submitted to, as authoritative, by the colonies, till within ten or a dozen years. Sometimes acts of parliament have been made, and sometimes have been repealed, in consequence of petitions from the colonies. The provincial assemblies often refer to acts of parliament in their own, and have sometimes made acts to aid their execution. It is evident that it was the intention of their Majesties to grant subordinate powers of legislation, without impairing or diminishing the authority of the supreme legislature. Had there been any words in the charter, which precluded that construction, or did the whole taken together contradict it; lawyers would tell us, that the King was deceived in his grant, and the patentees took no estate by it, because the crown can neither alienate a part of the British dominions, nor impair the supreme power of the empire. I have dwelt longer on this subject than I at first intended, and not by any means done it justice; as, to avoid prolix narratives and tedious deduction, I have omitted perhaps more than I have adduced, in order to evince the truth of the position, that we are a part of the British dominions, and subject to the authority of parliament. The novelty of the contrary tenets will appear, by extracting a part of a pamphlet, published in 1764, by a Boston gentleman, who was then the oracle of the whigs, and whose profound knowledge in the law and constitution is equalled but by few.

‘I also lay it down (says he) 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 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. 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 we must and ought to yield obedience to an act of parliament, though erroneous, till repealed*.

‘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 interests of the colonists; and that a most perfect and ready obedience is to be yielded to it while it remains in force. 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 forcibly 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.’

The Pennsylvania Farmer, who took the lead in explaining away the right of parliament to raise a revenue in America, speaking of regulating trade, tells us, that ‘He who considers these provinces as *states distinct from the British empire* has very slender notions of *justice* or of *their interest*; we are but *parts of a whole*, and therefore there must exist a power somewhere to *preside and preserve the connection in due order*. This power is lodged in parliament; and we are as much *dependent on Great-Britain* as a *perfectly free people could be on another*.’ He supposes that we are dependent in some considerable degree upon Great-Britain; and that such dependance is nevertheless consistent with perfect freedom.

Having settled this point, let us reflect upon the resolves and proceedings of our patriots. We often read resolves denying the authority of parliament, which is the imperial authority, gilded over with professions of loyalty to the King, but the golden leaf is too thin to conceal the treason: It either argues profound ignorance or hypocritical cunning.

We find many unsuspecting persons prevailed on openly to oppose the execution of acts of parliament with force and arms. My friends! some of the persons, that beguiled you, could have turned to the chapter, page and section, where such insurrections are pronounced rebellions, by the law of the land; and had not their hearts been dead to a sense of justice, and steeled against every feeling of humanity, they would have timely warned you of your danger. Our patriots have sent us in pursuit of a mere *ignis fatuus*, a fascinating glare devoid of substance; and now, when we find ourselves bewildered, with scarce one ray of hope to raise our sinking spirits, or stay our fainting souls, they conjure up phantoms more delusive and fleeting, if possible, than that which first led us astray. They tell us, we are a *match* for Great-Britain.—The twentieth part of the strength that Great-Britain could exert, were it necessary, is more than sufficient to crush this defenceless province to atoms, notwithstanding all the vapouring of the disaffected here and elsewhere. They tell us the army is disaffected to the service: What pains have our politicians not taken to attach them to the service?

The officers conceive no very favourable opinion of the cause of the whigs, from the obloquy with which their General hath been treated, in return for his humanity; nor from the infamous attempts to seduce the soldiers from his Majesty's service. The policy of some of our patriots has been as weak and contemptible, as their motives are sordid and malevolent; for when they found their success in corrupting the soldiery did not answer their expectations, they took pains to attach them the firmer to the cause they adhered to, by preventing the erecting of barracks for their winter quarters; by which means many contracted diseases, and some lives were lost, from the unwholesome buildings they were obliged to occupy. And, as though some stimulus was still wanting, some provocation to prevent human nature revolting in the hour of battle, they deprived the soldiers of a gratification never denied to the brute creation,—straw to lay on. I do not mention this conduct to raise the resentment of the troops; it has had its effect already, and it is proper you should know it; nor should I have blotted paper in relating facts so mortifying to the pride of man, had it not been basely suggested, that there would be a defection should the army take the field. Those are matters of small moment compared to another, which is *the cause* they are engaged in. It is no longer a struggle between whigs and tories, whether these or those shall occupy posts of honor, or enjoy the emoluments of office; nor is it now whether this or the other act of parliament shall be repealed. The army is sent here to decide a question, intimately connected with the honor and interest of the nation; no less than whether the colonies shall continue a part of, or be for ever dismembered from, the British empire. It is a cause in which no honest American can wish our politicians success, though it is devoutly to be wished, that their discomfiture may be effected without recourse being had to the *ultima ratio*,—the sword. This our wretched situation is but the natural consequence of denying the authority of parliament and forcibly opposing its acts.

Sometimes we are amused with intimations, that Holland, France, or Spain, will make a diversion in our favour.—These, equally with the others, are suggestions of despair. These powers have colonies of their own, and might not choose to set a bad example, by encouraging the colonies of any other state to revolt. The Dutch have too much money in the English funds, and are too much attached to their money, to espouse our quarrel. The French and Spaniards have not yet forgot the drubbing they received from Great-Britain last war; and all three fear to offend that power, which our politicians would persuade us to despise.

Lastly, they tell us, that the people in England will take our part, and prevent matters from coming to extremity. This *is* their fort, where, when driven from every other post, they fly for refuge.

Alas! my friends, our congresses have stopped up every avenue that leads to that sanctuary. We hear, by every arrival from England, that it is no longer a ministerial (if it ever was) but a national cause. My dear countrymen, I deal plainly with you; I never should forgive myself if I did not. Are there not eleven regiments in Boston? A respectable fleet in the harbour? Men of war stationed at every considerable port along the continent? Are there not three ships of the line sent here, notwithstanding the danger of the winter coast, with more than the usual compliment of marines? Have

not our congresses, county, provincial and continental, instead of making advances for an accommodation, bid defiance to Great-Britain?—*He that runs may read.*

If our politicians will not be persuaded from running against the thick bosses of the buckler, it is time for us to leave them to their fate, and provide for the safety of ourselves, our wives, our children, our friends, and our country.

I have many things to add, but must now take my leave, for this week, by submitting to your judgment, whether there be not an absolute necessity of immediately protesting against all traitorous resolves, leagues and associations, of bodies of men, that appear to have acted in a representative capacity. Had our congresses been accidental or spontaneous meetings, the whole might have rested upon the individuals that composed them; but as they appear in the character of the peoples delegates, is there not the utmost danger of the innocent being confounded with the guilty, unless they take timely care to distinguish themselves?

MASSACHUSETTENSIS.

January 23, 1775.

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## LETTER VIII.

### To The Inhabitants Of The Province Of Massachusetts-Bay.

AS the oppugnation to the King in parliament tends manifestly to independence, and the colonies would soon arrive at that point, did not Great-Britain check them in their career; let us indulge the idea, however extravagant and romantic, and suppose ourselves for ever separated from the parent-state. Let us suppose Great-Britain sinking under the violence of the shock, and overwhelmed by her antient hereditary enemies; or, what is more probable, opening new sources of national wealth, to supply the deficiency of that which used to flow to her through American channels, and perhaps planting more loyal colonies in the new discovered regions of the south, still retaining her præ-eminence among the nations, though regardless of America.

Let us now advert to our own situation. Destitute of British protection, that impervious barrier, behind which, in perfect security, we have increased to a degree almost exceeding the bounds of probability; what other Britain could we look to, when in distress?—What succedaneum does the world afford, to make good the loss? Would not our trade, navigation and fishery, which no nation dares violate or invade, while distinguished by British colours, become the sport and prey of the maritime powers of Europe? Would not our maritime towns be exposed to the pillaging of every piratical enterprize? Are the colonies able to maintain a fleet, sufficient to afford one idea of security to such an extensive sea-coast? Before they can defend themselves against foreign invasions, they must unite into one empire; otherwise the jarring interests, and opposite propensities, would render the many headed monster in politics unweildy and inactive. Neither the *form* or *seat* of government would be readily agreed upon; more difficult still would it be to six upon the *person* or *persons*, to be invested with the imperial authority. There is perhaps as great a diversity between the tempers and habits of the inhabitants of this province, and the tempers and habits of the Carolinians, as there subsist between some different nations: nor need we travel so far; the Rhode-Islanders are as unlike the people of Connecticut, as those mentioned before. Most of the colonies are rivals to each other in trade. Between others there subsist deep animosities, respecting their boundaries, which have heretofore produced violent altercations; and the sword of civil war has been more than once unsheathed, without bringing these disputes to a decision. It is apparent, that so many discordant heterogeneous particles could not suddenly unite and consolidate into one body: It is most probable, that, if they were ever united, the union would be effected by some aspiring genius, putting himself at the head of the colonists army (for we must suppose a very respectable one indeed before we are severed from Britain), who, taking advantage of the enfeebled, bleeding and distracted state of the colonies, would subjugate the whole to the yoke of despotism. Human nature is every where the same; and this has often been the issue of those rebellions that the rightful prince was unable to subdue. We need not travel through the states of antient Greece and Rome, or the more modern ones in Europe, to pick up the instances, with which the way is strewed; we have a notable one in our own. So

odious and arbitrary was the protectorate of *Cromwell*, that when death had delivered them from the dread of the tyrant, all parties conspired to restore monarchy, and each one strove to be the foremost in inviting home and placing upon the imperial throne, their exiled prince, the son of the same Charles, who, not many years before, had been murdered on a scaffold. The republicans themselves now rushed to the opposite extreme; and had Charles the second been as industrious, as some of his predecessors were, he might have established in England a power more arbitrary than the first Charles ever had in contemplation.

Let us now suppose the colonies united and moulded into some form of government. Think one moment of the revenue necessary both to support this government and to provide for even the appearance of defence. Conceive yourselves in a manner exhausted by the conflict with Great-Britain, now staggering and sinking under the load of your own taxes, and the weight of your own government. Consider further, that to render government operative and salutary, *subordination* is necessary. This our patriots need not be told of; and when once they had mounted the steed, and found themselves so well seated as to run no risk of being thrown from the saddle, the severity of their discipline to restore subordination, would be in proportion to their former treachery in destroying it. We have already seen specimens of their tyranny, in their inhuman treatment of persons guilty of no crime, except that of differing in sentiment from themselves. What then must we expect from such scourges of mankind, when supported by imperial power?

To elude the difficulty, resulting from our defenceless situation, we are told, that the colonies would open a free trade with all the world, and all nations would join in protecting their common mart. A very little reflection will convince us that this is chimerical. American trade, however beneficial to Great-Britain, while she can command it, would be but as a drop of the bucket, or the light dust of the balance, to all the commercial states of Europe. Besides, were British fleets and armies no longer destined to our protection, in a very short time France and Spain would recover possession of those territories, that were torn, reluctant and bleeding from them, in the last war, by the superior strength of Britain. Our enemies would again extend their line of fortification, from the northern to the southern shore, and by means of our late settlements stretching themselves to the confines of Canada, and the communication opened from one country to the other, we should be exposed to perpetual incursions from Canadians and savages; but our distress would not end here, for when once these incursions should be supported by the formidable armaments of France and Spain, the whole continent would become their easy prey, and would be parcelled out, Poland like. Recollect the consternation we were thrown into last war, when Fort-William Henry was taken by the French: It was apprehended that all New-England would be over-run by their conquering arms. It was even proposed, for our own people to burn and lay waste all the country west of Connecticut river, to impede the enemies march, and prevent their ravaging the country east of it. This proposal came from no inconsiderable man. Consider what must *really* have been our fate, unaided by Britain last war.

Great-Britain aside, what earthly power could stretch out the compassionate arm to shield us from those powers, that have long beheld us with the sharp, piercing eyes of

avidity, and have heretofore bled freely and expended their millions to obtain us? Do you suppose their lust of empire is satiated? Or do you suppose they would scorn to obtain so glorious a prize by an easy conquest? Or can any be so visionary or impious as to believe that the Father of the universe will work miracles in favour of rebellion, and, after having by some unseen arm and mighty power destroyed Great-Britain for us, will in the same mysterious way defend us against other European powers? Sometimes we are told, that the colonies may put themselves under the protection of some one foreign state; but it ought to be considered that, to do that, we must throw ourselves into their power. We can make them no return for protection but by trade, and of that they can have no assurance, *unless we become subject to their laws*; this is evident by our contention with Britain.

Which state would you prefer being annexed to, France, Spain, or Holland? I suppose the latter, as it is a republic: but are you sure, that the other powers of Europe would be idle spectators, content to suffer the Dutch to engross the American colonies or their trade? And what figure would the Dutch probably make in the unequal contest? Their sword has been long since sheathed in commerce. Those of you that have visited Surinam, and seen a Dutch governor dispensing at discretion his own opinions for law, would not suddenly exchange the English for Dutch government.

I will subjoin some observations from the Farmer's letters: 'When the appeal is made to the sword, highly probable it is, that the punishment will exceed the offence, and the calamities attending on war out-weigh those preceding it. These considerations of justice and prudence, will always have great influence with good and wise men. To these reflections it remains to be added, and ought for ever to be remembered, that resistance, in the case of the colonies against their mother-country, is extremely different from the resistance of a people against their Prince: A nation may change their King or race of Kings, and, retaining their ancient form of government, be gainers by changing. Thus Great-Britain, under the illustrious house of Brunswick, a house that seems to flourish for the happiness of mankind, has found a felicity unknown in the reigns of the Stuarts. But if once we are separated from our mother-country, what new form of government shall we adopt, or where shall we find another Britain to supply our loss? Torn from the body to which we are united by religion, laws, affection, relation, language and commerce, we must bleed at every vein. In truth, the prosperity of these provinces is founded in their dependance on Great-Britain.'

MASSACHUSETTENSIS.

January 30, 1775.



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## LETTER IX.

### To The Inhabitants Of The Province Of Massachusetts-Bay.

WHEN we reflect upon the constitutional connection between Great-Britain and the colonies, view the reciprocation of interest, consider that the welfare of Britain in some measure, and the prosperity of America wholly, depends upon that connection; it is astonishing, indeed almost incredible, that one person should be found on either side of the Atlantic, so base and destitute of every sentiment of justice, as to attempt to destroy or weaken it. If there are none such, in the name of Almighty God, let me ask; wherefore is rebellion, that implacable fiend to society, suffered to rear its ghastly front among us, blasting with haggard look each social joy, and embittering every hour?

Rebellion is the most atrocious offence that can be perpetrated by man, save those which are committed more immediately against the supreme Governor of the universe, who is the avenger of his own cause. It dissolves the social band, annihilates the security resulting from law and government, introduces fraud, violence, rapine, murder, sacrilege, and the long train of evils that riot uncontrouled in a state of nature. Allegiance and protection are reciprocal. The subject is bound by the compact to yield obedience to government, and in return is entitled to protection from it. Thus the poor are protected against the rich, the weak against the strong, the individual against the many; and this protection is guaranteed to each member, by the whole community: but when government is laid prostrate, a state of war of all against all commences; might overcomes right; innocence itself has no security, unless the individual sequesters himself from his fellowmen, inhabits his own cave, and seeks his own prey. This is what is called *a state of nature*. I once thought it chimerical.

The punishment, inflicted upon rebels and traitors in all states, bears some proportion to the aggravated crime. By our law the punishment is, ‘That the offender be drawn to the gallows, and not be carried or walk; that he be hanged by the neck, and then cut down alive, that his entrails be taken out and burned while he is yet alive, that his head be cut off, that his body be divided into four parts, that his head and quarters be at the King’s disposal.’ The consequences of attainder are forfeiture and corruption of blood.

‘Forfeiture is twofold, of *real* and of *personal* estate; by attainder in high treason a man forfeits to the King all his lands and tenements of inheritance, whether fee simple or fee tail, and all his rights of entry on lands and tenements, which he had at the time of the offence committed, or at any time afterwards, to be for ever vested in the crown. The forfeiture relates back to the time of the treason being committed, so as to avoid all intermediate sales and incumbrances; even the dower of the wife is forfeited. The natural justice of forfeiture or confiscation of property, for treason, is founded in this consideration, that he, who has thus violated the fundamental principles of government, and broken his part of the original contract between King and people,

hath abandoned his connections with society, and hath no longer any right to those advantages which before belonged to him, purely as a member of the community; among which social advantages the right of transferring or transmitting property to others, is one of the chief. Such forfeitures, moreover, whereby his posterity must suffer as well as himself, will help to restrain a man, not only by the sense of his duty and dread of personal punishment, but also by his passions and natural affections; and will influence every dependent and relation he has to keep him from offending.’ 4 Black. 374. 375.

It is remarkable however, that this offence, notwithstanding it is of a crimson colour and of the deepest dye, and its just punishment is not consined to the person of the offender, but beggars all his family, is sometimes committed by persons who are not conscious of guilt: Sometimes they are ignorant of the law, and do not foresee the evils they bring upon society; at others, they are induced to think that their cause is founded in the eternal principles of justice and truth, that they are only making an appeal to heaven, and may justly expect its decree in their favour. Doubtless, many of the rebels in the year 1745 were buoyed up with such sentiments: nevertheless they were cut down like grass before the scythe of the mower; the gibber and scassold received those that the sword, wearied with destroying, had spared; and what loyalist shed one pitying tear over their graves? They were incorrigible rebels, and deserved their fate. The community is in less danger when the disaffected attempt to excite a rebellion against the *person* of the Prince, than when *government* itself is the object; because in the former case the questions are few, simple, and their solutions obvious, the fatal consequences more apparent, and the loyal people more alert to suppress it in embryo: whereas, in the latter, a hundred rights of the people, inconsistent with government, and as many grievances, destitute of foundation, the mere creatures of distempered brains, are pourtrayed in the liveliest colours, and serve as bug-bears to affright from their duty, or as decoys to allure the ignorant, the credulous and the unwary to their destruction. Their suspicions are drowned in the perpetual roar for liberty and country; and even the professions of allegiance to the person of the King, are improved as means to subvert his government.

In mentioning high-treason in the course of these papers, I may not always have expressed myself with the precision of the lawyers; they have a language peculiar to themselves: I have examined their books, and beg leave to lay before you some further extracts which deserve your attention: ‘To levy war against the King, was high-treason by the common law, 3 inst. 9. This is also declared to be high-treason by the stat. of 25 Ed. 3. c. 2. and by the law of this province, 8 W. 3. c. 5.—Assembling in warlike array, against a statute, is levying war against the King, 1 Hale 133. So, to destroy any trade generally, 146. riding with banners displayed, or forming into companies—or being furnished with military officers—or armed with military weapons, as swords, guns, &c. any one of these circumstances carries the *speciem belli*, and will support an indictment for high-treason in levying war, 150 —An insurrection to raise the price of servants wages was held to be an overt act of this species of treason, because this was done *in defiance of the statute* of labourers, it was done in defiance of the *King’s authority*, 5 Bac. 117. cites 3 inst. 10. — Every assembling of a number of men in a warlike manner, with a design to redress any *public grievance*, is likewise an overt act of this species of treason, because this, being

an attempt to do that by *private authority*, which only ought to be done by the King's authority, is an invasion of the prerogative, 5 Bac. 117. cites 3 inst. 9. Ha. p. c. 14. Kel. 71. Sid. 358. 1 Hawk. 37.—Every assembling of a number of men in a *warlike* manner, with an intention to reform the government, or the law, is an overt act of this species of treason, 5 Bac. 117. cites 3 inst. 9. 10. Poph. 122 Kel. 76. 7. 1 Hawk, 37.—*Levying war* may be by taking arms, not only to dethrone the King, but under pretence to reform religion, or the *laws*, or to remove evil counsellors, or other grievances, whether *real* or *pretended*, 4 Black. 81. Foster 211.—If any levy war to expel strangers,—to deliver men out of prison,—to remove counsellors,—*or against any statute*,—or to any other end, pretending reformation of their own heads, without warrant; this is levying war against the King, because they take upon them royal authority which is against the King, 3 inst. 9.—If three, four or more, rise to pull down *an inclosure*, this is a riot; but if they had risen of purpose to alter religion established within the realm, or laws, or to go from town to town generally, and cast down inclosures, this is a levying of war (though there be no great number of conspirators) within the perview of this statute; because the *pretence* is *public* and *general*, and not *private* in particular, 3 inst. 9. Foster 211.—If any with strength and weapons, invasive and defensive, do hold and defend a castle or fort against the King and his power, this is levying of war against the King, 3 inst. 10. Foster 219. 1 Hale 146. 296.—It was resolved by all the judges of England in the reign of Henry the 8th, that an insurrection against the statute of labourers, for the inhancing of salaries and wages, was a levying of war against the King, because it was generally against the *King's law*, and the offenders took upon them the reformation thereof, which subjects by gathering of power, ought not to do, 3 inst. 10.—All risings in order to effect innovations of a *public* and *general* concern, by an armed force, are, in construction of law, high-treason within the clause of levying war.—For though they are not levelled at the person of the King, they are against his royal Majesty. And besides, they have a direct tendency to dissolve all the bonds of society, and to destroy all property, and all government too, by numbers and an armed force, Foster 211. In Benstead's case, Cro. car. 593. At a conference of all the justices and barons, it was resolved, that going to Lambeth house, in warlike manner, to surprise the Archbishop, who was a privy-counsellor (it being with drums and a multitude) to the number of three hundred persons, was treason; upon which Foster (page 212) observes, that if it did appear by the libel (which he says was previously posted up at the Exchange, exhorting the apprentices to rise and sack the Bishop's house, upon the Monday following) or by the cry of the rabble, at Lambeth house, that the attempt was made on account of measures *the King had taken, or was then taking at the instigation, as they imagined, of the Archbishop*, and that the rabble had *deliberately*, and upon a *public invitation*, attempted by *numbers* and open force, to take a *severe revenge* upon the *privy counsellor* for the measures the Sovereign had taken or was pursuing; the *grounds and reasons* of the resolution would be sufficiently explained, without taking that *little* circumstance of the *drum* into the case:—And he delivers it as his opinion (page 208) that no great stress can be laid on that distinction taken by Ld. C. J. Hale, between an insurrection with, and one without, the appearance of an army formed under leaders and provided with military weapons, and with drums, colours, &c. and says, the *want* of these circumstances weighed nothing with the court in the cases of Damaree and Purchase, but that it was supplied by the *number* of the insurgents: That they were provided with axes, crows and such like tools, *suror arma ministrat*; and

adds (page 208) the true criterion in all these cases, is, *quo animo*, did the parties assemble, whether on account of some *private* quarrel, or (page 211) to effect innovations of a *public* and *general* concern, by an armed force. Upon the case of Damaree and Purchase (reported 8 stat. in. 218. to 285.) Judge Foster observes (page 215) that ‘since the meeting-houses of protestant dissenters are, by the *toleration act*, taken under *protection* of the *law*, the insurrection in the present case (being to pull down all dissenting protestant meeting-houses) was to be considered as a public declaration of the rabble *against that act*, and an attempt to render it *ineffectual* by *numbers* and open force.’

If there be a conspiracy to levy war, and afterwards war is levied; the conspiracy is, in every one of the conspirators, an overt act of this species of treason, for there can be no accessory in high-treason, 5 Bac. 115. cites 3 inst. 9. 10. 138 Hales P. C. 14. Kel. 19. 1 Hawk. 38.—A compassing or conspiracy to levy war is no treason, for there must be a levying of war *in fact*. But if many conspire to levy war, and some of them do levy the same according to the conspiracy; this is high-treason in all, for in treason all are principals, and war is levied, 3 inst. 9. Foster 213.

The *painful* task of applying the above rules of law to the several transactions that we have been eye-witnesses to, will never be mine. Let me however intreat you to make the application in your own minds; and those of you that have continued hitherto “faithful among the faithless”, Abdiel like, to persevere in your integrity: and those of you that have already been ensnared by the accursed wiles of designing men, I would exhort to cast yourselves immediately upon that mercy, so conspicuous through the British constitution, and which is the brightest jewel in the imperial diadem.

MASSACHUSETTENSIS.

February 6, 1775.

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## LETTER X.

### To The Inhabitants Of The Province Of Massachusetts-Bay.

I Offered to your consideration, last week, a few extracts from the law-books, to enable those, that have been but little conversant with the law of the land, to form a judgment, and determine for themselves, whether any have been so far beguiled and seduced from their allegiance, as to commit the most aggravated offence against society,—high-treason. The whigs reply, riots and insurrections are frequent in England, the land from which we sprang; we are bone of their bone, and flesh of their flesh:—Granted; but at the same time be it remembered, that in England the executive power is commonly able and willing to suppress insurrections, the judiciary to distribute impartial justice, and the legislative to aid and strengthen the two former if necessary; and whenever these have proved ineffectual to allay intestine commotions, war, with its concomitant horrors, have passed through the land, marking their rout with blood: The bigger part of Britain has at some period or other, within the reach of history, been forfeited to the crown, by the rebellion of its proprietors.

Let us now take a view of American grievances, and try, by the sure touchstone of reason and the constitution, whether there be any act or acts, on the part of the King or parliament, that will justify the whigs even in *foro conscientiae*, in thus forcibly opposing their government. Will the alteration of the mode of appointing one branch of our provincial legislature furnish so much as an excuse for it, considering that our politicians, by their intrigues and machinations, had rendered the assembly incapable of answering the purpose of government, which is protection, and our charter was become as inefficacious as an old ballad? Or can a plea of justification be founded on the parliament's giving us an exact transcript of English laws for returning jurors, when our own were insufficient to afford compensation to the injured, to suppress seditious, or even to restrain rebellion? It has been heretofore observed, that each member of the community is entitled to protection; for this he pays taxes, for this he relinquishes his natural right of revenging injuries and redressing wrongs, and for this the sword of justice is placed in the hands of the magistrate. It is notorious that the whigs had usurped the power of the province in a great measure, and exercised it by revenging themselves on their opponents, or in compelling them to enlist under their banners. Recollect the frequency of mobs and riots, the invasions and demolitions of dwelling-houses and other property, the personal abuse and frequent necessity of persons abandoning their habitations, the taking sanctuary on board men of war, or at the castle, *previous* to the regulating bill. Consider that these sufferers were loyal subjects, violators of no law, that many of them were crown officers, and were thus persecuted for no other offence than that of executing the King's law. Consider, further, that if any of the sufferers sought redress in a court of law, he had the whole whig interest to combat: they gathered like a cloud and hovered like harpies round the seat of justice, until the suitor was either condemned to pay costs to his antagonist, or recovered so small damages, as that they were swallowed up in his own. Consider further, that these riots were not the accidental or spontaneous risings of the populace,

but the result of the deliberations and mature councils of the whigs, and were sometimes headed and led to action by their principals. Consider further, that the general assembly lent no aid to the executive power. Weigh these things, my friends, and doubt if you can, whether the act for regulating our government did not flow from the parental tenderness of the British councils, to enable us to recover from anarchy, without Britain being driven to the necessity of inflicting punishment, which is her strange work. Having taken this cursory view of the convulsed state of the province, let us advert to our charter-form of government, and we shall find its distributions of power to have been so preposterous as to render it next to impossible for the province to recover by its own strength. The council was elective annually by the house, liable to the negative of the chair; and the chair was restrained from acting even in the executive department, without the concurrence of the board. The political struggle is often between the governor and the house; and it is a maxim with politicians, that he that is not for us is against us: Accordingly, when party runs high, if a councillor adhered to the governor, the house refused to elect him the next year; if he adhered to the house, the governor negatived him; if he trimmed his bark, so as to steer a middle course between Scylla and Charybdis, he was in danger of suffering more by the neglect of both parties, than of being wrecked but on one.

In moderate times this province has been happy under our charter-form of government; but, when the political storm arose, its original defect became apparent: We have sometimes seen half a dozen sail of tory navigation unable, on an election day, to pass the bar formed by the flux and reflux of the tides at the entrance of the harbour, and as many whiggish ones stranded the next morning on Governor's Island. The whigs took the lead in this game; and therefore I think the blame ought to rest upon them, though the tables were turned upon them in the sequel. A slender acquaintance with human nature will inform us, and experience has evinced, that a body of men, thus constituted, are not to be depended upon to act that vigorous, intrepid and decisive part, which the emergency of the late times required, and which might have proved the salvation of the province. In short, the board, which was intended to moderate between the governor and the house, or perhaps rather to support the former, was incapable of doing either by its original constitution. By the regulating act the members of the board are appointed by the King in council, and are not liable even to the suspension of the governor; their commissions are *durante bene placito*, and they are therefore far from independence. The infant state of the colonies does not admit of a peerage, nor perhaps of any third branch of legislature wholly independent. In most of the colonies the council is appointed by *mandamus*, and the members are moreover liable to be suspended by the governor; by which means they are more dependent than those appointed according to the regulating act, but no inconvenience arises from that mode of appointment. Long experience has evinced its utility. By this statute, extraordinary powers are devolved upon the chair, to enable the governor to maintain his authority, and to oppose with vigour the daring spirit of independence, so manifest in the whigs. Town-meetings are restrained to prevent their passing traiterous resolves. Had these, and many other innovations contained in this act, been made in moderate times, when due reverence was yielded to the magistrate, and obedience to the law, they might have been called grievances; but we have no reason to think, that, had the situation of the province been such, this statute would ever have had an existence—nor have we any reason to doubt, but that it will be

repealed, in whole or in part, should our present form of government be found by experience to be productive of rapine or oppression. It is impossible, that the King, lords or commons could have any sinister views in regulating the government of this province. Sometimes we are told that charters are sacred: However sacred, they are forfeited through negligence or *abuse* of their franchises, in which cases the law judges, that the body politic has broken the condition upon which it was incorporated.

There are many instances of the negligence and abuse which work the forfeiture of charters delineated in law books. They also tell us, that all charters may be vacated by act of parliament. Had the form of our provincial legislature been established by act of parliament, that act might have been constitutionally and equitably repealed, when it was found to be incapable of answering the end of its institution. Stronger still is the present case, where the form of government was established by one branch of the legislature only, viz. the King, and all three join in the revocation. This act was however a fatal stroke to the ambitious views of our republican patriots. The monarchical-part of the constitution was so guarded by it, as to be no longer vulnerable by their shafts; and all their fancied greatness vanished like the baseless fabric of a vision. Many, who had been long striving to attain a seat at the board, with their faces thitherward, beheld, with infinite regret, their competitors advanced to the honors they aspired to themselves. These disappointed, ambitious and envious men instil the poison of disaffection into the minds of the lower classes, and as soon as they are properly impregnated, exclaim, *the people* never will submit to it. They now would urge them into certain ruin, to prevent the execution of an act of parliament, designed and calculated to restore peace and harmony to the province, and to recal that happy state, when year rolled round on year, in a continual increase of our felicity.

The Quebec bill is another capital grievance, because the Canadians are tolerated in the enjoyment of their religion, which they were entitled to, by an article of capitulation, when they submitted to the British arms. This toleration is not an exclusion of the protestant religion, which is established in every part of the empire, as firmly as civil polity can establish it. It is a strange kind of reasoning to argue, from the French inhabitants of the conquered province of Quebec, being tolerated in the enjoyment of the Roman Catholic religion in which they were educated, and in which alone they repose their hope of eternal salvation, that therefore government intends to deprive us of the enjoyment of the protestant religion in which alone we believe; especially as the political interests of Britain depend upon protestant connexions, and the King's being a protestant himself is an indispensable condition of his wearing the crown. This circumstance, however, served admirably for a fresh stimulus, and was eagerly grasped by the disaffected of all orders. It added pathos to *pulpit oratory*. We often see resolves and seditious letters interspersed with *popery* here and there in Italics. If any of the clergy have endeavoured, from this circumstance, to alarm their too credulous audiences, with an apprehension that their religious privileges were in danger, thereby to excite them to take up arms; we must lament the depravity of the best of men: but human nature stands appalled when we reflect upon the aggravated guilt of *prostituting our holy religion to the accursed purposes of treason and rebellion*. As to our lay politicians, I have long since ceased to wonder at any thing in them; but it may be observed, that there is no surer mark of a bad cause than for its

advocates to recur to such pitiful shifts to support it. This instance plainly indicates, that their sole dependence is in preventing the passions subsiding, and cool reason resuming its seat. It is a mark of their shrewdness however, for whenever reason shall resume its seat, the political cheat will be detected, stand confest in its native turpitude, and the political knave be branded with marks of infamy, adequate, if possible, to the enormity of his crimes.

MASSACHUSETTENSIS.

February 13, 1775.



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## LETTER XI.

### To The Inhabitants Of The Province Of Massachusetts-Bay.

IT would be an endless task to remark minutely upon each of the fancied grievances, that swarm and cluster, fill and deform, the American chronicles. An adeptness at discovering grievances, has lately been one of the principal recommendations to public notice and popular applause. We have had geniuses selected for that purpose, called *committees upon grievances*; a sagacious set they were, and discovered a multitude before it was known, that they themselves were the greatest grievances that the country was infested with. The case is shortly this; the whigs suppose the colonies to be separate or distinct states: having fixed this opinion in their minds, they are at no loss for grievances. Could I agree with them in their first principle, I should acquiesce in many of their deductions; for in that case every act of parliament extending to the colonies, and every movement of the crown to carry them into execution, would be really grievances, however wise and salutary they might be in themselves; as they would be exertions of a power that we were not constitutionally subject to, and would deserve the name of usurpation and tyranny. But deprived of this, their corner stone, the terrible fabric of grievances vanishes like castles raised by enchantment, and leaves the wondering spectator amazed and confounded at the deception. He suspects himself to have but just awoke from sleep, or recovered from a trance, and that the formidable spectre that had frozen him with horror, was no more than the creature of a vision, or the delusion of a dream.

Upon this point, whether the colonies are distinct states or not, our patriots have rashly tendered Great Britain an issue, against every principle of law and constitution, against reason and common prudence. There is no arbiter between us but the *sword*; and that the decision of that tribunal will be against us, reason foresees, as plainly as it can discover any event that lies in the womb of futurity. No person, unless actuated by ambition, pride, malice, envy, or a malignant combination of the whole that verges towards madness, and hurries the man away from himself, would wage war upon such unequal terms. No honest man would engage himself, much less plunge his country into the calamities of a war upon equal terms, without first settling with his conscience, in the retired moments of reflection, the important question respecting the justice of his cause. To do this, we must hear and weigh every thing that is fairly adduced, on either side of the question, with equal attention and care: *a disposition to drink in with avidity, what favours our hypothesis, and to reject with disgust whatever contravenes, is an infallible mark of a narrow, selfish mind.* In matters of small moment such obstinacy is weakness and folly, in important ones, fatal madness. There are many among us, who have devoted themselves to the slavish dominion of prejudice; indeed the more liberal have seldom had an opportunity of bringing the question to a fair examination. The eloquence of the bar, the pulpit, and the senate, the charms of poetry, the expressions of painting, sculpture and statuary, have conspired to fix and rivet ideas of independence upon the mind of the colonists. The overwhelming torrent, supplied from so many fountains, rolled on with increasing

rapidity and violence, till it became superior to all restraint. It was the reign of passion; the small, still voice of reason was refused audience. I have observed that the press was heretofore open to but one side of the question, which has given offence to a writer in Edes and Gill's paper, under the signature of Novanglus, to whom I have many things to say. I would at present ask him, if the convention of committees for the county of Worcester in recommending to the inhabitants of that county not to take news papers, published by two of the printers in this town, and two at New-York, have not affected to be licensers of the press? And whether, by proscribing these printers, and endeavouring to deprive them of a livelihood, they have not manifested an illiberal, bigotted, arbitrary, malevolent disposition? And whether, by thus attempting to destroy the liberty of the press, they have not betrayed a consciousness of the *badness of their cause*?

Our warriors tell us, that the parliament shall be permitted to legislate for the purposes of regulating trade, but the parliament hath most unrighteously asserted, that it "had, hath, and of right ought to have, full power and authority to make laws and statutes of sufficient force and validity to bind the colonies in all cases whatsoever;" that this claim, being without any qualification or restriction, is an innovation, and inconsistent with liberty. Let us candidly enquire into these three observations, upon the statute declaratory of the authority of parliament. As to its universality, it is true there are no exceptions expressed; but there is no general rule without exceptions, expressed or implied.

The implied ones in this case are obvious. It is evident that the intent and meaning of this act, was to assert the supremacy of parliament in the colonies, that is, that its constitutional authority to make laws and statutes binding upon the colonies, is, and ever had been, as ample, as it is to make laws binding upon the realm. No one that reads the declaratory statute, not even prejudice itself, can suppose that the parliament meant to assert thereby a right or power to deprive the colonists of their lives, to enslave them, or to make any law respecting the colonies, that would not be constitutional, were it made respecting Great Britain. By an act of parliament passed in the year 1650, it was declared concerning the colonies and plantations in America, that they had "ever since the planting thereof been and ought to be subject to such laws, orders and regulations, as are or shall be made by the parliament of England." This declaration, though differing in expression, is the same in substance with the other. Our House of representatives, in their dispute with Governor Hutchinson, concerning the supremacy of parliament, say, "It is difficult, if possible, to draw a line of distinction between the universal authority of parliament over the colonies and no authority at all."

The declaratory statute was intended more especially to assert the right of parliament, to make laws and statutes for raising a revenue in America, lest the repeal of the stamp-act might be urged as a disclaimer of the right. Let us now enquire, whether a power to raise a revenue be not the inherent, unalienable right of the supreme legislature of every well-regulated state, where the hereditary revenue of the crown, or established revenues of the state are insufficient of themselves; and whether that power be not necessarily coëxtensive with the power of legislation, or rather necessarily implied in it.

The end or design of government, as has been already observed, is the security of the people from internal violence and rapacity, and from foreign invasion. The supreme power of a state must necessarily be so extensive and ample as to answer those purposes; otherwise it is constituted in vain, and degenerates into empty parade and mere ostentatious pageantry. These purposes cannot be answered, without a power to raise a revenue; for without it neither the laws can be executed nor the state defended. This revenue ought, in national concerns, to be apportioned throughout the whole empire according to the abilities of the several parts; as the claim of each to protection is equal: a refusal to yield the former is as unjust as the withholding the latter. Were any part of an empire exempt from contributing their proportionable part of the revenue necessary for the whole, such exemption would be manifest injustice to the rest of the empire; as it must of course bear more than its proportion of the public burden, and it would amount to an additional tax. If the proportion of each part was to be determined only by itself in a separate legislature; it would not only involve it in the absurdity of *imperium in imperio*, but the perpetual contention arising from the predominant principle of self-interest in each, without having any common arbiter between them, would render the disjointed, discordant, torn and dismembered state incapable of collecting or conducting its force and energy, for the preservation of the whole, as emergencies might require. A government thus constituted would contain the seeds of dissolution in its first principles, and must soon destroy itself.

I have already shewn that, by your first charter, this province was to be subject to taxation after the lapse of twenty-one years, and that the authority of parliament to impose such taxes was claimed so early as the year 1642.

In the patent for Pennsylvania, which is now in force, there is this clause, “And further our pleasure is, and by “these presents, for us, &c. we do covenant and agree to and with the said William Penn, &c. that we, &c. shall at no time hereafter set or make, or cause to be set, any imposition, custom or other taxation, or rate or contribution whatsoever, in and upon the dwellers and inhabitants of the aforesaid province, for their lands, tenements, goods or chattels within the said province, or in and upon any goods or merchandise within the said province, to be laden or unladen within the ports or harbours of the said province, *unless* the same be with the consent of the proprietors, chief governor or assembly, or by *act of parliament*.”

These are stubborn facts: they are incapable of being winked out of existence, how much soever we may be disposed to shut our eyes upon them. They prove that the claim of a right to raise a revenue in the colonies, exclusive of the grants of their own assemblies, is coëval with the colonies themselves. I shall next shew, that there has been an actual, uninterrupted exercise of that right by the parliament, time immemorial.

#### MASSACHUSETTENSIS.

February 20, 1775.

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## LETTER XII.

### To The Inhabitants Of The Province Of Massachusetts-Bay.

BY an act of parliament, made in the twenty-fifth year of the reign of Charles the second, duties are laid upon goods and merchandise of various kinds, exported from the colonies to foreign countries, or carried from one colony to another, payable on exportation. I will recite a part of it; viz. ‘For so much of the said commodities as shall be laden and put on board such ship or vessel, that is to say, for sugar white the hundred weight, five shillings; and brown and Muscovados the hundred weight, one shilling and sixpence; tobacco the pound, one penny; cotton wool the pound, one half-penny; for indigo two pence; ginger the hundred weight, one shilling; logwood the hundred weight, five pounds; fustic and all other dying wood the hundred weight, six pence; cocoa the pound, one penny, to be *levied, collected, and paid* at such places and to such collectors and other officers, as *shall be appointed* in the respective plantations, to collect, levy and receive the same before the landing thereof, and under such penalties both to the officers and upon the goods, as for non-payment of, or *desrauding his majesty of his customs in England*. And for the better *collecting of the several rates and duties imposed by this act*, be it enacted, that this whole business shall be ordered and managed, and the several duties hereby imposed shall be caused *to be levied by the commissioners of the customs in England*, by and under the authority of the lord treasurer of England, or commissioners of the treasury.’

It is apparent, from the reasoning of this statute, that these duties were imposed for the sole purpose of revenue. There has lately been a most ingenious play upon the words and expressions, *tax, revenue, purpose of raising a revenue, sole purpose of raising a revenue, express purpose of raising a revenue*; as though their being inserted in or left out of a statute, would make any essential difference in the statute. This is mere playing with words; for if, from the whole tenor of the act, it is evident, that the intent of the legislature was to tax, rather than to regulate the trade, by imposing duties on goods and merchandise; it is to all intents and purposes an instance of taxation, be the form of words, in which the statute is conceived, what it will. That such was the intent of the legislature, in this instance, any one that will take the pains to read it will be convinced. There have been divers alterations made in this by subsequent statutes; but some of the above taxes remain, and are collected and paid in the colonies to this day. By an act of the 7th and 8th of William and Mary it is enacted, ‘that every seaman whatsoever that shall serve his majesty, or any other person whatever in any of his majesty’s ships or vessels whatsoever, belonging or to belong to any subjects of England, or any other his majesty’s dominions, shall allow, and there shall be paid out of the wages of every such seaman, to grow due for such his service, six pence per annum for the better support of the said hospital, and to augment the *revenue* thereof.’ This tax was imposed in the reign of King William the third, of blessed memory, and is still levied in the colonies. It would require a volume to recite or minutely remark upon all the revenue acts that relate to America. We find them in many reigns, imposing new duties, taking off, or reducing, old ones, and making provision for their

collection, or new appropriations of them. By an act of the 7th and 8th of William and Mary, entitled ‘an act for preventing frauds and regulating abuses in the plantations,’ all former acts respecting the plantations are renewed, and all ships and vessels, coming into any port here, are liable to the same regulations and restrictions as ships in the ports in England are liable to; and it enacts ‘*That the officers for collecting and managing his majesty’s revenue, and inspecting the plantation trade in many of the said plantations, shall have the same powers and authority for visiting and searching of ships and taking their entries, and for seizing, or securing, or bringing on shore, any of the goods prohibited to be imported or exported into or out of any of the said colonies and plantations, or for which any duties are payable or ought to be paid by any of the before mentioned acts, as are provided for the officers of the customs in England.*’

The act of the 9th of Queen Anne, for establishing a post-office, gives this reason for its establishment, and for laying taxes thereby imposed on the carriage of letters in Great-Britain and Ireland, the colonies and plantations in North-America and the West-Indies, and all other his majesty’s dominions and territories, ‘that the business may be done in such manner as may be most beneficial to the people of these kingdoms, and her majesty may be supplied, and the revenue arising by the said office, better improved, settled and secured to her majesty, her heirs and successors.’ The celebrated patriot, Dr. Franklin, was till lately one of the principal collectors of it. The merit in putting the post-office in America upon such a footing as to yield a large revenue to the crown, is principally ascribed to him by the whigs. I would not wish to detract from the real merit of that gentleman; but, had a tory been half so assiduous in increasing the American revenue, Novanglus would have wrote parricide at the end of his name. By an act of the sixth of George the second, a duty is laid on all foreign rum, melasses, syrups, sugars and paneles, to be *raised, levied, collected and paid unto and for the use of his majesty, his heirs and successors.* The preamble of an act of the fourth of his present majesty declares, that ‘*it is just and necessary that a revenue in America for defraying the expences of defending, protecting and securing the same,*’ &c. by which act duties are laid upon foreign sugars, coffee, Madeira wine; upon Portugal, Spanish and all other wine (except French wine) imported from Great-Britain; upon silks, bengals, stuffs, callico, linen cloth, cambric and lawn, imported from particular places.

Thus, my friends, it is evident, that the parliament has been in the actual, uninterrupted use and exercise of the right claimed by them, to raise a revenue in America, from a period more remote than the grant of the present charter, to this day. These revenue acts have never been called unconstitutional till very lately. Both whigs and tories acknowledged them to be constitutional. In 1764 Governor Bernard wrote and transmitted to his friends his polity alluded to, and in part received by Novanglus, wherein he asserts the right or authority of parliament to tax the colonies. Mr. Otis, whose patriotism, sound policy, profound learning, integrity and honour, is mentioned in strong terms by Novanglus, in the self-same year, in a pamphlet which he publishes to the whole world, asserts the right or authority of parliament to tax the colonies, as roundly as ever Governor Bernard did, which I shall have occasion to take an extract from hereafter. Mr. Otis was at that time the most popular man in the province, and continued his popularity many years afterwards.

Is it not a most astonishing instance of caprice, or infatuation, that a province, torn from its foundations, should be precipitating itself into a war with Great-Britain, because the British parliament asserts its right of raising a revenue in America; inasmuch as the claim of that right is as antient as the colonies themselves, and there is at present no grievous exercise of it? The parliament's refusing to repeal the tea act is the ostensible foundation of our quarrel. If we ask the whigs, whether the pitiful three-penny duty upon a luxurious, unwholesome, foreign commodity, gives just occasion for the opposition; they tell us, it is the precedent they are contending about, insinuating that it is an innovation. But this ground is not tenable; for a total repeal of the tea-act would not serve us upon the score of precedents. They are numerous without this. The whigs have been extremely partial respecting tea. Poor tea has been made the shibboleth of party; while melasses, wine, coffee, indigo, &c. &c. have been unmolested. A person that drinks New-England rum, distilled from melasses subject to a like duty, is equally deserving of a coat of tar and feathers with him that drinks tea. A coffee drinker is as culpable as either, viewed in a political light. But, say our patriots, if the British parliament may take a penny from us without our consent, they may a pound, and so on, till they have filched away all our property. This incessant incantation operates like a spell or a charm, and checks the efforts of loyalty in many an honest breast. Let us give it its full weight: Do they mean that if the parliament has a right to raise a revenue of one penny on the colonies, that they must therefore have a *right* to wrest from us all our property? If this be their meaning, I deny their deduction; for the supreme legislature can have no right to tax any part of the empire to a greater amount, than its just and equitable proportion of the necessary national expence. This is a line drawn by the constitution itself. Do they mean, that, if we admit that the parliament may constitutionally raise one penny upon us for the purposes of revenue, they will probably proceed from light to heavy taxes, till their impositions become grievous and intolerable? This amounts to no more than a denial of the right, *lest* it should be abused. But an argument drawn from the actual abuse of a power, will not conclude to the illegality of such power; much less will an argument drawn from the capability of its being abused. If it would, we might readily argue away all power that man is intrusted with. I will admit, that a power of taxation is more liable to abuse than legislation separately considered; and it would give me pleasure to see some other line drawn, some other barrier erected, than what the constitution has already done, if it be possible, whereby the constitutional authority of the supreme legislature might be preserved intire, and America be guaranteed in every right and exemption, consistent with her subordination and dependence. But this can only be done by *parliament*. I repeat, I am no advocate for a land-tax, or any other kind of internal tax, nor do I think we were in any danger of them; I have not been able to discover one symptom of any such intention in the parliament, since the repeal of the stamp-act. Indeed the principal speakers of the majority, that repealed the stamp-act, drew the line for us, between internal and external taxation; and I think we ought, in honour, justice, and good policy, to have acquiesced therein, at least till there was some burdensome exercise of taxation. For there is but little danger from the latter, that is, from duties laid upon trade; as any grievous restriction or imposition on American trade, would be sensibly felt by the British; and I think, with Dr. Franklin, that 'they (the British nation) have a natural and equitable right to some toll or duty upon merchandises carried through that part of their dominions, viz. the American seas, towards defraying the expence they are at in ships to maintain the

safety of that carriage.’ These were his words in his examination at the bar of the house, in 1765. *Sed tempora mutantur, et nos mutamur in illis*. Before we appeal to heaven for the justice of our cause, we ought to determine, with ourselves, some other questions, whether America is not obliged in equity to contribute something toward the national defence: Whether the present American revenue amounts to our proportion: And whether we can, with any tolerable grace, accuse Great-Britain of *injustice* in imposing the late duties, when our Assemblies were previously called upon, and refused to make any provision for themselves. These, with several imaginary grievances, not yet particularly remarked upon, I shall consider in reviewing the publications of Novanglus; a performance, which, though not destitute of ingenuity, I read with a mixture of grief and indignation, as it seems to be calculated to blow up every spark of animosity, and to kindle such a flame, as must inevitably consume a great part of this once happy province, before it can be extinguished.

MASSACHUSETTENSIS.

February 27, 1775.

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## LETTER XIII.

### To The Inhabitants Of The Province Of Massachusetts-Bay.

NOVANGLUS and all others have an indisputable right to publish their sentiments and opinions to the world, provided they conform to truth, decency and the municipal laws of the society of which they are members. He has wrote with a professed design of exposing the errors and sophistry, which he supposes are frequent in my publications: His design is so far laudable; and I intend to correct them wherever he convinces me there is an instance of either. I have no objection to the minutest disquisition: contradiction and disputation, like the collision of flint and steel, often strike out new light. The bare opinions of either of us, accompanied by the grounds and reasons upon which they were formed, must be considered only as propositions made to the reader for him to adopt or reject, as his own reason may judge, or feelings dictate. A large proportion of the labours of Novanglus consist in denials of my allegations in matters of such public notoriety, as that no reply is necessary: He has alledged many things destitute of foundation. Those that affect the main object of our pursuit but remotely, if at all, I shall pass by without particular remark; others, of a more interesting nature, I shall review minutely. After some general observations upon Massachusettensis, he slides into a most virulent attack upon particular persons, by names, with such incomparable ease, that shews him to be a great proficient in the modern art of detraction and calumny. He accuses the late Governor Shirley, Governor Hutchinson, the late Lieutenant Governor Oliver, the late Judge Russell, Mr Paxton, and Brigadier Ruggles, of a conspiracy to enslave their country. The charge is high coloured: if it be just, they merit the epithets, dealt about so indiscriminately, of enemies to their country; if it be groundless, Novanglus has acted the part of an assassin, in thus attempting to destroy the reputation of the living, and of something worse than an assassin, in entering those hallowed mansions, where the wicked commonly cease from troubling and the weary are at rest, to disturb the repose of the dead. That the charge is groundless respecting Governor Bernard, Governor Hutchinson, and the late Lieutenant Governor, I dare assert; because they have been acquitted of it in such a manner as every good citizen must acquiesce in. Our house of representatives, acting as the grand inquest of the province, presented them before the King in council; and after a full hearing they were acquitted with honor, and the several impeachments dismissed, as *groundless*, *vexatious* and *scandalous*. The accusation of the house was similar to this of Novanglus; the court, they chose to institute their suit in, was of competent and high jurisdiction, and its decision final. This is a sufficient answer to the state charges made by this writer, so far as they respect the Governors Bernard, Hutchinson and Oliver, whom he accuses as principals; and it is a general rule, that, if the principal be innocent, the accessory cannot be guilty. A determination of a constitutional arbiter ought to seal up the lips of even prejudice itself in silence; otherwise litigation must be endless. This calumniator nevertheless has the effrontery to renew the charge in a public newspaper, although thereby he arraigns our most gracious Sovereign and the lords of the privy council, as well as the gentlemen he has named. Not content with wounding the



honor of judges, counsellors and governors, with missile weapons, darted from an obscure corner, he now aims a blow at Majesty itself. Any one may accuse, but accusation unsupported by proof recoils upon the head of the accuser. It is entertaining enough to consider the crimes and misdemeanors alledged, and then examine the evidence he adduces, stript of the false glare he has thrown upon it.

The crimes are these; the persons named by him conspired together to *enslave* their country, in consequence of a plan, the outlines of which have been drawn by Sir Edmund Andross and others, and handed down by tradition to the present times. He tells us that Governor Shirley, in 1754, communicated the profound secret, the great design of taxing the colonies by act of parliament, to the sagacious gentleman, eminent philosopher, and distinguished patriot, Dr. Franklin. The profound secret is this; after the commencement of hostilities between the English and French colonies in the last war, a convention of committees from several provinces were called by the King to agree upon some general plan of defence: The principal difficulty they met with was in divising means, whereby each colony might be obliged to contribute its proportionable part. General Shirley proposed, *that application should be made to parliament to empower the committees of the several colonies to tax the whole according to their several proportions*. This plan was adopted by the convention, and approved of by the assembly in New-York, who passed a resolve in these words: ‘That the scheme proposed by Governor Shirley, for the defence of the British colonies in North-America, is well concerted, and that this colony joins therein.’ This however did not succeed, and he proposed another, viz. for the parliament to assess each one’s proportion, and, in case of failure to raise it on their part, that it should be done by parliament. This is the profound secret. His assiduity, in endeavouring to have some effectual plan of general defence established, is, by the false colouring of this writer, represented as an attempt to aggrandize himself, family and friends; and that gentleman, under whose administration the several parties in the province were as much united and the whole province rendered as happy as it ever was, for so long a time together, is called a ‘crafty, busy, ambitious, intriguing, enterprizing man.’ This attempt of Governor Shirley, for a parliamentary taxation, is however a circumstance strongly militating with this writer’s hypothesis; for the approbation shewn to the Governor’s proposal by the convention, which consisted of persons from the several colonies, not inferior in point of discernment, integrity, knowledge or patriotism to the members of our late *grand Congress*, and the vote of the New-York assembly, furnish pretty strong evidence that the authority of parliament, even in point of taxation, was not doubted in that day.—Even Dr. Franklin, in the letter alluded to, does not deny the *right*.—His objections go to the *inexpediency* of the measure.—He supposes it would create uneasiness in the minds of the colonists, should they be thus taxed; unless they were previously allowed to send representatives to parliament. If Dr. Franklin really supposes, that the Parliament has no constitutional right to raise a revenue in America, I must confess myself at a loss to reconcile his conduct in accepting the office of post-master, and his assiduity in increasing the revenue in that department, to the patriotism predicated of him by Novanglus, especially as this unfortunately happens to be an internal tax. This writer tells us, that the plan was interrupted by the war, and afterwards by Governor Pownall’s administration. That Messieurs Hutchinson and Oliver, stung with envy at Governor Pownall’s favourites, propagated slanders respecting him to render him uneasy in his seat. My answer is this, that he that

publishes such falsehoods as these in a public news-paper, with an air of seriousness, insults the understanding of the public, more than he injures the individuals he defames. In the next place we are told, that Governor Bernard was the proper man for this purpose; and he was employed by the junto to suggest to the ministry the project of taxing the colonies by act of parliament. Sometimes Governor Bernard is the arch enemy of America, the source of all our troubles; now, only a tool in the hands of others. I wish Novanglus's memory had served him better; his tale might have been consistent with itself, however contrary to truth. After making these assertions with equal gravity and assurance, he tells, us he does not advance this without evidence. I had been looking out for evidence a long time, and was all attention when it was promised; but my disappointment was equal to the expectation he had raised, when I found the evidence amounted to nothing more than Governor Bernard's letters and principles of law and polity, wherein he asserts the supremacy of parliament over the colonies both as to legislation and taxation. Where this writer got his logic, I do not know. Reduced to a syllogism, his argument stands thus: Governor Bernard, in 1764, wrote and transmitted to England certain letters and principles of law and polity, wherein he asserts the right of parliament to tax the colonies. Messieurs Hutchinson and Oliver were in unison with him in all his measures: therefore, Messieurs Hutchinson and Oliver employed Governor Bernard to suggest to the ministry the project of taxing the colonies by act of parliament. The letters and principles are the whole of the evidence; and this is all the appearance of argument contained in his publication. Let us examine the premises. That Governor Bernard asserted the right of parliament to tax the colonies in 1764, is true. So did Mr. Otis, in a pamphlet he published the self-same year; from which I have already taken an extract. In a pamphlet published in 1765, Mr. Otis tells us, 'it is certain that the parliament of Great-Britain hath a just, clear, equitable and constitutional right, power and authority to bind the colonies by all acts wherein they are named. Every lawyer, nay every tyro, knows this; no less certain is it that the parliament of Great-Britain has a just and *equitable* right, power and authority, to impose taxes on the colonies *internal and external, on lands, as well as on trade.*' But does it follow from Governor Bernard's transmitting his principles of polity to four persons in England, or from Mr. Otis's publishing to the whole world similar principles, that either the one or the other suggested to the ministry the project of taxing the colonies by act of parliament? Hardly, supposing the transmission and publication had been prior to the resolution of parliament to that purpose; but very unfortunately for our reasoner, they were both subsequent to it, and were the effect, and not the cause.

The history of the stamp-act is this: At the close of the last war, which was a native of America, and increased the national debt upwards of sixty millions, it was thought by parliament to be but equitable, that an additional revenue should be raised in America, towards defraying the necessary charges of keeping it in a state of defence: A resolve of this nature was passed, and the colonies made acquainted with it through their agents, in 1764, that their assemblies might make the necessary provision if they would. The assemblies neglected doing any thing, and the parliament passed the stamp-act. There is not so much as a colourable pretence, that any American had a hand in the matter. Had Governor Bernard, Governor Hutchinson, or the late Lieutenant-Governor been any way instrumental in obtaining the stamp-act, it is very strange that not a glimpse of evidence should ever have appeared, especially when we

consider that their private correspondence has been published, letters which were written in the full confidence of unsuspecting friendship. The evidence, as Novanglus calls it, is wretchedly deficient as to fixing the charge upon Governor Bernard; but even admitting that Governor Bernard suggested to the ministry the design of taxing, there is no kind of evidence to prove that the junto, as this elegant writer calls the others, approved of it, much less that they employed him to do it. But, says he, no one can doubt but that Messieurs Hutchinson and Oliver were in unison with Governor Bernard, in all his measures: This is not a fact; Mr. Hutchinson dissented from him respecting the alteration of our charter, and wrote to his friends in England to prevent it. Whether Governor Bernard wrote in favour of the stamp-act being repealed or not, I cannot say, but I know that Governor Hutchinson did, and have reason to think his letters had great weight in turning the scale, which hung doubtful a long time, in favour of the repeal. These facts are known to many in the province, whigs as well as Tories; yet such was the infatuation that prevailed, that the mob destroyed his house upon supposition that he was the patron of the stamp-act. Even in the letters wrote to the late Mr. Whately, we find him advising a total repeal of the tea-act. It cannot be fairly inferred from persons intimacy or mutual confidence, that they always approve of each others plans. Messieurs Otis, Cushing, Hancock and Adams were confidential friends, and made common cause equally with the other gentlemen.—May we thence infer, that the three latter hold that the parliament has a just and *equitable right* to impose taxes on the colonies? Or, that ‘the time may come, when the real interest of the whole may require an act of parliament to annihilate all our charters?’ For these also are Mr. Otis’s words. Or may we lay it down as a principle to reason from, that these gentlemen never disagree respecting measures? We know they do often, and very materially too. This writer is unlucky both in his principles and inferences: But where is the evidence respecting Brigadier Ruggles, Mr Paxton, and the late Judge Russel? He does not produce even the shadow of a shade. He does not even pretend, that they were in unison with Governor Bernard in all his measures. In matters of small moment a man may be allowed to amuse with ingenious fiction; but in personal accusation, in matters so interesting both to the individual and to the public, reason and candour require something more than assertion without proof, declamation without argument, and censure without dignity or moderation: This, however, is characteristic of Novanglus. It is the stale trick of the whig writers feloniously to stab reputations, when their antagonists are invulnerable in their public conduct.

These gentlemen were all of them, and the survivors still continue to be, friends of the English constitution, equally tenacious of the privileges of the people and of the prerogative of the crown, zealous advocates for the colonies continuing their constitutional dependence upon Great-Britain, as they think it no less the interest than the duty of the colonists, averse to tyranny and oppression in all their forms, and always ready to exert themselves for the relief of the oppressed, though they differ materially from the whigs in the mode of obtaining it. They discharged the duties of the several important departments they were called to fill, with equal faithfulness and ability; their public services gained them the confidence of the people; real merit drew after it popularity; and their principles, firmness and popularity rendered them obnoxious to certain persons amongst us, who have long been indulging themselves, in the hope of rearing up an American common-wealth upon the ruins of the British constitution. This republican party is of long standing: they lay however, in a great

measure, dormant for several years. The distrust, jealousy and ferment, raised by the stamp-act, afforded scope for action. At first they wore the garb of hypocrisy; they professed to be friends to the British constitution in general, but claimed some exemptions from their local circumstances; at length they threw off their disguise, and now stand confessed to the world in their true characters, American republicans.—These republicans knew, that it would be impossible for them to succeed in their darling projects, without first destroying the influence of these adherents to the constitution: Their only method to accomplish it, was by publications charged with falshood and scurrility. Notwithstanding the favourable opportunity the stamp-act gave of imposing upon the ignorant and credulous, I have sometimes been amazed to see, with how little hesitation, some slovenly baits were swallowed. Sometimes the adherents to the constitution were called *ministerial tools*; at others, king, lords and commons, were the tools of *them*: for almost every act of parliament that has been made respecting America, in the present reign, we are told was draughted in Boston, or its environs, and only sent to England to run through the forms of parliament. Such stories, however improbable, gained credit; even the fictitious bill, for restraining marriages and murdering bastard children, met with some simple enough to think it real. He, that readily imbibes such absurdities, may claim affinity with the person, mentioned by Mr. Addison, who made it his practice to swallow a chimera every morning for breakfast. To be more serious; I pity the weakness of those that are capable of being thus duped, almost as much as I despise the wretch that would avail himself of it, to destroy private characters and the public tranquillity. By such infamous methods, many of the antient, trusty and skilful pilots, who had steered the community safely in the most perilous times, were driven from the helm, and their places occupied by different persons; some of whom, bankrupts in fortune, business and fame, are now striving to run the ship on the rocks, that they may have an opportunity of plundering the wreck. The gentlemen, named by Novanglus, have nevertheless persevered, with unshaken constancy and firmness, in their patriotic principles and conduct, through a variety of fortune; and have, at present, the mournful consolation of reflecting, that, had their admonitions and counsels been timely attended to, their country would never have been involved in its present calamity.

MASSACHUSETTENSIS.

March 6, 1775.

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## LETTER XIV.

### To The Inhabitants Of The Province Of Massachusetts-Bay.

OUR patriotic writers, as they call each other, estimate the services rendered by, and the advantages resulting from, the colonies in Britain, at a high rate; but allow but little, if any, merit in her towards the colonies. Novanglus would persuade us, that, exclusive of her assistance in the last war, we have had but little of her protection, unless it was such as her name alone afforded. Dr. Franklin, when before the house of commons, in 1765, denied, that the late war was entered into for the defence of the people in America. The Pennsylvania Farmer tells us, in his letters, that the war was undertaken solely for the benefit of Great-Britain, and that, however advantageous the subduing or keeping any of these countries, viz. Canada, Nova-Scotia and the Floridas may be to Great-Britain, the acquisition is greatly injurious to these colonies; and that the colonies, as constantly as streams tend to the ocean, have been pouring the fruits of all their labours into their mother's lap. Thus, they would induce us to believe, that we derive little or no advantage from Great-Britain, and thence they infer the injustice, rapacity and cruelty of her conduct towards us. I fully agree with them, that the services rendered by the colonies are great and meritorious: The plantations are additions to the empire of inestimable value: The American market for British manufactures, the great nursery for seamen formed by our shipping, the cultivation of deserts, and our rapid population, are increasing and inexhaustible sources of national wealth and strength: I commend these patriots for their estimations of the national advantages accruing from the colonies, as much as I think them deserving of censure for depreciating the advantages and benefits that we derive from Britain. A particular enquiry into the protection afforded us, and the commercial advantages resulting to us from the parent-state, will go a great way towards conciliating the affections of those, whose minds are at present unduly impressed with different sentiments towards Great-Britain. The intestine commotions, with which England was convulsed and torn, soon after the emigration of our ancestors, probably prevented that attention being given to them in the earliest stages of this colony, that otherwise would have been given. The principal difficulties, that the adventurers met with, after the struggle of a few of the first years were over, were the incursions of the French and Savages conjointly, or of the latter instigated and supported by the former. Upon a representation of this to England, in the time of the interregnum, Acadia, which was then the principal source of our disquietude, was reduced by an English armament. At the request of this colony, in Queen Anne's reign, a fleet of fifteen men of war, besides transports, troops, &c. was sent to assist us in an expedition against Canada; the fleet suffered shipwreck, and the attempt proved abortive. It ought not to be forgotten, that the siege of Louisbourg, in 1745, by our own forces, was covered by a British fleet of ten ships, four of 60 guns, one of fifty, and five of 40 guns, besides the Vigilant of sixty-four, which was taken during the siege, as she was attempting to throw supplies into the garrison. It is not probable, that the expedition would have been undertaken without an expectation of some naval assistance, or that the reduction could have been effected without it. In January, 1754, our assembly, in a

message to Governor Shirley, prayed him to represent to the King, ‘that the French had made such extraordinary encroachments, and taken such measures, since the conclusion of the preceding war, as threatened great danger, and perhaps, in time, even the intire destruction of this province, without the interposition of his Majesty, notwithstanding any provision we could make to prevent it:’----‘That the French had erected a fort on the isthmus of the peninsula near Bay Vert, in Nova-Scotia, by means of which they maintained a communication by sea with Canada, St. John’s Island, and Louisbourg:—‘That near the mouth of St. John’s river the French had possessed themselves of two forts, formerly built by them, one of which was garrisoned by regular troops, and had erected another strong fort at twenty leagues up the river, and that these encroachments might prove fatal not only to the eastern parts of his Majesty’s territories within this province, but also, in time, to the whole of this province, and the rest of his Majesty’s territories on this continent:’ — ‘That whilst the French held Acadia under the treaty of St. Germain, they so cut off the trade of this province, and galled the inhabitants with incursions into their territories, that Oiliver Cromwell found it necessary, for the safety of New-England, to make a descent by sea into the river of St. John, and dispossess them of that and all the forts in Acadia. — That Acadia was restored to the French by the treaty of Breda, in 1667:’ — ‘That this colony felt again the same mischievous effects from their possessing it, insomuch, that after forming several expeditions against it, the inhabitants were obliged, in the latter end of the war in Queen Anne’s reign, to represent to her Majesty, how destructive the possession of the Bay of Fundy and Nova-Scotia, by the French, was to this province and the British trade; whereupon the British ministry thought it necessary to fit out a *formal expedition against that province with English troops*, and a considerable armament of our own, under General Nicholson, by which it was again reduced to the subjection of the crown of Great-Britain: — ‘That we were then, viz. in 1754, liable to feel more mischievous effects than we had ever yet done, unless his Majesty should be pleased to cause them to be removed.’ They also remonstrated our danger from the encroachments of the French at Crown Point. — In April, 1754, the Council and House represented, ‘That it evidently appeared, that the French were far advanced in the execution of a plan projected more than fifty years since, for the extending their possessions from the mouth of the Mississippi on the south, to Hudson’s Bay on the north, for securing the vast body of Indians in that inland country, and for subjecting the whole continent to the crown of France:’ — ‘That many circumstances gave them great advantages over us, which, if not attended to, would soon overbalance our superiority of numbers; and that these disadvantages could not be removed without his Majesty’s gracious interposition.’

The Assembly of Virginia, in an address to the King, represented, ‘That the endeavour of the French to establish a settlement upon the frontiers, was a high insult offered to his Majesty, and, if not timely opposed with vigour and resolution, must be attended with the most fatal consequences,’ and prayed his Majesty to extend his royal beneficence towards them.

The commissioners, who met at Albany the same year, represented, ‘that it was the evident design of the French to surround the British colonies; to fortify themselves on the back thereof; to take and keep possession of the heads of all the important rivers; to draw over the Indians to their interest, and with the help of such Indians, added to

such forces as were then arrived, and might afterwards arrive, or be sent from Europe, to be in a capacity of making a general attack on the several governments; and if at the same time a strong naval force should be sent from France, there was the utmost danger that the whole continent would be subjected to that crown: and that it seemed absolutely necessary, that speedy and effectual measures should be taken to secure the colonies from the *slavery* they were threatened with.’

We did not pray in vain. Great-Britain, ever attentive to the *real grievances* of her colonies, hastened to our relief with maternal speed. She covered our seas with her ships, and sent forth the bravest of her sons to fight our battles. They fought, they bled, and conquered with us. Canada, Nova-Scotia, the Floridas, and all our American foes, were laid at our feet. It was a dear-bought victory; the wilds of America were saturated with the blood of the noble and the brave.

The war, which, at our request, was thus kindled in America, spread through the four quarters of the globe, and obliged Great-Britain to exert her whole force and energy to stop the rapid progress of its devouring flames.

To these instances of actual exertions for our immediate protection and defence, ought to be added the fleets stationed on our coast, and the convoys and security afforded to our trade and fishery in times of war; and her maintaining, in times of peace, such a navy and army, as to be always in readiness to give protection, as exigencies may require; and her ambassadors, residing at foreign courts, to watch and give the earliest intelligence of their motions. By such precautions, every part of her wide extended empire enjoys as ample security as human power and policy can afford. Those necessary precautions are supported at an immense expence; and the colonies reap the benefit of them equally with the rest of the empire. To these considerations it should likewise be added, that whenever the colonies have exerted themselves in a war, though in their own defence, to a greater degree than their proportion with the rest of the empire, they have been reimbursed by the parliamentary grants: This was the case, in the last war, with this province.

From this view, which I think is an impartial one, it is evident, that Great-Britain is not less attentive to our interest than her own; and that her sons, who have settled on new and distant plantations, are equally dear to her with those that cultivate the antient domain, and inhabit the mansion-house.

MASSACHUSETTENSIS.

March 13, 1775.

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## LETTER XV.

### To The Inhabitants Of The Province Of Massachusetts-Bay.

THE outlines of British commerce have been heretofore sketched; and the interests of each part in particular, and of the whole empire conjointly, have been shewn to be the principles by which the grand system is poised and balanced. Whoever will take upon himself the trouble of reading and comparing the several acts of trade which respect the colonies, will be convinced, that the cherishing their trade and promoting their interest have been the objects of parliamentary attention equally with those of Britain. He will see, that the great council of the empire has ever esteemed our prosperity as inseparable from the British; and if, in some instances, the colonies have been restricted to the emolument of other parts of the empire, they in their turn, not excepting England itself, have been also restricted sufficiently to restore the balance, if not to cause a preponderation in our favour.

Permit me to transcribe a page or two from a pamphlet, written in England, and lately republished here, wherein this matter is stated with great justice and accuracy.

‘The people of England and the American adventurers being so differently circumstanced, it required no great sagacity to discover, that as there were many commodities which America could supply on better terms than they could be raised in England, so must it be much more for the colonies’ advantage to take others from England, than attempt to make them themselves. The American lands were cheap, covered with woods, and abounded with native commodities. The first attention of the settlers was necessarily engaged in cutting down the timber, and clearing the ground for culture; for before they had supplied themselves with provisions, and had hands to spare from agriculture, it was impossible they could set about manufacturing. England, therefore, undertook to supply them with manufactures, and either purchased herself or found markets for the timber, the colonists cut down upon their lands, or the fish they caught upon their coasts. It was soon discovered that the tobacco plant was a native of, and flourished in, Virginia. It had been also planted in England, and was found to delight in the soil. The legislature however, wisely and equitably considering that England had variety of products, and Virginia had no other to buy her necessaries with, passed an act prohibiting the people of England from planting tobacco, and thereby giving the monopoly of that plant to the colonies. As the inhabitants increased, and the lands became more cultivated, further and new advantages were thrown in the way of the American colonies. All foreign markets, as well as Great-Britain, were open for their timber and provisions; and the British West-India islands were prohibited from purchasing those commodities from any other than them. And since England has found itself in danger of wanting a supply of timber, and it has been judged necessary to confine the export from America to Great-Britain and Ireland, full and ample indemnity has been given to the colonies for the loss of a choice of markets in Europe, by very large bounties paid out of the revenue of Great-Britain, upon the importation of American timber. And as a further encouragement



and reward to them for clearing their lands, bounties are given upon tar and pitch, which are made from their decayed and useless trees; and the very ashes of their lops and branches are made of value by the late bounty on American potashes. The soil and climate of the northern colonies having been found well adapted to the culture of flax and hemp, bounties, equal to half the first cost of those commodities, have been granted by parliament, payable out of the British revenue, upon their importation into Great-Britain. The growth of rice in the southern colonies has been greatly encouraged, by prohibiting the importation of that grain into the British dominions from other parts, and allowing it to be transported from the colonies to the foreign territories in America, and even to the southern parts of Europe. Indigo has been nurtured in those colonies by great parliamentary bounties, which have been long paid upon the importation into Great-Britain, and of late are allowed to remain, even when it is carried out again to foreign markets. Silk and wine have also been objects of parliamentary munificence, and will one day probably become considerable American products, under that encouragement. In which of these instances, it may be demanded, has the legislature shewn itself partial to the people of England and unjust to the colonies? Or wherein have the colonies been injured? We hear much of the restraints under which the trade of the colonies is laid by acts of parliament for the advantage of Great-Britain, but the restraints under which the people of Great-Britain are laid by acts of parliament, for the advantage of the colonies, are carefully kept out of sight;---and yet, upon a comparison, the one will be found full as grievous as the other.---For is it a greater hardship on the colonies, to be confined in some instances to the markets of Great-Britain for the sale of their commodities, than it is on the people of Great-Britain to be obliged to buy the commodities from them only? If the island colonies are obliged to give the people of Great-Britain the pre-emption of their sugar and coffee; is it not a greater hardship on the people of Great-Britain to be restrained from purchasing sugar and coffee from other countries, where they could get them much cheaper than the colonies make them pay for them? Could not our manufacturers have indigo much better and cheaper from France and Spain than from Carolina? And yet is there not a duty imposed by acts of parliament on French and Spanish indigo, that it may come to our manufacturers at a dearer rate than Carolina indigo, though a bounty is also given out of *the money* of the people of England to the Carolina planter, to enable him to sell his indigo upon a *par* with the French and Spanish? But the instance which has been already taken notice of, the act which prohibits the culture of the tobacco plant in Great-Britain or Ireland, is still more in point, and a more striking proof of the justice and impartiality of the supreme legislature: for what restraints, let me ask, are the colonies laid under, which bear such strong marks of hardship, as prohibiting the farmers in Great-Britain and Ireland from raising, upon their own lands, a product which is become almost a necessary of life to them and their families? And this most extraordinary restraint is laid upon them, for the avowed and sole purpose of giving Virginia and Maryland a monopoly of that commodity, and obliging the people of Great-Britain and Ireland to buy all the tobacco they consume, from them, at the prices they think fit to sell it for. The annals of no country, that ever planted colonies, can produce such an instance as this of regard and kindness to their colonies, and of restraint upon the inhabitants of the mother-country for their advantage. Nor is there any restraint laid upon the inhabitants of the colonies in return, which carries in it such great appearance of hardship, although the people of Great-Britain and Ireland have, from their regard and affection

to the colonies, submitted to it without a murmur for near a century.’ For a more particular inquiry, let me recommend the perusal of the pamphlet itself, and also of another pamphlet lately published, entitled, ‘the advantages which America derives from her commerce, connection and dependence on Great-Britain.’

A calculation has lately been made both of the amount of the revenue arising from the duties with which our trade is at present charged, and of the bounties and encouragement paid out of the British revenue upon articles of American produce imported into England; *and the latter is found to exceed the former more than four-fold*. This does not look like a partiality to our disadvantage:—However, there is no surer method of determining whether the colonies have been oppressed by the laws of trade and revenue, than by observing their effects.

From what source has the *wealth* of the colonies flowed? Whence is it derived? Not from agriculture only. Exclusive of commerce, the colonists would this day have been a poor people, possessed of little more than the necessaries for supporting life; of course their numbers would be few; for population always keeps pace with the ability of maintaining a family: there would have been but little or no resort of strangers here; the arts and sciences would have made but small progress; the inhabitants would rather have degenerated into a state of ignorance and barbarity. Or had Great-Britain laid such restrictions upon our trade, as our patriots would induce us to believe, that is, had we been pouring the fruits of all our labour into the lap of our parent, and been enriching her by the sweat of our brow, without receiving an equivalent; the patrimony derived from our ancestors must have dwindled from little to less, till their posterity should have suffered a general bankruptcy.

But how different are the effects of our connection with, and subordination to Britain? They are too strongly marked to escape the most careless observer. Our merchants are opulent, and our yeomanry in easier circumstances than the noblesse of some states: Population is so rapid as to double the number of inhabitants in the short period of twenty-five years: Cities are springing up in the depths of the wilderness: Schools, colleges, and even universities, are interspersed through the continent: Our country abounds with foreign refinements, and flows with exotic luxuries. These are infallible marks, not only of *opulence*, but of *freedom*. The recluse may speculate—the envious repine—the disaffected calumniate;—all these may combine to create fears and jealousies in the minds of the multitude, and keep them in alarm from the beginning to the end of the year; but such evidence as this must for ever carry conviction with it to the minds of the dispassionate and judicious.

Where are the traces of slavery, that our patriots would terrify us with? The effects of slavery are as glaring and obvious in those countries that are cursed with its abode, as the effects of war, pestilence, or famine. Our land is not disgraced by the wooden shoes of France, or the uncombed hair of Poland: We have neither racks nor inquisitions, tortures nor assassinations: The mildness of our criminal jurisprudence is proverbial, ‘*a man must have many friends to get hanged in New-England.*’ Who has been arbitrarily imprisoned, disseized of his freehold, or despoiled of his goods? Each peasant, that is industrious, may acquire an estate, enjoy it in his life-time, and at his death transmit a fair inheritance to his posterity. The protestant religion is established,

as far as human laws can establish it. My dear friends, let me ask each one, whether he has not enjoyed every blessing that is in the power of civil government to bestow? And yet the parliament has, from the earliest days of the colonies, claimed the lately controverted right both of legislation and taxation, and for more than a century has been in the exercise of it. There is no grievous exercise of that right at this day, unless the measures taken to prevent our revolting may be called grievances. Are we then to rebel, lest there should be grievances? Are we to take up arms and make war against our parent, lest that parent, contrary to the experience of a century and a half, contrary to her own genius, inclination, affection, and interest, should treat us or our posterity as bastards and not as sons, and instead of protecting should *enslave* us? The annals of the world have not yet been deformed with a single instance of so unnatural, so causeless, so wanton, so wicked, a rebellion.

There is but a step between you and ruin; and should our patriots succeed in their endeavours to urge you on to take that step, and hostilities actually commence, New-England will stand recorded a singular monument of human folly and wickedness. I beg leave to transcribe a little from the Farmer's letters:—'Good Heaven! Shall a total oblivion of former tendernesses and blessings be spread over the minds of a good and wise people, by the sordid arts of intriguing men, who, covering their selfish projects under pretences of public good, first enrage their country-men into a frenzy of passion which they themselves have excited?' When cool dispassionate posterity shall consider the affectionate intercourse, the reciprocal benefits, and the unsuspecting confidence, that have subsisted between these colonies and their parent state for such a length of time; they will execrate, with the bitterest curses, the infamous memory of those men, whose ambition, unnecessarily, wantonly, cruelly, first opened the sources of civil discord.

MASSACHUSETTENSIS.

March 20, 1775.

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## LETTER XVI.

### To The Inhabitants Of The Province Of Massachusetts-Bay.

OUR patriots exclaim, That humble and reasonable petitions from the representatives of the people have been frequently treated with contempt. This is as virulent a libel upon his Majesty's government, as falshood and ingenuity combined could fabricate. Our humble and reasonable petitions have not only been ever graciously received, when the established mode of exhibiting them has been observed, but generally granted. Applications of a different kind have been treated with neglect, though not always with the contempt they deserved. These either originated in illegal assemblies, and could not be received without implicitly countenancing such enormities, or contained such matter, and were conceived in such terms, as to be at once an insult to his Majesty and a libel on his government. Instead of being decent remonstrances against real grievances, or prayers for their removal, they were insidious attempts to wrest from the crown, or the supreme legislature, their inherent, unalienable prerogatives or rights.

We have a recent instance of this kind of petition, in the application of the continental congress to the King, which starts with these words: 'A standing army has been kept in these colonies ever since the conclusion of the late war, *without the consent of our assemblies.*' This is a denial of the King's authority to station his military forces in such parts of the empire, as his Majesty may judge expedient for the common safety. They might with equal propriety have advanced one step further, and denied its being a prerogative of the crown to declare war, or conclude a peace by which the colonies should be affected, without the consent of our assemblies. Such petitions carry the marks of death in their faces, as they cannot be granted but by surrendering some constitutional right at the same time; and therefore they afford grounds for suspicion at least, that they were never intended to be granted, but to irritate and provoke the power petitioned to. It is one thing to remonstrate the inexpediency or inconveniency of a particular act of the prerogative, and another to deny the existence of the prerogative. It is one thing to complain of the inutility or hardship of a particular act of parliament, and quite another to deny the authority of parliament to make any act. Had our patriots confined themselves to the former, they would have acted a part conformable to the character they assumed, and merited the encomiums they arrogate.

There is not one act of parliament that respects us, but would have been repealed upon the legislators being convinced that it was oppressive; and scarcely one, but would have shared the same fate, upon a representation of its being generally disgusting to America. But, by adhering to the latter, our politicians have ignorantly or wilfully betrayed their country. Even when Great-Britain has relaxed in her measures, or appeared to recede from her claims, instead of manifestations of gratitude, our politicians have risen in their demands, and sometimes to such a degree of insolence, as to lay the British government under a necessity of persevering in its measures to preserve its honor.

It was my intention, when I began these papers, to have minutely examined the proceedings of the continental congress; as the delegates appear to me to have given their country a deeper wound, than any of their predecessors had inflicted, and I pray God it may not prove an incurable one; but am in some measure anticipated by Grotius, Phileareine, and the many pamphlets that have been published, and shall therefore confine my observations to some of its most striking and characteristic features.

A congress or convention of committees from the several colonies, constitutionally appointed by the supreme authority of the state, or by the several provincial legislatures, amenable to and controlable by the power that convened them, would be salutary in many supposable cases: Such was the convention of 1754; but a congress, otherwise appointed, must be an unlawful assembly, wholly incompatible with the constitution, and dangerous in the extreme; more especially as such assemblies will ever chiefly consist of the most violent partizans. The Prince or Sovereign, as some writers call the supreme authority of a state, is sufficiently ample and extensive to provide a remedy for every wrong in all possible emergencies and contingencies; consequently, a power that is not derived from such authority, springing up in a state, must encroach upon it; and in proportion as the usurpation enlarges itself, the rightful prince must be diminished: indeed they cannot long subsist together, but must continually militate till one or the other be destroyed. Had the continental congress consisted of committees from the several houses of assembly, although destitute of the consent of the several governors, they would have had some appearance of authority; but many of them were appointed by other committees, as illegally constituted as themselves. However, at so critical and delicate a juncture, Great-Britain being alarmed with an apprehension that the colonies were aiming at independence on the one hand, and the colonies apprehensive of grievous impositions and exactions from Great-Britain on the other; many real patriots imagined that a congress might be eminently serviceable, as they might prevail on the Bostonians to make restitution to the East-India company, might still the commotions in this province, remove any ill-founded apprehensions respecting the colonies, and propose some plan for a cordial and permanent reconciliation, which might be adopted by the several assemblies, and make its way through them to the supreme legislature. Placed in this point of light, many good men viewed it with an indulgenteye; and tories, as well as whigs, bade the delegates God speed.

The path of duty was too plain to be overlooked; but unfortunately some of the most influential of the members were the very persons, that had been the *wilful* cause of the evils they were expected to remedy. Fishing in troubled waters had long been their business and delight; and they deprecated nothing more than that the storm, they had blown up, should subside. They were old in intrigue, and would have figured in a conclave. The subtilty, hypocrisy, cunning and chicanery, habitual to such men, were practised with as much success in this, as they had been before in other popular assemblies.

Some of the members, of the first rate abilities and characters, endeavoured to confine the deliberations and resolves of the congress to the design of its institution, which was 'to restore peace, harmony and mutual confidence,' but were obliged to submit to

the intemperate zeal of some, and at length were so circumvented and wrought upon by the artifice and duplicity of others, as to lend the sanction of their names to such measures as they condemned in their hearts. See a pamphlet published by one of the delegates intitled, *A candid examination, &c.*

The Congress could not be ignorant of what every body else knew, that their appointment was repugnant to, and inconsistent with, every idea of government, and therefore they wisely determined to destroy it. Their first essay that transpired, and which was matter of no less grief to the friends of our country than of triumph to its enemies, was the ever-memorable resolve approving and adopting the *Suffolk resolves*, thereby undertaking to give a continental sanction to a forcible opposition to acts of parliament, shutting up the courts of justice, and thereby abrogating all human laws, seizing the King's provincial revenue, raising forces in opposition to the King's, and all the tumultuary violence, with which this unhappy province has been rent asunder.

This fixed the complexion and marked the character of the congress. We were therefore but little surprized when it was announced, that, as far as was in their power, they had dismembered the colonies from the parent-country. This they did by resolving, that 'the colonists are entitled to an exclusive power of legislation in their several provincial legislatures.' This stands in its full force, and is an absolute denial of the authority of parliament respecting the colonies.

Their subjoining that '*from necessity* they consent to the *operation* (not the authority) of such acts of the *British* parliament as *are* (not shall be) *bonâ fide* restrained to external commerce,' is so far from weakening their first principle that it strengthens it, and extends to the acts of trade This resolve is a manifest revolt from the British empire —Consistent with it, is their overlooking the supreme legislature, and addressing the inhabitants of Great-Britain, in the style of a manifesto, in which they flatter, complain, coax, and threaten alternately: Their prohibiting all commercial intercourse between the two countries; with equal propriety and justice, the congress might have declared war against Great-Britain, and they intimate that they might justly do it, and actually shall, if the measures already taken prove ineffectual; for in the address to the colonies, after attempting to enrage their countrymen, by every colouring and heightening in the power of language, to the utmost pitch of frenzy, they say, 'the state of these colonies would certainly justify *other* measures than we have advised; we were inclined to offer *once more* to his *Majesty* the petition of his faithful and oppressed subjects in America;' and then they admonish the colonists to 'extend their views to *mournful events*, and to be in all respects prepared for every contingency.'

This is treating Great-Britain as an alien-enemy; and if Great-Britain be such, it is justifiable by the law of nations: but their attempt to alienate the affections of the inhabitants of the new conquered province of Quebec from his majesty's government, is altogether unjustifiable, even upon that principle. In the truly jesuitical address to the Canadians, the congress endeavour to seduce them from their allegiance, and to prevail on them to join the confederacy. After insinuating that they had been tricked, duped, oppressed and enslaved by the Quebec bill, the congress exclaim, 'Why this

degrading distinction? Have not Canadians sense enough to attend to any other public affairs than gathering stones at one place and piling them up in another? Unhappy people! who are not only injured, but *insulted*.' 'Such a treacherous ingenuity has been exerted in drawing up the code lately offered you, that every sentence, beginning with a benevolent pretension, concludes with a destructive power; and the substance of the whole, divested of its smooth words, is, that the *crown* and its ministers shall be as absolute throughout your extended province, as the *despots of Asia or Africa*. We defy you, casting your view upon every side, to discover a single circumstance promising, from any quarter, the faintest hope of liberty to you or your posterity, but from an entire adoption into the union of these colonies.' The treachery of the congress in this address is the more flagrant, by the Quebec bill's having been adapted to the genius and manners of the Canadians, formed upon their own petition, and received with every testimonial of gratitude. The public tranquillity has been often disturbed by treasonable plots and conspiracies. Great Britain has been repeatedly deluged by the blood of its slaughtered citizens, and shaken to its centre by rebellion.—To offer such aggravated insult to British government, was reserved for the *grand continental congress*. None but ideots or madmen, could suppose such measures had a tendency to restore 'union and harmony between Great-Britain and the colonies.' Nay! The very demands of the congress evince, that *that* was not in their intention.—Instead of confining themselves to those acts, which occasioned the misunderstanding, they demand a repeal of fourteen, and bind the colonies by a law not to trade with Great-Britain until that shall be done. Then, and not before, the colonists are to treat Great-Britain as an alien friend, and in no other light is the parent-country ever after to be viewed; for the parliament is to surcease enacting laws to respect us for ever. These demands are such as cannot be complied with, consistent with either the honor or interest of the empire, and are therefore insuperable obstacles to a union by means of the congress.

The delegates erecting themselves into the States-General or supreme legislature of all the colonies from *Nova-Scotia* to *Georgia*, do not leave a doubt respecting their aiming, in good earnest, at independency: This they did by enacting laws.—Although they recognize the authority of the several provincial legislatures, yet they consider their own authority as paramount or supreme; otherwise they would not have acted decisively, but submitted their plans to the final determination of the assemblies. Sometimes indeed they use the terms *request* and *recommend*; at others they speak in the style of authority.—Such is the resolve of the 27th of September: 'Resolved, from and after the first day of December next, there be no importation into British America from Great-Britain or Ireland of any goods, wares, or merchandize whatsoever, or from any other place of any such goods, wares or merchandize as shall have been exported from Great-Britain or Ireland, and that no such goods, wares or merchandize, imported after the said first day of December next, be used or purchased.' October 15, the congress resumed the consideration of the plan for carrying into effect, the non-importation, &c. October 20, the plan is completed, determined upon, and ordered to be subscribed by all the members: They call it an association, but it has all the constituent parts of a law. They begin,—'We his Majesty's most loyal subjects, the delegates of the several colonies of, &c. deputed to *represent them* in a continental congress,' and agree for themselves and the inhabitants of the several colonies whom they represent, not to import, export, or

consume, &c. as also to observe several sumptuary regulations under certain penalties and forfeitures, and that a committee be chosen in every county, city, and town, by those who are qualified to vote as representatives in the legislature, to see that the association be observed and kept, and to punish the violaters of it; and, afterwards, 'recommended it to the provincial conventions, and to the committees in the respective colonies, to establish such further regulations as they may think proper, for carrying into execution the association.' Here we find the congress enacting laws,—that is, establishing, as the representatives of the people, certain rules of conduct to be observed and kept by all the inhabitants of these colonies, under certain pains and penalties,—such as masters of vessels being dismissed from their employment;—goods to be seized and sold at auction, and the first cost only returned to the proprietor, a different appropriation made of the overplus;—persons being stigmatized in the gazette, as enemies to their country, and excluded the benefits of society, &c.

The congress seem to have been apprehensive, that some squeamish people might be startled at their assuming the powers of legislation, and therefore, in the former part of their association, say, they bind themselves and constituents under the sacred ties of virtue, honor, and love to their country, afterwards establish penalties and forfeitures, and conclude by solemnly binding themselves and constituents under the ties aforesaid, which include them all.—This looks like artifice:—But they might have spared themselves that trouble, for every law is or ought to be made under the sacred ties of virtue, honor, and a love to the country, expressed or implied, though the penal sanction be also necessary. In short, were the colonies distinct states, and the powers of legislation vested in delegates thus appointed, their association would be as good a form of enacting laws as could be devised.

By their assuming the powers of legislation, the congress have not only superseded our provincial legislatures, but have excluded every idea of monarchy; and, not content with the havock already made in our constitution, in the plenitude of their power, they have appointed another congress to be held in May.

Those that have attempted to establish new systems have generally taken care to be consistent with themselves. Let us compare the several parts of the continental proceedings with each other.

The delegates call themselves and constituents, 'his Majesty's most loyal subjects;' his Majesty's most faithful subjects affirm, that the colonists are entitled 'to all the immunities and privileges granted and confirmed to them by royal charters,' declare that they 'wish not a diminution of the prerogative, nor solicit the grant of any new right or favour,' and that they 'shall always carefully and zealously endeavour to support his royal authority, and our connection with Great-Britain;'—yet they deny the King's prerogative to station troops in the colonies, disown him in the capacity in which he granted the provincial charters; disclaim the authority of the King in parliament; and undertake to enact and execute laws, without any authority derived from the crown. This is dissolving all connection between the colonies and the crown, and giving us a new King, altogether incomprehensible, not indeed from the infinity



of his attributes, but from a privation of every royal prerogative, and not leaving even the semblance of a connection with Great-Britain.

They declare, that the colonists 'are entitled to all the rights, liberties and immunities of free and natural born subjects within the realm of England,' and 'all the benefits secured to the subject by the English constitution,' but disclaim all obedience to British government; — in other words, they claim the protection, and disclaim the allegiance. They remonstrate as a grievance, that 'both houses of parliament have resolved, that the colonists may be tried in England for offences alledged to have been committed in America, by virtue of a statute passed in the thirty-fifth year of Henry the eighth;'—and yet resolve, that they are entitled to the benefit of such English statutes as existed at the time of their colonization, and are applicable to their several local and other circumstances. They resolve that the colonists are entitled to a free and *exclusive* power of legislation in their several provincial assemblies;—yet undertake to *legislate in congress*.

The immutable laws of nature, the principles of the English constitution, and our several charters, are the basis upon which they pretend to found themselves, and complain more especially of being deprived of trials by juries;—but establish ordinances incompatible with either the laws of nature, the English constitution, or our charter;—and appoint committees to punish the violaters of them, not only without a jury, but even without a form of trial.

They repeatedly complain of the Roman Catholic religion being established in Canada, and, in their address to the Canadians, ask, 'if liberty of conscience be offered them *in their religion* by the Quebec bill,' and answer, no; God gave it to you, and the temporal powers, with which you have been and are connected, firmly stipulated for your enjoyment of it. If laws *divine* and *human* could secure it against the despotic caprices of wicked men, it was secured before.'

They say to the people of Great-Britain, 'place us in the same situation that we were in at the close of the last war, and our harmony will be restored' Yet some of the principal grievances, which are to be redressed, existed long before that æra, viz. the King's keeping a standing army in the colonies;—judges of admiralty receiving their fees, &c. from the effects condemned by themselves;—councillors holding commissions during pleasure; exercising legislative authority;—and the capital grievance of all, the parliament claiming and exercising over the colonies a right of taxation. However, the *wisdom* of the grand continental congress may reconcile these seeming inconsistencies.

Had the delegates been appointed to devise means to irritate and enrage the inhabitants of the two countries, against each other, beyond a possibility of reconciliation, to abolish our equal system of jurisprudence, and establish a judicatory as arbitrary as the Roman inquisition, to perpetuate animosities among ourselves, to reduce thousands from affluence to poverty and indigence—to injure Great-Britain, Ireland, the West-Indies and these colonies—to attempt a revolt from the authority of the empire—and finally to draw down upon the colonies the whole vengeance of Great-Britain;—more promising means to effect the whole could not have been

devised than those the congress have adopted.—Any deviation from their plan would have been treachery to their constituents, and an abuse of the trust and confidence reposed in them. Some idolaters have attributed to the congress the collected wisdom of the continent. It is nearer the truth to say, that every particle of disaffection, petulance, ingratitude and disloyalty, that for ten years past have been scattered through the continent, were united and consolidated in them. Are these thy Gods, O Israel!

MASSACHUSETTENSIS.

March 27, 1775.

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## LETTER XVII.

### To The Inhabitants Of The Province Of Massachusetts-Bay.

THE advocates for the opposition to parliament, often remind us of the rights of the people, repeat the Latin adage, *vox populi vox Dei*, and tell us, that government, in the dernier resort, is in the people:—they chime away melodiously, and, to render their music more ravishing, tell us, that these are *revolution* principles. I hold the rights of the people to be sacred, and revere the principles that have established the succession to the imperial crown of Great-Britain in the line of the illustrious house of Brunswick; but the difficulty lies in applying them to the cause of the whigs, *hic labor, hoc opus est*; for admitting, that the collective body of the people, that are subject to the British empire, have an inherent right to change their form of government, or race of Kings; it does not follow, that the inhabitants of a single province or of a number of provinces, or any given part under a majority of the whole empire, have such a right. By admitting that the less may rule or sequester themselves from the greater, we unhinge all government. Novanglus has accused me of traducing the people of this province: I deny the charge. Popular demagogues always call themselves *the people*, and, when their own measures are censured, cry out, the people, the people are abused and insulted. He says, that I once entertained different sentiments from those now advanced: I did not write to exculpate myself: If through ignorance, or inadvertency, I have heretofore contributed, in any degree, to the forming that destructive system of politics that is now in vogue, I was under the greater obligation thus publicly to expose its errors, and point out its pernicious tendency. He suggests, that I write from sordid motives: I despise the imputation. I have written my real sentiments, not to serve a party (for as he justly observes, I have sometimes quarrelled with my friends) but to serve the public; nor would I injure my country to inherit all the treasures that avarice and ambition sigh for. Fully convinced that our calamities were chiefly created by the leading whigs, and that a perserving in the same measures, that gave rise to our troubles, would complete our ruin; I have written freely. It is painful to me to give offence to an individual, but I have not spared the ruinous policy of my brother or my friend,—they are both far advanced.—Truth from its own energy will finally prevail, but, to have speedy effect, it must sometimes be accompanied with severity. *The terms whig and tory have been adopted according to the arbitrary use of them in this province, but they rather ought to be reversed; an American tory is a supporter of our excellent constitution, and an American whig is a subverter of it.*

Novanglus abuses me for saying, that the whigs aim at independence. The writer from Hampshire county is my advocate: He frankly asserts the independency of the colonies without any reserve, and is the only consistent writer I have met with on that side of the question; for, by separating us from the King as well as the parliament, he is under no necessity of contradicting himself. Novanglus strives to hide the inconsistencies of his hypothesis, under a huge pile of learning. Surely he is not to learn, that arguments drawn from obsolete maxims, raked out of the ruins of the

feudal system, or from principles of absolute monarchy, will not conclude to the present constitution of government: When he has finished his essays, he may expect some particular remarks upon them. I should not have taken the trouble of writing these letters, had I not been satisfied that real and permanent good would accrue to this province, and indeed to all the colonies, from a speedy change of measures. Public justice and generosity are no less characteristic of the English, than their private honesty and hospitality. The total repeal of the stamp-act, and the partial repeal of the act imposing duties on paper, &c. may convince us, that the nation has no disposition to injure us. We are blessed with a King that reflects honor upon a crown: He is so far from being avaricious, that he has relinquished a part of his revenue; and so far from being tyrannical, that he has generously surrendered part of his prerogative for the sake of freedom. His court is so far from being tinctured with dissipation, that the palace is rather an academy of the literati; and the royal pair are as exemplary in every private virtue, as they are exalted in their stations. We have only to cease contending with the supreme legislature respecting its authority, with the King respecting his prerogatives, and with Great-Britain respecting our subordination; to dismiss our illegal committees, disband our forces, despise the thralldom of *arrogant congresses*, and submit to constitutional government; to be happy.

Many appear to consider themselves as *procul à Jove à fulmine procul*, and, because we never have experienced any severity from Great-Britain, think it impossible that we should. The English nation will bear much from its friends, but whoever has read its history must know, that there is a line that cannot be passed with impunity: It is not the fault of our patriots if that line be not already passed: They have demanded of Great-Britain more than she can grant consistent with her honor, her interest, or our own, and are now brandishing the sword of defiance.

Do you expect to conquer in war? War is no longer a simple but an intricate science, not to be learned from books, or two or three campaigns, but from long experience. You need not be told, that his Majesty's Generals, Gage and Haldimand, are possessed of every talent requisite to great commanders, matured by long experience in many parts of the world, and stand high in military fame; that many of the officers have been bred to arms from their infancy, and a large proportion of the army, *now* here, have already reaped immortal honors in the iron harvest of the field.—Alas! My friends, you have nothing to oppose to this force, but a militia unused to service, impatient of command, and destitute of resources. Can your officers depend upon the privates, or the privates upon the officers? Your war can be but little more than mere tumultuary rage: And besides, there is an awful disparity between troops that fight the battles of their Sovereign, and those that follow the standard of rebellion. These reflections may arrest you in an hour that you think not of, and come too late to serve you. Nothing short of a miracle could gain you one battle; but could you destroy all the British troops that are now here, and burn the men of war that command our coast, it would be but the beginning of sorrow; and yet, without a decisive battle, one campaign would ruin you. This province does not produce its necessary provision, when the husbandman can pursue his calling without molestation: What then must be your condition, when the demand shall be increased and the resource in a manner cut off?—Figure to yourselves, what must be your distress should your wives and

children be driven from such places, as the King's troops shall occupy, into the interior parts of the province, and they, as well as you, be destitute of support. I take no pleasure in painting these scenes of distress. The whigs affect to divert you from them by ridicule;—but should war commence, you can expect nothing but its severities. Might I hazard an opinion, but few of your leaders ever intended to engage in hostilities; but they may have rendered inevitable what they intended for intimidation. Those that unsheath the sword of rebellion may throw away the scabbard; they cannot be treated with while in arms; and if they lay them down, they are in no other predicament than conquered rebels. The conquered in other wars do not forfeit the rights of men, nor all the rights of citizens, even their bravery is rewarded by a generous victor; far different is the case of a routed rebel host. My dear countrymen, you have before you, at your election, peace or war, happiness or misery. May the God of our forefathers direct you in the way that leads to peace and happiness, before your feet stumble on the dark mountains,—before the evil days come, wherein you shall say, We have no pleasure in them.

MASSACHUSETTENSIS.

April 3, 1775.

THE END.

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[\* ]Principles of Penal Law. c. v.