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you are - Wm.
Dodsley

L E T T E R

F R O M

E D M U N D B U R K E, Esq;

One of the Representatives in Parliament
for the City of BRISTOL,

T O

JOHN FARR and JOHN HARRIS, Esqrs,
Sheriffs of that City,

O N T H E

A F F A I R S O F A M E R I C A.

L O N D O N :

Printed for J. D O D S L E Y, in P A L L - M A L L.

M D C C L X X V I I .



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L E T T E R, &c.

G E N T L E M E N,

I HAVE the honour of sending you the two last acts which have been passed with regard to the troubles in America. These acts are similar to all the rest which have been made on the same subject. They operate by the same principle; and they are derived from the very same policy. I think they complete the number of this sort of statutes to nine. It affords no matter for very pleasing reflection, to observe, that our subjects diminish, as our laws encrease.

If I have the misfortune of differing with some of my fellow-citizens on this great and arduous subject, it is no small consolation to me, that I do not differ from you. With you,
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I am perfectly united. We are heartily agreed in our detestation of a civil war. We have ever expressed the most unqualified disapprobation of all the steps which have led to it, and of all those which tend to prolong it. And I have no doubt that we feel exactly the same emotions of grief and shame on all its miserable consequences; whether they appear, on the one side or the other, in the shape of victories or defeats; of captures made from the English on the continent, or from the English in these islands; of legislative regulations which subvert the liberties of our brethren, or which undermine our own.

Of the first of these statutes (that for the letter of marque) I shall say little: Exceptionable as it may be, and as I think it is in some particulars, it seems the natural, perhaps necessary result of the measures we have taken, and the situation we are in. The other (for a partial suspension of the *Habeas Corpus*) appears to me of a much deeper malignity. During its progress through the House of Commons, it has been amended, so as to express more distinctly than at first it did, the avowed sentiments of those who framed it: and the main ground of my exception to it is, because it does express, and does carry into execution, purposes which appear to me so contradictory to all the principles, not only of the constitutional policy of Great Britain, but
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even of that species of hostile justice, which no asperity of war wholly extinguishes in the minds of a civilized people.

It seems to have in view two capital objects; the first, to enable administration to confine, as long as it shall think proper, (within the duration of the act) those, whom that act is pleased to qualify by the name of *Pirates*. Those so qualified, I understand to be, the commanders and mariners of such privateers and ships of war belonging to the colonies, as in the course of this unhappy contest may fall into the hands of the crown. They are therefore to be detained in prison, under the criminal description of piracy, to a future trial and ignominious punishment, whenever circumstances shall make it convenient to execute vengeance on them, under the colour of that odious and infamous offence.

To this first purpose of the law, I have no small dislike. Because the act does not (as all laws, and all equitable transactions ought to do) fairly describe its object. The persons, who make a naval war upon us, in consequence of the present troubles, may be *rebels*; but to call and treat them as *pirates*, is confounding, not only the natural distinction of things, but the order of crimes; which, whether by putting them from a higher part of the scale to the lower, or from the lower to the higher, is

never done without dangerously disordering the whole frame of jurisprudence. Though piracy may be, in the eye of the law, a *less* offence than treason; yet as both are, in effect, punished with the same death, the same forfeiture, and the same corruption of blood, I never would take from any fellow-creature whatever, any sort of advantage, which he may derive to his safety from the pity of mankind, or to his reputation from their general feelings, by degrading his offence, when I cannot soften his punishment. The general sense of mankind tells me, that those offences, which may possibly arise from mistaken virtue, are not in the class of infamous actions. Lord Coke, the oracle of the English law, conforms to that general sense, where he says, that “those things which are of the highest criminality may be of the least disgrace.” The act prepares a sort of masqued proceeding, not honourable to the justice of the kingdom, and by no means necessary for its safety. I cannot enter into it. If lord Balmerino, in the last rebellion, had driven off the cattle of twenty clans, I should have thought it a scandalous and low juggle, utterly unworthy of the manliness of an English judicature, to have tried him for felony, as a stealer of cows.

Besides, I must honestly tell you, that I could not vote for, or countenance in any way, a statute, which stigmatizes with the crime of piracy,

piracy, those men, whom an act of parliament had previously put out of the protection of the law. When the legislature of this kingdom had ordered all their ships and goods, for the mere new-created offence of exercising trade, to be divided as a spoil among the seamen of the navy,—for the same legislature afterwards to treat the necessary reprisal of an unhappy, proscribed, interdicted people, as the crime of piracy, seems harsh and incongruous. Such a procedure would have appeared (in any other legislature than ours) a strain of the most insulting and most unnatural cruelty and injustice. I assure you, I do not remember to have heard of any thing like it in any time or country.

The second professed purpose of the act is to detain in England for trial, those who shall commit high treason in America.

That you may be enabled to enter into the true spirit of the present law, it is necessary, gentlemen, to apprise you, that there is an act, made so long ago as the reign of Henry the eighth, before the existence or thought of any English colonies in America, for the trial in this kingdom of treasons committed out of the realm. In the year 1769, parliament thought proper to acquaint the crown with their construction of that act, in a formal address, wherein they intreated his Majesty, to cause persons, charged with high treason in America, to be brought into this kingdom for trial. By

this act of Henry the eighth, *so construed and so applied*, almost all that is substantial and beneficial in a trial by jury is taken away from the subject in the colonies. This is however saying too little; for to try a man under that act is, in effect, to condemn him unheard. A person is brought hither in the dungeon of a ship's hold: thence he is vomited into a dungeon on land; loaded with irons, unfurnished with money, unsupported by friends, three thousand miles from all means of calling upon, or confronting evidence, where no one local circumstance that tends to detect perjury, can possibly be judged of;—such a person may be executed according to form, but he can never be tried according to justice.

I therefore could by no means reconcile myself to the bill I send you; which is expressly provided to remove all inconveniences from the establishment of a mode of trial, which has ever appeared to me most unjust and most unconstitutional. Far from removing the difficulties which impede the execution of so mischievous a project, I would heap new difficulties upon it, if it were in my power. All the ancient, honest juridical principles, and institutions of England, are so many clogs to check and retard the headlong course of violence and oppression. They were invented for this one good purpose;—that what was not just should not be convenient. Convinced of this, I would
leave

leave things as I found them. The old, cool-headed, general law, is as good as any deviation dictated by present heat.

I could see no fair justifiable expedience pleaded to favour this new suspension of the liberty of the subject. If the English in the colonies can support the independency to which they have been unfortunately driven, I suppose nobody has such a fanatical zeal for the criminal justice of Henry the eighth, that he will contend for executions which must be retaliated tenfold on his own friends; or who has conceived so strange an idea of English dignity, as to think the defeats in America compensated by the triumphs at Tyburn. If, on the contrary, the colonies are reduced to the obedience of the crown, there must be, under that authority, tribunals in the country itself, fully competent to administer justice on all offenders. But if there are not, and that we must suppose a thing so humiliating to our government, as that all this vast continent should unanimously concur in thinking, that no ill fortune can convert resistance to the royal authority into a criminal act, we may call the effect of our victory peace, or obedience, or what we will; but the war is not ended: The hostile mind continues in full vigour; and it continues under a worse form. If your peace be nothing more than a sullen pause from arms; if their quiet be nothing

but the meditation of revenge, where smitten pride, smarting from its wounds, festers into new rancour, neither the act of Henry the eighth, nor its handmaid of this reign, will answer any wise end of policy or justice. For if the bloody fields, which they saw and felt, are not sufficient to subdue the reason of Americans (to use the expressive phrase of a great lord in office) it is not the judicial slaughter, which is made in another hemisphere against their universal sense of justice, that will ever reconcile them to the British government.

I take it for granted, gentlemen, that we sympathize in a proper horror of all punishment further than as it serves for an example. To whom then does the example of an execution in England for this American rebellion apply? Remember, you are told every day, that the present is a contest between the two countries; and that we in England are at war for *our own* dignity against our rebellious children. Is this true? If it be, it is surely among such rebellious children that examples for disobedience should be made. For who ever thought of instructing parents in their duty by an example from the punishment of a disobedient son? As well might the execution of a fugitive negro in the plantations, be considered as a lesson to teach masters humanity to their slaves. Such executions may indeed satiate our revenge; they may
harden

harden our hearts: and puff us up with pride and arrogance. Alas! this is not instruction.

If any thing can be drawn from such examples by a parity of the case, it is to shew, how deep their crime, and how heavy their punishment will be, who shall at any time dare to resist a distant power actually disposing of their property, without their voice or consent to the disposition; and overturning their franchises without charge or hearing. God forbid, that England should ever read this lesson written in the blood of *any* of her off-spring!

War is at present carried on, between the king's natural and foreign troops, on one side, and the English in America, on the other; upon the usual footing of other wars; and accordingly an exchange of prisoners has been regularly made from the beginning. If, notwithstanding this hitherto equal procedure, upon some prospect of ending the war with success, (which however may be delusive) administration prepares to act against those as *traitors* who remain in their hands at the end of the troubles, in my opinion we shall exhibit to the world as indecent a piece of injustice as ever civil fury has produced. If the prisoners who have been exchanged have not by that exchange been *virtually pardoned*, the cartel
(whether

(whether avowed or understood) is a cruel fraud: for you have received the life of a man; and you ought to return a life for it, or there is no parity or fairness in the transaction.

If, on the other hand, we admit, that they, who are actually exchanged are pardoned, but contend that we may justly reserve for vengeance, those who remain unexchanged; then this unpleasant and unhandsome consequence will follow; that you judge of the delinquency of men merely by the time of their guilt, and not by the heinousness of it; and you make fortune and accidents, and not the moral qualities of human action, the rule of your justice.

These strange incongruities must ever perplex those, who confound the unhappiness of civil dissention, with the crime of treason. Whenever a rebellion really and truly exists, (which is as easily known in fact, as it is difficult to define in words) government has not entered into such military conventions; but has ever declined all intermediate treaty, which should put rebels in possession of the law of nations with regard to war. Commanders would receive no benefits at their hands, because they could make no return for them. Who has ever heard of capitulation, and parole of honour, and exchange of prisoners, in the late rebellions in this kingdom? The answer to all demands of that sort was,
 “ we

“ we can engage for nothing ; you are at the
 “ king’s pleasure.” We ought to remember,
 that if our present enemies be, in reality and
 truth, rebels, the king’s generals have no right
 to release them upon any conditions whatso-
 ever ; and they are themselves answerable to
 the law, and as much in want of a pardon for
 doing so, as the rebels whom they release.

Lawyers, I know, cannot make the distinc-
 tion, for which I contend ; because they have
 their strict rule to go by. But legislators ought
 to do what lawyers cannot ; for they have no
 other rules to bind them, but the great prin-
 ciples of reason and equity, and the general
 sense of mankind. These they are bound to
 obey and follow ; and rather to enlarge and
 enlighten law by the liberality of legislative
 reason, than to fetter and bind their higher
 capacity by the narrow constructions of subor-
 dinate artificial justice. If we had adverted to
 this, we never could consider the convulsions
 of a great empire, not disturbed by a little dis-
 seminated faction, but divided by whole com-
 munities and provinces, and entire legal repre-
 sentatives of a people, as fit matter of discus-
 sion under a commission of oyer and terminer.
 It is as opposite to reason and prudence, as it is
 to humanity and justice.

This act, proceeding on these principles,
 that is, preparing to end the present troubles
 by

by a trial of one sort of hostility, under the name of piracy, and of another by the name of treason, and executing the act of Henry the eighth according to a new and unconstitutional interpretation, I have thought evil and dangerous, even though the instruments of effecting such purposes had been merely of a neutral quality.

But it really appears to me, that the means which this act employs are, at least, as exceptionable as the end. Permit me to open myself a little upon this subject, because it is of importance to me, when I am obliged to submit to the power without acquiescing in the reason of an act of legislature, that I should justify my dissent, by such arguments as may be supposed to have weight with a sober man.

The main operative regulation of the act is to suspend the common law, and the statute *Habeas Corpus*, (the sole securities either for liberty or justice) with regard to all those who have been out of the realm or on the high seas, within a given time. The rest of the people, as I understand, are to continue as they stood before.

I confess, gentlemen, that this appears to me, as bad in the principle, and far worse in its consequence, than an universal suspension of the *Habeas Corpus* act; and the limiting
qualifi-

qualification, instead of taking out the sting, does in my humble opinion sharpen and envenom it to a greater degree. Liberty, if I understand it at all, is a *general* principle, and the clear right of all the subjects within the realm, or of none. Partial freedom seems to me a most invidious mode of slavery. But, unfortunately, it is the kind of slavery the most easily admitted in times of civil discord. For parties are but too apt to forget their own future safety in their desire of sacrificing their enemies. People without much difficulty admit the entrance of that injustice of which they are not to be the immediate victims. In times of high proceeding, it is never the faction of the predominant power that is in danger; for no tyranny chastises its own instruments. It is the obnoxious and the suspected who want the protection of law; and there is nothing to bridle the partial violence of state factions, but this great, steady, uniform principle; “that
 “ whenever an act is made for a cessation
 “ of law and justice, the whole people
 “ should be universally subjected to the same
 “ suspension of their franchises.” The alarm of such a proceeding would then be universal. It would operate as a sort of *call of the nation*. It would become every man’s immediate and instant concern to be made very sensible of *the absolute necessity* of this total eclipse of liberty. They would more carefully advert to every renewal, and more powerfully resist it. These great determined measures are not commonly

so dangerous to freedom. They are marked with too strong lines to slide into use. No plea or pretence of mere *inconvenience or evil example* (which must in their nature be daily and ordinary incidents) can be admitted as a reason for such mighty operations. But the true danger is, when liberty is nibbled away, for expedients, and by parts. The *Habeas Corpus* act supposes (contrary to the genius of most other laws) that the lawful magistrate may see particular men with a malignant eye; and it provides for that identical case. But when men, *in particular descriptions, marked out by the magistrate himself*, are delivered over by parliament to this possible malignity, it is not the *Habeas Corpus* that is occasionally suspended, but its spirit that is mistaken, and its principle that is subverted. Indeed nothing is security to any individual but the common interest of all.

This act, therefore, has this distinguished evil in it, that it is the first *partial* suspension of the *Habeas Corpus* which has been made. The precedent, which is always of very great importance, is now established. For the first time a distinction is made among the people within this realm. Before this act, every man putting his foot on English ground, every stranger owing only a local and temporary allegiance, even a negro slave, who had been sold in the colonies and under an act of parliament, became

became as free as every other man who breathed the same air with him. Now a line is drawn, which may be advanced further and further at pleasure, on the same argument of mere expedience, on which it was first described. There is no equality among us; we are not fellow-citizens, if the mariner who lands on the quay does not rest on as firm legal ground, as the merchant who sits in his compting-house. Other laws may injure the community, this tends to dissolve it. It destroys *equality*, which is the essence of community. As things now stand, every man in the West Indies, every one inhabitant of three unoffending provinces on the continent, every person coming from the East Indies, every gentleman who has travelled for his health or education, every mariner who has navigated the seas, is, for no other offence, under a temporary proscription. Let any of these facts (now become presumptions of guilt) be proved against him, and the bare suspicion of the crown puts him out of the law. It is even by no means clear to me, whether the negative proof does not lie upon the person apprehended on suspicion, to the subversion of all justice.

I have not debated against this bill in its progress through the House; because it would have been vain to oppose, and impossible to correct it. It is some time since I have been clearly convinced, that in the present state of things, all opposition to any measures proposed
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by ministers, where the name of America appears, is vain and frivolous. You may be sure, that I do not speak of my opposition, which in all circumstances must be so; but that of men of the greatest wisdom and authority in the nation. Every thing proposed *against* America is supposed of course to be *in favour* of Great Britain. Good and ill success are equally admitted as reasons for persevering in the present methods. Several very prudent, and very well intentioned persons were of opinion, that during the prevalence of such dispositions, all struggle tended rather to inflame than to abate the distemper of the public counsels. Finding such resistance to be considered as factious by most within doors, and by very many without, I could not conscientiously support what is against my opinion, nor prudently contend with what I know is irresistible.

Preserving my principles unshaken, I reserve my activity for rational endeavours; and I hope my past conduct has given sufficient evidence, that if I am a single day from my place, it is not owing to indolence or love of dissipation. The slightest hope of doing good is sufficient to recal me to a station which I quitted with regret. In declining my usual strict attendance, I do not in the least condemn the spirit of those gentlemen, who, with a just confidence in their abilities, (in which I claim a sort of share from my love and admiration of them) were of opinion that their exertions in this desperate case might be of some service.

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They thought, that by contracting the sphere of its application, they might lessen the malignity of an evil principle. Perhaps they were in the right. But when my opinion was so very clearly to the contrary, for the reasons I have just stated, I am sure *my* attendance would have been ridiculous.

I must add, in further explanation of my conduct, that, far from softening the features of such a principle, and thereby removing any part of the popular odium or natural terrors attending it, I should be sorry, that any thing framed in contradiction to the spirit of our constitution did not instantly produce in fact, the grossest of the evils, with which it was pregnant in its nature. It is by lying dormant a long time, or being at first very rarely exercised, that arbitrary power steals upon a people. On the next unconstitutional act, all the fashionable world will be ready to say—Your prophecies are ridiculous, your fears are vain, you see how little of the mischiefs which you formerly foreboded are come to pass. Thus, by degrees, that artful softening of all arbitrary power; the alledged infrequency or narrow extent of its operation, will be received as a sort of aphorism—and Mr. *Hume* will not be singular in telling us, that the felicity of mankind is no more disturbed by it, than by earthquakes, or thunder,

or the other more unufual accidents of nature.

The act of which I have faid fo much is among the fruits of the American war; a war, in my humble opinion, productive of many mifchiefs of a kind, which diftinguifh it from all others. Not only our policy is deranged, and our empire diftracted, but our laws and our legislative fpirit are in danger of being totally perverted by it. We have made war on our Colonies, not by arms only, but by laws. As hoftility and law are not very concordant ideas, every ftep we have taken in this bufinefs, has been made by trampling on fome maxim of juftice, or fome capital principle of wife government. What precedents were eftablifhed, and what principles overturned, (I will not fay of Englifh privilege, but of general juftice), in the Boston Port, the Maffachufets Charter, the Military Bill, and all that long array of hoftile acts of parliament, by which the war with America has been begun and fupported? Had the principles of any of thefe acts been firft planted on Englifh ground they would probably have expired as foon as they touched it. But by being removed from our perfons, they have rooted in our laws; and the lateft pofterity will tafte the fruits of them.

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Nor is it the worst effect of this unnatural contention, that our *laws* are corrupted. Whilst *manners* remain entire, they will correct the vices of law, and soften it at length to their own temper. But we have to lament, that in most of the late proceedings we see very few traces of that generosity, humanity, and dignity of mind, which formerly characterized this nation. War suspends the rules of moral obligation; and what is long suspended is in danger of being totally abrogated. Civil wars strike deepest of all into the manners of a people. They vitiate their politicks; they corrupt their morals; they pervert even the natural taste and relish of equity and justice. By teaching us to consider our fellow-citizens in an hostile light, the whole body of our nation becomes gradually less dear to us. The very names of affection and kindred, which were the bond of charity whilst we agreed, become new incentives to hatred and rage, when the communion of our country is dissolved. We may flatter ourselves that we shall not fall into this misfortune. But we have no charter of exemption, that I know of, from the ordinary frailties of our nature.

What but that blindness of heart which arises from the phrensy of civil contention, could have made any persons conceive the

present situation of the British affairs as an object of triumph to themselves, or of congratulation to their sovereign? Nothing surely could be more lamentable to those who remember the flourishing days of this kingdom, than to see the insane joy of several unhappy people, amidst the sad spectacle which our affairs and conduct exhibit to the scorn of Europe. We behold (and it seems some people rejoice in beholding) our native land, which used to sit the envied arbiter of all her neighbours, reduced to a servile dependence on their mercy; acquiescing in assurances of friendship which she does not trust; complaining of hostilities which she dares not resent; deficient to her allies; lofty to her subjects; and submissive to her enemies; whilst the liberal government of this free nation is supported by the hireling sword of German boors and vassals; and three millions of the subjects of Great-Britain are seeking for protection to English privileges in the arms of France!

These circumstances appear to me more like shocking prodigies, than natural changes in human affairs. Men of firmer minds may see them without staggering or astonishment.—Some may think them matters of congratulation and complimentary addresses; but I trust your candour will be so indulgent to my weakness, as not to have the worse opinion of
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me for my declining to participate in this joy; and my rejecting all share whatsoever in such a triumph. I am too old, too stiff in my inveterate partialities, to be ready at all the fashionable evolutions of opinion. I scarcely know how to adapt my mind to the feelings with which the Court Gazettes mean to impress the people. It is not instantly that I can be brought to rejoice, when I hear of the slaughter and captivity of long lists of those names which have been familiar to my ears from my infancy; and to rejoice that they have fallen under the sword of strangers, whose barbarous appellations I scarcely know how to pronounce. The glory acquired at the *White Plains* by *Colonel Raille*, has no charms for me; and I fairly acknowledge, that I have not yet learned to delight in finding *Fort Kniphausen* in the heart of the British dominions.

It might be some consolation for the loss of our old regards, if our reason were enlightened in proportion as our honest prejudices are removed. Wanting feelings for the honour of our country, we might then in cold blood be brought to think a little of our interests as individual citizens, and our private conscience as moral agents.

Indeed our affairs are in a bad condition. I do assure those Gentlemen who have prayed

for war, and obtained the blessing they have sought, that they are at this instant in very great straits. The abused wealth of this country continues a little longer to feed its distemper. As yet they, and their German allies of twenty hireling states, have contended only with the unprepared strength of our own infant colonies. But America is not subdued. Not one unattacked village, which was originally adverse, throughout that vast continent, has yet submitted from love or terror. You have the ground you encamp on; and you have no more. The cantonments of your troops and your dominions are exactly of the same extent. You spread devastation, but you do not enlarge the sphere of authority.

The events of this war are of so much greater magnitude than those who either wished or feared it, ever looked for, that this alone ought to fill every considerate mind with anxiety and diffidence. Wise men often tremble at the very things which fill the thoughtless with security. For many reasons I do not choose to expose to public view, all the particulars of the state in which you stood with regard to foreign powers, during the whole course of the last year. Whether you are yet wholly out of danger from those powers, is more than I know, or than your rulers can divine. But even if I were certain of my safety, I could not easily forgive those
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who had brought me into the most dreadful perils, because by accidents, unforeseen by them or me, I have escaped.

Believe me, gentlemen, the way still before you is intricate, dark, and full of perplexed and treacherous mazes. Those who think they have the clue, may lead us out of this labyrinth. We may trust them as amply as we think proper. But as they have most certainly a call for all the reason which their stock can furnish, why should we think it proper to disturb its operation by inflaming their passions? I may be unable to lend an helping hand to those who direct the state; but I should be ashamed to make myself one of a noisy multitude to hollow and hearten them into doubtful and dangerous courses. A conscientious man would be cautious how he dealt in blood. He would feel some apprehension at being called to a tremendous account for engaging in so deep a play, without any sort of knowledge of the game. It is no excuse for presumptuous ignorance, that it is directed by insolent passion. The poorest being that crawls on earth, contending to save itself from injustice and oppression, is an object respectable in the eyes of God and man. But I cannot conceive any existence under heaven, (which, in the depths of its wisdom, tolerates all sorts of things) that is more truly odious and disgusting, than an impotent helpless creature,

without civil wisdom or military skill, without a consciousness of any other qualification for power but his servility to it, bloated with pride and arrogance, calling for battles which he is not to fight, contending for a violent dominion which he can never exercise, and satisfied to be himself mean and miserable, in order to render others contemptible and wretched.

If you and I find our talents not of the great and ruling kind, our conduct at least is conformable to our faculties. No man's life pays the forfeit of our rashness. No desolate widow weeps tears of blood over our ignorance. Scrupulous and sober in our well-grounded distrust of ourselves, we would keep in the port of peace and security : and perhaps in recommending to others something of the same diffidence, we shew ourselves more charitable to their welfare, than injurious to their abilities.

There are many circumstances in the present zeal for civil war, which seem to discover but little of real magnanimity. The addressers offer their own persons ; and they are satisfied with hiring Germans. They promise their private fortunes ; and they mortgage their country. They have all the merit of volunteers, without risque of person or charge of contribution ; and when the unfeeling arm of a foreign soldiery pours out their kindred blood like water, they exult and triumph, as if they themselves had performed

performed some notable exploit. I am really ashamed of the fashionable language which has been held for some time past; which, to say the best of it, is full of levity. You know, that I allude to the general cry against the cowardice of the Americans, as if we despised them for not making the King's soldiery purchase the advantages they have obtained, at a dearer rate. It is not, Gentlemen, it is not to respect the dispensations of Providence, nor to provide any decent retreat in the mutability of human affairs. It leaves no medium between insolent victory and infamous defeat. It tends to alienate our minds further and further from our natural regards, and to make an eternal rent and schism in the British nation. Those who do not wish for such a separation, would not dissolve that cement of reciprocal esteem and regard, which can alone bind together the parts of this great fabrick. It ought to be our wish, as it is our duty, not only to forbear this style of outrage ourselves, but to make every one as sensible as we can of the impropriety and unworthiness of the tempers which gave rise to it, and which designing men are labouring with such malignant industry to diffuse amongst us. It is our business to counteract them, if possible; if possible to awake our natural regards; and to revive the old partiality to the English name. Without something of this kind I do not see how it is ever practicable really to reconcile with those,
 whose

whose affections, after all, must be the surest hold of our government ; and which are a thousand times more worth to us, than the mercenary zeal of all the circles of Germany.

I can well conceive a country completely over-run, and miserably wasted, without approaching in the least to settlement. In my apprehension as long as English government is attempted to be supported over Englishmen by the sword alone, things will thus continue. I anticipate in my mind the moment of the final triumph of foreign military force. When that hour arrives, (for it may arrive) then it is, that all this mass of weakness and violence will appear in its full light. If we should be expelled from America, the delusion of the partizans of military government might still continue. They might still feed their imaginations with the possible good consequences which might have attended success. Nobody could prove the contrary by facts. But in case the sword should do all that the sword can do, the success of their arms and the defeat of their policy, will be one and the same thing. You will never see any revenue from America. Some increase of the means of corruption, without any ease of the public burthens, is the very best that can happen. Is it for this that we are at war ; and in such a war?

As to the difficulties of laying once more the foundations of that government, which, for
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the sake of conquering what was our own, has been voluntarily and wantonly pulled down by a court faction here, I tremble to look at them. Has any of these Gentlemen, who are so eager to govern all mankind, shewed himself possessed of the first qualification towards government, some knowledge of the object, and of the difficulties which occur in the task they have undertaken?

I assure you, that on the most prosperous issue of your arms, you will not be where you stood, when you called in war to supply the defects of your political establishment. Nor would any disorder or disobedience to government which could arise from the most abject concession on our part, ever equal those which will be felt, after the most triumphant violence. You have got all the intermediate evils of war into the bargain.

I think I know America. If I do not, my ignorance is incurable, for I have spared no pains to understand it; and I do most solemnly assure those of my Constituents who put any sort of confidence in my industry and integrity, that every thing that has been done there has arisen from a total misconception of the object: that our means of originally holding America, that our means of reconciling with it after quarrel, of recovering it after separation, of keeping it after victory, did depend, and must

must depend, in their several stages and periods, upon a total renunciation of that unconditional submission, which has taken such possession of the minds of violent men. The whole of those maxims, upon which we have made and continued this war, must be abandoned. Nothing indeed (for I would not deceive you) can place us in our former situation. That hope must be laid aside. But there is a difference between bad and the worst of all. Terms relative to the cause of the war ought to be offered by the authority of parliament. An arrangement at home promising some security for them ought to be made. By doing this, without the least impairing of our strength, we add to the credit of our moderation, which in itself, is always strength more or less.

I know many have been taught to think, that moderation, in a case like this, is a sort of treason: and that all arguments for it are sufficiently answered by railing at rebels and rebellion, and by charging all the present or future miseries which we may suffer, on the resistance of our brethren. But I would wish them, in this grave matter, and if peace is not wholly removed from their hearts, to consider seriously, first,—that to criminate and recriminate never yet was the road to reconciliation, in any difference amongst men. In the next place, it would be right to reflect, that

that the American English (whom they may abuse, if they think it honourable to revile the absent) can, as things now stand, neither be provoked at our railing, or bettered by our instruction. All communication is cut off between us. But this we know with certainty; that though we cannot reclaim them, we may reform ourselves. If measures of peace are necessary, they must begin somewhere; and a conciliatory temper must precede and prepare every plan of reconciliation. Nor do I conceive that we suffer any thing by thus regulating our own minds. We are not disarmed by being disencumbered of our passions. Declaiming on Rebellion never added a bayonet, or a charge of powder, to your military force; but I am afraid that it has been the means of taking up many a musket against you.

This outrageous language, which has been encouraged and kept alive by every art, has already done incredible mischief. For a long time, even amidst the desolations of war, and the insults of hostile laws daily accumulated on one another, the American leaders seem to have had the greatest difficulty in bringing up their people to a declaration of total independence. But the Court Gazette accomplished what the abettors of independence had attempted in vain. When that disingenuous compilation, and strange medley of railing and flattery, was adduced, as a proof of the united sentiments

ments of the people of Great Britain, there was a great change throughout all America. The tide of popular affection, which had still set towards the parent country, began immediately to turn; and to flow with great rapidity in a contrary course. Far from concealing these wild declarations of enmity, the author of the celebrated pamphlet which prepared the minds of the people for independence, insists largely on the multitude and the spirit of these Addresses; and he draws an argument from them, which (if the fact were as he supposes) must be irresistible. For I never knew a writer on the theory of government, so partial to authority, as not to allow, that the *hostile mind* of the rulers to their people, did fully justify a change of government. Nor can any reason whatever be given, why one people should voluntarily yield any degree of pre-eminence to another, but on a supposition of great affection and benevolence towards them. Unfortunately your rulers, trusting to other things, took no notice of this great principle of connexion. From the beginning of this affair, they have done all they could to alienate your minds from your own kindred; and if they could excite hatred enough in one of the parties towards the other, they seemed to be of opinion that they had gone half way towards reconciling the quarrel.

I know it is said, that your kindness is only alienated on account of their resistance; and
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therefore if the colonies surrender at discretion all sort of regard, and even much indulgence is meant towards them in future. But can those who are partizans for continuing a war to enforce such a surrender, be responsible, (after all that has passed) for such a future use of a power, that is bound by no compacts, and restrained by no terrors? Will they tell us what they call indulgences? Do they not at this instant call the present war and all its horrors, a lenient and merciful proceeding?

No conqueror, that I ever heard of, has *professed* to make a cruel, harsh, and insolent use of his conquest. No! The man of the most declared pride, scarcely dares to trust his own heart, with this dreadful secret of ambition. But it will appear in its time; and no man who professes to reduce another to the insolent mercy of a foreign arm, ever had any sort of good-will towards him. The profession of kindness, with that sword in his hand, and that demand of surrender, is one of the most provoking acts of his hostility. I shall be told, that all this is lenient, as against rebellious adversaries. But are the leaders of their faction more lenient to those who submit! Lord Howe and General Howe have powers under an Act of Parliament, to restore to the King's peace and to free trade any men, or district, which shall submit. Is this done? We have been over and over informed by the
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authorised Gazette, that the city of New York and the countries of Staten and Long Island have submitted voluntarily and cheerfully, and that many in these places are full even of zeal to the cause of Administration. Were they instantly restored to trade? Are they yet restored to it? Is not the benignity of two commissioners, naturally most humane and generous men, some way fettered by instructions, equally against their dispositions and the spirit of parliamentary faith, when Mr. Tryon, vaunting of the fidelity of the City in which he is Governor, is obliged to apply to ministry for leave to protect the King's loyal subjects, and to grant to them (not the disputed rights and privileges of freedom) but the common rights of men, by the name of *Graces*? Why do not the commissioners restore them on the spot? Were they not named as commissioners for that express purpose? But we see well enough to what the whole leads. The trade of America is to be dealt out in *private indulgences and graces*; that is in jobs to recompence the incendiaries of war. *They* will be informed of the proper time in which to send out their merchandise. From a national, the American trade is to be turned into a personal monopoly: and one set of Merchants are to be rewarded for the pretended zeal, of which another set are the dupes; and thus between craft and credulity, the voice of reason is stifled; and all the misconduct, all the calamities of the war are covered and continued.

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If I had not lived long enough to be little surprized at any thing, I should have been in some degree astonished at the continued rage of several Gentlemen, who, not satisfied with carrying fire and sword into America, are animated nearly with the same fury against those neighbours of theirs, whose only crime it is, that they have charitably and humanely wished them to entertain more reasonable sentiments, and not always to sacrifice their interest to their passion. All this rage against unresisting dissent, convinces me, that at bottom they are far from satisfied they are in the right. For what is it they would have? A war? They certainly have at this moment the blessing of something that is very like one; and if the war they enjoy at present be not sufficiently hot and extensive, they may shortly have it as warm and as spreading as their hearts can desire. Is it the force of the Kingdom they call for? They have it already; and if they choose to fight their battles in their own person, no body prevents their setting sail to America in the next transports. Do they think, that the service is stinted for want of liberal supplies? Indeed they complain without reason. The table of the House of Commons will glut them, let their appetite for expence be never so keen. And I assure them further, that those who think with them in the House of Commons are full as easy in the

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control, as they are liberal in the vote of these expences. If this be not supply or confidence sufficient, let them open their own private purse strings and give from what is left to them, as largely and with as little care as they think proper.

Tolerated in their passions, let them learn not to persecute the moderation of their fellow-citizens. If all the world joined them in a full cry against rebellion, and were as hotly inflamed against the whole theory and enjoyment of freedom, as those who are the most factious for servitude, it could not in my opinion answer any one end whatsoever in this contest. The leaders of this war could not hire (to gratify their friends) one German more, than they do; or inspire him with less feeling for the persons, or less value for the privileges of their revolted brethren. If we all adopted their sentiments to a man, their allies the savage Indians, could not be more ferocious than they are: They could not murder one more helpless woman or child, or with more exquisite refinements of cruelty torment to death one more of their English flesh and blood, than they do already. The public money is given to purchase this alliance;—and they have their bargain.

They are continually boasting of unanimity, or calling for it. But before this unanimity
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can be matter either of wish or congratulation, we ought to be pretty sure, that we are engaged in a rational pursuit. Phrensy does not become a slighter distemper on account of the number of those who may be infected with it. Delusion and weakness produce not one mischief the less, because they are universal. I declare, that I cannot discern the least advantage, which could accrue to us, if we were able to persuade our Colonies that they had not a single friend in Great Britain. On the contrary, if the affections and opinions of mankind be not exploded as principles of connexion, I conceive it would be happy for us, if they were taught to believe, that there was even a formed American party in England, to whom they could always look for support! Happy would it be for us, if in all tempers they might turn their eyes to the parent state; so that their very turbulence and sedition should find vent in no other place than this. I believe there is not a man (except those who prefer the interest of some paltry faction to the very being of their country) who would not wish that the Americans should from time to time carry many points, and even some of them not quite reasonable, by the aid of any denomination of men here, rather than they should be driven to seek for protection against the fury of foreign mercenaries, and the waste of savages, in the arms of France.

When any community is subordinately connected with another, the great danger of the connexion is the extreme pride and self-complacency of the superior, which in all matters of controversy will probably decide in its own favour. It is a powerful corrective to such a very rational cause of fear, if the inferior body can be made to believe, that the party inclination or political views of several in the principal state, will induce them in some degree to counteract this blind and tyrannic partiality. There is no danger that any one acquiring consideration or power in the presiding state should carry this leaning to the inferior too far. The fault of human nature is not of that sort. Power in whatever hands is rarely guilty of too strict limitations on itself. But one great advantage to the support of authority attends such an amicable and protecting connexion, that those who have conferred favours obtain influence; and from the foresight of future events can persuade men who have received obligations sometimes to return them. Thus by the mediation of those healing principles, (call them good or evil) troublesome discussions are brought to some sort of adjustment; and every hot controversy is not a civil war.

But, if the Colonies (to bring the general matter home to us) could see, that in Great Britain the mass of the people is melted into its Government, and that every dispute with the
Ministry

Ministry must of necessity be always a quarrel with the nation ; they can stand no longer in the equal and friendly relation of fellow-citizens to the subjects of this Kingdom. Humble as this relation may appear to some, when it is once broken, a strong tie is dissolved. Other sort of connexions will be sought. For, there are very few in the world, who will not prefer an useful ally to an insolent master.

Such discord has been the effect of the unanimity into which so many have of late been seduced or bullied, or into the appearance of which they have sunk through mere despair. They have been told that their dissent from violent measures is an encouragement to rebellion. Men of great presumption and little knowledge will hold a language which is contradicted by the whole course of history. *General* rebellions and revolts of an whole people never were *encouraged*, now or at any time. They are always *provoked*. But if this unheard-of doctrine of the encouragement of rebellion were true, if it were true, that an assurance of the friendship of numbers in this country towards the colonies, could become an encouragement to them to break off all connexion with it, what is the inference? Does any body seriously maintain, that, charged with my share of the public councils, I am obliged not to resist projects which I think mischievous, lest men who suffer should be en-

couraged to resist? The very tendency of such projects to produce rebellion is one of the chief reasons against them. Shall that reason not be given? Is it then a rule, that no man in this nation shall open his mouth in favour of the Colonies, shall defend their rights, or complain of their sufferings? Or, when war finally breaks out, no man shall express his desires of peace? Has this been the law of our past, or is it to make the terms of our future connexion? Even looking no further than ourselves, can it be true loyalty to any government, or true patriotism towards any country, to degrade their solemn councils into servile drawing-rooms, to flatter their pride and passions, rather than to enlighten their reason, and to prevent them from being cautioned against violence, lest others should be encouraged to resistance! By such acquiescence great Kings and mighty nations have been undone; and if any are at this day in a perilous situation from rejecting truth, and listening to flattery, it would rather become them to reform the errors under which they suffer, than to reproach those who have forewarned them of their danger.

But the rebels looked for assistance from this country. They did so in the beginning of this controversy most certainly; and they sought it by earnest supplications to Government, which dignity rejected, and by a suspension of commerce,

merce, which the wealth of this nation enabled you to despise. When they found that neither prayers nor menaces had any sort of weight, but that a firm resolution was taken to reduce them to unconditional obedience by a military force, they came to the last extremity. Despairing of us, they trusted in themselves. Not strong enough themselves, they sought succour in France. In proportion as all encouragement here lessened, their distance from this country encreased. The encouragement is over; the alienation is compleat.

In order to produce this favourite unanimity in delusion, and to prevent all possibility of a return to our antient happy concord, arguments for our continuance in this course are drawn from the wretched situation itself into which we have been betrayed. It is said, that being at war with the Colonies, whatever our sentiments might have been before, all ties between us are now dissolved; and all the policy we have left is to strengthen the hands of Government to reduce them. On the principle of this argument, the more mischiefs we suffer from any administration, the more our trust in it is to be confirmed. Let them but once get us into a war, their power is then safe, and an act of oblivion past for all their misconduct.

But is it really true, that Government is always to be strengthened with the instruments of war, but never furnished with the means of peace? In former times ministers, I allow, have been sometimes driven by the popular voice to assert by arms the national honour against foreign powers. But the wisdom of the nation has been far more clear, when those ministers have been compelled to consult its interests by treaty. We all know that the sense of the nation obliged the Court of King Charles the 2d, to abandon the *Dutch war*; a war next to the present the most impolitic which we ever carried on. The good people of England considered Holland as a sort of dependency on this Kingdom; they dreaded to drive it to the protection, or to subject it to the power of France, by their own inconsiderate hostility. They paid but little respect to the court jargon of that day: They were not inflamed by the pretended rivalry of the Dutch in trade; by their Massacre at Amboyna, acted on the stage to provoke the public vengeance; nor by declamations against the ingratitude of the United Provinces for the benefits England had conferred upon them in their infant state. They were not moved from their evident interest by all these arts; nor was it enough to tell them, they were at war; that they must go through with it; and that the cause of the dispute was lost in the consequences. The people of England were then,

then, as they are now, called upon to make government strong. They thought it a great deal better to make it wise and honest.

When I was amongst my constituents at the last Summer Assizes, I remember that men of all descriptions did then express a very strong desire for peace, and no slight hopes of attaining it from the commission sent out by my lord Howe. And it is not a little remarkable, that in proportion as every person shewed a zeal for the court measures, he was at that time earnest in circulating an opinion of the extent of the supposed powers of that commission. When I told them that lord Howe had no powers to treat, or to promise satisfaction on any point whatsoever of the controversy, I was hardly credited; so strong and general was the desire of terminating this war by the method of accommodation. As far as I could discover, this was the temper then prevalent through the kingdom. The king's forces, it must be observed, had at that time been obliged to evacuate Boston. The superiority of the former campaign rested wholly with the Colonists. If such powers of treaty were to be wished, whilst success was very doubtful, how came they to be less so, since his Majesty's arms have been crowned with many considerable advantages? Have these successes induced us to alter our mind, as thinking the season of victory not the time
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for treating with honour or advantage? Whatever changes have happened in the national character, it can scarcely be our wish, that terms of accommodation never should be proposed to our enemy, except when they must be attributed solely to our fears. It has happened, let me say unfortunately, that we read of his Majesty's commission for making peace, and his troops evacuating his last town in the thirteen colonies at the same hour, and in the same Gazette. It was still more unfortunate, that no commission went to America to settle the troubles there, until several months after an act had been passed to put the colonies out of the protection of this government, and to divide their trading property without a possibility of restitution, as spoil among the seamen of the navy. The most abject submission on the part of the colonies could not redeem them. There was no man on that whole continent, or within three thousand miles of it, qualified by law to follow allegiance with protection, or submission with pardon. A proceeding of this kind has no example in history. Independency, and independency with an enmity (which putting ourselves out of the question would be called natural and much provoked) was the inevitable consequence. How this came to pass, the nation may be one day in an humour to enquire.

All the attempts made this session to give fuller powers of peace to the commanders in America, were stifled by the fatal confidence of victory, and the wild hopes of unconditional submission. There was a moment, favourable to the king's arms, when if any powers of concession had existed, on the other side of the Atlantick, even after all our errors, peace in all probability might have been restored. But calamity is unhappily the usual season of reflexion; and the pride of men will not often suffer reason to have any scope until it can be no longer of service.

I have always wished, that as the dispute had its apparent origin from things done in Parliament, and as the acts passed there had provoked the war, that the foundations of peace should be laid in Parliament also. I have been astonished to find, that those whose zeal for the dignity of our body was so hot, as to light up the flames of civil war, should even publicly declare, that these delicate points ought to be wholly left to the Crown. Poorly as I may be thought affected to the authority of Parliament, I shall never admit that our constitutional rights can ever become a matter of ministerial negotiation.

I am charged with being an American. If warm affection, towards those over whom I claim any share of authority, be a crime, I
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am guilty of this charge. But I do assure you (and they who know me publickly and privately will bear witness to me) that if ever one man lived, more zealous than another, for the supremacy of Parliament, and the rights of this imperial Crown, it was myself. Many others indeed might be more knowing in the extent, or in the foundation of these rights. I do not pretend to be an Antiquary, or a Lawyer, or qualified for the chair of Professor in Metaphysics. I never ventured to put your solid interests upon speculative grounds. My having constantly declined to do so has been attributed to my incapacity for such disquisitions; and I am inclined to believe it is partly the cause. I never shall be ashamed to confess, that where I am ignorant I am diffident. I am indeed not very solicitous to clear myself of this imputed incapacity; because men, even less conversant than I am, in this kind of subtleties, and placed in stations, to which I ought not to aspire, have, by the mere force of civil discretion, often conducted the affairs of great nations with distinguished felicity and glory.

When I first came into a publick trust, I found your Parliament in possession of an unlimited legislative power over the Colonies. I could not open the Statute-Book, without seeing the actual exercise of it, more or less, in all cases whatsoever. This possession passed
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with me for a title. It does so in all human affairs. No man examines into the defects of his title to his paternal estate, or to his established government. Indeed, common sense taught me, that a legislative authority, not actually limited by the express terms of its foundation, or by its own subsequent acts, cannot have its powers parcelled out by argumentative distinctions, so as to enable us to affirm, that here they can, and there they cannot bind. Nobody was so obliging as to produce to me any record of such distinctions, by compact or otherwise, either at the successive formation of the several Colonies, or during the existence of any of them. If other Gentlemen were able to see, how one power could be given up, (merely on abstract reasoning) without giving up the rest, I can only say, that they saw further than I could; nor did I ever presume to condemn any one for being clear-sighted, when I was blind. I praise their penetration and learning; and hope that their practice has been correspondent to their theory.

I had indeed very earnest wishes to keep the whole body of this authority perfect and entire as I found it, and to keep it so, not for our advantage solely, but principally for the sake of those, on whose account all just authority exists; I mean the people to be governed. For I thought I saw, that many cases might
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well happen, in which the exercise of every power, comprehended in the broadest idea of legislature, might become, in its time and circumstances, not a little expedient for the peace and union of the Colonies amongst themselves, as well as for their perfect harmony with Great-Britain. Thinking so, (perhaps erroneously) but being honestly of that opinion, I was at the same time very sure, that the authority of which I was so jealous, could not, under the actual circumstances of our Plantations, be at all preserved in any of its members, but by the greatest reserve in its application; particularly in those delicate points, in which the feelings of mankind are the most irritable. They who thought otherwise, have found a few more difficulties in their work, than (I hope) they were thoroughly aware of, when they undertook the present business.

I must beg leave to observe, that it is not only the invidious branch of taxation that will be resisted, but that no other given part of legislative rights can be safely exercised, without regard to the general opinion of those who are to be governed. That general opinion is the vehicle, and organ of legislative omnipotence. Without this, the extent of legislative power may be a theory to entertain the mind, but it is nothing in the direction of affairs. The compleatness of the legislative authority

authority of Parliament *over this kingdom* is not questioned; and yet there are many things indubitably included in the abstract idea of that power, and which carry no absolute injustice in themselves, which, being contrary to the opinions and feelings of the people, can as little be exercised, as if Parliament in such cases had been possessed of no right at all. I see no abstract reason, which can be given, why the same power that made and repealed the High Commission Court and the Star Chamber, might not revive them again; and these courts, warned by their former fate, might possibly exercise their powers with some degree of justice. But the madness would be as unquestionable, as the competence, of that Parliament, which should make such attempts. If any thing can be supposed out of the power of human legislature, it is Religion; I admit however that the established religion of this country has been three or four times altered by act of parliament; and therefore that a statute binds even in that case. But we may very safely affirm, that notwithstanding this apparent omnipotence, it would be now found as impossible for King and Parliament to change the established religion of this country, as it was to King *James* alone, when he attempted to make such an alteration without a Parliament. In effect, to follow, not to force the publick inclination; to give a direction, a form, a technical dress and a specifick

a specifick function, to the general sense of the community, is the true end of legislature. When it goes beyond this, its authority will be precarious, let its rights be what they will.

It is so with regard to the exercise of all the powers, which our constitution knows in any of its parts, and indeed to the substantial existence of any of the parts themselves. The King's negative to bills is one of the most indisputed of the royal prerogatives; and it extends to all cases whatsoever. I am far from certain, that if several laws, which I know, had fallen under the stroke of that sceptre, that the publick would have had a very heavy loss. But it is not the *propriety* of the exercise which is in question. The exercise itself is wisely foreborne. Its repose may be the preservation of its existence; and its existence may be the means of saving the constitution itself, on an occasion worthy of bringing it forth.

As the disputants, whose accurate and logical reasonings have brought us into our present condition, think it absurd that powers, or members of any constitution should exist, rarely if ever to be exercised, I hope, I shall be excused in mentioning another instance, that is material. We know, that the Convocation of the Clergy had formerly been called,
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and sat with nearly as much regularity to business as Parliament itself. It is now called for form only. It sits for the purpose of making some polite ecclesiastical compliments to the King; and when that grace is said, retires and is heard of no more. It is however *a part of the Constitution*, and may be called out into act and energy, whenever there is occasion; and whenever those, who conjure up that spirit, will choose to abide the consequences. It is wise to permit its legal existence; it is much wiser to continue it a legal existence only. So truly has Prudence, (constituted as the God of this lower world) the entire dominion over every exercise of power, committed into its hands; and yet I have lived to see prudence and conformity to circumstances, wholly set at naught in our late controversies, and treated as if they were the most contemptible and irrational of all things. I have heard it an hundred times very gravely alledged, that in order to keep power in wind, it was necessary, by preference, to exert it in those very points in which it was most likely to be resisted, and the least likely to be productive of any advantage.

These were the considerations, Gentlemen, which led me early to think, that in the comprehensive dominion which the divine Providence had put into our hands, instead of troubling our understandings with speculations

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concerning the unity of empire, and the identity or distinction of legislative powers, and inflaming our passions with the heat and pride of controversy, it was our duty, in all soberness, to conform our Government to the character and circumstances of the several people who compose this mighty and strangely diversified mass. I never was wild enough to conceive, that one method would serve for the whole; I could never conceive that the natives of *Hindustan* and those of *Virginia* could be ordered in the same manner; or that the *Cutchery* Court and the grand Jury of *Salem* could be regulated on a similar plan. I was persuaded, that Government was a practical thing, made for the happiness of mankind, and not to furnish out a spectacle of uniformity, to gratify the schemes of visionary politicians. Our business was to rule, not to wrangle; and it would have been a poor compensation that we had triumphed in a dispute, whilst we lost an empire.

If there be one fact in the world perfectly clear, it is this; "That the disposition of the people of America is wholly averse to any other than a free Government;" and this known character of the people is indication enough to any honest statesman, how he ought to adapt whatever power he finds in his hands to their case. If any ask me what a free Government is? I answer, that, for any practical

practical purpose, it is what the people think so ; and that they, and not I, are the natural, lawful, and competent judges of this matter. If they practically allow me a greater degree of authority over them than is consistent with any correct ideas of perfect freedom, I ought to thank them for so great a trust, and not to endeavour to prove from thence, that they have reasoned amiss, and that having gone so far, by analogy, they must hereafter have no enjoyment but by my pleasure.

If we had seen this done by any others, we must have concluded them far gone in madness. It is melancholy as well as ridiculous, to observe the kind of reasoning with which the publick has been amused, in order to divert our minds from the common sense of our American policy. There are people, who have split and anatomised the doctrine of free Government, as if it were an abstract question concerning metaphysical liberty and necessity ; and not a matter of moral prudence and natural feeling. They have disputed, whether liberty be a positive or a negative idea ; whether it does not consist in being governed by laws ; without considering what are the laws or who are the makers ; they have questioned whether man has any rights by nature ; and whether all the property he enjoys, be not the alms of his government, and his life itself their favour and indulgence. Others cor-
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rupting religion, as these have perverted philosophy, contend, that Christians are redeemed into captivity; and the blood of the Saviour of mankind has been shed to make them the slaves of a few proud and insolent sinners. These shocking extremes, provoking to extremes of another kind, speculations are let loose as destructive to all authority, as the former are to all freedom. In this manner the stirrers up of this contention, not satisfied with distracting our dependencies and filling them with blood and slaughter, are corrupting our understandings: they are endeavouring to tear up, along with practical liberty, all the foundations of human society, all equity and justice, religion and order.

Civil freedom, gentlemen, is not, as many have endeavoured to persuade you, a thing that lies hid in the depths of abstruse science. It is a blessing and a benefit, not an abstract speculation; and all the just reasoning that can be upon it, is of so coarse a texture, as perfectly to suit the ordinary capacities of those who are to enjoy, and of those who are to defend it. Far from any resemblance to those propositions in Geometry and Metaphysics, which admit no medium, but must be true or false in all their latitude, social and civil freedom, like all other things in common life, are variously mixed and modified, enjoyed in very different degrees, and shaped
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into an infinite diversity of forms, according to the temper and circumstances of every community. The *extreme* of liberty (which is its abstract perfection, but its real fault) obtains no where, nor ought to obtain any where. Because extremes, as we all know, in every point which relates either to our duties or satisfactions in life, are destructive both to virtue and enjoyment. Liberty too must be limited in order to be possessed. The degree of restraint it is impossible in any case to settle precisely. But it ought to be the constant aim of every wise publick counsel, to find out by cautious experiments, and rational, cool endeavours, with how little, not how much of this restraint, the community can subsist. For liberty is a good to be improved, and not an evil to be lessened. It is not only a private blessing of the first order, but the vital spring and energy of the state itself, which has just so much life and vigour as there is liberty in it. But whether liberty be advantageous or not, (for I know it is a fashion to decry the very principle) none will dispute that peace is a blessing; and peace must in the course of human affairs be frequently bought by some indulgence and toleration at least to liberty. For as the Sabbath (though of divine institution) was made for man, not man for the Sabbath, government, which can claim no higher origin or authority, in its exercise at least, ought to conform to the exigencies of the time

and the temper and character of the people, with whom it is concerned; and not always to attempt violently to bend the people to their theories of subjection. The bulk of mankind on their part are not excessively curious concerning any theories, whilst they are really happy; and one sure symptom of an ill conducted state, is the propensity of the people to resort to them.

But when subjects, by a long course of such ill conduct, are once thoroughly inflamed, and the state itself violently distempered, the people must have some satisfaction to their feelings, more solid than a sophistical speculation on law and government. Such was our situation; and such a satisfaction was necessary to prevent recourse to arms; it was necessary towards laying them down; it will be necessary to prevent the taking them up again and again. Of what nature this satisfaction ought to be, I wish it had been the disposition of Parliament seriously to consider. It was certainly a deliberation that called for the exertion of all their wisdom.

I am, and ever have been deeply sensible, of the difficulty of reconciling the strong presiding power, that is so useful towards the conservation of a vast, disconnected, infinitely diversified empire, with that liberty and safety of the provinces, which they must enjoy, (in
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opinion and practice at least) or they will not be provinces at all. I know, and have long felt, the difficulty of reconciling the unwieldy haughtiness of a great ruling nation, habituated to command, pampered by enormous wealth, and confident from a long course of prosperity and victory, to the high spirit of free dependencies, animated with the first glow and activity of juvenile heat, and assuming to themselves as their birth-right, some part of that very pride which oppresses them. They who perceive no difficulty in reconciling these tempers, (which however to make peace must some way or other be reconciled), are much above my capacity, or much below the magnitude of the business. Of one thing I am perfectly clear, that it is not by deciding the suit, but by compromising the difference, that peace can be restored or kept. They who would put an end to such quarrels, by declaring roundly in favour of the whole demands of either party, have mistaken in my humble opinion, the office of a mediator.

The war is now of full two years standing; the controversy of many more. In different periods of the dispute, different methods of reconciliation were to be pursued. I mean to trouble you with a short state of things at the most important of these periods, in order to give you a more distinct idea of our policy with regard to this most delicate of all objects.

The Colonies were from the beginning subject to the legislature of Great Britain, on principles which they never examined; and we permitted to them many local privileges, without asking how they agreed with that legislative authority. Modes of administration were formed in an insensible, and very unsystematick manner. But they gradually adapted themselves to the varying condition of things.— What was first a single kingdom stretched into an empire; and an imperial superintendency of some kind or other became necessary. Parliament, from a mere representative of the people, and a guardian of popular privileges for its own immediate constituents, grew into a mighty sovereign. Instead of being a control on the Crown on its own behalf, it communicated a sort of strength to the Royal authority; which was wanted for the conservation of a new object, but which could not be safely trusted to the Crown alone. On the other hand, the Colonies advancing by equal steps, and governed by the same necessity, had formed within themselves, either by royal instruction, or royal charter, assemblies so exceedingly resembling a parliament, in all their forms, functions, and powers, that it was impossible they should not imbibe some opinion of a similar authority,

At the first designation of these assemblies, they were probably not intended for any thing more,

more, (nor perhaps did they think themselves much higher) than the municipal corporations within this Island, to which some at present love to compare them. But nothing in progression can rest on its original plan. We may as well think of rocking a grown man in the cradle of an infant. Therefore, as the Colonies prospered and encreased to a numerous and mighty people, spreading over a very great tract of the globe; it was natural that they should attribute to assemblies, so respectable in their formal constitution, some part of the dignity of the great nations which they represented. No longer tied to bye-laws, these assemblies made acts of all sorts and in all cases whatsoever. They levied money, not for parochial purposes, but upon regular grants to the Crown, following all the rules and principles of a Parliament, to which they approached every day more and more nearly. Those who think themselves wiser than Providence and stronger than the course of nature, may complain of all this variation, on the one side or the other, as their several humours and prejudices may lead them. But things could not be otherwise; and English Colonies must be had on these terms, or not had at all. In the mean time neither party felt any inconvenience from this double legislature, to which they had been formed by imperceptible habits, and old custom, the great support of all the governments in the world. Though these two legislatures

latures were sometimes found perhaps performing the very same functions, they did not very grossly or systematically clash. In all likelihood this arose from mere neglect; possibly from the natural operation of things, which, left to themselves, generally fall into their proper order. But whatever was the cause, it is certain, that a regular revenue by the authority of Parliament for the support of civil and military establishments, seems not to have been thought of until the Colonies were too proud to submit, too strong to be forced, too enlightened not to see all the consequences which must arise from such a system.

If ever this scheme of taxation was to be pushed against the inclinations of the people, it was evident, that discussions must arise, which would let loose all the elements that composed this double constitution; would shew how much each of their members had departed from its original principles; and would discover contradictions in each legislature, as well to its own first principles, as to its relation to the other, very difficult if not absolutely impossible to be reconciled.

Therefore at the first fatal opening of this contest, the wisest course seemed to be to put an end as soon as possible to the immediate causes of the dispute; and to quiet a discussion, not easily settled upon clear principles, and arising

arising from claims, which pride would permit neither party to abandon, by resorting as nearly as possible, to the old successful course. A mere repeal of the obnoxious tax, with a declaration of the legislative authority of this kingdom, was then fully sufficient to procure peace to *both sides*. Man is a creature of habit; and the first breach being of very short continuance, the Colonies fell back exactly into their antient state. The Congress has used an expression with regard to this pacification which appears to me truly significant. After the repeal of the Stamp Act, "the Colonies fell," says this assembly, "into their antient state of *unsuspecting confidence in the Mother Country*." This unsuspecting confidence is the true center of gravity amongst mankind, about which all the parts are at rest. It is this *unsuspecting confidence* that removes all difficulties, and reconciles all the contradictions which occur in the complexity of all antient puzzled political establishments. Happy are the rulers which have the secret of preserving it!

The whole empire has reason to remember with eternal gratitude, the wisdom and temper of that man and his excellent associates, who, to recover this confidence, formed the plan of pacification in 1766. That plan, being built upon the nature of man, and the circumstances and habits of the two countries, and not on any visionary speculations, perfectly answered
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its end, as long as it was thought proper to adhere to it. Without giving a rude shock to the dignity (well or ill understood) of this Parliament, it gave perfect content to our dependencies. Had it not been for the mediatorial spirit and talents of that great man, between such clashing pretensions and passions, we should then have rushed headlong (I know what I say) into the calamities of that civil war, in which, by departing from his system, we are at length involved; and we should have been precipitated into that war, at a time, when circumstances both at home and abroad were far, very far, more unfavourable unto us than they were at the breaking out of the present troubles.

I had the happiness of giving my first votes in Parliament for that pacification. I was one of those almost unanimous members, who, in the necessary concessions of Parliament, would as much as possible have preserved its authority, and respected its honour. I could not at once tear from my heart prejudices which were dear to me, and which bore a resemblance to virtues. I had then, and I have still, my partialities. What Parliament gave up I wished to be given, as of grace, and favour, and affection, and not as a restitution of stolen goods. High dignity relented as it was soothed; and an act of benignity from old acknowledged greatness had its full effect on our dependencies. Our unlimited declaration of legislative authority

authority produced not a single murmur. If this undefined power has become odious since that time, and full of horror to the Colonies, it is because the *unsuspicious confidence* is lost; and the parental affection, in the bosom of whose boundless authority they reposed their privileges, is become estranged and hostile.

It will be asked, if such was then my opinion of the mode of pacification, how I came to be the very person who moved, not only for a repeal of all the late coercive statutes, but for mutilating, by a positive law, the entireness of the legislative power of Parliament, and cutting off from it the whole right of taxation? I answer, because a different state of things requires a different conduct. When the dispute had gone to the last extremities (which no man laboured more to prevent than I did) the concessions which had satisfied in the beginning, could satisfy no longer; the violation of tacit faith required explicit security. The same cause, which has introduced all formal compacts and covenants among men made it necessary: I mean, habits of foreness, jealousy, and distrust. I parted with it, as with a limb: but as with a limb to save the body; and I would have parted with more, if more had been necessary. Any thing rather than a fruitless, hopeless, unnatural civil war. This mode of yielding would, it is said, give way to independency, without a war. I am persuaded

suaded from the nature of things, and from every information, that it would have had a directly contrary effect. But if it had this effect, I confess, that I should prefer independency without war, to independency with it; and I have so much trust in the inclinations and prejudices of mankind, and so little in any thing else, that I should expect ten times more benefit to this Kingdom from the affection of America, though under a separate establishment, than from her perfect submission to the Crown and Parliament, accompanied with her terror, disgust, and abhorrence. Bodies tied together by so unnatural a bond of union, as mutual hatred, are only connected to their ruin.

One hundred and ten respectable Members of Parliament voted for that concession. Many not present, when the motion was made, were of the sentiments of those who voted. I knew it would then have made peace. I am not without hopes that it would do so at present, if it were adopted. No benefit, no revenue, could be lost by it. For be fully assured, that, of all the phantoms that ever deluded the fond hopes of a credulous world, a parliamentary revenue in the Colonies is the most perfectly chimerical. Your breaking them to any subjection, far from relieving your burthens, (the pretext for this war,) will never pay that military force which will be kept up to the destruction
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of their liberties and yours. I risque nothing in this prophecy.

Gentlemen, you have my opinion on the present state of public affairs. Mean as these opinions may be in themselves, your partiality has made them of some importance. Without troubling myself to enquire whether I am under a formal obligation to it, I have a pleasure in accounting for my conduct to my Constituents. I feel warmly on this subject, and I express myself as I feel. If I presume to blame any public proceeding, I cannot be supposed to be personal. Would to God I could be suspected of it. My fault might be greater, but the public calamity would be less extensive. If my conduct has not been able to make any impression on the warm part of that antient and powerful party, with whose support, I was not honoured at my Election; on my side, my respect, regard, and duty to them is not at all lessened. I owe the Gentlemen who compose it my most humble service in every thing. I hope that whenever any of them were pleased to command me, that they found me perfectly equal in my obedience. But flattery and friendship are very different things; and to mislead is not to serve them. I cannot purchase the favour of any man by concealing from him what I think his ruin.

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By the favour of my fellow-citizens, I am the representative of an honest, well-ordered, virtuous City ; of a people, who preserve more of the original English simplicity, and purity of manners, than perhaps any other. You possess among you several men and magistrates of large and cultivated understandings, fit for any employment in any sphere. I do, to the best of my power, act so as to make myself worthy of so honourable a choice. If I were ready, on any call of my own vanity or interest, or to answer any election purpose, to forsake principles, (whatever they are) which I had formed at a mature age, on full reflexion, and which have been confirmed by long experience, I should forfeit the only thing which makes you pardon so many errors and imperfections in me.

Not that I think it fit for any one to rely too much on his own understanding ; or to be filled with a presumption, not becoming a Christian man, in his own personal stability and rectitude. I hope I am far from that vain confidence, which almost always fails in trial. I know my weakness in all respects, as much at least as any enemy I have ; and I attempt to take security against it. The only method which has ever been found effectual to preserve any man against the corruption of nature and example, is an habit of life and communication of councils with the most virtuous and
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public spirited men of the age you live in. Such a society cannot be kept without advantage, or deserted without shame. For this rule of conduct I may be called in reproach a *party man*; but I am little affected with such aspersions. In the way which they call party, I worship the constitution of your fathers; and I shall never blush for my political company. All reverence to honour, all idea of what it is, will be lost out of the world, before it can be imputed as a fault to any man, that he has been closely connected with those incomparable persons, living and dead, with whom for eleven years I have constantly thought and acted. If I have wandered out of the paths of rectitude, into those of interested faction, it was in company with the Saviles, the Dowdeswells, the Wentworths, the Bentincks; with the Lenoxes, the Manchesters, the Keppels, the Saunders's; with the temperate, permanent, hereditary virtue of the whole house of Cavendish; names, among which, some have extended your fame and empire in arms, and all have fought the battle of your liberties in fields not less glorious.— These, and many more like these, grafting public principles on private honour, have redeemed the present age, and would have adorned the most splendid period in your history. Where could a man, conscious of his inability to act alone, and willing to act as he ought to do, have arranged himself better? If any one thinks this kind of society to be taken up as

the best method of gratifying low personal pride, or ambitious interest, he is mistaken; and knows nothing of the world.

Preferring this connexion; I do not mean to detract in the slightest degree from others. There are some of those, whom I admire at something of a greater distance, with whom I have had the happiness also perfectly to agree, in almost all the particulars, in which I have differed with some successive administrations; and they are such, as it never can be reputable to any government to reckon among its enemies.

I hope there are none of you, corrupted with the doctrine taught by wicked men for the worst purposes, and greedily received by the malignant credulity of envy and ignorance, which is, that the men who act upon the public stage are all alike; all equally corrupt; all influenced by no other views than the fordid lucre of salary and pension. The thing, I know by experience to be false. Never expecting to find perfection in men, and not looking for divine attributes in created beings, in my commerce with my cotemporaries, I have found much human virtue. I have seen not a little public spirit; a real subordination of interest to duty; and a decent and regulated sensibility to honest fame and reputation. The age unquestionably

tionably produces, (whether in a greater or less number than in former times, I know not) daring profligates, and insidious hypocrites. What then? Am I not to avail myself of whatever good is to be found in the world, because of the mixture of evil that will always be in it? The smallness of the quantity in currency only heightens the value. They, who raise suspicions on the good on account of the behaviour of ill men, are of the party of the latter. The common cant is no justification for taking this party. I have been deceived, say they, by *Titius* and *Mævius*. I have been the dupe of this pretender or of that mountebank; and I can trust appearances no longer. But my credulity and want of discernment cannot, as I conceive, amount to a fair presumption against any man's integrity. A conscientious person would rather doubt his own judgment, than condemn his species. He would say, I have observed without attention, or judged upon erroneous maxims; I trusted to profession, when I ought to have attended to conduct. Such a man will grow wise, not malignant, by his acquaintance with the world. But he that accuses all mankind of corruption ought to remember that he is sure to convict only one. In truth I should much rather admit those, whom at any time I have disrelieved the most, to be patterns of perfection, than seek a consolation to my own unworthiness, in a general communion of depravity with all about me.

That this ill-natured doctrine should be preached by the missionaries of a court, I do not wonder. It answers their purpose. But that it should be heard among those who pretend to be strong assertors of liberty, is not only surprising, but hardly natural. This moral leveling is a *servile principle*. It leads to practical passive obedience far better, than all the doctrines, which the pliant accommodation of Theology to power, has ever produced. It cuts up by the roots, not only all idea of forcible resistance, but even of civil opposition. It disposes men to an abject submission, not by opinion, which may be shaken by argument or altered by passion, but by the strong ties of public and private interest. For if all men who act in a public situation are equally selfish, corrupt, and venal, what reason can be given for desiring any sort of change, which, besides the evils which must attend all changes, can be productive of no possible advantage? The active men in the state are true samples of the mass. If they are universally depraved, the common-wealth itself is not sound. We may amuse ourselves with talking as much as we please of the virtue of middle or humble life; that is, we may place our confidence in the virtue of those who have never been tried. But if the persons who are continually emerging out of that sphere, be no better than those whom
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birth has placed above it, what hopes are there in the remainder of the body which is to furnish the perpetual succession of the state? All who have ever written on government, are unanimous, that among a people generally corrupt, liberty cannot long exist. And indeed how is it possible? when those who are to make the laws, to guard, to enforce, or to obey them, are, by a tacit confederacy of manners, indisposed to the spirit of all generous and noble institutions.

I am aware that the age is not what we all wish. But I am sure, that the only means of checking its precipitate degeneracy, is heartily to concur with whatever is the best in our time; and to have some more correct standard of judging what that best is, than the transient and uncertain favour of a court. If once we are able to find, and can prevail on ourselves to strengthen an union of such men, whatever accidentally becomes indisposed to ill-exercised power, even by the ordinary operation of human passions, must join with that society, and cannot long be joined, without in some degree assimilating to it. Virtue will catch as well as vice by contact; and the public stock of honest manly principle will daily accumulate. We are not too nicely to scrutinize motives as long as action is irreproachable. It is enough, (and for a worthy man perhaps too much) to deal
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deal out its infamy to convicted guilt and declared apostacy.

To act on the principles of the constitution, with the best men the time affords, has been from the beginning the rule of my conduct; and I mean to continue it, as long as such a body as I have described, can by any possibility be kept together. For I should think it the most dreadful of all offences, not only towards the present generation but to all the future, if I were to do any thing which could make the minutest breach in this great conservatory of free principles. Those who perhaps have the same intentions, but are separated by some little political animosities, will, I hope, discern at last, how little conducive it is to any rational purpose, to lower its reputation. For my part, Gentlemen, from much experience, from no little thinking, and from comparing a great variety of things, I am thoroughly persuaded, that the last hopes of preserving the spirit of the English Constitution, or of re-uniting the dissipated members of the English race upon a common plan of tranquillity and liberty, does entirely depend on the firm and lasting union of such men; and above all on their keeping themselves from that despair, which is so very apt to fall on those, whom a violence of character, and a mixture of ambitious views, do not support through a long, painful, and unsuccessful struggle.

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There never, Gentlemen, was a period in which the steadfastness of some men has been put to so sore a trial. It is not very difficult for well-formed minds to abandon their interest; but the separation of fame and virtue is an harsh divorce. Liberty is in danger of being made unpopular to Englishmen. Contending for an imaginary power, we begin to acquire the spirit of domination, and to lose the relish of honest equality. The principles of our forefathers become suspected to us, because we see them animating the present opposition of our children. The faults which grow out of the luxuriance of freedom, appear much more shocking to us, than the base vices which are generated from the rankness of servitude. Accordingly the least resistance to power appears more inexcusable in our eyes than the greatest abuses of authority. All dread of a standing military force is looked upon as a superstitious panick. All shame of calling in foreigners and savages in a civil contest is worn off. We grow indifferent to the consequences inevitable to ourselves from the plan of ruling half the empire by a mercenary sword. We are taught to believe, that a desire of domineering over our countrymen, is love to our country; that those who hate civil war abet rebellion; and that the amiable and conciliatory virtues of lenity, moderation, and tenderness to the privileges of those who depend

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on this kingdom, are a sort of treason to the state.

It is impossible that we should remain long in a situation, which breeds such notions and dispositions, without some great alteration in the national character. Those ingenuous and feeling minds, who are so fortified against all other things, and so unarmed to whatever approaches in the shape of disgrace, finding the principles, which they considered as sure means of honour, to be grown into disrepute, will retire disheartened and disgusted. Those of a more robust make, the bold, able, ambitious men, who pay some part of their court to power through the people, and substitute the voice of transient opinion in the place of true glory, will give into the general mode. The superior understandings, which ought to correct vulgar prejudice, will confirm and aggravate its errors. Many things have been long operating towards a gradual change in our principles. But this American war has done more in a very few years than all the other causes could have effected in a century. It is therefore not on its own separate account, but because of its attendant circumstances, that I consider its continuance, or its ending in any way but that of an honourable and liberal accommodation, as the greatest evils which can befall us. For that reason I have troubled you with this long letter. For that reason I intreat you again and again, nei-
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