

1 AN INQUIRY INTO THE RIGHTS OF THE BRITISH COLONIES

2 SIR,

3 I TAKE the Liberty to address you, as the Author of "The Regulations lately made concerning "the  
4 Colonies, and the Taxes imposed upon them considered." It is not to the Man, whoever you are, that I  
5 address myself; but it is to the Author of a Pamphlet which, according to the Light I view it in,  
6 endeavours to fix Shackles upon the American Colonies: Shackles which, however nicely polished, can  
7 by no Means sit easy upon Men who have just Sentiments of their own Rights and Liberties.

8 You have indeed brought this Trouble upon yourself, for you fay that " many Steps have been lately  
9 taken by the Ministry to cement and perfect the necessary "Connexion between the Colonies and the  
10 Mother "Kingdom, which every Man who is sincerely interested in what is interesting to his Country  
11 will anxiously Consider the Propriety of, will inquire into the Information, and canvas the Principles  
12 upon "which they have been adopted; and will be ready to applaud what has been well done, condemn  
13 what has been done amiss, and forget any Emendations, Improvements, or Additions, which may be  
14 within his Knowledge, and occur to his Reflexion."

15 Encouraged therefore by so candid an Invitation, I have undertaken to examine, with an honest  
16 Plainness and Freedom, whether the Ministry, by imposing Taxes upon the Colonies by Authority of  
17 Parliament, have pursued a wise and salutary Plan of Government, or whether they have exerted  
18 pernicious and destructive Acts of Power.

19 I pretend not to concern myself with the Regulations lately made to encourage Population in the new  
20 Acquisitions: Time can only determine whether the Reasons upon which they have been founded are  
21 agreeable to the Maxims of Trade and found Policy, or not. However, I will venture to observe that if  
22 the most powerful inducement towards peopling those Acquisitions is to arise from the Expectation of  
23 a Constitution to be established in them familiar to the other Royal Governments in America, it must  
24 be a strong Circumstance, in my Opinion, against their being settled by Englishmen, or even by  
25 Foreigners, who do not live under the most despotic Government; since, upon your Principles of

1 Colony Government, such a Constitution will not be worth their Acceptance.  
2 The Question is whether the Colonies are represented in the British Parliament or not? You affirm it to  
3 bean indubitable Fact that they are represented, and from thence you infer a Right in the Parliament to  
4 impose Taxes of every Kind upon them. You do not insist upon the Power, but upon the Right of  
5 Parliament to impose Taxes upon the Colonies. This is Certainly a very proper Distinction, as Right and  
6 Power have very different Meanings, and convey very different Ideas: For had you told us that the  
7 Parliament of Great Britain have Power, by the Fleets and Armies of the Kingdom, to impose Taxes and  
8 to raise Contributions upon the Colonies, I should not have presumed to dispute the Point with you; but  
9 as you insist upon the Right only, I must beg Leave to differ from you in Opinion, and shall give my  
10 Reasons for it.

11 But I must first recapitulate your Arguments in Support of this Right in the Parliament. You say "the  
12 inhabitants of the Colonies do not indeed choose Members of Parliament, neither are nine Tents of  
13 the People of Britain Electors; for the Right of Election is annexed to certain Species of Property, to  
14 peculiar Franchises, and to Inhabitancy in some particular Places. But these Descriptions comprehend  
15 only a very small Part of the Lands, the Property and People of Britain; all Copy-Hold, all Lease-Hold  
16 Estates under the Crown, under the Church, or under private Persons, though for Terms ever so long;  
17 all landed Property in short that is not Freehold, and all monied Property whatsoever, are excluded.  
18 The Possessors of these have no Votes in the Election of Members of Parliament; Women and Persons  
19 under Age, be their Property ever so large, and all of it  
20 Freehold, have none: The Merchants of London, a numerous and respectable Body of Men, whose

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1 Opulence exceeds all that America can collect; the Proprietors of that vast Accumulation of Wealth, the  
2 Public Funds; the Inhabitants of Leeds, of Halifax, of Birmingham and of Manchester, Towns that are  
3 each of them larger than the largest in the Plantations; many of lesser Note, that are incorporated; and  
4 that great Corporation the East India Company, whose Rights over the Countries they possess fall very  
5 little short of Sovereignty, and whose Trade and whose Fleets are sufficient to constitute them a  
6 maritime Power, are all in the same Circumstances: And yet are they not represented in Parliament? Is  
7 their vast Property subject to Taxation without their Consent? Are they all arbitrarily bound by Laws  
8 to which they have not agreed? The Colonies are exactly in the same Situation; all British Subjects are  
9 really in the same; none are actually, all are virtually, represented in Parliament: For every Member of  
10 Parliament sits in the House not as a Representative of his own constituents, but as one of that August  
11 Assembly by which all the Commons of Great Britain are represented."

12 This is the Sum of what you advance, in all the Pomp of Parliamentary Declamation, to prove that the  
13 Colonies are represented in Parliament, and therefore subject to their Taxation; but notwithstanding  
14 this Way of reasoning, I cannot comprehend how Men who are excluded from voting at the Election of  
15 Members of Parliament can be represented in that Assembly, or how those who are elected do not sit  
16 in the House as Representatives of their Constituents. Their Assertions appear to me not only  
17 paradoxical, but contrary to the fundamental Principles of the English Constitution.

18 To illustrate this important Disquisition, I conceive we must recur to the civil Constitution of England,  
19 and from thence deduce and ascertain the Rights and Privileges of the People at the first  
20 Establishment of the Government, and discover the Alterations that have been made in them from  
21 Time to Time; and it is from the Laws of the Kingdom, founded upon the Principles of the Law of  
22 Nature, that we are to show the Obligation every Member of the State is under to pay Obedience to its  
23 Institutions. From these Principles I shall endeavour to prove that the Inhabitants of Britain, who  
24 have no Vote in the Election of Members of Parliament, are not represented in that Assembly, and yet  
25 that they owe Obedience to the Laws of Parliament; which, as to them, are constitutional, and not

1 arbitrary. As to the Colonies, I shall consider them afterwards.

2 Now it is a Fact, as certain as History can make it, that the present civil Constitution of England derives  
3 its Original from those Saxons who, coming over to the Assistance of the Britons in the Time of their  
4 King Vortigern, made themselves Masters of the Kingdom, and established a Form of Government in it  
5 similar to that they had been accustomed to live under in their native Country; as similar, at least, as  
6 the Difference of their Situation and Circumstances would permit. This Government, like that from  
7 whence they came, was founded upon Principles of the most perfect Liberty: The conquered Lands were  
8 divided among the Individuals in Proportion to the Rank they held in the Nations; and every Freeman,  
9 that is, every Freeholder, was a Member of their Witenagemot, or Parliament. The other Part of the  
10 Nation, or the Non-Proprietors of Land, were of little Estimation. They, as in Germany, were either  
11 Slaves, mere Hewers of Wood and Drawers of Water, or Freedmen; who, being of foreign Extraction,  
12 had been manumitted by their Masters, and were excluded from the high Privilege of having a Share  
13 in the Administration of the Commonwealth, unless they became Proprietors of Land (which they  
14 might obtain by Purchase or Donation) and in that Case they had a Right to sit with the Freemen, in  
15 the Parliament or sovereign Legislature of the State.

16 How long this Right of being personally present in the Parliament continued, or when the Custom of  
17 sending Representatives to this great Council of the Nation, was first introduced, cannot be  
18 determined with Precision; but let the Custom of Representation be introduced when it will, it is  
19 certain that every Freeman, or, which was the same Thing in the Eye of the Constitution, every  
20 Freeholder[5], had a Right to vote at the Election of Members of Parliament, and therefore might be  
21 said, with great Propriety, to be present in that Assembly, either in his own Person or by  
22 Representation. This Right of Election in the Freeholders is evident from the Statute 1st Hen. 5. Ch.  
23 1st, which limits the Right of Election to those Freeholders only who are resident in the Counties the  
24 Day of the Date of the Writ of Election; but yet every resident Freeholder indiscriminately, let his  
25 Freehold be ever so small, had a Right to vote at the Election of Knights for his County, so that they

1 were actually represented: And this Right of Election continued until it was taken away by the Statute  
2 8th Hen. 6. Ch. 7. from those Freeholders who had not a clear Freehold Estate of forty Shillings by the  
3 Year at the least.

4 Now this Statute was deprivative of the Right of those Freeholders who came within the Description of  
5 it; but of what did it deprive them, if they were represented notwithstanding their Right of Election was  
6 taken from them? The mere Act of voting was nothing, of no Value, if they were represented as  
7 constitutionally without it as with it: But when by the fundamental Principles of the Constitution they  
8 were to be considered as Members of the Legislature, and as such had a Right to be present in Person,  
9 or to send their Procurators or Attorneys, and by them to give their Suffrage in the supreme Council of  
10 the Nation, this Statute deprived them of an essential Right; a Right without which, by the ancient  
11 Constitution of the State, all other Liberties were but a Species of Bondage.

12 As these Freeholders then were deprived of their Rights to substitute Delegates to Parliament, they  
13 could not be represented, but were placed in the same Condition with the Non-Proprietors of Land, who  
14 were excluded by the original Constitution from having any Share in the Legislature, but who,  
15 notwithstanding such Exclusion, are bound to pay Obedience to the Laws of Parliament, even if they  
16 should consist of nine Tents of the People of Britain; but then the Obligation of these Laws does not  
17 arise from their being virtually represented in Parliament, but from a quite different Reason.

18 Men in a State of Nature are absolutely free and independent of one another as to sovereign  
19 Jurisdiction[6], but when they enter into a Society, and by their own consent become Members of it,  
20 they must submit to the Laws. of the Society according to which they agree to be governed; for it is  
21 evident, by the very Act of Association, that each Member subjects himself to the Authority of that  
22 Body in whom, by common Consent, the legislative Power of the State is placed: But though they must  
23 submit to the Laws, so long as they remain Members of the Society, yet they retain so much of their  
24 natural Freedom as to have a Right to retire from the Society, to renounce the Benefits of it, to enter  
25 into another Society, and to settle in another Country; for their Engagements to the Society, and their

1 Submission to the publick Authority of the State, do not oblige them to continue in it longer than they  
2 find it will conduce to their Happiness, which they have a natural Right to promote. This natural Right  
3 remains with every Man, and he cannot justly be deprived of it by any civil Authority. Every Person  
4 therefore who is denied his Share in the Legislature of the State to which he had an original Right, and  
5 every Person who from his particular Circumstances is excluded from this great Privilege, and refuses  
6 to exercise his natural Right of quitting the Country, but remains in it, and continues to exercise the  
7 Rights of a Citizen in all other Respects, must be subject to the Laws which by these Acts he implicitly,  
8 or to use your own Phrase, virtually contents to: For Men may subject themselves to Laws, by  
9 consenting to them implicitly; that is, by conforming to them, by adhering to the Society, and accepting  
10 the Benefits of its Constitution, as well, as explicitly and directly, in their own Persons, or by their  
11 Representatives substituted in their Room[7]. Thus, if a Man whose Property does not entitle him to  
12 be an Elector of Members of Parliament and therefore cannot be represented, or have any Share in the  
13 Legislature, "inherits or takes any Thing by the Laws of the Country to which he has no indubitable  
14 Right in Nature, or which, if he has a Right to it, he cannot tell how to get or keep without the Aid of  
15 the Laws and the Advantage of Society, then, when he takes this Inheritance, or whatever it is, with it  
16 he takes and owns the Laws that gave it him. And since the Security he has from the Laws of the  
17 Country, in Respect of his Person and Rights, is the Equivalent for his Submission to them, "he cannot  
18 accept that Security without being obliged, in Equity, to pay this Submission: Nay his very continuing  
19 in the Country shows that he either likes "the Constitution, or likes it better, notwithstanding "the  
20 Alteration made in it to his Disadvantage, than any other; or at least thinks it better, in his  
21 Circumstances, to conform to it, than to seek any other; that is, he is content to be comprehended in  
22 it."  
23 From hence it is evident that the Obligation of the Laws of Parliament upon the People of Britain who  
24 have no Right to be Electors does not arise from their being virtually represented, but from a quite  
25 different Principle; a Principle of the Law of Nature, true, certain, and universal, applicable to every

1 Sort of Government, and not contrary to the common Understandings of Mankind.

2 If what you say is a real Fact, that nine Tenths of the People of Britain are deprived of the high Privilege

3 of being Electors, it shows a great Defect in the present Constitution, which has departed so much from

4 its original Purity; but never can prove that those People are even virtually represented in Parliament.

5 And here give me Leave to observe that it would be a Work worthy of the best patriotick Spirits in the

6 Nation to effectuate an Alteration in this putrid Part of the Constitution; and, by restoring it to its

7 pristine Perfection, prevent any " Order or Rank of the Subjects from imposing upon or binding the rest

8 without their Consent." But, I fear, the Gangrene has taken too deep Hold to be eradicated in thefe Days

9 of Venality.

10 But if those People of Britain who are excluded from being Electors are not represented in Parliament,

11 the Conclusion is much stronger against the People of the Colonies being represented; who are

12 considered by the British Government itself, in every Instance of Parliamentary Legislation, as a

13 distinct People. It has been determined by the Lords of the Privy Council that "Acts of Parliament

14 made in England without naming the foreign Plantations will not bind them."<sup>[8]</sup> Now what can be the

15 Reason of this Determination, but that the Lords of the Privy Council are of Opinion the Colonies are a

16 distinct People from the Inhabitants of Britain, and are not represented in Parliament. If, as you

17 contend, the Colonies are exactly in the same Situation with the Subjects in Britain, the Laws will in

18 every Instance be equally binding upon them, as upon those Subjects, unless you can discover two

19 Species of virtual Representation; the one to respect the Subjects in Britain, and always existing in

20 Time of Parliament; the other to respect the Colonies, a mere Non-Entity, if I may be allowed the Term,

21 and never existing but when the Parliament thinks proper to produce it into Being by any particular

22 Act in which the Colonies happen to be named. But I must examine the Case of the Colonies more

23 distinctly.

24 It is in vain to search into the civil Constitution of England for Directions in fixing the proper

25 Connexion between the Colonies and the Mother Kingdom; I mean what their reciprocal Duties to each

1 other are, and what Obedience is due from the Children to the general Parent. The planting Colonies  
2 from Britain is but of recent Date, and nothing relative to such Plantation can be collected from the  
3 ancient Laws of the Kingdom; neither can we receive any better Information by extending our Inquiry  
4 into the History of the Colonies established by the several Nations in the more early Ages of the World.  
5 All the Colonies (except those of Georgia and Nova Scotia) formed from the English Nation, in North  
6 America, were planted in a Manner, and under a Dependence, of which there is not an Instance in all  
7 the Colonies of the Ancients; and therefore, I conceive, it must afford a good Degree of Surprise to find  
8 an English Civilian[9] giving it as his Sentiment that the English Colonies ought to be governed by the  
9 Roman Laws, and for no better Reason than because the Spanish Colonies, as he says, are governed by  
10 those Laws. The Romans established their Colonies in the Midst of vanquished Nations, upon  
11 Principles which best secured their Conquests; the Privileges granted to them were not always the  
12 fame; their Policy in the Government of their Colonies and the conquered Nations being always  
13 directed by arbitrary Principles to the End they aimed at, the subjecting the whole Earth to their  
14 Empire. But the Colonies in North America, except those planted within the present Century, were  
15 founded by Englishmen; who, becoming private Adventurers, established themselves, without any  
16 Expense to the Nation, in this uncultivated and almost uninhabited Country; so that their Case is  
17 plainly distinguishable from that of the Roman, or any other Colonies of the ancient World.  
18 As then we can receive no Light from the Laws of the Kingdom, or from ancient History, to direct us in  
19 our Inquiry, we must have Recourse to the Law of Nature, and those Rights of Mankind which flow  
20 from it.  
21 I have observed before that when subjects are deprived of their civil rights, or are dissatisfied with the  
22 Place they hold in the Community, they have a natural Right to quit the Society of which they are  
23 Members, and to retire into another Country. Now when Men exercise this Right, and withdraw  
24 themselves from their Country, they recover their natural Freedom and Independence: The  
25 Jurisdiction and Sovereignty of the State they have quitted ceases; and if they unite, and by common

1 Consent take Possession of a new Country, and form themselves into a political Society, they become a  
2 sovereign State, independent of the State from which they separated. If then the Subjects of England  
3 have a natural Right to relinquish their Country, and by retiring from it, and associating together, to  
4 form a new political Society and independent State, they must have a Right, by Compact with the  
5 Sovereign of the Nation, to remove into a new Country, and to form a civil Establishment upon the  
6 Terms of the Compact. In such a Case, the Terms of the Compact must be obligatory and binding upon  
7 the Parties; they must be the Magna Charta, the fundamental Principles of Government, to this new  
8 Society; and every Infringement of them must be wrong, and may be opposed. It will be necessary then  
9 to examine whether any such Compact was entered into between the Sovereign and those English  
10 Subjects who established themselves in America.

11 You have told us that "before the first and great Act of Navigation the Inhabitants of North America  
12 "were but a few unhappy Fugitives, who had wandered thither to enjoy their civil and religious  
13 Liberties, which they were deprived of at Home." If this was true, it is evident, from what has been  
14 said upon the Law of Nature, that they have a Right to a civil independent Establishment of their own,  
15 and that Great Britain has no Right to interfere in it. But you have been guilty of a gross Anachronism  
16 in your Chronology, and a great Error in your Account of the first Settlement of the Colonies in North  
17 America; for it is a notorious Fact that they were not settled by Fugitives from their native Country,  
18 but by Men who came over voluntarily, at their own Expense, and under Charters from the Crown,  
19 obtained for that Purpose, long before the first and great Act of Navigation.

20 The first of these Charters was granted to Sir Walter Raleigh by Queen Elizabeth under her great Seal,  
21 and was confirmed by the Parliament of England in the Year 1584[10]. By this Charter the whole  
22 Country to be possessed by Sir Walter Raleigh was granted to him, his Heirs and Assigns, in perpetual  
23 Sovereignty, in as extensive a Manner as the Crown Could grant, or had ever granted before to any  
24 Person or Persons, with full Power of Legislation, and to establish a civil Government in it as near as  
25 conveniently might be agreeable to the Form of the English Government and Policy thereof. The

1 Country was to be united to the Realm of England in perfect LEAGUE AND AMITY, was to be within the  
2 Allegiance of the Crown of England, and to be held by Homage, and the Payment of one Fifth of all Gold  
3 and Silver Ore, which was reserved for all Services, Duties, and Demands.  
4 Sir Walter Raleigh, under this Charter, took Possession of North America, upon that Part of the  
5 Continent which gave him a Right to the Tract of Country which lies between the twenty fifth Degree of  
6 Latitude and the Gulf of St. Lawrence; but a Variety of Accidents happening in the Course of his  
7 Exertions to establish a Colony, and perhaps being over born by the Expense of so great a Work, he  
8 made an Assignment to divers Gentlemen and Merchants of London, in the 31st Year of the Queen's  
9 Reign, for continuing his Plantation in America. These Assignees were not more successful in their  
10 Attempts than the Proprietor himself had been; but being animated with the Expectation of mighty  
11 Advantages from the Accomplishment of their Undertaking, they, with others, who associated with  
12 them, obtained new Charters from King James the First, in whom all Sir Walter Raleigh's Rights  
13 became vested upon his Attainder; containing the same extensive Jurisdictions, Royalties, Privileges,  
14 Franchises, and Pre-eminences, and the same Powers to establish a civil Government in the Colony, as  
15 had been granted to Sir W. Raleigh, with an express Clause of Exemption for ever from all Taxes or  
16 Impositions upon their Import and Export Trade.  
17 Under these Charters the Proprietors effectually prosecuted, and happily succeeded, in planting a  
18 Colony upon that Part of the Continent which is now called Virginia. This Colony, after struggling  
19 through immense Difficulties, without receiving the least Assistance from the English Government,  
20 attained to such a Degree of Perfection that in the Year 1621 a General Assembly, or legislative  
21 Authority, was established in the Governor, Council, and House of Burgesses, who were elected by the  
22 Freeholders as their Representatives; and they have continued from that Time to exercise the Power  
23 of Legislation over the Colony.  
24 But upon the 15th of July, 1624, King James dissolved the Company by Proclamation, and took the  
25 Colony under his immediate Dependence; which occasioned much Confusion, and created mighty

1 Apprehensions in the Colony left they should be deprived of the Rights and Privileges granted them by  
2 the Company, according to the Powers contained in their Charters.  
3 To put an End to this Confusion, and to conciliate the Colony to the new System of Government the  
4 Crown intended to establish among them, K. Charles the First, upon the Demise of his Father, by  
5 Proclamation the 13th of May, 1625, declared " that Virginia should "be immediately dependent upon  
6 the Crown; that the Affairs of the Colony should be vested in a Council, consisting of a few Persons of  
7 Understanding and Quality, to be subordinate and attendant to the Privy Council in England; that he  
8 was resolved to establish another Council in Virginia, to be subordinate to the Council in England for  
9 the Colony; and that he would maintain the necessary Officers, Ministers, Forces, Ammunition, and  
10 Fortifications thereof, at his own Charge." But this Proclamation had an Effect quite different from  
11 what was intended; instead of allaying, it increased the  
12 Confusion of the Colony; they now thought their regular Constitution was to be destroyed, and a  
13 Prerogative Government established over them; or, as they express themselves in their  
14 Remonstrance, that "their Rights and Privileges were to be assaulted" This general Disquietude and  
15 Dissatisfaction continued until they received a Letter from the Lords of the Privy Council, dated July  
16 the 22d, 1634, containing the Royal Affurance and Confirmation that " all their Estates, Trade,  
17 "Freedom, and Privileges, should be enjoyed by them in as extensive a Manner as they enjoyed them  
18 before the recalling the Company's Patent;" whereupon they became reconciled, and began again to  
19 exert themselves in the Improvement of the Colony.  
20 Being now in full Possession of the Rights and Privileges of Englishmen, which they esteemed more  
21 than their Lives, their Affection for the Royal Government grew almost to Enthusiasm; for upon an  
22 Attempt to restore the Company's Charter by Authority of Parliament, the General Assembly, upon  
23 the 1st of April 1642, drew up a Declaration or Protestation, in the Form of an Act, by which they  
24 declared " they never "would submit to the Government of any Company or Proprietor, or to so  
25 unnatural a Distance as a "Company or other Person to interpose between the Crown and the Subjects;

1 that they were born under Monarchy, and would never degenerate from the Condition of their Births by  
2 being subject to any other Government; and every Person who should "attempt to reduce them under  
3 any other Government was declared an Enemy to the Country, and his Estate was to be forfeited." This  
4 Act, being presented to the King, at his Court at York, July 5th, 1644 drew from him a most gracious  
5 Answer, under his Royal Signet, in Which he gave them the fullest Assurances that they should be  
6 always immediately dependent upon the Crown, and that the Form of Government should never be  
7 changed. But after the King's Death they gave a more eminent Instance of their Attachment to Royal  
8 Government, in their Opposition to the Parliament, and forcing the Parliament Commissioners, who  
9 were sent over with a Squadron of Ships of War to take Possession of the Country, into Articles of  
10 Surrender, before they would submit to their Obedience.

11 As these Articles reflect no small Honour upon this Infant Colony, and as they are not commonly  
12 known, I will give an Abstract of such of them as relate to the present Subject.

13 [1] The Plantation of Virginia, and all the Inhabitants thereof, shall be and remain in due Subjection to  
14 the Commonwealth of England, not as a conquered Country, but as a Country submitting by their own  
15 voluntary Act, and shall enjoy such Freedoms and Privileges as belong to the free People of England.

16 [2] The General Assembly as formerly shall convene, and transact the Affairs of the Colony.

17 [3] The People of Virginia shall have a free Trade, as the People of England, to all Places, and with all  
18 Nations.

19 [4] Virginia shall be free from all Taxes, Customs, and Impositions whatsoever; and none shall be  
20 imposed on them without Consent of the General Assembly; and that neither Forts nor Castles be  
21 erected, or Garrisons maintained, without their Consent.

22 Upon this Surrender of the Colony to the Parliament, Sir W. Berkley, the Royal Governour, was  
23 removed, and three other Governours were successively elected by the House of Burgesses; but in  
24 January 1659 Sir William Berkeley was replaced at the Head of the Government by the People, who  
25 unanimously renounced their Obedience to the Parliament, and restored the Royal Authority by

1 proclaiming Charles the 2d King of England, Scotland, France, Ireland, and Virginia; so that he was  
2 King in Virginia some Time before he had any certain Assurance of being restored to his Throne in  
3 England.

4 From this Detail of the Charters, and other Acts of the Crown, under which the first Colony in North  
5 America was established, it is evident that " the Colonists were not a few unhappy Fugitives who had  
6 wandered into a distant Part of the World to enjoy their civil and religious Liberties, which they were  
7 deprived of at home," but had a regular Government long before the first Act of Navigation, and were  
8 respected as a distinct State, independent, as to their internal Government, of the original Kingdom,  
9 but united with her, as to their external Polity, in the closest and most intimate LEAGUE AND AMITY,  
10 under the same Allegiance, and enjoying the Benefits of a reciprocal Intercourse.

11 But allow me to make a Reflection or two upon the preceding Account of the first Settlement of an  
12 English Colony in North America.

13 America was no Part of the Kingdom of England; it was possessed by a savage People, scattered  
14 through the Country, who were not subject to the English Dominion, nor owed Obedience to its Laws.  
15 This independent Country was settled by Englishmen at their own Expense, under particular  
16 Stipulations with the Crown: These Stipulations then must be the sacred Band of Union between  
17 England and her Colonies, and cannot be infringed without Injustice. But you Object that no Power can  
18 abridge the Authority of Parliament, "which has never exempted any from the Submission "they owe  
19 to it; and no other Power can grant such "an Exemption."

20 I will not dispute the Authority of the Parliament, which is without Doubt Supreme within the Body of  
21 the Kingdom, and cannot be abridged by any other Power; but may not the King have Prerogatives  
22 which he has a Right to exercise without the Consent of Parliament? If he has, perhaps that of  
23 granting License to his Subjects to remove into a new Country, and to settle therein upon particular  
24 Conditions, may be one. If he has no such Prerogative, I cannot discover how the Royal Engagements  
25 can be made good, that " the "Freedom and other Benefits of the British Constitution" shall be secured

1 to those People who shall settle in a new Country under such Engagements; the Freedom, and other  
2 Benefits of the British Constitution, cannot be secured to a People without they are exempted from  
3 being taxed by any Authority but that of their Representatives, chosen by themselves. This is an  
4 essential Part of British Freedom; but if the King cannot grant such an Exemption, in Right of his  
5 Prerogative, the Royal Promises cannot be fulfilled; and all Charters which have been granted by our  
6 former Kings, for this Purpose, must be Deceptions upon the Subjects who accepted them, which to fay  
7 would be a high Reflection upon the Honour of the Crown. But there was a Time when former Parts of  
8 England itself were exempt from the Laws of Parliament: The Inhabitants of the County Palatine of  
9 Chester were not subject to such Laws[11] ab antiquo, because they did not send Representatives to  
10 Parliament, but had their own Commune Concilium; by whose Authority, with the Consent of their  
11 Earl, their Laws were made. If this Exemption was not derived originally from the Crown, it must have  
12 arisen from that great Principle in the British Constitution by which the Freemen in the Nation are  
13 not subject to any Laws but such as are made by Representatives elected by themselves to Parliament;  
14 so that, in either Case, it is an Instance extremely applicable to the Colonies, who contend for no other  
15 Right but that of directing their internal Government by Laws made with their own Consent, which  
16 has been preferred to them by repeated Acts and Declarations of the Crown.  
17 The Constitution of the Colonies, being established upon the Principles of British Liberty, has never  
18 been infringed by the immediate Act of the Crown; but the Powers of Government, agreeably to this  
19 Constitution, have been constantly declared in the King's Commissions to their Governours, which, as  
20 often as they pass the Great Seal, are new Declarations and Confirmations of the Rights of the  
21 Colonies. Even in the Reign of Charles the Second, a Time by no Means favorable to Liberty, these  
22 Rights of the Colonies were maintained inviolate; for when it was thought necessary to establish a  
23 permanent Revenue for the Support of Government in Virginia, the King did not apply to the English  
24 Parliament, but to the General Assembly, and sent over an Act, under the Great Seal of England, by  
25 which it was enacted " by the King's "Most Excellent Majesty, by and with the Consent of the General

1 Assembly," that two Shillings per Hogshead upon all Tobacco exported, one Shilling and Threepence per  
2 Tun upon Shipping, and Sixpence per Poll for every Person imported, not being actually a Mariner in  
3 Pay, were to be paid for ever as a Revenue for the Support of the Government in the Colony.  
4 I have taken Notice of this Act, not only because it shows the proper Fountain from whence all Supplies  
5 to be raised in the Colonies ought to flow, but also as it affords an Instance that Royalty itself did not  
6 disdain formerly to be named as a Part of the Legislature of the Colony; though now, to serve a Purpose  
7 destructive of their Rights, and to introduce Principles of Despotism unknown to a free Constitution,  
8 the Legislature of the Colonies are degraded even below the Corporation of a petty Borough in England.  
9 It must be admitted that after the Restoration the Colonies lost that Liberty of Commerce with foreign  
10 Nations they had enjoyed before that Time.  
11 As it became a fundamental Law of the other States of Europe to prohibit all foreign Trade with their  
12 Colonies, England demanded such an exclusive Trade with her Colonies. This was effected by the Act  
13 of 25th Charles 2d, and some other subsequent Acts; Which not only circumscribed the Trade of the  
14 Colonies with foreign Nations within very narrow Limits, but imposed Duties upon several Articles of  
15 their own Manufactory-exported from one Colony to another. These Acts, which imposed severer  
16 Restrictions upon the Trade of the Colonies than were imposed upon the Trade of England, deprived  
17 the Colonies, so far as these Restrictions extended, of the Privileges of English Subjects, and  
18 constituted an unnatural Difference between Men under the same Allegiance, born equally free, and  
19 entitled to the same civil Rights. In this Light did the People of Virginia view the Act of 25th Charles  
20 2d, when they sent Agents to the English Court to represent against "Taxes and Impositions being laid  
21 on the Colony by any Authority but that of their "General Assembly." The Right of imposing internal  
22 Duties upon their Trade by Authority of Parliament was then disputed, though you say it was never  
23 called into Question; and the Agents sent from Virginia upon this Occasion obtained a Declaration  
24 from Charles 2d the 19th of April 1676, under his Privy Seal, that Impositions or "Taxes ought not be  
25 laid upon the Inhabitants and Proprietors of the Colony but by the common Consent of the General

1 Assembly, except such Impositions as the Parliament should lay on the Commodities imported into  
2 England from the Colony:" And he ordered a Charter to be made out, and to pass the Great Seal, for  
3 securing this Right, among others, to the Colony.

4 But whether the Act of 25th Charles 2d, or any of the other Acts, have been complained of as  
5 Infringements of the Rights of the Colonies or not, is immaterial; for if a Man of superior Strength takes  
6 my Coat from me, that cannot give him a Right to my Cloak, nor am I obliged to submit to be deprived of  
7 all my Estate because I may have given up some Part of it without Complaint. Besides, I have proved  
8 irrefragably that the Colonies are not represented in Parliament, and consequently, upon your own  
9 Position, that no new Law can bind them that is made without the Concurrence of their  
10 Representatives; and if so, then every Act of Parliament that imposes internal Taxes upon the Colonies  
11 is an Act of Power, and not of Right. I must speak freely, I am considering a Question which affects the  
12 Rights of above two Millions of as loyal Subjects as belong to the British Crown, and must use Terms  
13 adequate to the Importance of it; I say that Power abstracted from Right cannot give a just Title to  
14 Dominion. If a Man invades my Property, he becomes an Aggressor, and puts himself into a State of  
15 War with me: I have a Right to oppose this Invader; If I have not Strength to repel him, I must submit,  
16 but he acquires no Right to my Estate which he has usurped. Whenever I recover Strength I may  
17 renew my Claim, and attempt to regain my Possession; if I am never strong enough, my Son, or his  
18 Son, may, when able, recover the natural Right of his Ancestor which has been unjustly taken from  
19 him.

20 I hope I shall not be charged with Insolence, in delivering the Sentiments of an honest Mind with  
21 Freedom: I am speaking of the Rights of a People; Rights imply Equality in the Instances to which they  
22 belong, and must be treated without Respect to the Dignity of the Persons concerned in them. If " the  
23 British Empire in Europe and in America is the same Power," if the " Subjects in both are the same  
24 People, and all equally participate in the Adversity and Prosperity of the Whole," what Distinctions  
25 can the Difference of their Situations make, and why is this Distinction made between them? Why is

1 the Trade of the Colonies more circumscribed than the Trade of Britain? And why are Impositions laid  
2 upon the one which are not laid upon the other? If the Parliament " have a Right to impose Taxes of  
3 every Kind upon the Colonies," they ought in Justice, as the same People, to have the same Sources to  
4 raise them from: Their Commerce ought to be equally free with the Commerce of Britain, otherwise it  
5 will be loading them with Burdens at the same Time that they are deprived of Strength to sustain them;  
6 it will be forcing them to make Bricks without Straw. I acknowledge the Parliament is the sovereign  
7 legislative Power of the British Nation, and that by a full Exertion of their Power they can deprive the  
8 Colonists of the Freedom and other Benefits of the British Constitution which have been secured to  
9 them by our Kings; they can abrogate all their civil Rights and Liberties; but by what Right is it that the  
10 Parliament can exercise such a Power over the Colonists, who have as natural a Right to the Liberties  
11 and Privileges of English men as if they were actually resident within the Kingdom? The Colonies are  
12 subordinate to the Authority of Parliament; subordinate I mean in Degree, but not absolutely so: For if  
13 by a Vote of the British, Senate the Colonists were to be delivered up to the Rule of a French or Turkish  
14 Tyranny, they may refuse Obedience to such a Vote, and may oppose the Execution of it by Force.  
15 Great is the Power of Parliament, but, great as it is, it cannot, constitutionally, deprive the People of  
16 their natural Rights; nor, in Virtue of the same Principle, can it deprive them of their civil Rights,  
17 which are founded in Compact, without their own Consent. There is, I confess, a considerable  
18 Difference between these two Cases as to the Right of Resistance: In the first, if the Colonists should be  
19 dismembered from the Nation by Act of Parliament, and abandoned to another Power, they have a  
20 natural Right to defend their Liberties by open Force, and may lawfully resist; and, if they are able,  
21 repel the Power to whose Authority they are abandoned. But in the other, if they are deprived of their  
22 civil Rights, if great and manifest Oppressions are imposed upon them by the State on which they are  
23 dependent, their Remedy is to lay their Complaints at the Foot of the Throne, and to suffer patiently  
24 rather than disturb the publick Peace, which nothing but a Denial of Justice can excuse them in  
25 breaking. But if this Justice should be denied, if the most humble and dutiful Representations should

1 be rejected, nay not even deigned to be received, what is to be done? To such a Question Thucydides  
2 would make -the Corinthians reply, that if " a decent and condescending Behavior is shown on the Part  
3 of the Colonies, it would be base in the Mother State to press "too far on such Moderation:" And he  
4 would make the Corcyreans answer, that " every Colony, whilst used in a proper Manner, ought to pay  
5 Honour and Regard to its Mother State; but, when treated with Injury and Violence, is become an Alien.  
6 They "were not sent out to be the Slaves, but to be the Equals of those that remain behind."  
7 But, according to your Scheme, the Colonies are to be prohibited from uniting in a Representation of  
8 their general Grievances to the common Sovereign. This Moment "the British Empire in Europe and in  
9 America "is the same Power; its Subjects in both are the same People; each is equally important to the  
10 other, and mutual Benefits, mutual Necessities, cement their Connexion." The next Moment " the  
11 Colonies are unconnected with each other, different in their Manners, opposite in their Principles, and  
12 clash in their Interests and in their Views, from Rivalry in Trade, and the Jealousy of Neighborhood.  
13 This "happy Division, which was effected by Accident, is to be continued throughout by Design; and all  
14 Bond of Union between them" is excluded from your vast System. Divide et Imperia is your Maxim in  
15 Colony Administration, left "an Alliance should be "formed dangerous to the Mother Country."  
16 Ungenerous Insinuation! detestable Thought! abhorrent to every Native of the Colonies! who, by an  
17 Uniformity of Conduct, have ever demonstrated the deepest Loyalty to their King, as the Father of his  
18 People, and an unshaken Attachment to the Interest of Great Britain. But you must entertain a most  
19 despicable Opinion of the Understandings of the Colonists to imagine that they will allow Divisions to  
20 be fomented between them about inconsiderable Things, when the closest Union becomes necessary to  
21 maintain in a constitutional Way their dearest Interests.  
22 Another Writer[12], fond of his new System of placing Great Britain as the Centre of Attraction to the  
23 Colonies, fays that "they must be guarded against having or forming any Principle of Coherence with  
24 each other above that whereby they cohere in the Centre; having no other Principle of  
25 Intercommunication between each other than that by which they are in "joint Communication with

1 Great Britain, as the common Centre of all. At the same Time that they are each, in their respective  
2 Parts and Subordinations, so framed as to be acted by this first Mover, they should always remain  
3 incapable of any Coherence, or of so conspiring amongst themselves as to create any other equal Force  
4 which might recoil- back on this first Mover; nor is it more necessary to preserve the several  
5 Governments subordinate within their respective Orbs than it is essential to the Preservation "of the  
6 Empire to keep them disconnected and independent of each other." But how is this " Principle of  
7 Coherence," as this elegant Writer calls it, between the Colonies, to be prevented? The Colonies upon the  
8 Continent of North America lie united to each other in one Tract of Country, and are equally concerned  
9 to maintain their common Liberty. If he will attend then to the Laws of Attraction in natural as well as  
10 political Philosophy, he will find that Bodies in Contact, and cemented by mutual Interests, cohere  
11 more strongly than those which are at a Distance, and have no common Interests to preserve. But this  
12 natural Law is to be destroyed; and the Colonies, whose real Interests are the same, and therefore  
13 ought to be united in the closest Communication, are to be disjoined, and all intercommunication  
14 between them prevented. But how is this System of Administration to be established? Is it to be done  
15 by a military Force, quartered upon private Families? Is it to be done by extending the Jurisdiction of  
16 Courts of Admiralty, and thereby depriving the Colonists of legal Trials in the Courts of common Law?  
17 Or is it to be done by harassing the Colonists, and giving overbearing Tax gatherers an Opportunity of  
18 ruining Men, perhaps better Subjects than themselves, by dragging - them from one Colony to  
19 another, before Prerogative Judges, exercising a despotic Sway in Inquisitorial Courts? Oppression  
20 has produced very great and unexpected Events: The Helvetick Confederacy, the States of the United  
21 Netherlands, are Instances in the Annals of Europe of the glorious Actions a petty  
22 People, in Comparison, can perform when united in the Cause of Liberty. May the Colonies ever remain  
23 under a constitutional Subordination to Great Britain! It is their Interest to live under such a  
24 Subordination; and it is their Duty, by an Exertion of all their Strength -and Abilities, when called  
25 upon by their common Sovereign, to advance the Grandeur and the Glory of the Nation. May the

1 Interests of Great Britain and her Colonies be ever united so as that whilst they are retained in a legal  
2 and just Dependence no unnatural or unlimited Rule may be exercised over them; but that they may  
3 enjoy the Freedom, and other Benefits of the British Constitution, to the latest Page in History!  
4 I flatter myself, by what has been said, your Position of a virtual Representation is sufficiently refuted;  
5 and that there is really no such Representation known in the British Constitution, and consequently  
6 that the Colonies are not subject to an internal Taxation by Authority of Parliament.  
7 I could extend this Inquiry to a much greater Length, by examining into the Policy of the late Acts of  
8 Parliament, which impose heavy and severe Taxes, Duties, and Prohibitions, upon the Colonies; I could  
9 point out some very disagreeable Consequences, respecting the Trade and Manufacturers of Britain,  
10 which must necessarily result from these Acts; I could prove that the Revenues arising from the Trade  
11 of the Colonies, and the Advantage of their Exports to Great Britain in the Balance of her Trade with  
12 foreign Nations, exceed infinitely all the Expense she has been at, all the Expense she can be at, in  
13 their Protection; and perhaps I could show that the Bounties given upon some Articles exported from  
14 the Colonies were not intended, primarily, as Instances of Attention to their Interest, but arose as well  
15 from the Consideration of the disadvantageous Dependence of Great Britain upon other Nations for the  
16 principal Articles of her naval Stores, as from her losing Trade for those Articles; I could demonstrate  
17 that these Bounties are by no Means adequate to her Savings in such foreign Trade, if the Articles  
18 upon which they are given can be procured from the Colonies in Quantities sufficient to answer her  
19 Consumption; and that the Excess of these Savings is so much clear Profit to the Nation, upon the  
20 Supposition that these Bounties are drawn from it; but, as they will remain in it, and be laid out in its  
21 Manufactures and Exports, that the whole Sum which used to be paid to Foreigners for the Purchase  
22 of these Articles will be saved to the Nation. I say I could extend my Inquiry, by examining these  
23 several Matters; but as the Subject is delicate, and would carry me to a great Length, I shall leave  
24 them to the Reader's own Reflection.

25