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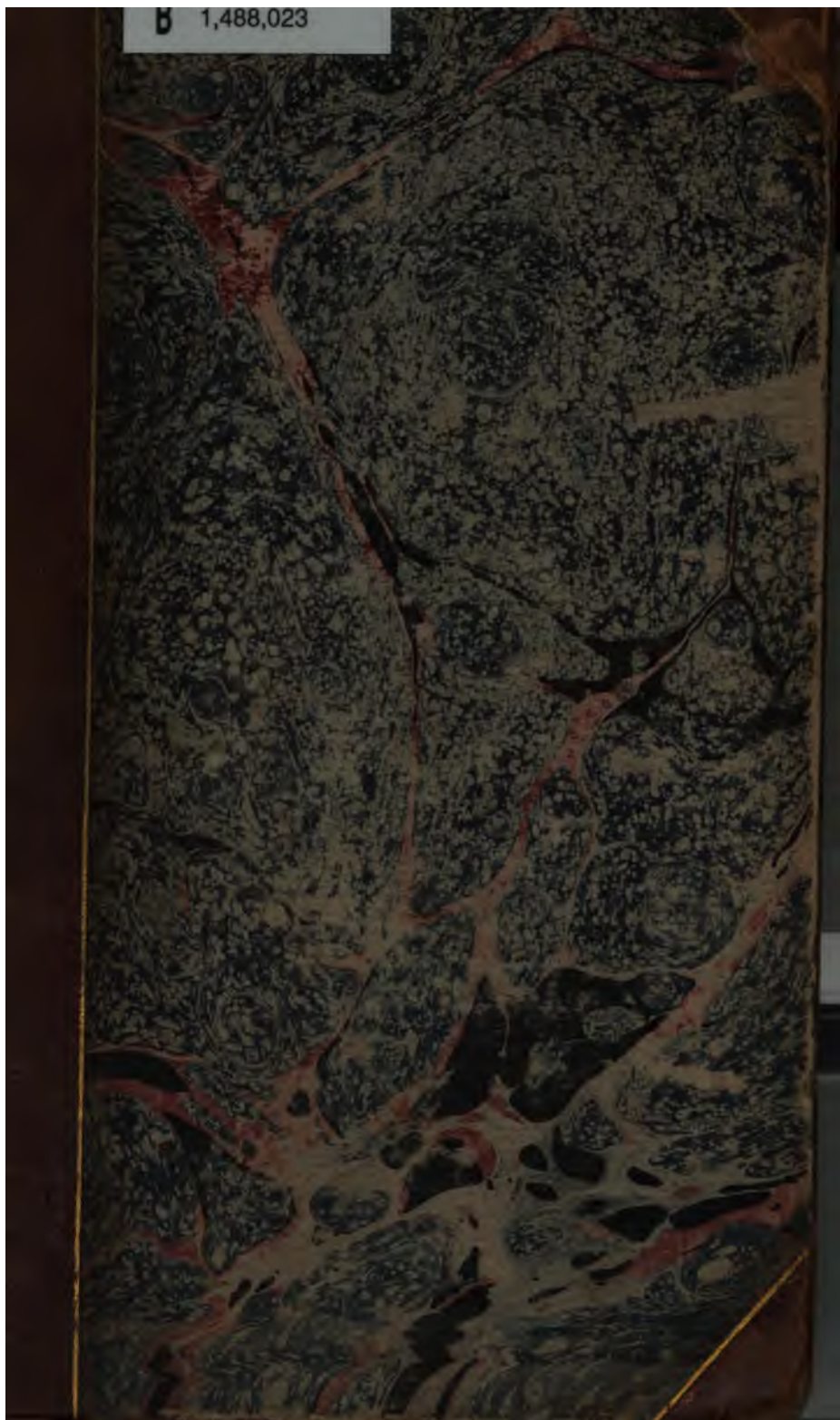
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C O N T A I N I N G A N A C C O U N T O F

The most interesting **SPEECHES, MOTIONS, BILLS, PROTESTS,**
EVIDENCE, &c. with such **PETITIONS** to the **KING**, as
relate to the Proceedings of the **HOUSE**; and a
List of the Acts passed in this Session.

I N S E V E N T E E N V O L U M E S .

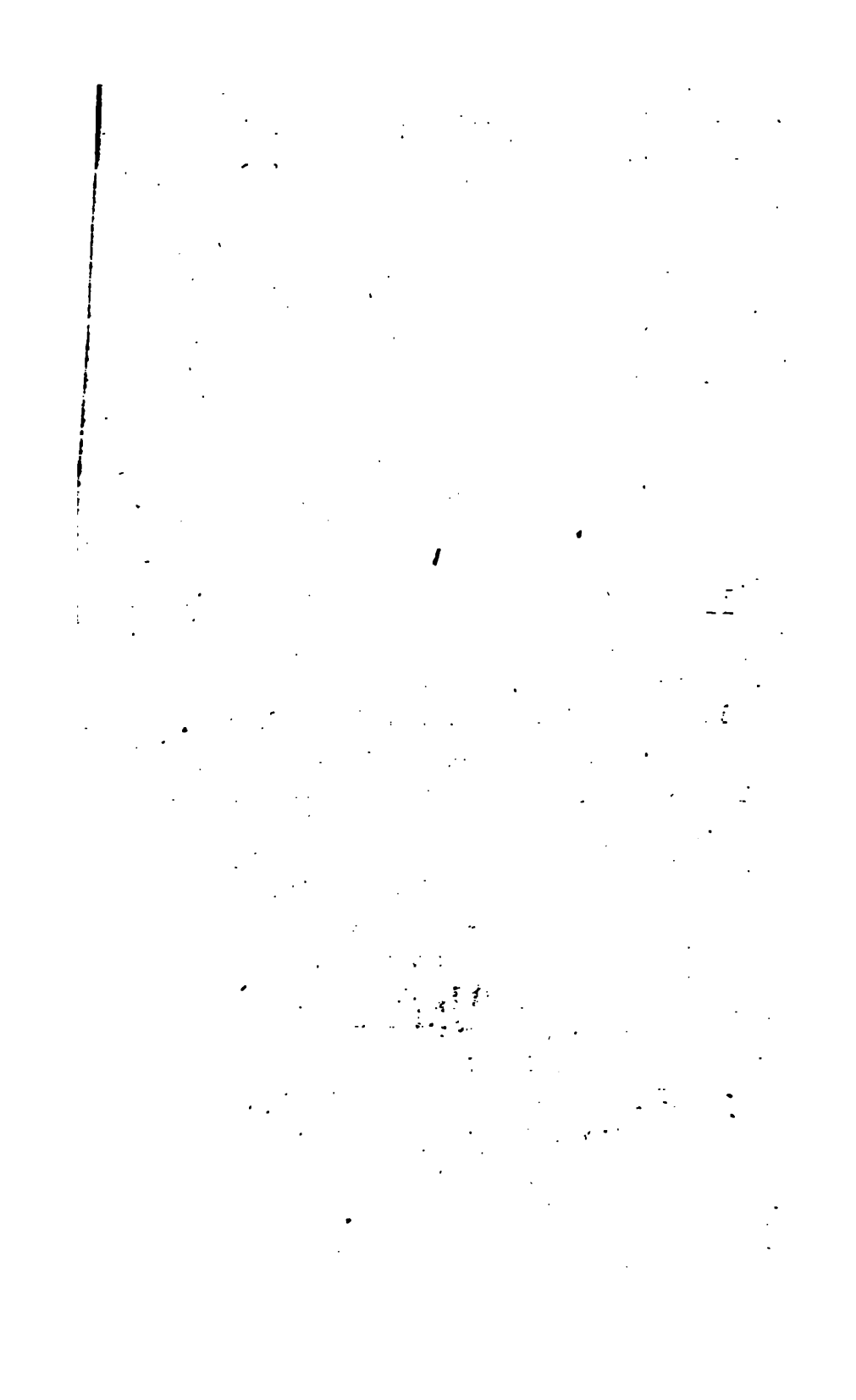
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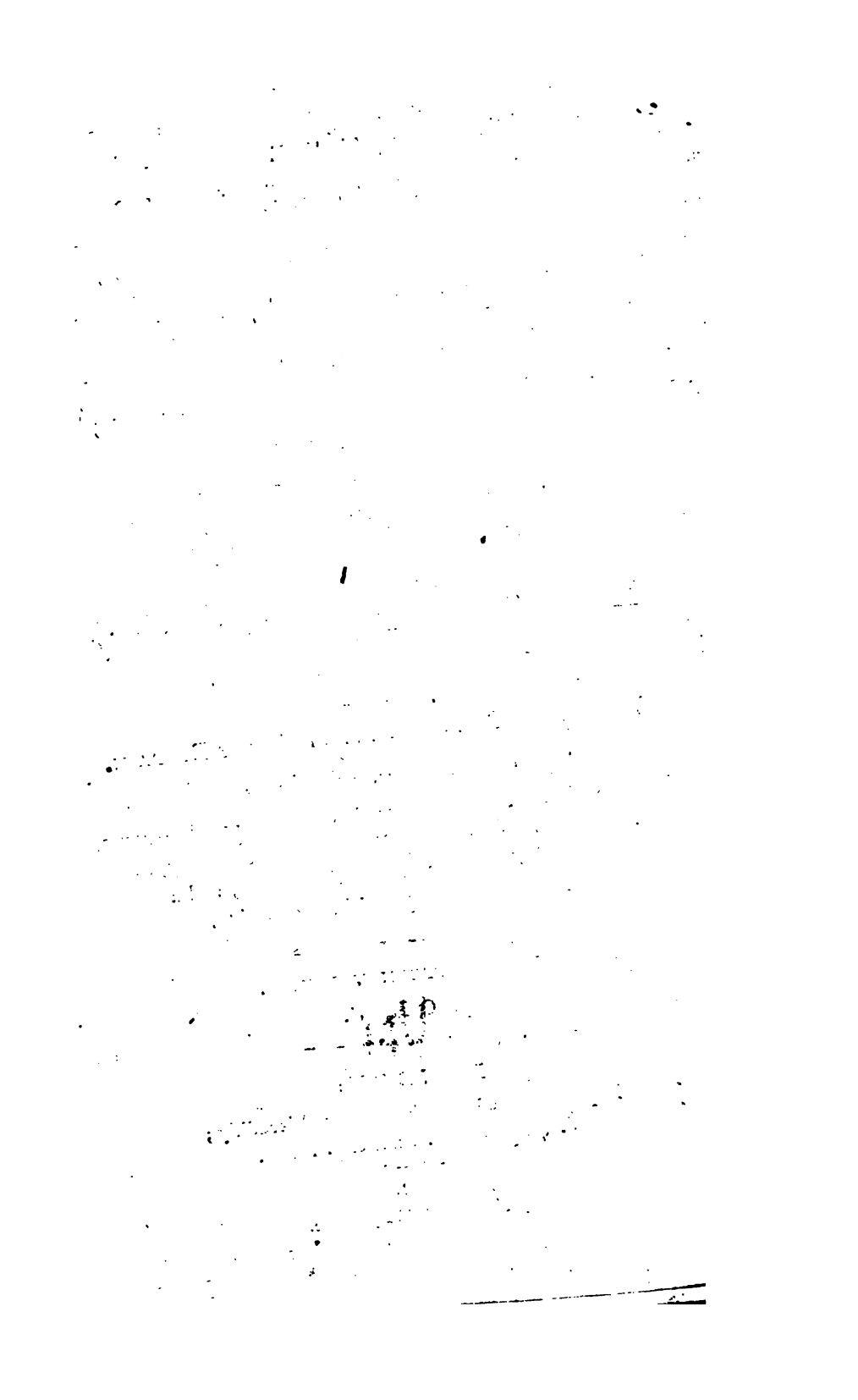
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By the
Order of the
House of Lords
1774

OF THE
H I S T O R Y
OF THE
DEBATES AND PROCEEDINGS
OF THE
H O U S E O F L O R D S,

During the FIRST SESSION of the

Fourteenth Parliament of *Great-Britain*.

THIS session was opened by the King, with a speech from the throne. The speech being already printed in the debates of the House of Commons of this session, it is unnecessary to repeat it.

November 30, 1774.

The Earl of *Hillsborough* moved, That an humble address be presented to his Majesty, to return his Majesty the thanks of this House for his most gracious speech from the throne.

To declare our abhorrence and detestation of the daring spirit of resistance and disobedience to the laws, which so strongly prevails in the province of *Massachuset's Bay*, and of the unwarrantable attempts in that and other provinces of *America*, to obstruct, by unlawful combinations, the trade of this kingdom.

To return his Majesty our humble thanks for having been pleased to communicate to us, that he has taken such measures, and given such orders as his Majesty hath judged most proper and effectual for the protection and security of the commerce of his Majesty's subjects, and for carrying into execution the laws, which were passed in the last session of the late parliament, relative to the province of the *Massachuset's Bay*.

To express our entire satisfaction in his Majesty's firm and steadfast resolution to continue to support the supreme authority of the legislature over all the dominions of his crown, and to give his Majesty the strongest assurances that we will

cheerfully co-operate in all such measures, as shall be necessary to maintain the dignity, safety, and welfare of the British empire.

That as this nation cannot be unconcerned in the common interest of Europe, we have the greatest satisfaction in being acquainted with the conclusion of the peace between Russia and the Porte; that we confide in his Majesty's endeavours to prevent, as far as possible, the breaking out of fresh disturbances; and from the assurances given to his Majesty by other powers, we have the pleasing expectation that nothing is likely to intervene that may interrupt the present happy tranquillity in Europe.

That it is no less our duty than our inclination to proceed with temper and unanimity in our deliberations and resolutions, and to inculcate, by our example, a due reverence for the laws, and a just sense of the excellency of our constitution; and impressed with the deepest gratitude for the many blessings we have enjoyed during the course of his Majesty's reign, to testify with unaffected zeal at this conjuncture our inviolable fidelity to his Majesty, and our serious attention to the public welfare.

This motion was seconded by the Earl of Buckinghamshire.

The Duke of *Richmond* moved, "That an amendment be made to the said motion, by inserting after the word *throne*, at the end of the first paragraph, these words:

To desire his Majesty would be graciously pleased to give direction for an early communication of the accounts which have been received concerning the state of the colonies, that we may not proceed to the consideration of this most critical and important matter, but upon the fullest information; and when we are thus informed, we shall, without delay, apply ourselves with the most earnest and serious zeal, to such measures as shall tend to secure the honour of his Majesty's crown, the true dignity of the mother country, and the harmony and happiness of all his Majesty's dominions.

Which being objected to, after some debate, the question was put, Whether these words shall be inserted in the said motion? It was resolved in the negative. Contents 13 Non-Contents 63.

Dissentient,

Because we cannot agree to commit ourselves with the careless facility of a common address of compliment, in expressions, which may lead to measures in the event fatal to the lives, properties, and liberties of a very great part of our fellow subjects.

We

We conceive that an address upon such objects as are before us, and at such a time as this, must necessarily have a considerable influence upon our future proceedings; and must impress the public with an idea of the general spirit of the measures which we mean to support.

Whatever methods we shall think it advisable to pursue, either in support of the mere authority of parliament, which seems to be the sole consideration with some, or for reconciling that authority with the peace and satisfaction of the whole empire; which has ever been our constant and invariable object, it will certainly add to the weight and efficacy of our proceedings, if they appear the result of full information, mature deliberation, and temperate enquiry.

No materials for such an enquiry have been laid before us; nor have any such been so much as promised in the speech from the throne, or even in any verbal assurance from ministers.

In this situation we are called upon to make an address, arbitrarily imposing qualities and descriptions upon acts done in the colonies, of the true nature and just extent of which we are as yet in a great measure unapprized; a procedure which appears to us by no means consonant to that purity which we ought ever to preserve in our judicial, and to that caution which ought to guide us in our deliberative capacity.

2. Because this address does, in effect, imply an approbation of the system adopted with regard to the colonies in the last parliament. This unfortunate system, conceived with so little prudence, and pursued with so little temper, consistency, or foresight, we were in hopes, would be at length abandoned, from an experience of the mischiefs which it has produced, in proportion to the time in which it was continued, and the diligence with which it has been pursued; a system which has created the utmost confusion in the colonies, without any rational hope of advantage to the revenue, and with certain detriment to the commerce of the mother country. And it affords us a melancholy prospect of the disposition of Lords in the present parliament, when we see the House, under the pressure of so severe and uniform an experience, again ready, without any enquiry, to countenance, if not to adopt, the spirit of the former fatal proceedings.

But whatever may be the mischievous designs, or the inconsiderate temerity, which leads others to this desperate course, we wish to be known as persons who have ever disapproved of measures so pernicious in their past effects, and their future tendency, and who are not in haste, without

enquiry or information, to commit ourselves in declarations which may precipitate our country into all the calamities of a civil war.

Richmond,	Torrington,
Portland,	Ponsonby,
Rockingham,	Wycombe,
Stamford,	Camden.
Stanhope,	

December 1.

The Lords waited upon the King with their address, to which his Majesty gave the following answer:

My Lords,

I thank you for your affectionate assurances of duty and loyalty. The zeal you express for the support of the supreme authority of the legislature, which I shall constantly maintain, is very agreeable to me; and your resolution to proceed with temper and unanimity in your deliberations, gives me the greatest satisfaction, as it corresponds with the hearty concern I shall ever have for the true interests of all my people.

Adjourned to December 6.

December 6.

The Peers having thought proper to clear their House on the 10th of December 1770, [See the *Commons Debates* of that year, page 79 to 84, 87, and 93 to 96] and not to admit even members of the House of Commons since that time, except to deliver bills, and upon those occasions ordered them to withdraw immediately. The Commons in return [See the *Commons Debates* above referred to] excluded the Peers from their House; and several inconveniences having happened from this harsh treatment,

Lord *Lyttleton* moved to rescind the order excluding the members of the House of Commons, with a view to restore a friendly communication between the two Houses. There was some debate; the House divided, for the motion 28, against it 36.

December 15.

Lord *Lyttleton* moved, that the order excluding members of the House of Commons might be dispensed with.

The Duke of *Manchester* seconded the motion. His Grace said, he particularly pressed it at this time, as a point to be desired even by ministers, that the public might be informed of the grounds on which they proceed in regard to the measures to be pursued respecting America, whose interests are so interwoven with those of Great-Britain, that the attention of the people of this country cannot be too much awakened at
this

A. 1775.

D E B A T E S.

5

this truly important crisis. His Grace added, that he wished not only to admit the members of the House of Commons; but the Scotch and Irish Peers, and such other persons as shall be introduced by a Peer; each Peer to bring in one person.

The Lord *Chancellor* acquainted the Lords, that he always looked upon himself as a servant of the House, whose duty it was to see their orders enforced; but that as it seemed to be the desire of many to relax their standing order in this point, he thought the civility due from one Lord to another should induce the House to come into the proposal; which was accordingly agreed to without further debate.

December 16.

Nothing material. Adjourned to December 19. No debates.

December 22.

Adjourned to January 20, 1775.

January 20, 1775.

This day the Earl of Dartmouth presented to the House copies of a great number of letters and papers from his Majesty's governors in America. [Copies of the same letters and papers were presented to the House of Commons, and the reader will find them in page 31, &c. of the Proceedings and Debates of that House; with all the subsequent letters and papers, as they were presented from time to time, during the session.]

The Earl of *Chatham*. His Lordship began with censuring an eight weeks delay of communicating these papers, [alluding that the papers might have been laid before the House at the beginning of the session] and the continuance of ministers deluding this country, with misrepresentations of the colonies. He shewed, that the sudden dissolution of parliament was upon that principle, of deceiving the people of England; every borough in the kingdom labouring under the old delusion.

There were, he said, two things which ministry laboured to deceive the people in, and had persuaded them to; first, that it was an affair of Boston only, and that the very appearance of one single regiment there would quiet every thing.

He had foretold the falsehood of both; he was conversant with that country more, more years than perhaps any man; he knew the cause of Boston would be made the cause of America; he knew the mode of the military would not be effectual.

The manner of proceeding against Boston, was a proscription of a people, unheard;—unheard in any court, either in the common courts of justice, or the higher, of parliament, in both of which, evidence of facts are stated in proof of criminality; but the Americans were denied to be heard; the people of America condemned, and not heard, have a right to resist.

By whose advice vindictive councils were pursued; by whose advice false representations were made; by whose advice malice and ill-will were made principles of governing a free people:—all these are questions that will be asked; he means no personal charge on any man further than his misdoings call for.

There ought to be some instant proceeding towards a settlement before the meeting of the delegates; his object was to put his foot on the threshold of peace, to shew an intention of reconciling; he will, unless he is fixed to a sick-bed, he will attend this business throughout, till he sees America obtain what he thinks satisfaction for her injuries; still attentive that it shall own the supremacy of this country.

It would be his advice to his Majesty to end this quarrel, the soonest possible; his repose was their duty; who by misadvice had planted the thorn in his side, by a contest with a people determined on their purpose.

Wishes to offer himself, meant as he is—but he has a plan; a plan of a settlement; solid, honourable, and lasting.

America means only to have safety in property; and personal liberty: Those, and those only were her object; independency was falsely charged on her.

He disclaims all metaphysical distinctions.

The declaratory act leaves you a right to take their money when you please.

He means to meddle with no man's opinion; and leaving all men to follow the plan of their own opinions of former professions, his plan is to establish for the American an unequivocal, express right of not having his property taken from him but by his own assembly.

Eight weeks delay admits no further hesitation, no not of a moment; the thing may be over; a drop of blood renders it *immedicabile vulnus*.

Whether it can ever now be a true reconciliation, must be owing to the full compensation that America shall receive. Repeal the mutual ill-will that subsists, for it is not the repeal of a little act of parliament that will work peace. Will the repeal of a bit of parchment avail? Will, think you, three millions

millions of people in arms be satisfied by such a repeal? It must be a repeal on a principle of justice. There must be no procrastination; you are to a moment—now—instantaneously:—Every hour, that a beginning is not made towards softening, towards healing! the very news of which might work wonders—endangers the fixed liberty of America, and the honour of the mother country.

The success and permanent effect of the best measures may arise from mutual good-will.

His motion is part of a plan; and he begins with a proof of good-will.—His motion is “to address the King to remove the forces from the town of Boston.”

His lordship was lavish in his praise of the congress, as more wise and more prudent than the meeting of ancient Greece. He mentioned Thucydides, with “your lordships have read Thucydides;” he mentions nothing of ancient story more honourable, more respectable, than this despised meeting.

The congress is treated harshly. He wishes we would imitate their temper;—firm indeed, if you please—but that congress was conducted with temper and moderation. I wish our House of Commons as freely and uncorruptly chosen.

The proceedings from hence arose from ignorance of the circumstances of that country. The idea of coercion by troops, where they were not the natural resource, was wanton and idle.

Anger was your motive in all you did—“What! shall America presume to be free?—don’t hear them, chastise them.” This was your language, *castigat auditque*—the severest judge, though he chastises, also hears the party.

All the mischief has arisen from your anger; from your not adapting your means to your ends; troops and violence were ill means to answer the ends of peace.

I understand government is not altogether satisfied with the commander of your troops; he has not been quick enough to shed blood; his moderation is ridiculed; but I know that gentleman, an officer of long service, has acted prudently; it was want of wisdom to place an army there—I have heard of armies of observation, but this is an army of irritation.

In the civil war of Paris, where those great men, the Prince of Condé and Marshal Turenne, commanded the two parties—Marshal Turenne was said often to have been near the Prince.—The Queen was angry; she did not see why, when he was so near the Prince, he should not take him; she was
offended.

offended, and with some anger asked? "*Quand vous étiez si près, pourquoi n'avez-vous pas pris le Prince?*" That great officer who knew his business, answered coolly, "*Faisiez peur, Madame, qu'il ne m'eut prit.*"

The ministry tell you, that the Americans will not abide by the congress; they are tired of the association;—true, many of the merchants may be—but it does not now depend on the merchants; nor do the accounts come even from the principal merchants; but from the runners for ministry. But were the dissatisfaction among the merchants ever so large, the account is no way conformable to the nature of America.

The nation of America, who have the virtues of the people they sprung from, will not be slaves. Their language is, If trade and slavery are companions, we quit the trade; let trade and slavery go where they will, they are not for us.

Your anger represents them as refractory and ungrateful, in not submitting to the parent they sprung from; but they are in truth grown an accession of strength to this country; they know their importance; they wish to continue their utility to you; but though they may be sick of the association, those sons of the earth will never be dissuaded from their association.

After the repeal of the stamp act, two years after, I was in the country an hundred miles off; a gentleman who knew the country, told me, that if regiments had landed at that time, and ships had been sent to destroy the towns, they had come to a resolution to retire back into the country.—It is a fact—a noble Lord smiles; if I were to mention the gentleman's name, it would not increase his smile.

I wish the young gentlemen of our time would imitate those Americans that are misrepresented to them; I wish they would imitate their frugality; I wish they would imitate that liberty which the Americans love better than life; imitate that courage which a love of liberty produces.

One word more. I will send my plan, if the state of a miserable constitution stretches me on a sick-bed. It is to put an end to the quarrel. "What before you know whether they will come to terms?" Yes, let my expectations be what they will, I should recall the troops; it partakes of a nullity to accept submission under the influence of arms.

I foretel, "these bills must be repealed;"—I submit to be called an idiot if they are not;—three millions of men ready to arm, and talk of forcing them!

There may be dangerous men and dangerous councils, who would instil bad doctrines; advise the enslaving of America; they

they might not endanger the crown perhaps, but they would render it not worth the wearing.

The cause of America is allied to every true Whig. They will not bear the enslaving America. Some Whigs may love their fortunes better than their principles; but the body of Whigs will join; they will not enslave America. The whole Irish nation, all the true English Whigs, the whole nation of America; these combined make many millions of Whigs, averse to the system. France has her full attention upon you; war is at your door; carrying a question here, will not save your country in such extremities.

This being the state of things, my advice is, to proceed to allay heats; I would at the instant begin, and do something towards allaying and softening resentment.

My motion, you see, respects the army, and their dangerous situation. Not to undervalue general Gage, who has served with credit,—he acts upon his instructions; if he has not been alert enough to shed blood;

Non dimicare quam vincere maluit,

And he judged well. The Americans too have acted with a prudence and moderation, that had been worthy of our imitation, were we wise;—to their moderation it is owing, that our troops have so long remained in safety.

Mal-administration has run its line—it has not a move left—it is a check-mate.

Forty thousand men are not adequate to the idea of subduing them to your taxation. Taxation exists only in representation; take them to your heart, who knows what their generosity may effect?

I am not to be understood as meaning a naked, unconditioned repeal; no, I would maintain the superiority of this country at all events.

But you are anxious who shall disarm first. That great poet, and perhaps a wiser and greater politician than ever he was a poet, has given you wisest council, follow it,

Tuque prior, tu parce; genus qui ducis Olympo.

Projice tela manu.

Who is the man who will own this system of force as practicable?

He then justly censured the folly of pursuing a system that was owned to be impracticable.

His Lordship's motion was, "That an humble address be presented to his Majesty, most humbly to advise and beseech his Majesty, that, in order to open the ways towards an happy settlement of the dangerous troubles in America, by beginning

ginning to allay ferments and soften animosities there; and, above all, for preventing in the mean time, any sudden and fatal catastrophe at Boston, now suffering under the daily irritation of an army before their eyes, posted in their town, it may graciously please his Majesty, that immediate orders may be dispatched to general Gage for removing his Majesty's forces from the town of Boston, as soon as the rigour of the season, and other circumstances indispensable to the safety and accommodation of the said troops may render the same practicable."

The Earl of *Suffolk*. His Lordship condemned the conduct of the Americans in the most determined and unreserved terms. He complimented the noble Earl, who opened the debate, on his great abilities, but begged leave to pronounce him mistaken, in almost every position he laid down; and thought it extremely improper, considering the present alarming state of America, to cause divisions, and, by so doing, to weaken the force of the parent state. He observed, that the noble Earl had animadverted severely on those who had, or were supposed to advise the measure of dissolving the parliament; and had likewise thrown out some insinuations, directed against the supposed authors of the present intentions of administration. As to the first he avowed himself to be one of the principal advisers, as he looked upon it, nay foresaw from the beginning, that all the steps taken by the Americans, in congress and elsewhere, would be to influence the general election, by creating jealousies, fears, and prejudices among the mercantile and trading part of the nation; that happily the ideas he espoused had prevailed, by which means those sinister designs were prevented from taking effect; that he was happy to find his conjectures right, and to perceive that those designs were defeated; and that an improper influence, originating whence it might, or in whatever manner, made very little difference. As to the point of advice, in relation to coercive measures, he very frankly declared himself to be equally strenuous; for all conciliating means having proved ineffectual, he thought it high time for the mother country to exert her authority, or for ever relinquish it. If the task be difficult now, what must it be in a few years time? Parliament must be obeyed, or it must not; if it be obeyed, then who shall resist its determinations? If it be not, then we may as well at once give up every claim of authority over America. I should ~~scorn~~ to be present in this House, and sit still without freely declaring my sentiments: I should scorn to continue one

of his Majesty's ministers, and not advise coercive measures, when I was so firmly and fully convinced of their necessity; and I take a particular pride in avowing those sentiments; and mean steadily to abide by them at all events. His Lordship then proceeded to comment on the proceedings of the congress, in relation to their disapprobation of certain acts of parliament, particularly the four or five last adverted to at that meeting. He defended them all, and contended, that the Boston port bill, if the obstinacy of the Bostonians had not prevented it, would have executed itself, as a satisfaction for the *dommagement* done to the East India Company, would have at once put the port of Boston on its former footing, and have of course made an opening for a complete reconciliation. He insisted strongly that the mother country should never relax till America confessed her supremacy; and that as soon as America had dutifully complied, she would meet with every indulgence consistent with the real interest of both countries; but that any concession on our parts, till the right on which all our pretensions were founded, was allowed, would be to the last degree impolitic, pusillanimous, and absurd. He supposed, he said, that the noble Earl would be alone in his opinion, that this country had not the right to tax America. The right implied, according to him, the necessity of the exercise of it. He thought it a duty incumbent on administration to pursue their object of subduing the refractory rebellious Americans; and avowed the ministerial resolution of enforcing obedience by arms.

The Lord *Wycombe*, (Earl of Shelburne). His Lordship began with renouncing all personal engagements whatever; and solemnly declared, that he adopted the noble Earl's sentiments, (the Earl of Chatham) solely on account of their wisdom, justice, and propriety. He said, the specious language of the supremacy of the British legislature, the interests of Great-Britain; of her authority over the colonies, &c. was artfully held out to delude and deceive both parliament and people: it was intended to operate on every degree of men: the very cobbler is, he says, swelled up with his own importance, as being a party in a contest with those on the other side, who are as artfully represented to be ready to throw off all obedience; who are described to be traitors; vagabonds, and rebels, guilty of the most flagrant baseness and ingratitude. But sure, says his lordship, there is not a noble lord within these walls, there is not a man without; who does not instantly perceive the notorious fallacy of such a misrepresentation. No man can be at a loss to know, that

a majority of both Houses, however constituted, are the nation; that that majority is led and directed by an administration consisting of four or five persons; and those again, by one man. Let us, therefore, hear no more of the people, the parliament, or Great Britain; but consider the issue as simply depending between the parties thus described, between administration on one side, and all America on the other. He then proceeded to animadvert with great ability on the several acts of the last session respecting America; and contended without reserve, that the Boston port bill did not execute itself, nor was ever meant so to do; for supposing the *dommagement* to be repaired, and the injury sustained by the East-India Company compensated, what did the act say? Why, that when his Majesty should think that the Bostonians had returned to their obedience, and peace and good government fully established, his Majesty might open the port on such conditions as he thought proper; and appoint such places for the landing and shipping of goods within the said port and harbour as he pleased. Here he highly arraigned the unconstitutional policy which dictated that part of the act, and wantonly lodged a power in the King and council, which parliament, if it regarded its own honour, should have never parted with. He condemned in general, the madness, injustice, and infatuation of coercing the Americans into a blind and servile submission; and repeated, what had been received in the most ludicrous manner, on a former occasion, that a tipstaff would execute the acts better than a military force consisting of a hundred thousand men.

The Lord *Lyttelton* set out with complimenting the noble Earl, who first spoke in the debate, on his great political wisdom, his extensive talents, and the fruits of both, the glorious successes of the late war, which must deservedly crown him with immortal laurels. He grounded his arguments chiefly on the legislative supremacy of the British parliament. He ridiculed the absurd idea of an inactive right, when there was the most apparent and urgent necessity for exercising it. It would be a madness in the extreme, not directly to assert, or for ever relinquish it. He could not, he said, at all agree with the noble Earl in his encomiums on the continental congress; for so far from applauding their wisdom, &c. he contended, that the whole of their deliberations and proceedings breathed the spirit of unconstitutional independency and open rebellion. His lordship pointed to *the particular language* of some of their resolutions; and endeavoured

endeavoured to prove, that if Great Britain should give way on the present occasion, from mistaken motives of present advantages in trade, commerce, &c. such a concession would inevitably defeat its own object; for it was plain, that the navigation act, and all other regulatory acts, which formed the great basis on which those advantages rested, and the true interests of both countries depended, would fall a victim to the interested and ambitious views of America. Now, therefore, was the time to assert the authority of Great Britain, for if we did not, he had not a single doubt on his own mind, but every concession on our side would produce a new demand on theirs; and in the end, bring about that state of traitorous independency, at which it was too plain they were now aiming. He lamented the disgraceful miserable state of the troops under General Gage, daily crumbling away with sickness and desertion, destitute of covering and sustenance, and, what was much worse, their spirits broken and themselves disheartened with the insolent taunts and repeated provocations of a rebellious surrounding rabble. He reflected severely on the conduct of those, that put him and kept him in so disgraceful a situation. He said, he should be glad to know by what secret power or over-ruling influence the wishes of parliament had been defeated. On the other hand, if it was from that gentleman's own suggestions he acted, he freely declared, that however prevalent it might be, from every side of the House, to bestow encomiums on him, he must continue to think his conduct extremely reprehensible, and deserving of censure. His Lordship disclaimed all personal connection with administration. He said he supported them, because he imagined and believed them to be right.

The Lord *Camden*. His Lordship said he would not enter into the large field of discussion, or collateral reasoning, applicable to the abstruse and metaphysical distinctions necessary to the investigation of the omnipotence of parliament; but this he would venture to assert, that the natural right of mankind, and the immutable laws of justice, were clearly in favour of the Americans. He observed that great stress had been laid on the legislative supremacy of Great Britain; and, as far as the doctrine was directed to its proper objects, it was a just one; but it was no less true in fact, that consonant to all the reasonings of all the speculative writers on government, that no man, either agreeable to the true principles of natural or civil liberty, could be divested of any part of his property without his own consent. He pledged himself,

self, at a proper time, to prove that the law of England did not give the right, claimed by parliament, to tax America. That no book or record expressed such right; that he could not tell where to look for it; that he consulted law and history, and his search was equally fruitless in both. In what king's reign, he asked, could it be found? Was it in the old times, before our colonies existed; or when? He said that in the time of Charles the First, when that great constitutional lawyer, Mr. Selden, was pressed to declare on what legal grounds resistance was justifiable, he replied it was by the custom of England, and that was part of the law of the land. And concluded by referring to the works of Judge Blackstone, where avoiding to state the rule, when resistance is justifiable, he lays down the Revolution as the only precedent; but adds, though the various circumstances and incidents, which may justify resistance, cannot be exactly defined, it is plain, the people at large, who possess the original rights necessary to their own happiness and preservation, have the same right to recall it, whenever the power and authority, thus delegated by them, has been abused, and manifestly employed to their own ruin and destruction.

The Earl of *Chatbam*, in reply, observed, that if the noble Lord near the table (Lord Lyttelton) who suggested, that the views of America were ultimately pointed to the defeating the act of navigation, and the other regulatory acts, so wisely framed and calculated for that reciprocity of interests, so essentially necessary to the grandeur and prosperity of the whole empire, was right, there was no person present, however zealous, would be readier than himself, to resist and crush any attempt of that nature in the first instance; but to come at any certain knowledge of their real sentiments; it would be proper first to do them justice; to treat them like subjects, before they were condemned as aliens, or traitors. He said, he entirely acquiesced in the sentiments of his noble friend (Lord Camden); that the present was not a subject proper for nice, metaphysical discussion; that property was a simple subject, distinct and unconnected with the variously complex ideas in which other questions relative to policy were inevitably involved; that he still remained, and ever should continue of opinion, that the right which God, and nature, and the constitution, had given a British subject to his property, was invariably inalienable, without his own consent; and that no power under Heaven could touch it without that consent, either implied, or expressly and directly given. He treated the idea of taxation, being included in
legislation,

legislation, in the most ludicrous terms. He contended, that they were two operations in our constitution totally distinct and foreign to each other; that the latter plainly originated from the power vested in the legislative great council, to controul, direct, and watch over the interests of the whole society, by way of regulation and coercion, for the common benefit, while the former was inseparably connected with property, and must for ever suit itself to the true nature and disposition of property in general.

Lord Viscount *Townshend* desired several acts of his present Majesty might be read. He endeavoured to prove that some of them were nearly connected with the act of navigation passed in the reign of Charles the Second. The resolutions of the American congress condemning those acts, shews, he said, that the views of America are not confined to the redress of grievances, real or imaginary, but are immediately directed to the total overthrow of that great Palladium of the British commerce, the act of navigation. The question, he said, was not now barely a question of revenue; but whether that great commercial system, on which the strength and prosperity of Great Britain, and the mutual interests of both countries, vitally depended, should be destroyed, in order to gratify the foolishly ambitious temper of a turbulent ungrateful people. He contended strongly, if concessions of that nature were to be made, restrictions taken off, and trade allowed to flow, in what was called its natural channels, Ireland, who helped to man our fleets and armies; who had contributed so generously and freely to the common support; who had so cheerfully assisted in alleviating our burthens; was much better entitled to it than America.

The Earl of *Rochford* was for firm and decisive measures. To retreat, he insisted, was to be vanquished: and condemned those who were for conceding at this critical juncture. The unity of the British empire should, in his opinion, supersede every inferior consideration, because on that its prosperity, stability and external grandeur immediately depended. He disclaimed, in the name of the King's ministers, all imputations and insinuations thrown out by a noble Lord. He said he believed the General was as little censurable as they were, and that it was next to impossible to decide on that gentleman's conduct at so great a distance, and without knowing the motives that led to it.

Earl *Gower*. He was well informed, that the language now held by the Americans, was the language of the rabble and a few factious leaders; that the delegates at the congress,

gress, were far from expressing the true sense of the respectable part of their constituents; that in many places they were chosen by a kind of force, in which the people of consequence were afraid, unprotected as they were, to interpose; and where it was otherwise, they were borne down by faction in some instances, and perverted by the most false misrepresentations in others; that taking it in either light, the measures proper to be pursued by Great Britain were plain, and did not admit of the least controversy; for either, says his Lordship, they are disposed as I have now represented, or they are not: if they are, they deserve our utmost protection; if they are not, we should exert and strain every nerve to make them submit. I have all along been of that opinion. I now avow it; and be the event what it may, I never mean to shrink or evade the consequences of an advice which I am proud to own.

The Marquis of *Rockingham* observed, that as ministry had avowed an intention of sending out more troops to Boston, and as that was a measure totally repugnant to his plan of reconciliation, he was glad of an opportunity of resisting that mischievous and dangerous design of governing the colonies by force. He said that the troops which had so idly been sent thither, were by their instructions left in so disgraceful a state, that he wished them recalled with the most possible dispatch; and consequently he must be averse to the designs administration entertained, of further exposing our troops to shame and disgrace; and of course he joined the motion for the recall of the troops. He expressed pretty strongly his adherence to his old opinion of the propriety of the declaratory act, which he seemed to consider as necessary to the dominion of this country, and no way hurtful to the freedom of America; but he reserved himself to a more proper season for debating that principle, only insisting that the congress had expressed no dissatisfaction with the declaratory act; and he thought it needless to give them more than they desired.

The Duke of *Richmond* supported Lord Chatham's motion with firmness, and answered his adversaries with accuracy and precision. He contrasted very happily the stubbornness of ministry in refusing to have the least feeling for the miseries and complaints of British subjects, while they were all awake and full of attention to the most arrogant expectations of foreign powers; and then mentioned the fact stated by Count de Guines in his Memorial, that the English ministry, in the question of the Falkland Islands, had agreed to disarm

first.

The Earl of *Rochford* declared, that upon his honour and conscience, he believed Count de Guines innocent of the infamous charge laid against him; that as to disarming first, the Count was mistaken; for that long before he [Lord Rochford] had made the proposal of disarming, he had received a letter from Lord Harcourt, informing him, that the French had began to disarm; that the proposal he made about disarming, was to do it reciprocally, at a given time; that the object of the armament being at an end, form was not necessary as to the period of disarming, and more especially, as from all his advices from the King's ministers abroad, both the French and Spaniards had first began to disarm.

Lord Viscount *Weymouth*, opposed the motion; was for sending troops to America: but held himself disengaged from co-operating with administration, till he was fully acquainted with the whole train of measures they proposed to adopt, digested into one perfect system; adding, that in his present state of mind, and want of proper knowledge, he did not know if he should even be for augmenting the present military force under General Gage.

This debate lasted till eight o'clock, when the House divided; 18 contents, and 68 non-contents.

The minority were.

Dukes of	Cumberland	Earls	Stanhope
	Richmond		Spencer
	Portland		Chatham
	Manchester	Bishop of	Exeter
Marquis of	Rockingham	Lords	Camden
Earls	Thanet		Wycombe
	Abingdon		Ponsonby
	Fitzwilliam		Sendes
	Tankerville		Grosvenor.

February 1.

The Earl of *Chatham*. His Lordship began with reminding the House, that the last day he had the honour of imparting his sentiments to them, he had informed them, that with their indulgence he would submit certain propositions to their consideration, as a basis for averting the dangers which now threatened the British empire; and that in performance of his promise, he had sketched the outlines of a bill, which he hoped would meet with the approbation of every side of the House. He proceeded to state the urgent necessity of such a plan, as, perhaps, a period of a few hours might for

ever defeat the possibility of any such conciliatory intervention. He represented Great Britain and America as drawn up in martial array, waiting for the signal to engage in a contest, in which it was little matter for whom victory declared, as ruin and destruction must be the inevitable consequence to both parties. He wished, he said, from a principle of duty and affection, to act the part of a mediator. He said, however, that no regard for popularity, no predilection for his country, not the high esteem he entertained for America on one hand, nor the unalterable steady regard he entertained for the dignity of Great Britain on the other, should at all influence his conduct; for though he loved the Americans, as men prizing and setting the just value on that inestimable blessing Liberty; yet if he could once bring himself to be persuaded, that they entertained the most distant intentions of throwing off the legislative supremacy and great constitutional superintending power and controul of the British legislature, he should be the very person himself, who would be the first and most zealous mover for securing and enforcing that power by every possible exertion this country was capable of making. He recurred to his former arguments, on the great constitutional question of taxation and representation; insisted they were inseparable, and planted so deeply in the vital principles of the constitution, as never to be torn up, without destroying and pulling asunder every band of legal government and good faith, which formed the cement that united its several constituent parts together. He entreated the assistance of the House to digest the crude materials which he presumed to now lay before it, and bring it and reduce it to that form, which was suited to the dignity and the importance of the subject, and to the great ends to which it was ultimately directed. He called on them to exercise their candour on the present occasion, and deprecated the effects of party or prejudice, of factious spleen, or a blind predilection. He avowed himself to be actuated by no narrow principle, or personal consideration whatever; for though the present bill might be looked upon as a bill of concession, it was impossible but to confess at the same time, that it was a bill of assertion.

The following is an authentic copy of the proposed bill.

“ A provisional act for settling the troubles in America, and for asserting the supreme legislative authority and superintending power of Great Britain over the colonies.

“ Whereas, by an Act 6 Geo. III. it is declared, that *Parliament* has full power and authority to make laws and
statutes

statutes to bind the people of the colonies, in all cases whatsoever. And whereas reiterated complaints and most dangerous disorders have grown, touching the right of taxation claimed and exercised over America; to the disturbance of peace and good order there, and to the actual interruption of the due intercourse from Great Britain and Ireland to the colonies; deeply affecting the navigation, trade, and manufactures of this kingdom, and of Ireland, and announcing farther an interruption of all exports from the said colonies to Great Britain, Ireland, and the British islands in America. Now, for the prevention of these ruinous mischiefs, and in order to an equitable, honorable and lasting settlement of claims not sufficiently ascertained and circumscribed, may it please your most excellent Majesty, that it may be declared, and be it declared, by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, that the colonies of America have been, are, and of right ought to be, dependent upon the imperial crown of Great Britain, and subordinate unto the British Parliament; and that the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in Parliament assembled, had, hath, and of right ought to have, full power and authority to make laws and statutes of sufficient force and validity to bind the people of the British colonies in America, in all matters touching the general weal of the whole dominion of the imperial crown of Great Britain, and beyond the competency of the local representative of a distinct colony; and most especially an indubitable and indispensable right to make and ordain laws for regulating navigation and trade throughout the complicated system of British commerce; the deep policy of such prudent acts upholding the guardian navy of the whole British empire: and that all subjects in the colonies are bound in duty and allegiance duly to recognize and obey (and they are hereby required so to do) the supreme legislative authority and superintending power of the Parliament of Great Britain, as aforesaid. And whereas, in a petition from America to his Majesty, it has been represented, that the keeping a standing army within any of the colonies, in time of peace, without consent of the respective provincial assembly there, is against law: be it declared by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, that the declaration of right, at the ever glorious Revolution, namely, "that the raising

“ and keeping a standing army within the kingdom, in time of peace, unless it be by consent of Parliament, is against law,” having reference only to the consent of the Parliament of Great Britain, the legal, constitutional, and hitherto unquestioned prerogative of the crown, to send any part of such army, so lawfully kept, to any of the British dominions and possessions, whether in America or elsewhere, as his Majesty, in the due care of his subjects, may judge necessary for the security and protection of the same, cannot be rendered dependent upon the consent of a provincial assembly in the colonies, without a most dangerous innovation and derogation from the dignity of the imperial crown of Great Britain. Nevertheless, in order to quiet and dispel groundless jealousies and fears, be it hereby declared, that no military force, however raised and kept according to law, can ever be lawfully employed to violate and destroy the just rights of the people.

“ Moreover, in order to remove for ever, all causes of pernicious discords, and in due contemplation of the vast increase of possessions and population in the colonies; and having at heart to render the condition of so great a body of industrious subjects there, more and more happy, by the sacredness of property, and of personal liberty; and of more extensive and lasting utility to the parent-kingdom, by indissoluble ties of mutual affection, confidence, trade, and reciprocal benefits; be it declared and enacted by the King’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled; and it is hereby declared and enacted, by the authority of the same, that no tallage, tax, or other charge for his Majesty’s revenue, shall be commanded or levied from British freemen in America, without common consent, by act of provincial assembly there, duly convened for that purpose. And it is hereby further declared and enacted, by the King’s most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for delegates from the respective provinces, lately assembled at Philadelphia, to meet in general congress at the said Philadelphia, on the ninth day of May next ensuing, in order then and there to take into consideration the making due recognition of the supreme legislative authority and superintending power of Parliament over the colonies, as aforesaid. And moreover, may it please your
most

most excellent Majesty, that the said delegates to be in congress assembled in manner aforesaid, may be required, and the same are hereby required, by the King's Majesty sitting in his Parliament, to take into consideration, (over and above the usual charge for support of civil government in the respective colonies) the making a free grant to the King, his heirs and successors, of a certain perpetual revenue, subject to the disposition of the British Parliament, to be by them appropriated, as they in their wisdom shall judge fit, to the alleviation of the national debt: no doubt being had, but the just, free aid will be in such honourable proportion, as may seem meet and becoming from great and flourishing colonies towards a parent-country, labouring under the heaviest burthens, (which in no inconsiderable part) have been willingly taken upon ourselves and posterity, for the defence, extension, and prosperity of the colonies.

“ And to this great end, be it farther hereby declared and enacted, that the general congress (to meet at Philadelphia as aforesaid) shall be and is hereby authorised and impowered, (the delegates composing the same being first sufficiently furnished with powers from their respective provinces for this purpose) to adjust and fix the repartitions and quotas of the several charges to be borne by each province respectively, towards the general contributory supply; and this in such fair and equitable measure as may best suit the abilities and due-convenience of all. Provided always, that the powers for fixing the said quotas, hereby given to the delegates from the old provinces composing the congress, shall not extend to the new provinces of East and West Florida, Georgia, Nova Scotia, St. John's and Canada; the circumstances and abilities of the said provinces being reserved for the wisdom of Parliament in their due time. And in order to afford necessary time for mature deliberation in America, be it hereby declared, that the provisions for ascertaining and fixing the exercise of the right of taxation in the colonies, as agreed and expressed by this present act, shall not be in force, or have any operation, until the delegates to be in congress assembled, sufficiently authorised and empowered by their respective provinces to this end, shall, as an indispensable condition, have duly recognized the supreme legislative authority and superintending power of the Parliament of Great Britain over the colonies, as aforesaid. Always understood, that a free grant of an aid as here-before required and expected from the colonies, is not to be considered as a *condition of redress*, but as a just testimony of their affection. And whereas divers acts of Parliament have been humbly

bly represented in a petition to his Majesty from America, to have been found grievous, in whole or in part, to the subjects of the colonies, be it hereby declared, by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, that the powers of admiralty and vice-admiralty courts in America, shall be restrained within their ancient limits, and the trial by jury, in all civil cases, where the same may have been abolished, restored; and that no subject in America shall, in capital cases, be liable to be indicted and tried for the same, in any place out of the province where in such offence shall be alledged to have been committed; nor be deprived of a trial of his peers of the vicinage: nor shall it be lawful to send persons indicted for murder, in any province of America, to another colony, or to Great Britain, for trial. And it is hereby declared and enacted, by the authority aforesaid, that all and every the same acts, or so much thereof as are represented to have been found grievous, namely, the several acts of the 4 Geo. III. ch. 15. and ch. 34; 5 Geo. III. ch. 25; 6 Geo. III. ch. 52; 7 Geo. III. ch. 41, and ch. 46; 8 Geo. III. ch. 22; 12 Geo. III. ch. 24; with the three acts, for stopping the port and blocking up the harbour of Boston, for altering the charter and government of Massachuset's Bay, and that entitled, "An act for the better administration of justice, &c." Also, the act for regulating the government of Quebec, and the act, passed in the same session, relating to the quarters of soldiers, shall be, and are hereby suspended, and not to have effect or execution, from the date of this act. And be it moreover hereby declared and enacted, by the authority aforesaid, that all and every the before-recited acts, or, the parts thereof complained of, shall be, and are, in virtue of this present act, finally repealed and annulled, from the day that the due recognition of the supreme legislative authority and superintending power of Parliament over the colonies shall have been made on the part of the said colonies.

"And for the better securing due and impartial administration of justice in the colonies, be it declared and enacted, by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, that his Majesty's judges in courts of law in the colonies in America, to be appointed with salaries by the crown, shall hold their offices and salaries as his Majesty's judges in England, *quam diu se bene gesserint*,

gesserint. And it is hereby farther declared, by the authority aforesaid, that the colonies in America are justly entitled to the privileges, franchises and immunities granted by the several charters or constitutions, and that the said charters or constitutions ought not to be invaded or resumed, unless for misuser, or some legal ground of forfeiture. So shall true réconciliation avert impending calamities, and this most solemn national accord between Great-Britain and her colonies, stand an everlasting monument of clemency and magnanimity in the benignant Father of his People; of wisdom and moderation in this great nation, famed for humanity as for valour; and of fidelity and grateful affection from brave and loyal colonies to their parent-kingdom, which will ever protect and cherish them."

The Earl of *Dartmouth* observed, that the bill took in such a variety of matter, it was impossible for him to pronounce any certain opinion concerning its propriety; and as the noble Earl who presented it did not seem willing to press the House to any immediate decision, but appeared rather desirous that it should be maturely and fully considered, he supposed it would be quite agreeable to him, that the bill should lie on the table till the papers referred by his Majesty were first taken into consideration; if so, he had no objection to the bill being received on those terms.

The Earl of *Sandwich* rose, and instantly changed this appearance of concession on the part of administration: he insisted that to concede was at once to give up the point; that he was well assured America had already formed the most traitorous and hostile intentions; that the last dispatches brought over an account, that they had already attacked and taken one of the King's forts, and had seized the King's stores and ammunition to employ them against him, which if any thing could be deemed rebellion, it was plain this was. He highly condemned the mode of bringing this bill forward, and every circumstance attending it; and observed, with no small degree of warmth, that it was no less unparliamentary then unprecedented. He said it was impossible, on so short a notice, to determine on a matter of such singular importance, so extensive in its objects, and so novel in its introduction. As to the stale pretension of preserving our commercial interests, that device could impose on none but those who were willfully blind, and who were resolved to contradict the plainest evidence of facts, and shut their eyes against reason and common sense; for it was clear the Americans were not disputing about words, but realities, it was to free themselves from the

restrictions laid on their commerce, that was the principal motive for their present obedience; it was not the tea they really objected, for if they could procure it from any other place but Britain, they would be well pleased, of which he had the most undeniable proof in his pocket, in authentic letters informing him, that there were ships now lading at Amsterdam, Port L'Orient, and Havre de Grace, with various sorts of East-India and European commodities, intended for certain parts of the continent of North America. His Lordship therefore moved, That the bill should be rejected in the first instance.

The Lord *Lyttleton* set out with the highest encomiums on the great abilities and high political knowledge of the noble Earl who framed the bill. He said his knowledge was as extensive as his intentions were good and great; that in the most trying situations, when the nation was reduced nearly to desperation and despair, he stood forth alone, on the great dangerous ocean of politics, and rescued the nation from the impending ruin which was suspended over its head. For these reasons, as well as the particular merit of the proposition now made, he thought both the mover and the matter deserved a more favourable reception. He said, though he could not probably agree with the noble Earl in many of his ideas, particularly relative to the repeal of the Quebec bill, which was included in those mentioned in the petition of rights to the King, he must still continue to think it was extremely improper at once to reject and put a negative on a proposition, which carried on the face of it a plan of reconciliation; and made an opening for changing negociation for the sword. He avowed his former sentiments respecting the supremacy of the British Parliament; but would gladly enjoy all the substantial fruits of that supremacy, in the way of obedience and submission, in preference to wresting them by force and violence. His Lordship then proceeded to animadvert on the conduct of administration, on their manifest misconduct respecting the insufficiency of the force sent to Boston; but was called to order by the Earl of Sandwich; who was also called to order by the Duke of Richmond. His Grace insisted, Lord *Lyttleton* ought not to have been interrupted. Lord *Lyttleton* concluded with a simile drawn from the Roman history, where a General in the time of Augustus being sent with a force against the Germans, not adequate to the service, the General with all his army were unhappily cut off. When Augustus heard of it, his observation was, *that such a force should have been sent as would have ensured success,*

The Lord *Wycombe*, (Earl of Shelburne) disclaimed the least knowledge of the contents of the bill till it was read by the clerk. He was extremely animated, and painted, in the strongest colours, the probable consequences of pushing matters to extremities. A ruined commerce, starving manufacturers, encreased taxes, heavy poor-rates, rents fallen, an exhausted exchequer, and a diminished revenue, were some of the first effects he predicted, that would inevitably follow from adopting the measures of administration. His Lordship proceeded to take notice of another matter which had been hitherto overlooked, but which deserved the most serious consideration. It was well known, he said, the vast supplies of bread corn brought into this kingdom from America, would now of course be stopped; and that again would add to all our other accumulated misfortunes, riots and tumults of the most alarming and dangerous nature. People must eat, and it would be impossible to reconcile them to measures which would at once cut them off from procuring the necessaries of life, unless at a most exorbitant and advanced price, and the means of purchasing them almost at any price. He ventured, he said, to speak with the more confidence of what might be justly dreaded on this occasion, because, when only one part of the case existed, a scarcity of grain in the year 1766, when he had the honour of acting as one of his Majesty's secretaries of state, he well remembered the dreadful alarms that were spread on account of the risings and tumultuous meetings in almost every part of the kingdom. One day an express arrived from Norwich, another from the inland counties, to which troops were sent to quell the rioters; the next day, one from Southampton and the western counties, and a fourth from Chester and the North. I would have these things materially considered and weighed, says his Lordship. All the troops now in Great-Britain and Ireland would scarcely suffice to put the proposed measures in execution. Think then in time, Ireland naked and defenceless, England in an uproar from one end to the other for want of bread, and destitute of employment. Besides all this, is there, then, a noble Lord in administration who will rise and tell me, that he seriously thinks, the powers of Europe, particularly those whose commercial interests and naval power clash with ours, will sit totally unconcerned, and slip so favourable an opportunity of humbling that power, and hurting those interests? I cannot believe there is. Perhaps administration trusts to the assurances of their inveterate enemies and false friends; if they do, all that I will add is, that I sincerely pity them.

The Duke of *Grafton* complained severely of the very unparliamentary manner the noble Earl had hurried the bill into the House: he said, he had the honour of sitting there longer than the noble Earl, and within his knowledge or recollection he could safely affirm, he never remembered another instance of the kind. For his part, he was astonished how any matter so important in its nature, so extensive in its consequences, and directed to such a variety of objects, each of them worthy of a separate consideration, could be thus brought forward together, and in such a manner. In his opinion the matter should have been laid before the House, in separate proportions, each of which should be singly discussed, as leading to one great comprehensive system. His own opinion respecting the general question, was, he said, perhaps different from that entertained by either party. When the day arrived, and that it came before the House regularly, and in a proper mode, he should declare it freely and openly without reserve or predilection for the sentiments of any set of men; but when he considered the manner of introducing it, and the immense mass of matter it contained, however highly he might estimate the talents of the noble framer, or great a personal regard he might entertain for him, he must agree with the noble Earl who moved the amendment, and consequently be for rejecting the bill in the first instance.

Earl *Grey* rose in a great heat, and condemned the bill in the warmest terms. He contended, that it fell in with the ideas of America in almost every particular, and held out no one security; that although we should be base and dastardly enough to betray the rights of the Parliament of Great-Britain, that America would agree to such parts of it as the noble Lord seemed to point out as matters of submission or concession; but above all, it not only sanctifies the traitorous proceeding of the congress already held, but further legalizes it, by ordaining that another shall be held on the 9th of May next. He then endeavoured to prove that suspending the acts mentioned in the bill, would be to every substantial purpose an actual repeal. He defended those acts one after another; and insisted, that the act of navigation would be of no avail, would be no more than a dead letter, if the laws for establishing the admiralty courts were repealed; for to talk of laws for restricting and regulating their commerce without the means for enforcing and executing them, was a mere mockery of reason and common sense. He next launched into *great encomiums* on the Quebec bill; spoke much of its *lenity, moderation, justice and policy*; said, it was a measure

no less founded in wisdom and justice, than its apparent policy, considering the rebellious temper of the colonies, was properly directed. He repeated what he had advanced on a former occasion, that those of the best characters and greatest property throughout the colonies, were well inclined to obedience and submission to the mother country, that all they wanted to manifest their zeal and attachment was to be protected; that were it otherwise, Great Britain was called upon by every tie of interest, every motive of dignity, and every principle of good government, to assert its legislative supremacy entire and undiminished. He avowed his advising every measure hitherto taken against them, said he did not mean to screen himself from any consequence whatever, but was prepared for the worst, and ready to face the block in such a cause. He observed that the noble Earl who framed the bill, seemed to entertain the highest opinion of the prowess of the Americans, and to lament greatly the cruelty and injustice of sending a military force against them; yet he remembered the time the noble Earl entertained very different sentiments on an occasion of infinitely less provocation, when he advised their ports to be filled with ships of war, and their towns with soldiers; adding, that an Ensign, with a few regiments, would reduce them to instant obedience.

Here he was interrupted by the Earl of *Chatham*, who called on him to name the time and place. Earl *Gower* was proceeding, but was again called on to specify the time and place; on which he said, it was in a debate in the other House. The Earl of *Chatham* condemned such a procedure in very severe terms, said it was not decent or parliamentary to mention words spoken out of the House; or if it were, to advert to some particular expressions, which could not be understood without referring them to the other parts of the speech; and in fact, that the noble Earl was mistaken, for no such expressions had ever fallen from him, as he knew too well, by his acquaintance with the force employed during the late war in America, which was not less than 40,000 men, that an Ensign with a few regiments, could not reduce British America, when the part possessed by France of that continent, which was not a third of the former, employed so great a force for full five years, under the command of one of the ablest Generals in Europe, (Sir *Jeffery Amherst*.)

This altercation being finished, Earl *Gower*, declared in the most unreserved terms, for reducing the Americans to submission, gave his hearty concurrence to the Earl of *Sandwich's* amendment.

The Lord *Camden* argued the matter generally, and challenged administration to a full discussion of every separate proposition. He could answer for himself, he dared say he could answer for every noble Lord on the same side, that they never meant to consider so as to decide on the subject matter in this stage of the business. It was not he was certain ever intended. I am not, says his Lordship, by any means prepared to speak fully to any one material part of it; but if, as is always usual on such occasions, they are determined to consider it and to enter into a candid examination, I here pledge myself to prove every leading proposition on which the bill rests, particularly the main one, which in a great measure includes all the rest, the rescinding the declaratory law asserting, that the British Parliament can bind the colonies in all cases whatsoever. On that ground I am ready to meet my antagonists; and if that argument falls, they must, it is evident, give way. I will maintain the negative on the great principles of the law and the constitution, and prove, that in no one stage of the constitution, were taxation and representation ever separated; and that even in case of the county Palatines, the very arguments deduced from the exercise of taxing them before they were represented, will incontrovertibly demonstrate, that legislation and taxation are neither co-extensive nor coequal.

The Earl of *Chatham* replied to the several objections which fell from the members of administration: he descanted with equal humour and severity upon the very extraordinary logic employed by the noble Duke, his *quandam* colleague in office, and very humble servant. The noble Duke, says his Lordship, is extremely angry with me, that I did not previously consult him on the bringing in the present bill: I would ask the noble Duke, does he consult me? or do I desire to be previously told of any motions or measures he thinks fit to propose to this House? His Grace seems to be much offended at the manner this bill has been hurried. I am certain he could not be serious, if he gave himself a minute to consider how the case really stands. Here we are told that America is in a state of actual rebellion, and we are now got to the 1st of February, and no one step is taken to crush this supposed rebellion: yet, such being the case, I am charged with hurrying matters; but whether my conduct may be more justly charged with hurrying this business into, or his Grace with hurrying it out of the House, I believe requires no great depth of penetration to discover. As to the other *general objections*, I presume it will be recollected, that the *last day* I submitted the proposition about withdrawing the troops,

troops, I then gave notice that I would present, in a few days, a plan of general reconciliation.—Eleven days have since elapsed, and nothing has been offered by the King's servants. Under such circumstances of emergency on one side, when perhaps a single day may determine the fate of this great empire, and such a shameful negligence, total inattention, and want of ability on the other, what was to be done? No other alternative, in my opinion, remained, but either to abandon the interests of my country, and relinquish my duty, or to propose some plan, when ministry, by their inaction and silence, owned themselves incapable of proposing any. But even now let them speak out, and tell me, that they have a plan to lay before us, and I will give them an example of candour they are by no means deserving of, by instantly withdrawing the present bill. The indecent attempt to stifle this measure in embryo may promise consequences the very reverse of what I am certain will be the case. The friends of the present amendment may flatter themselves, that the contents of the bill will sink into silence, and be forgotten, but I believe they will find the contrary. This bill, though rejected here, will make its way to the public, to the nation, to the remotest wilds of America; it will, in such a course, undergo a deal of cool observation and investigation; and whatever its merits or demerits may be, it will rise or fall by them alone; it will, I trust, remain a monument of my poor endeavours to serve my country; and, however faulty or defective, will at least manifest how zealous I have been to avert those impending storms which seem ready to burst on it, and for ever overwhelm it in ruin. Yet, when I consider the whole case as it lies before me, I am not much astonished; I am not surprised, that men who hate liberty should detest those that prize it; or that those who want virtue themselves, should endeavour to prosecute those who possess it. Were I disposed to pursue this theme to the extent that truth would fully bear me out in, I could demonstrate, that the whole of your political conduct has been one continued series of weakness, temerity, despotism, ignorance, futility, negligence, blundering, and the most notorious servility, incapacity, and corruption. On reconsideration, I must allow you one merit, a strict attention to your own interests: in that view, you appear sound statesmen, and able politicians. You well know, if the present measure should prevail, that you must instantly relinquish your places. I doubt much, whether you will be able to keep them on any terms: but sure I am, that such is your well-known characters and abilities, any plan of reconciliation, however moderate, wise, and feasible.

sible, must fail in your hands. Such then being your precarious situations, who can wonder that you should put a negative on any measure which must annihilate your power, deprive you of your emoluments, and at once reduce you to that state of insignificance, for which God and nature designed you?

The Earl *Gower* answered, with strong marks of resentment. He said, let the bill make its way where it might, he was ready to abide the consequences; that he did not doubt but sufficient industry would be exerted to circulate its contents; and that however zealous some persons might be to inflame the people both here and in America, it should have not the least effect on his conduct. He was determined to adhere to the true interests of his country and the dignity of parliament; and to stand with them to the last, or perish in the ruins; nor should the terrors of the block itself oblige him to change his purpose. As to the general charges thrown out against administration by the noble Earl, it was time enough to answer them, when he pointed them in such a manner as to call for defence or explanation; that till then they were unworthy of reply, as the persons included in such a censure only shared the fate of all other administrations he ever remembered, since his first knowledge of public business, his Lordship having uniformly condemned them, though he afterwards thought proper to act with their authors; and if the noble Earl's age did not stand in the way, he had no doubt but that, on the present occasion, his Lordship would give one more proof of his change of sentiment, by warmly espousing the very measures he now so loudly condemned.

The Earl of *Hillsborough* was severe on the noble framer of the bill. He spoke fully on legislation, as involving in it every possible power and exercise of civil government. He contended, that his Lordship's computation of the numbers in America, who were ready to dispute the supremacy of parliament, was extremely erroneous; that if that country contained three millions of people, he would be bold to say, from his own certain knowledge of their temper and disposition, that one-third at least were willing to submit to the Parliament of Great Britain; that out of the remainder, the women, children, and old men, could not be deemed fit to bear arms; so that the noble Earl's facts were no less erroneous than his arguments, when he said, that three millions of men, with arms in their hands, would never consent to be *taxed by the legislature* of this country. He next endeavoured to correct a mistake of the same noble Earl, where he
asserted,

asserted, that French America took 40,000 men to reduce it, being satisfied, he said, that at no one time was there above 12,000 regular troops employed on that service. He next defended the declaratory law, but insisted, that it conferred no new right, for if it had never been passed, the legislative supremacy of Parliament would have remained the same. And concluded with holding out the favourable disposition of administration towards the colonies, when they manifested a suitable temper on their part, which could never be till they submitted to the great constitutional claims of the British legislature.

The Duke of *Richmond* took a comprehensive view of the question at large. He examined the bills mentioned in the claim of rights, one by one, and shewed with great ability the foundations on which they rested. He dwelt particularly on the acts for establishing courts of admiralty, and for altering the charter of the *Massachuset's Bay*. He said, the former erected a jurisdiction, the judges of which were interested in the decision; and the latter, under the colour of constituting juries on the plan of those in England, lodged the power of selecting persons fit to serve, in an officer called a Sheriff, it is true, but an officer, at the same time, as little known in our constitution, as any Turkish or Russian magistrate. An English sheriff, being irremovable by any power under Heaven, but for malversation in his office, while a sheriff in the province of *Massachuset's Bay* is to be removable by his Majesty, his governor, or deputy-governor: by which means, the executive power has virtually the appointing of juries, and consequently the lives, fortunes, and personal liberty of the subjects of that province totally at their disposal and mercy; a state of subjugation, he hoped, no Englishman would ever be so mean, slavish, or servile to submit to. He then insisted that the administration had uniformly, for a number of years back, endeavoured to deceive the colonies; that they had so repeatedly violated their most solemn promises, that all confidence was at an end: that out of numberless instances he should only select one, which was the letter written by the very noble Earl himself, (Earl of *Hillsborough*) accompanying the revenue act, wherein he pledged himself, by the most solemn assurances, that they were mere matter of form, and were meant to be immediately repealed, being intended as a nominal assertion of the declaratory law passed in 1766. [Here his Grace was called to order by the Earl of *Hillsborough*, who insisted, that the promise contained in the letter was not broke. His Grace contended

it was, and said he would appeal to the letter itself, which he desired might be read. It was not however read.] His Grace proceeded to recout the particulars relative to that transaction, how the duties on paper, painters colours, and glass were repealed, in a pretended performance of that promise, while that on tea, the cause of all the present confusions, was continued. He then turned to the avowed firmness of a noble Earl, high in office, (Earl Gower) who seemed so willing to court danger, to face the block, and fall with the ruins of the constitution, or triumph in its constitutional maintenance. He comforted the noble Earl with the strongest assurances of his being in no danger; for it was easily avoided, by only at a convenient time altering his opinion; to prove which, he would take the liberty of advertng to a particular fact, which came within his own knowledge. And then he jocularly observed, that however small the minority may appear on the present question, he had seen as small hourly increase till it became the majority; and then told the following anecdote, which happened when Lord Bute was at the head of the treasury, to prove it: "I remember, says his Grace, at that period, a bill was brought into this House to prevent the members from being screened from their debts;—I heartily acceded to this bill upon principle, and had the honour of being joined by the noble Lord then at the head of the treasury. On the division the noes as usual went below the bar; when, missing their leader, they turned short, and were much surprised to see him on the other side." The late Charles Townshend remarked upon this circumstance, that he would hold two to one, in less than a year those very members who divided against him, would creep under the table to join him. Had he been taken up he would have won his wager. He next reminded the noble Earl (Earl Gower) of a circumstance of his docility, which came more directly home to him, as being personally concerned. It was in the year 1766, before Christmas, when a noble friend of his (the late Duke of Bedford) made a motion for taking into consideration the state of the nation. He doubted not but the noble Earl was to the full as ready to face the block then as now, in support of what he deemed his duty; but what was the consequence? The noble Earl, the author of the present bill, having in the interim met him at Bath, and having had some conversation with him, the Parliament was adjourned to the day after the state of the nation was to be taken into consideration; all enquiry was at an end, and the nation left to shift for itself.

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The Duke of *Manchester* lamented, in a very sensible manner, the present situation of affairs, the dangerous consequences of a civil war, which he feared would terminate as the social war among the Romans did, in the inevitable destruction of the whole empire. He was moderate, pathetic, and drew the attention of every side of the House. He did not pretend to determine on the contents of the present bill, nor adopt it throughout; all he wished was, that one sober view should be taken of the great question, before perhaps we blindly rushed into a scene of confusion and civil strife, the event of which it was impossible to foresee.

The Earl *Temple* said, that he had never given, in public or private, a decided opinion, whether it was wise or not to pass the stamp act; but that he was abundantly convinced that all the evils and distractions now complained of, were derived from the fatal repeal of it. That the bills of last year were more exceptionable as to the mode than as to the matter. He said nothing with regard to the contents of the bill which had been read, and finished with expressing his disapprobation of rejecting in so harsh and unprecedented a manner, a bill designed for the most salutary purposes, and presented to their Lordships, by a hand so truly respectable as that of his noble friend and relation. This reason alone deciding upon his vote.

This debate lasted till almost ten o'clock, when the question being put, there appeared for the Earl of Sandwich's amendment, Contents 61, Non-contents '32; so the bill was rejected, and not suffered to lay upon the table.

The minority were,

Dukes of Cumberland
Richmond
Devonshire
Portland
Manchester
Northumberland

Marquis of Rockingham

Earls of Stamford
Abingdon
Scarborough
Cholmondeley
Stafford
Tankerville
Stanhope
Essex
Fitzwilliam

Earls of Temple

Radnor
Spencer
Chatham

Lords Abergavenny

Ferrers
Craven
Romney
King
Fortescue
Ponsonby
Lyttelton
Wycombe
Sondes
Milton
Camden.

February 7.

Lord George Germaine, accompanied by about twenty members of the House of Commons, delivered a message at the bar of the Lords, desiring a conference with their Lordships in the Painted Chamber. His Lordship then withdrew for a few minutes, and being called in again, was informed that their Lordships would immediately attend. The Lord Keeper next proceeded to call on such Lords as were willing to meet the Commons, in order to manage the said conference in behalf of the Lords, when the following, among several others, attended accordingly: Lords Gower, Sandwich, Dartmouth, Denbigh, Plymouth, Cathcart and Townshend; the Duke of Grafton, and the Bishops of London and Peterborough. In a few minutes their Lordships returned, and the Lord President [Earl Gower] reported, that the managers for the Lords had met the managers for the Commons at a conference, which on the part of the Commons was managed by Lord North, who acquainted the managers for the Lords, that they had taken into consideration the state of his Majesty's colonies, in North America, and had agreed upon an address to be presented to his Majesty, to which they desired the concurrence of this House. Then his Lordship read the address delivered at the conference.—And the same being again read by the Clerk,

[The address, and the debates upon it, in the House of Commons, may be seen in the first volume, page 136 to 174.]

The Earl of Dartmouth and the Marquis of Rockingham both rising to speak, a debate arose who should speak first.

In this confusion the Lord Keeper [Lord Apsley] put the question, "Is it your Lordships pleasure that the Earl of Dartmouth be now heard?" This called up the Duke of Richmond, who contended, that it was a most slavish position to say, that any Lord in that House should have a preference before another; and that the preference should be determined by the House. Lord Mansfield replied, that he had always understood it was in the option of the Chairman, in either House (the Speaker in the other, and the Lord Keeper in this) to so far decide, as at least to put the question on which of the two persons he pleased. To prove this, his Lordship cited an instance in a committee of the House of Commons on the Spanish convention in 1739, when two members rising at the same instant, to make motions of a direct contrary tendency, Mr. Winnington, the chairman, pointed to one of them in preference to the other, which gave birth to the witty observation of Mr. Pulteney, afterwards Earl of Bath,

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in the course of the debate, "That the Chairman had made the deadeſt point he ever ſaw in his life." Lord Camden urged the neceſſity and juſtice of their pre-viously accepting the petition of the merchants, which he underſtood the noble Marquis had to preſent, and hearing the merchants allegations: he told the Houſe, they not only ſat there in their repreſentative, but in their judicial capacity, and were therefore bound by all the ties of official duty, to get every light and information upon the ſubject before them; otherwiſe, their coming to a determination could not be acting in the ſpirit of the conſtitution. He preſſed them but for a day, which would not create any delay, and in that time he had no doubt their Lordſhips would receive that ſolid information founded on the trueſt proofs, commercial experience; which would, perhaps, influence their Lordſhips to think differently from what they then did. Earl Gower inſiſted that ſuch a mode of proceeding was totally unuſual and unparliamentary; that very early in life, much about the period the noble and learned Lord [Lord Mansfield] alluded to, he remembered a circumſtance which came directly in point; it was on an intended motion of the late Lord Halifax's, when the Lord Keeper decided againſt him, that another noble Lord ſhould be firſt heard. [In all this hurry and confuſion, the true point on which the preference contended for reſted, ſeemed to be entirely miſtaken, till the Earl of Denbigh obſerved, that the preference was with the noble Earl, out of the reſpect due to the other branch of the legiſlature.] The queſtion was at length put, and the motion was carried without a diviſion.

The Earl of *Dartmouth* accordingly roſe, and after putting in his claim to be heard to the queſtion at large, moved, that the blank in the addreſs preſented by the Commons at the conference, and now communicated by the Lord Preſident, ſhould be filled up with the words "Lords Spiritual and Temporal, and"

The Marquis of *Rockingham* acquainted the Houſe, that the matter which he roſe to was to preſent petitions, one from the merchants of London concerned in the commerce to North America, and the other from the Weſt-India merchants and planters; that he imagined their contents were of the higheſt importance, were immediately relative to the buſineſs under conſideration, and were well worthy of arreſting any determination of this Houſe, for at leaſt one day, being certain, that within that ſhort period, information of infinite conſequence would be laid before their Lordſhips, per-

haps sufficient to alter, or at least soften the rigour of the measures they were now madly, hastily, and blindly proceeding to adopt. His Lordship then desired the petitions might be read, which being complied with, he observed, as a question was now before the House, that must be first disposed of; and as consequently the subject matter of petitions could not regularly come under the cognizance of the House; and that he still hoped the House would be willing to hear the petitioners, as men suffering under the heaviest misfortunes, none of which could be attributed to their own misconduct, he would be under the necessity, as the only means left, of moving the previous question, which would open a door for taking into consideration a general state of the petitioners grievances. The previous question was accordingly put, and his Lordship proceeded. He observed, that until the previous question was first disposed of, he could not regularly enter into a discussion of the address; but he would, nevertheless, in this stage of the business, assure the House, that there was one paragraph in it, which he totally disclaimed, and desired to be understood, neither to have act or part in, that was, where both Houses were to assure his Majesty, they would, in support of the measures therein recommended, hazard their lives and fortunes; for he now openly declared, he would neither risque nor hazard life or fortune in such a cause. He said the noble mover adverted to something which he did not perfectly understand, about unanimity. If every man who opposed this address, were presumed to be actuated by false notions of popularity or factious motives, he believed four-fifths of the nation would fall under that predicament; but this he could answer for himself, at all events, that he should not tread in the steps of his noble, but ill-fated ancestor, [Lord Strafford] who first courted popular favour, and then deserted the cause he had embarked in; for as he had set out by supporting the cause of the people against the tyranny and arbitrary measures of ministers, so he should never, for any temptation whatsoever, desert or betray them, but would persevere to the very last, in endeavouring to obtain for them a full reparation for all the injuries they had sustained.

The Earl *Pemfret* contended, that the sea was our proper element; was against a land war, and strenuously urged the necessity of sending a naval force sufficient to block up their harbours, and by that means to cut off their communication with all other powers, and put a total stop to their commerce.

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The Earl of *Denbigh* united in this opinion on general principles, but insisted that a military force would be necessary for the protection of his Majesty's loyal subjects, who would be otherwise exposed to the fury and violence of their merciless persecutors.

Earl *Gower* adhered closely to the immediate question before the House, the propriety of entering into an immediate examination of the matter contained in the petitions intended to be presented by the noble Marquis. He said, the petitioners were persons who deserved every mark of attention and respect which the House could pay them, consistently with the interests of the empire at large; and although their grievances were imaginary, their complaints were nevertheless deserving of indulgence. He trusted, however, when they maturely considered that the steps now taken were to prevent the return of such evils in future, they would cheerfully acquiesce in the wisdom of parliament in the present instance, and be gratefully thankful hereafter; for if the supremacy of the legislature was once given up, their trade, commerce, and every possible advantage accruing from either, would soon be annihilated. He therefore hoped, that the merchants would, on the present occasion, submit to a temporary inconvenience, nay a short-lived distress, to insure the most permanent and important benefits; and manifest that degree of magnanimity which a sense of their own interests, founded in submission and acquiescence to the wisdom of Parliament, must, upon mature consideration and past experience, most certainly suggest.

Lord *Mansfield* said, it was impossible to confine the attention of the House merely to the matter of the previous question. He perfectly coincided in sentiment with the noble Earl, who asserted, that we were reduced to the alternative of adopting coercive measures, or of for ever relinquishing our claim of sovereignty or dominion over the colonies; for consider the question in ever so many lights, says his Lordship, every middle way, every attempt to unite the opposite claims of the contending parties, ends, and is ultimately founded in one resolution or the other. His Lordship observed, that one of the most able American writers, after the fullest and clearest investigation of the subject, at last confesses, that no medium can possibly be devised, which will exclude the inevitable consequence of either system absolutely prevailing; for that take it up on which ground you would, the supremacy of the British legislature must be compleat, entire, and unconditional; or on the other hand, the colonies must be

free and independent. His Lordship next proceeded to examine very minutely the several acts of parliament complained of in the congress which assembled at Philadelphia, and endeavoured to prove, that every one of them, more or less, confirmed the principles he had laid down, and the conclusions he had drawn from them; and directly struck at the legislative superintending power, which it was contended they were willing to submit to, not barely to the subject of taxation. He more particularly adverted to the acts for the establishing the admiralty courts in that country; for regulating the rates of postage of letters; for ordering persons in any part of the dominions of the crown to be tried in any English county, for being charged with setting his Majesty's dock-yards on fire; for the quartering of soldiers, and one or two more of the same nature; any one of which, if repealed, would be a total renunciation of the sovereignty; even, if the other proposition were true, that we had no right to tax them. But that claim of non-taxation, it was, he said, that introduced all the rest; if the doctrine was a just one in any instance, it must of inevitable consequence extend to all the rest; for it was to the last degree monstrous and absurd to allow they had a right distinct from the British legislature in any one particular, and not in all: if they had such a right, the defence of it would justify resistance; and to contend that subjects had a right of resisting the government, was a doctrine he should be glad to hear maintained, on any principle of civil government, reason, experience, or common sense. This led his Lordship to the subject of the petitions; but he contended, that they did not at all come in the way of the present motion. He did not doubt but the petitioners were aggrieved; he did not doubt but they laboured under great and singular distresses; he did not doubt but every degree of men, the landed gentleman, the merchant, the manufacturer, the mechanic, would all heavily feel, in their several situations, the threatened calamities. Nay, he went further, he did not promise certain success from the present measure. The army might proceed to hostilities, they might be defeated, the Americans might prevail, we might be for ever stripped of the sovereignty of that country; but what of that? the events of war were uncertain: the question was, allowing all the inconveniencies as set forth in the petitions to be precisely just, and taking into full contemplation every possible contingency *that human foresight and prudence could suggest, whether we should relinquish our rights, or resolve at all events to re-*
solutely

solutely persist in their assertion? His Lordship again returned to his former argument, of the acts they had protested against, and observed, that though he was not present when a noble Lord on a former occasion [Lord Chatham] had insisted, that in return for their temporary suspension and constant repeal, he would insist on the most unequivocal declaration on the part of America, of the supreme legislative controlling power of the British legislature, in every other case whatever, but that of taxation only, he could not help remarking, that they avoided every declaration equivocal or unequivocal; for all they promised in return, was to consent to the act of navigation, while they were boldly contending for the repeal of every one act almost which was to give that great constitutional law the least force or effect. He next proceeded to prove, by a variety of arguments, that the colonies were in actual rebellion; insisted on the right of the mother country over the colonies; doubted of the expediency of taxing now, on account of the repeal of the stamp act; but said it was utterly impossible to say a syllable on the matter of expediency, till the right was first as fully asserted on one side, as acknowledged on the other. He loudly condemned the bad policy of laying the taxes on in 1767; and laid all our present troubles and political confusions at that door. He said it was the most absurd measure that could possibly be imagined, for all the purpose it answered was, at once to throw the colonies into a ferment and ill-humour; and to hurt the commerce of Britain, by furnishing the Americans with a temptation to smuggle; that is, loading our own manufactures with duties, and permitting other powers to supply the American markets with the same commodities, without paying any.

Lord *Camden* took up the last noble Lord on his assertion, that the colonies were in rebellion. If rebellion and treason meant the same thing, he would be bold to say the colonies were not in rebellion. He said he knew no species of treason, but those described by the statute of the 25th of Edward the Third, which were, levying war within the realm, or compassing or imagining the death of the King. He owned that there were many precedents in the books of constructive treason, where certain acts of an atrocious nature were adjudged and referred to one or other of those; but he contended that no one act hitherto committed in America came within any of those precedents. He said, constructive treason was a dangerous thing; the rule should

be certain and definite; for were it otherwise, no man could tell where it would end, as the lives and properties of the subject would be then at the mercy of the judge, the culprit would then suffer at the will of the judge, not by the spirit or the letter of the law. He insisted, he had as great and good a judge as ever sat in Westminster-Hall, Lord-Hale, to support him in this opinion, who, after laying down the law of Edward the Third, and the expositions of it in the several decisions of his predecessors, asserts, in the most absolute and unreserved terms, that nothing should be deemed treason, by any parity of reasoning or similarity of circumstances, unless it came expressly within the statute or the interpretation of it, as laid down in the several decisions which had been given since the passing of the law. He added, on this head, that the wisdom of the framers of it, had provided for any mischief that might arise, by directing the judges to apply to Parliament for their advice, should any new case arise which did not come within the words or obvious meaning of the statute. He next replied to the noble and learned Lord, as being seemingly involved in the censure passed on the administration which consented to lay the duties, one of which (that on tea) was now the original cause of the unhappy disputes subsisting between Great-Britain and the colonies. He utterly disclaimed having the least hand in that measure; said he was not consulted in the framing the law which laid on those duties, and that he was at the time closely and laboriously employed in discharging the weighty functions of his office. He next entered into a very full and detailed view of both the previous and detailed question; he said he was astonished to hear a noble Lord, in the course of the debate, advise the very extraordinary measure of blocking up the American ports, and thereby preventing them from all commerce whatever. He observed, that sending an army thither in a hostile manner, was insanity the first; but were the present proposed measures adopted, it would indeed be insanity the second. It would be no less than a political *faute de se*; and would be like a man, who, to be revenged of a person that he supposed had injured him, should sheath a poniard in his own bosom. Our commerce, says his Lordship, is at once the source of our wealth and our power; it both gives us seamen to man our fleets, and money to pay them; without commerce this island, when compared with many countries on the continent, is but a small insignificant

nificant spot: it is from our commerce alone that we are intitled to that consequence we bear in the great political scale. When compared with several of the great powers of Europe, England, in the words of Shakespeare, being no more than a bird's nest floating on a pool. What, then, would be the consequence of adopting so wild and dangerous an expedient? We should neither have ships to defend us, seamen to man them, nor money to pay them, and we must of course fall a prey to the first invader; for both the means of defence, and the sources which were wont to support it, would be at once cut off. He said, every engine had been set to work, and art assayed, to prejudice the landed interest, and distinguish it on the present occasion from the commercial, as if the latter could sustain any injury that the other must not equally feel. What rose the value of the lands but commerce? What supported commerce again but the lands?—their interests being as inseparable as the benefits they derived from each other were mutual and reciprocal. He concluded generally on the high sounding, unintelligible phrases of legislative supremacy and parliamentary omnipotence; but, for his part, they conveyed to his mind precisely such an idea, and gave equal satisfaction, as the answer given by the fine gentleman in the play, who, being charged with baseness by his friend, who told him he had eat his meat, drank his wine, and lain with his wife, made no other reply, at the end of every sentence, but, "Sir, I wear a sword."

The Duke of *Grafton* rose with great warmth, and after observing that his ideas on this important subject did not coincide with what had been urged from any side of the house; and that he meant to reserve his opinion till the great question, with all its several relations and collateral circumstances, came to be taken into consideration and finally decided on, animadverted with no small degree of acrimony and resentment on the conduct of the two learned and noble Lords who preceded him. Of the latter [Lord Camden] he insisted it was mean, and much beneath the dignity of one who acted in the exalted station he did, at the time the duties now mentioned were imposed, to come at this time to screen himself from the disagreeable consequences that measure produced, and shift the blame off his own shoulders to lay it on those of others, whom he was perfectly convinced, and fully conscious, had no more particular hand in it than his Lordship. The measure, says his Grace, was consented to, at least,
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in the cabinet. The noble Lord acquiesced in it, he sat in that chair, (pointing to the Lord Keeper's) while it was passing through this House in its several stages. The learned Lord was the very person who signified the royal approbation of this law in his official capacity, under the seal of his office; and shall he now come to tell this house, and the public, that it passed without his approbation or participation? He then observed, that matters which had passed in that House were frequently misrepresented without doors; but he was glad of an opportunity of testifying to the public that it was no measure of his, perhaps it was contrary to his judgment; but he reserved his sentiments on that subject to a future occasion; as what he meant now was, that let the measure be good or bad, all he wished was, that every cabinet minister, who acted and deliberated in that capacity, at the time of passing that law, should equally share the censure, if it was a bad one, or be entitled to an equal claim of merit, if it were a good one. In reply to the other noble and learned Lord, he said, he totally differed from him, as to the commercial effect of that law; for if the law itself was wise, and the principle it originated from expedient and equitable, the regulation was certainly no less so; for there was no other possible mode of enforcing the declaratory law, internal taxation being totally abandoned by the repeal of the stamp-act, but by laying on post-duties. And he knew of none, against which the noble Lord's objections would not lie as forcibly as those proposed to be levied by the act under consideration. He lamented the misfortune that the administration he was connected with was the only one who wanted the assistance of the noble and learned Lord. He was certain that some of the preceding administrations had profited of his great abilities; and though he was deprived of the support which might be derived from such sage counsels, he was happy that the nation experienced the good effects, in the aid he had given to some of the administrations which preceded the one in which he was concerned; and perhaps, nay probably, the one that succeeded it.

Lord *Mansfield* feeling this as a direct attack, implying an interference in the public councils, endeavoured to exculpate himself from the charge. He said, he had been a cabinet minister part of the late reign, and the whole of the present; that there was a nominal and an efficient cabinet; that for several years he acted as a member of the latter, and consequently deliberated with the King's minister; that however, a short time previous to the administration in which

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the noble Marquis presided at the head of the treasury, and some considerable time before the noble Duke succeeded him in that department, he had prayed his Majesty to excuse him; and from that day to the present he had declined to act as an efficient cabinet minister. He said, he had lived with every administration on equal good terms; and never refused his advice when applied to; that particularly the noble Marquis must recollect his giving him every assistance his poor abilities were capable of affording; nor was it his fault that noble Duke did not experience the same; for had he been applied to, he would have cheerfully rendered him every assistance in his power. That he had not changed his opinion on the present subject, he appealed to every side of the House; for when the repeal of the stamp-act was brought into it, though he wished to give the measures of government every support, consistent with his judgment and his public duty, yet foreseeing the consequences exactly in the same light they have since turned out, he voted against it; but assured the House, that he took no other private or ostensible part whatever in that business; and so careful and studious was he to avoid the least appearance of any thing of that kind, that he even returned a proxy that was sent to him against the repeal, sooner than seem to take any public part against the King's servants. His Lordship likewise apologized to the noble Duke, and assured him, that he had not the most distant intention of passing any censure on any measure pursued in the administration in which he acted; so far from it, that he highly approved of putting the declaratory law into execution; all he at most insinuated was, that the present minister's plan was much better calculated for giving it effect; as it at once destroyed the temptation to smuggle, by reducing the duty from one shilling to three pence; for who would risque his whole property against such a trifling duty? or how was it possible that the smuggler could come to market upon equal terms, under all the circumstances attending that trade, with the fair importer.

The Lord *Wycombe*, (Earl of Shelburne) after taking a general view of both the previous and main question, respecting the propriety of hearing the petitioners, and the madness of a civil war, upon every ground of justice, prudence, and sound policy, in a very able and comprehensive manner, said he hoped the day of enquiry and public retribution would come, when the author of the present dangerous measures would be discovered, and of that despotic system which has governed our councils for

some years past, clearly developed. Candour obliged him to testify to the conduct and sentiment of the noble Duke, that he was averse to the measure; and the day it was brought in, as part of a money bill from the other House, never rose to support it, as the strongest mark of his disapprobation. He was certain the noble and learned Lord equally disapproved of it; and, for his own part, who had then the honour of occupying a very high post in administration, his sentiments were too well known to call for explanation. He said further, that his situation gave him an opportunity of knowing the sentiments of a very high Personage; and he could affirm, from his own knowledge, that they were extremely favourable towards America. It was therefore a matter well worth knowing, and extremely deserving of enquiry, how this unexpected change was effected, and by what over-ruling, fatal influence this great empire was brought to the eve of being plunged into all the miseries and horrors of civil war.

The Lord *Lyttelton* rose next, and contended for the universality and unity of the British empire over all its territories and dependencies, wherever its domination extended. He was severe on the noble and learned Lord [Camden] who spoke so fully on the dangerous consequences of constructive treason. He asserted those little evasions and distinctions were the effects of professional subtlety and low cunning; that it was absurd to the last degree to enter into such flimsy observations on this or that particular phrase or word, and thence draw deductions equally puerile and inconclusive, that the colonies were not in rebellion. For his part, he should not abide by such far-fetched interpretations, he would be guided by common sense, and only consult the papers on the table, to prove beyond question, that America was in rebellion. What! will any noble Lord in this House rise, and tell me seriously, that a country is not in rebellion when it openly disclaims all obedience to the laws, all dependence on the legislature! when they offer to appropriate the public monies to the very means of resistance! when they prevent the courts of justice from assembling, and the counsellors appointed by the Crown from acting! Will any noble Lord pretend to say, that any or all of those are not *manifest* acts of rebellion? or that it is not treason in every obvious, substantial, and legal meaning of the word, to attack one of the King's fortresses, make his troops render it up, and seize and convert the King's stores to the direct purposes of openly resisting his legal authority by force of arms? Are these acts of the most flagrant

flagrant rebellion and treason? or are they, according to the ingenious doctrine and legal language of the noble and learned Lord, only to be construed mere misdemeanor or felony? His Lordship next entered into a very spirited defence of his noble and learned friend, who spoke on the same side, and dealt his blows very liberally on all those who had attacked him. He bestowed the highest encomiums on his talents, integrity, and political conduct; and charged his accusers with being weak and evil counsellors, no less in their general sentiments than in their personal attacks. He recurred to his former arguments, and contended without reserve for the legislative supremacy of Parliament over every part of the British dominions in America, the East and West Indies, in Africa, in Asia, in every part and quarter of the globe, nay over Ireland itself, if it should become necessary; the right of taxation and legislation being indivisible and unconditional, over every place to which our sovereignty extended.

The Duke of *Richmond* condemned, in the most pointed and direct terms, what his Grace called the inflammatory and ill-grounded representations of the learned and noble Lord. He said it was very unbecoming the gravity and dignity of his situation, and of the several high relations he stood in to the state, to endeavour to inflame and mislead at so alarming a crisis. He observed that the noble Lord had laboured all in his power to prove the colonies in rebellion; but for his part, he did not perceive that he used one solid argument in proof of this cruel assertion: an assertion, in every view of it, big with the most horrible and direful consequences; an assertion which, as soon as sanctified by a vote of both Houses, authorized every species of rapine, plunder, massacre, and persecution whatever. His Grace then turned to the consideration of constructive treason; and observed, that the noble and learned Lord and his friends ought to be the last to approve of lax and indefinite interpretations of treasons, as it might, on some future day, open a door for obtaining of substantial and effectual justice on those who, through the whole course of their lives, had been as sedulous to evade the law, as they were industrious to break it. He entered fully into the propriety of postponing the contents of the address; and at least listening to hear what the petitioners had to offer. It would be decent to pay some degree of attention to so respectable and useful a body as the merchants; and though no petition had been presented, it would be manifestly indecent, and totally derogating from the dignity of that
House.

House, to blindly and implicitly adopt the present measure, without examination, deliberation, or enquiry. This night's debate, he confessed, brought back strongly to his mind what had often been the subject with him of great astonishment and serious consideration. The measure which had been originally the cause of our present dangerous situation, was now openly disavowed by three cabinet ministers, then occupying the first departments of the state. They had, each of them, he remarked, solemnly declared it was no measure of theirs, jointly or separately; one of them [Lord Shelburne] has assured us, from his own knowledge, that it did not seem to be agreeable to the sentiments of a Great Personage. Whence then, says his Grace, are we to suppose it originated? I will not say that the noble and learned Lord knows; but this I will venture to remind his Lordship of, that when I came to office I saw several foreign dispatches, on the margin of which were written observations in that noble Lord's hand writing. I need not tell his Lordship, but I shall take the liberty to inform the House, that the correspondence with our foreign ministers, at a convenient time, is sent round in little blue boxes to the efficient cabinet ministers; and that each of them give their opinions on them in writing. These are the opinions and the observations I now allude to. His Grace besides, in the course of his speech, condemned very severely the acts respecting America, passed during the last session, particularly to that which gave a new power to the sheriffs, unknown to the constitution; that of creating what he called *pocket juries*; and the other, which, if possible, is of a much more dangerous tendency, preventing all meetings, under the penalties of high treason; for if it be treason to resist an act of the British parliament in the manner now contended for, it must of consequence be treason to assist at the assemblies, which the bill for altering the charter positively prohibits.

The Lord *Mansfield* rose in great warmth: he said he could hardly bring himself to believe the several insinuations thrown out on the other side of the House could be directed at him; yet, on the other hand, if they meant any thing, he knew not otherwise how to interpret them. If they were intended to be imputed to him as a crime, they missed their aim, for in his opinion they had perhaps undesignedly done him the greatest honour. What do their Lordships insinuate, that I have been the author of the present measures, and it is I that direct them? I should be proud to own them if it were, because I think them wise, politic, and equitable; but surely they

they will permit me to repeat again, that I have been a nominal cabinet minister part of the last reign, and the whole of the present; that I was an efficient cabinet minister during part of both periods; but that since the time before alluded to in this debate, I have had no concern or participation whatever in his Majesty's councils. Threats are thrown out, and enquiries predicted: I heartily wish they may be speedy; I am prepared for them, and put their intended authors to the most utter defiance. It has been urged against me as a crime to-day, that I have courted popularity. I never did *court* it, but I have always studied to *deserve* it. Popularity will always fly the pursuers; she must follow. I do not mean to say that I despise it; on the contrary, I sincerely wish for it, if not purchased at too dear a price, at the expence of my *conscience* and my *duty*. If a faithful-discharge of one, and execution of the other, be the means of procuring it, I hope I shall always be a warm candidate for popular fame. I have hitherto, to the best of my abilities, acted on that plan, and I hope I shall persevere to the end. I have seen much of courts, parliaments, and cabinets, and have been a frequent witness to the means used to acquire popularity, and the base and mean purposes to which that popularity has been afterwards employed. I have been in cabinets where the great struggle has not been to advance the public interests; not by coalition and mutual assistance to strengthen the hands of government; but by cabals, jealousy, and mutual distrust, to thwart each others designs, and to circumvent each other, in order to obtain power and pre-eminence. I have been no less careful to observe the effects of popularity, where it has been courted and gained for particular purposes; but where every engagement was abandoned which led to its attainment, when the keeping of them became no longer necessary to the views of self-interest and ambition. I am threatened! I dare the authors of those threats to put any one of them in execution. I am ready to meet their charges, and am prepared for the event, either to cover my adversaries with shame and disgrace, or in the fall, risque the remnant of a life nearly drawing to an end, and consequently not worth being very solicitous about.

The Lord *Lyttelton* rose a second time, to defend his noble and learned friend; and the Duke of Richmond in particular, and one or two other Lords on the same side, having dwelt much on the probable consequence our present civil dissension might have on the conduct of France and Spain, his

Lordship

Lordship pressed the King's servants to declare what steps they had taken to bring these courts to an explanation on this subject.

The Earl of *Rochford* replied, that he believed the noble Lord had spoken by inspiration. He declared he had no sort of conversation with him relative to the subject, whatever appearance it might have of being concerted between them; but he thought it extremely fortunate, that the question furnished him with an opportunity of acquainting the House, that he had received a letter that very day from the King's minister at Paris, giving him the most full and unreserved assurances that the French court would prohibit all commerce with the British colonies; and that should any of the subjects of the crown of France, after such declaration on their part, presume to carry on any trade with America, his most Christian Majesty meant to be understood, that they were to be deemed out of his protection; and that the British court were at liberty to seize the vessels and confiscate their cargoes. His Lordship said, that it might possibly be objected to this declaration, that we ought not to depend on French faith; and that probably those assurances were given only with a view of lulling us into a fatal security; but he said he had every reason to believe France sincere, as well by the pacific counsels which at present prevailed in that country, as from the permanent policy of both France and Spain, who were determined, on their own account, against countenancing, abetting, or bringing into precedent, any measure which might operate as an encouragement to the colonies in the New World, to render themselves independent of the present state. His Lordship then referred to a work lately published in France, wherein it is expressly asserted, that it would be bad policy in the extreme, for France to interfere in the present disputes between Great Britain and her colonies.

The Lord *Wycombe*, [Earl of Shelburne] returned to his general charges of a fatal and over-ruling influence. He observed, it was very extraordinary that the bills passed last sessions of Parliament, respecting America, were disowned by the law officers of the crown; and who, in the name of God, could have framed them, says his Lordship?—We cannot, cannot suppose it was the minister who framed them. We are almost certain that none of the members of administration drew them up. We know they were fabricated by some person conversant in the law. It is impossible we can hesitate

tate a minute, therefore, to pronounce them to be the work of some hand who is unwilling to own them. The law officers of the crown have disavowed them. Who then framed them? The public naturally look at a law lord; notoriously high in favour in the cabinet, with whose sentiments and doctrines they perfectly agree. Is not this, my Lords, enough to raise suspicions in the most unsuspecting mind, that the King is betrayed, the nation undone, and the ministry rendered mere cyphers, to give a sanction to a system of measures, which, sooner or later, must be the ruin of this country, or at least of its constitutional liberties? The noble and learned Lord has confessed, that though for some years he has ceased to act in the character of an efficient cabinet minister, there was a time when it was otherwise; there was a time when he united in his character two things in the English constitution the most repugnant in their nature, that of an acting cabinet minister and a lord chief justice of England. For my part, I always imagined, according to the true principles of this constitution, that it was the great, pervading principle and excellence of it, to keep the judicial and executive powers as separate and distinct as possible, so as to prevent a man from advising in one capacity what he was to execute in another. I hope the time will come when those matters will undergo a full and impartial discussion, without a personal allusion to any man, when we shall be able to point out, with certainty, the real author of the present measures; and be at the same time informed, where the judges in Westminster-hall have kept within their own province, and where they have invaded the constitution, by substituting their own prejudiced and partial opinions for the law of the land. In particular, I sincerely wish, that means may be devised for leaving the members of the cabinet, at the time the duties imposed on America were laid, at liberty to declare freely what they know of that matter, so that the real authors may be discovered, and the framers of this pernicious fatal measure held forth to public detestation. The noble and learned Lord has disclaimed having any direct concern in the present business, and endeavours to strengthen his bare assertion, by shewing what little or no temptation he could have to interfere. But the noble Lord knows, every noble Lord in this House knows, a court has many allurements, besides even place or emolument. His Lordship denies any obligations or personal favours whatever. I am ready to give his Lordship full credit for this declaration; but he will permit me at the same time to observe, that smiles may do a great deal; that if he had

nothing to ask for himself, he has had friends, relations, and dependants amply provided for: I will not say beyond their deserts, but this I may say, much beyond their most sanguine expectations. Independent however of these considerations, I think the pride of directing the councils of a great nation, to certain favourite purposes, and according to certain preconceived principles; may possibly effect great things, and tempt to great hazards, considering the frame and temper of some men's minds.

Lord *Mansfield* now rose, in great passion. He said, he thought it had been the leading characteristic of that assembly, when contrasted with the other House, who too often descended to altercations and personal reflections, to always conduct themselves like gentlemen; but he was sorry to see that rule departed from this evening for the first time. He charged the last noble Lord with uttering the most gross falshoods. He totally denied that he had any hand in framing all the bills of the last session; and was certain, that the law officers of the crown never asserted that they had no hand in them; but whether they had or had not, was of no consequence to him, for he was clear, the charge, when applied to him, was as unjust as it was maliciously and indecently urged.

The Lord *Wycombe* [Earl of Shelburne] returned the charge of falshood to Lord *Mansfield* in direct terms, he appealed to the House, whether the words he had used, were not, "that if among the bills of the last session, there were some disavowed by the law officers of the crown, it was natural for the public to look at the law Lord, notoriously high in favour in the cabinet, to whose sentiments the principles of those bills appeared to be particularly adapted, and with whose doctrines they entirely agreed;" which he called upon his Lordship to contradict, if he—

The Duke of *Richmond* animadverted, in very severe terms, on an expression which fell in the heat of debate from a noble Lord [Lord *Lytelton*]. He said no man could impute littleness, lowness, or cunning, to any member of that assembly (alluding to what his Lordship had pointed at Lord *Camden*) for delivering his sentiments freely, unless he drew the picture from something he felt within himself, as, by il-liberally charging others with low and sinister designs, the charge could only be properly applied to the person from whom it originated. His Grace entered into a full consideration of the true purport of what had fallen from a noble Lord in office [Lord *Rochford*] relative to the present language and disposition of the French court. He said, the assurances

now quoted, with so much official parade, and so seasonably brought under consideration, without any design, were, of were not, to be relied on: that they were not to be entirely relied on, the noble Lord partly confessed, by insisting, that we were prepared for the worst: He should be therefore glad to know what those preparations consisted in; what proportion they bore to the strength of those, who in the contest might possibly become our adversaries; and above all, he should be obliged to the noble Lord, who presided at the head of the naval department, to lay before the House an authentic, precise state of what our naval force consisted in; because he had observed, that on a former important occasion, we received the most full and solemn assurances, that our navy was on a very respectable footing at the time of the dispute about Falkland's island; yet it was afterwards discovered, that we had not a single ship of war fit to proceed to sea. His Grace then proceeded to discuss the question at large, relative to our present unhappy disputes with America, and by the several important lights he let in on the subject, and the variety of interesting facts he adverted to and elucidated, he shewed himself to be very fully and thoroughly informed of the conduct of the contending parties; of the provocations given on one side, and the effects they produced on the other; and, above all, the total ignorance of administration, relative to the temper and disposition of the colonies.

The Earl of *Sandwich* to answer his Grace, apologized for rising at that late hour of the night. He said, he had employed himself in taking notes the whole evening; and intended, before he went away, to have eased himself of the burthen (an expression of Lord *Shelburne's*); but as the matter had been already so fully discussed, he should not at so unseasonable an hour trespass on their Lordships' patience, but solely confine his reply to the information desired by the noble Duke, relative to the department over which he had the honour to preside. He said, when he came to the admiralty board, the navy was in the most ruinous condition; so much, that within the last four years there were no less than forty line-of-battle ships broke up, and even six in the course of the last year; that there was not six months' timber of any kind in the yards, and in some, he believed, not 50l. worth; and that he did not impute the least blame to the great and gallant officer, the first in the world in his profession (Sir *Edward Hawke*) whom he had succeeded, and who had retired purely on account of his age and infirmities. His Lordship next contrasted the present state of the navy. He said, we had now nearly fourscore ships of the line, and several

several more building in the King's and merchants' yards, with a proportionable number of inferior rates, all either stout, clean ships, or vessels newly built; that we had three years seasoned timber in the yards; that all that were not on actual service, or turned in guardships, were in dock, where they could not meet with any injury; that the guardships which formerly were useless, in cases of emergency, not being fit for the sea, nor having rigging, or more than a third of their complement of men, were now ready for any service, at a few days notice, which he instanced in the year 1773, at the same time we meant to send a fleet to the Mediterranean, when ten men of war of the line actually sailed from Plymouth within three days after they received their orders. He next informed the House, that there were twenty guardships, three of which of the line of battle were on the American station; that we had squadrons besides in the East and West-Indies, the Leeward Islands, and Mediterranean; that after sufficiently providing for those respective services, the naval force for home protection would consist of seventeen men of war of the line, besides frigates, 7,200 seamen, and 800 marines; that after the peace of Aix la Chapelle in 1748, our whole naval establishment did not exceed that now reserved for the channel alone, 8000 seamen, including marines, being only voted; and that he would pledge himself to answer all the demands, and co-operate with the intentions of administration, with only an augmentation of 2000 men. He added further on the same head, that we had a fleet superior to any that the combined force of France and Spain could fit out; that our ships were all clean, well provided, rigged, and ready to proceed to sea on a few days notice; and that we had a supply of seasoned timber in our yards equal to three years consumption. That this was a force fully sufficient to defend us against any sudden attack of the combined fleets of France and Spain, though he was well assured they had no such intention; but if they had, we were prepared for them; and that he would now pledge himself to the House and the public, that with an augmentation of 2000 seamen more, he would supply government with such a naval force as would at once protect us at home, and be sufficient to enforce its measures respecting America. He begged, however, that the House would not understand that he arrogated any peculiar merit to himself relative to the present state of the navy, compared to what it was when he was called to the head of the Admiralty, for very little of it fell to his share. He had only performed *his official duty*; it was to Lord North, who had been the means

means of so amply providing for it in the House; and to his Lordship, therefore, almost the sole merit was due, that our navy was now put on so respectable a footing.

... The Duke of *Richmond* controverted several of the positions laid down by the noble Earl, both respecting the disposition of the French and Spaniards, and the force sufficient to resist them, should they make any attempt on these kingdoms; or give an occasion for a rupture by their conduct in the American seas. He again commented very ably on the answer given by the French minister. What does this answer import, says his Grace, supposing it to be literally kept on their part? That if you detect any of their ships trading with our American subjects, we shall be at liberty to seize them, and confiscate their cargoes. Does the noble Earl pretend to interpret this explanation generally, so as to authorize our taking their vessels at sea? If he does not, what can such a vague deluding promise avail! If he does, then I will venture to assure his Lordship, that he is miserably deceived; and that the first attempt to prevent French or Spanish ships from navigating the American seas, for pretences will never be wanting on such occasions, will furnish them with an opportunity of asserting their maritime freedom, of making reprisals, and of justifying their conduct to the other great states of Europe, who are known to be long jealous of what they are pleased to call our despotic claim to the sovereignty of the ocean. The noble Earl gives us a melancholy account of the deplorable, ruinous state of our navy at the time he came to preside over our naval concerns. He says our ships were rotten, and our guardships useless. I would be glad to know from his Lordship, what have been the means employed to work this miraculous change. He speaks of so many ships of the line proceeding to sea in three days; and of Captain *Barrington's* great merit in that business. No Lord in this house has a higher opinion of that gentleman's merit, as an officer, than I have. I remember well the time the royal naval review was at *Portsmouth*, that able officer had his ship some hours ready to proceed to sea, before the division under the command of a noble Lord in this House [Lord *Edgcumbe*]. The noble Earl dwelt greatly on the manner our guardships are manned and provided; yet I well recollect, that in the royal presence when we may presume every nerve would have been strained, the *Plymouth* division took above three hours in weighing. The apology then made was, that the ships had not more than half their complement of men; and I can affirm that Captain *Barrington's* ship was the only one which seemed to answer the anxious expectations of the spectator.

The Earl of *Sandwich* replied humorously, in the words of the old ballad, written, as he said, in the time of Henry IV. [Chevy Chase] "I trust we have many as good as he." He insisted, without any disparagement to the honourable captain, there were several as able officers in the navy as he; that wind and tide, and a variety of circumstances attendant on them, were not to be commanded. He assured the noble Duke, let the consequences be what they might, they would not wait for the French ships being in port, or even in with the land; but would seize them without ceremony in the first instance; and trust to the event, be it what it might; administration being determined to abide, if necessary, to enforce the true terms of the explanation, in the sense only it was desired and given. As to the other part, relative to the state of the navy, and his reasons for pronouncing with so much confidence concerning it, he told the noble Duke, that the case was now entirely different from what it was in the year 1770; for that towards the conclusion of the late war, when the public exigencies called for a powerful fleet, they were obliged to make use of green timber, of any kind of timber, in the construction of our ships of war; that those ships rotted at the end of five or six years; whereas those built lately would stand thirty, as they were built of seasoned timber, of which we had a large three years stock; and that besides we made use of another precaution, which was still seasoning the timber while the ship was building, by giving orders that no man of war should be hastily built, or launched in less than three years after she was put upon the stocks.

Bishop of *Peterborough*. Throughout the whole of this day's debate, and indeed on every question relative to America, it has been to me of very serious concern, to see so much of your Lordships time taken up in mutual charges and recriminations. It is but too evident, that a complicated variety of very untoward circumstances have combined to bring Great Britain and her colonies into so great difficulty and embarrassment, that to extricate them requires all your Lordships temper, as well as wisdom.

Yet while we have heard, on the one hand, lords, eminent for their abilities and experience, assert, that the constitution is violated, and the sacred rights of our fellow-subjects encroached upon by principles of arbitrary power, till resistance itself is thought justifiable; we are assured, on the other, by authority no less respectable, that opulence and security have begot a desire of independence in our colonies; that

that a spirit of discontent and disaffection is gone forth, which has been unhappily increased by the arts and encouragement of some men here at home, under the influence of like passions, till America is become impatient of all legal restraint, and determined to break through every tie which has hitherto connected her with the mother country.

I rise, not to trouble your Lordships as an advocate for either extreme of opinion, but profess that, above all things, I wish for reconciliation upon the very easiest terms that, consistently with the just authority and pre-eminence of this country, can be admitted as a ground of re-union. Yet sensible as I am that it is my duty, nor is it less my inclination, to promote peace, yet cannot I, for fear that our commercial concerns should suffer a temporary interruption, wish to see the honour and lasting prosperity of this country sacrificed to its temporary interests. For, waving all discussion of that great constitutional question, whether or not the legislative supremacy implies or not the right and power of taxation, there is to my understanding a very evident distinction between an internal general tax, and a port duty, upon any article of trade, which the subject is at liberty to purchase or not, as he thinks proper.

I am aware, that the advocates for the total independence of America have endeavoured to prove, that a duty so raised is illegal and oppressive as any other tax whatever; but to have made it so, Parliament must have done by the tea in America, what is done in France by the salt, have obliged every family to have bought, not as much as they were willing, but as much as it was thought they were able to consume.

That there is a power in this country to regulate the trade throughout all the ports of the whole British empire, is what, I believe, hardly one of your Lordships will contest.

It would be of use, therefore, in shortening this debate, to recollect, that it was for the tumultuous resistance to this acknowledged right of the legislature, that the port of Boston was shut up.

I am free to own, that there may be an oppressive exercise of even an acknowledged right; but it will be a difficult matter to bring the duty upon tea under that description. The noble lord [Lord C—d—n] before me acknowledges, that he made no objection to it at the time it was laid, though he was then in the highest department of the law, with so much credit to himself and satisfaction to the public; he will allow, therefore, that there was no appear-

ance of illegality in its origin; it was also moderate in its exercise; it affected not a necessary of life, and left the American consumer of a foreign luxury in a much better situation than any subject in Great Britain. But admitting that the people of Boston, either from their own notions of the matter, or from prejudices instilled into them, thought the duty upon tea an oppression, it surely was incumbent on them to have presented a memorial or petition to Parliament; not to have invaded private property with violence, nor to have treated the sovereign legislature of Great Britain with insolence and contempt.

Reparation ought long ago to have been made for these offences; and it is in order to obtain it that I understand administration think themselves under a necessity of adopting coercive measures, as the only means to bring about a lasting union.

As a learned lord, [Lord C—d—n] in the course of this debate, has taken occasion to censure the two acts which passed in the last session, after the Boston port bill, I will beg your lordships indulgence while I say a few words to each of them. First, as to the bill for the impartial administration of justice in Massachusetts Bay: was I to take my idea of this bill from what has fallen from the learned lord, "that by coupling it with the statute of Henry the Eighth, it gave a full power to bring the Americans over here to butcher them in the King's Bench," I should conclude that it was a bill empowering administration to tear any obnoxious person from his wife and family, and carry him to a foreign judicature to answer for crimes said to be committed in his own country; whereas, in truth, it is a bill of mercy, as well as of justice, giving security to persons acting under legal powers, that they shall not, in the discharge of their duty, be subject to the resentment of a factious and deluded populace, who neither acknowledge the laws, nor the authority of the magistrates; besides, the bill is temporary, and respects only the present tumultuous state of the province.

As to the other bill for altering the charter of Massachusetts Bay, which the same learned lord represents as an exorbitant abuse of parliamentary power, I will only say, that an alteration, full as material, in that very charter, was made by King William immediately after the Revolution. Shall it then be said, in this House, that it is an abuse of power for the present King, sitting in his Parliament, to do an act similar to what King William, that great restorer of British freedom, did by the advice of his council only; though that council

oil was composed of men that loved liberty as well, and hazarded as much in the preservation of it, as any set of patriots before or since.

As to the papers upon your lordships table, it appears from them to be the general opinion of all those who, either from their office, or their situation, are capable of judging what will be the probable effect of it, that a steady perseverance to support the rights of the legislature will, in the end, bring the Americans to a just sense of their duty and their interest.

It will then be time for tenderness and forgiveness. May I not add, it will then be time for indulgence even to popular prejudices, and that idea they are so fond of, the right of taxing themselves.

But was Great Britain tamely to submit to the indignities that have been put upon her, her condescension would defeat its very purpose, and be treated as a meanness and staidity. It might, indeed, procure peace; but it would be only drawing ashes over the embers, that would still be burning underneath, or, like the act of an unskillful surgeon, who heals the wound outwardly, while it is still left festering within.

I shall, therefore, give my vote for this address; not because I love coercive measures, though, to a certain degree, they may become necessary. I approve of it rather, because it takes the middle way so much recommended by the noble and learned lord; for the steadiness is the means, yet reconciliation is avowedly the end proposed. Reconciliation is what I shall never lose sight of; and I am persuaded that, could your lordships be induced to join unanimously in this address, it would speedily bring about what all your lordships are desirous of, the peace, harmony, and lasting prosperity of the British empire.

The Duke of *Richmond* observed, that he thought it was extremely improper for the Right Reverend Bench to take any part on the present occasion, or to be at all accessory to the shedding of the blood of their fellow-creatures and fellow-subjects. It would be much fitter, if they interfered at all, to act as mediators, than as persecutors; more consistent with the principles they professed to teach; but much more particularly suited to the sacred functions they were called to discharge. He said, that by the specimen now given, he should not be surprized to see the lawn sleeves upon those benches stained with the blood of their innocent and oppressed countrymen on the other side the Atlantic.

The Duke of *Manchester* animadverted with great energy on the very hideous and unprecedented attack made by a noble

noble Lord early in the debate [Lord Lyttelton] on all those who happened to differ with him. He said it was a pretty method of convincing an adversary, to tell him that his opposition to measures was founded in the worst motives; and that all who entertained contrary sentiments to his own were weak and wicked counsellors. Such language had been always discountenanced, and he hoped would always meet with the strongest marks of discouragement and disapprobation in that House, as it would otherwise banish all sober deliberation and free discussion from within those walls; and introduce in their stead, the most improper personalities and disgraceful altercations.

The Lord *Lyttelton* endeavoured to exculpate himself from the charges of the two noble Dukes. He said, any thing severe he might have dropped respecting a noble and learned Lord on the other side, was only upon certain suppositions. He had not, however, changed his opinion relative to the true interpretation of treason, nor could he bring himself to subscribe to his Lordship's definition of it; as the more he thought on the subject, or heard it argued, the fuller he was satisfied that America was in rebellion. He said, he had a very high authority to support him (Lord chief justice Foster) and a real friend to liberty, who enumerates several species of treason, besides those expressly defined by the statute of the 25th of Edward III. and lays it down as law, though a consultation to levy war, in which the person of the King is not meant to be injured, may appear not to be treason within the statute of Edward III. yet, that an overt act of one species of treason may be good evidence to prove an intention to commit the other.

The Lord *Mansfield* assured the House, that he had not given the least intimation to the noble Lord of what he now urged; but that it was nevertheless the general doctrine laid down by those who had written on the subject. He was personally acquainted with the great law authority now quoted, who assured him, he was present in court at the trial of the offenders in Queen Ann's time, who pulled down the meeting-houses, and that Holt, chief justice, and the rest of the court agreed, that evidence of an overt act of one species of treason was sufficient proof of an overt act of another species of treason.

The Lord *Camden* still retained his former sentiments; he entered into a warm eulogium on the learned judge alluded to: insisted the doctrine now imputed to him was not his; offered to meet the noble and learned Lord on the other side,

on that ground; and remarked, that the intended object of the language held this day, was to bring the unhappy Americans to England to be tried, under the act of Henry VIII. and have them butchered in the King's Bench.—Early in the debate, Lord Mansfield having said, that the ministers of the Church of England were persecuted by the fanatics of Boston, and other parts of New England; Lord Camden reprehended him very severely, for using such inflammatory language.

The Earl of *Dartmouth* closed the debate: he said, that he approved of the measure; that America would be tenderly and gently treated, if they would return to their obedience; that he was directed by his own judgment, not by Lord Mansfield's, and that he believed Lord Mansfield was totally unconnected with the present administration.

The above debate lasted till forty minutes past one o'clock in the morning; when the previous question was put, Whether the main question shall be now put?

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It was resolved in the Affirmative.

Dissentient,

1st, The previous question was moved, not to prevent the proceedings in the address, communicated at the conference with the Commons, but in order to present the petitions of the North American merchants and of the West India merchants and planters, which petitions the House might reject, if frivolous, or postpone if not urgent, as it might seem fit to their wisdom; but to hurry on the business to which these petitions so materially and directly related, the express prayer of which was, that they might be heard before "any resolution may be taken by this right honourable House respecting America," to refuse so much as to suffer them to be presented, is a proceeding of the most unwarrantable nature, and directly subversive of the most sacred rights of the subject. It is the more particularly objectionable, as a Lord in his place, at the express desire of the West India merchants, informed the House, that if necessitated so to do, they were ready, without counsel or farther preparation, instantly to offer evidence to prove, that several islands of the West Indies could not be able to subsist after the operation of the proposed address in America. Justice in regard to individuals, policy with regard to the public, and decorum with regard to ourselves, required that we should admit this petition to be presented. By refusing it, justice is denied,

2dly, Because

2dly, Because the papers laid upon our table by ministers, are so manifestly defective, and so avowedly curtailed, that we can derive from them nothing like information of the true state of the object on which we are going to act, or of the consequences of the resolutions which we may take. We ought (as we conceive) with gladness, to have accepted that information from the merchants, which if it had not been voluntarily offered, it was our duty to seek: There is no information concerning the state of our colonies (taken in any point of view) which the merchants are not far more competent to give, than governors or officers, who often know far less of the temper and disposition, or may be more disposed to misrepresent it than the merchants. Of this we have a full and melancholy experience in the mistaken ideas on which the fatal acts of the last Parliament were formed.

3dly, Because we are of opinion, That in the entering into a war, in which mischief and inconvenience are great and certain (but the utmost extent of which it is impossible to foresee) true policy requires that those who are most likely to be immediately affected, should be thoroughly satisfied of the deliberation with which it was undertaken: And we apprehend that the planters, merchants, and manufacturers, will not bear their losses and burthens, brought on them by the proposed civil war, the better, for our refusing so much as to hear them, previous to our engaging in that war; nor will our precipitation in resolving, add much to the success in executing plan any that may be pursued.

We protest therefore, against the refusal to suffer such petitions to be presented, and we thus clear ourselves to our country, of the disgrace and mischief which must attend this unconstitutional, indecent, and improvident proceeding.

Richmond,	Portland,
Ponsonby,	Camden,
Archer,	Fitzwilliam,
Rockingham,	Scarborough,
Wycombe,	Abergavenny,
Effingham,	Abingdon,
Torrington,	Craven,
Stanhope,	Courtenay,
Cholmondeley,	Tankerville.

Then the main question was put, Whether to agree with the Commons in the said address, by inserting the words "Lords spiritual and temporal, and—"
It was resolved in the affirmative.

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Dissentient,

1st, Because the violent matter of this dangerous address, was highly aggravated by the violent manner in which it was precipitately hurried through the House. Lords were not allowed the interposition of a moment's time for deliberation, before they were driven headlong into a declaration of civil war. A conference was held with the Commons, an address of this importance presented, all extraneous information, although offered, positively refused; all petitions arbitrarily rejected, and the whole of this most awful business, received, debated, and concluded in a single day.

2dly, Because no legal grounds were laid in argument or in fact, to shew that a rebellion, properly so called, did exist in Massachuset's Bay, when the papers of the latest date, and from whence alone we derive our information, were written. The overt acts to which the species of treason affirmed in the address ought to be applied, were not established, nor any offenders marked out: but a general mass of the act of turbulence, said to be done at various time and places, and of various natures, were all thrown together to make out one general constructive treason: neither was there any sort of proof of the continuance of any unlawful force, from whence we could infer that a rebellion does now exist. And we are the more cautious of pronouncing any part of his Majesty's dominions, to be in actual rebellion, because the cases of constructive treason under that branch of 25th of Edward the Third, which describes the crime of rebellion, have been already so far extended by the judges, and the distinctions thereupon so nice and subtle, that no prudent man ought to declare any single person in that situation, without the clearest evidence of uncontrollable overt acts, to warrant such a declaration. Much less ought so high an authority as both Houses of Parliament, to denounce so severe a judgment against a considerable part of his Majesty's subjects, by which his forces may think themselves justified in commencing a war, without any further order or commission.

3dly, Because we think that several acts of the last Parliament, and several late proceedings of administration, with regard to the colonies, are real grievances, and just causes of complaint; and we cannot, in honour or in conscience, consent to an address which commends the temper by which proceedings so very intemperate have been carried on;

nor can we persuade ourselves to authorize violent courses against persons in the colonies, who have resisted authority, without at the same time redressing the grievances which have given but too much provocation for their behaviour.

4thly, Because we think the loose and general assurances given by the address, of future redress of grievances, in case of submission, is far from satisfactory, or at all likely to produce their end; whilst the acts complained of, continue unrepealed, or unamended; and their authors remain in authority here, because these advisers of all the measures which have brought on the calamities of this empire, will not be trusted while they defend, as just, necessary, and even indulgent, all the acts complained of as grievances, by the Americans; and must therefore, on their own principles, be bound in future to govern the colonies in the manner which has already produced such fatal effects: and we fear that the refusal of this House, so much as to receive previous to determination (which is the most offensive mode of rejection) petitions from the unoffending natives of Great Britain and the West India Islands, affords us but a very discouraging prospect of our obtaining hereafter any petitions at all, from those whom we have declared actors in rebellion, or abettors of that crime.

Lastly, Because the means of enforcing the authority of the British legislature, is confined to persons of whose capacity, for that purpose, from abundant experience, we have reason to doubt; and who having hitherto used no effectual means of conciliating or of reducing those who oppose that authority: This appears in the constant failure of all their projects, the insufficiency of all their information, and the disappointment of all the hopes, which they have for several years held out to the public. Parliament has never refused any of their proposals, and yet our affairs have proceeded daily from bad to worse, until we have been brought, step by step, to that state of confusion, and even civil violence, which was the natural result of these desperate measures.

We therefore protest against an address amounting to a declaration of war, which is founded on no proper parliamentary information; which was introduced by refusing to suffer the presentation of petitions against it, (although it be the undoubted right of the subject to present the same); which followed the rejection of every mode of conciliation; which holds out no substantial offer of redress of grievances; and which promises support to those ministers who have *infamed America*, and grossly misconducted the affairs of *Great Britain*.

Richmond,

Richmond,	Cholmondeley,
Craven,	Abingdon,
Archer,	Portland,
Abergavenny,	Camden,
Rockingham,	Effingham,
Wycombe,	Stanhope,
Courtenay,	Scarborough,
Torrington,	Fitzwilliam,
Ponsonby,	Tankerville.

List of the minority, who divided upon the previous question.

Dukes of	Cumberland	Earls of	Stamford
	Richmond		Strafford
	Devonshire		Tankerville.
	Portland	Viscounts	Courtenay
	Manchester		Torrington
Marquis of	Rockingham	Lords	Abergavenny
Earls of	Abingdon		Archer
	Besborough		Beaulieu
	Cholmondeley		Camden
	Coventry		Craven
	Effingham		Fortescue
	Fitzwilliam		King
	Scarborough		Sondes
	Shelburne	Bishop of	Exeter
	Spencer		

March 6.

This day was heard a remarkable tythe cause.

The case shortly was this: Two issues had been tried at the assizes of Lincoln, to enquire what were the modes for collecting tythes in the parish of Rysom, and whether the lands in question, of which tythe was demanded were extra-parochial, or within the parish. The jury found for Mr. Chaplin, the proprietor of the land. Judge Blackstone attended, and as the judge who tried the cause, reported the evidence. His opinion was, that the verdict was against evidence. The clergyman, Mr. Bree, applied to the court of Exchequer, and obtained two orders for new trials, which Mr. Chaplin now complained of; and against these orders appealed to the House of Lords.

It appeared by the judge's report, and the arguments of counsel, that the appellant, Chaplin, was owner and occupier of all the lands in the parish of Rysom in the county of Lincoln, to the amount of two thousand acres, for which he paid no tythe whatever, but a sum of money of 15l. 10s. 14d.

by way of composition, this being considerably under the real value, the respondent, Hæc, rector of the parish, exhibited his bill in the court of Exchequer, Hilary term, 1769, praying that the appellant might be deemed to account with him, according to the real and full value of the lands.

The appellant admitted generally the allegations contained in the respondent's bill; but insisted that part of the lands called Grange de Lyngge, mentioned in the pleadings, were not within the parish of Rysom, being extra-parochial; and that an ancient *composition real*, anterior to the reign of Queen Elizabeth, had been made between the patron and parson of the parish, for the yearly sum of 15*l.* 10*s.* 1*d.* in lieu and full satisfaction of all tythes, and other ecclesiastical dues. The said cause being heard before the barons of the Exchequer, two issues were directed to be tried, the first at the next Lincoln assizes, to enquire whether the lands of Grange de Lyngge were in the parish of Rysom; the second, whether there had been any composition real between the patron and parson, previous to the reign of Queen Elizabeth. On the 25th and 26th of March, 1774, both matters came to be determined before Mr. Justice Blackstone and two special juries, at Lincoln, when verdicts in both issues were found for the appellant, that Grange de Lyngge was extra-parochial; and that there had been an ancient composition real, paid in lieu and full satisfaction of tythes and ecclesiastical dues.

The respondent, looking upon himself to be aggrieved by both verdicts, and conceiving that the learned judge who tried the cause, (by his direction of the jury) was of opinion, that the appellant had failed in proving the affirmative, or either of the propositions on which he rested his cause, applied for a new trial at the court of Exchequer, who, after hearing counsel several days, thought fit to order a new trial on both issues, against which the appellant, Chaplin, appealed.

As soon as the counsel had finished the reply, the Lord Chancellor observed, that the whole of the first question rested solely on the construction of the terms, in which the grant of the 30th of Henry the Eighth to Charles Brandon, Duke of Suffolk, of the lands in question, was conceived. — His Lordship recited the grant, and observed, that in the first clause the words were, that he granted the lands of Grange de Lyngge, in the county of Lincoln, and all the lands in the lordship and parish of Rysom, to the said Charles,

Charles, &c. which, whatever construction might be put on it, strongly inclined him to believe, that Grange de Lynges was in the county, and not in the parish of Ryson. The other part of the said grant, which the learned judge, he said, seemed to lay greatest stress on in his report, was, where the grant mentioned all grangers in said parish, and no other grange appearing to lie within the parish, it was extremely natural and probable, that it could be only Grange de Lynges which was meant to be therein described; but here again he begged leave to differ: for, coupled almost with those words, Grange de Lynges was described to be in the county of Lincoln, and not in the parish of Ryson; consequently, he was clearly of opinion, that Grange de Lynges was an extra-parochial place, and that the decree of the court of Exchequer, ordering a new trial on that issue, ought to be reversed. As to the composition real, no evidence having been brought to prove that it was of more ancient date than the year 1707; and different sums, at several times, being paid, one time 4l. another 10l. and lastly 15l. which if an ancient composition within the statute, should have been equal and uniform, he was of opinion, that another trial ought to be had, and that of course the second order ought to be affirmed. His lordship then returned to the woolstack, and put the question on the reversal of the first order, which was agreed to; and having put the question of affirmance on the order of a new trial on the second issue, several Lords were rising,

The Lord *Le Despencer* was, however, permitted to speak. He said, the present order, if affirmed, might be a precedent big with the most fatal consequences to the landed interest in general; and that, should such a claim prevail in the present instance, it might at once render one half of the landed property in the kingdom insecure and precarious. Here, says his Lordship, from the year 1601, for the space of 174 years, a composition has been paid in lieu of tythes; and now a man, in a distant county, who cannot perform any duty, because he cannot be at the same time in two places, in Essex and in Lincoln, comes to demand tythes in a place where there is no congregation, where there is not a church, nor has been in the memory of man, and where, besides, the few priestly functions performed are paid for to a neighbouring clergyman. But however unreasonable and inequitable such a claim may be, there is still something infinitely worse, when we come to examine some of the circumstances attending this case. This gentleman's father purchased this

estate in the year 1721, under the idea of its being only encumbered with a payment of 15l. per annum; and at the end of half a century, a claim is made which will considerably lessen its value; and what still causes additional aggravation is, that the present appellant and his father have expended above 8000l. in improving the estate; so that a man may sink his whole fortune in improvement, and be permitted to do so, and by this doctrine it may go on from father to son successively for a century and a half; and when the wild or waste is brought into a state of cultivation, then some latent, dormant claim is set up, whereby the person or family may be at once stripped of the fruits of their property, labour, and industry. His Lordship, therefore, said, that if a motion had not been already made by the noble and learned Lord on the woolsack, he should move for reversing both orders, but at all events he should give the latter part of it his hearty negative.

The Earl of *Denbigh* said, that the principles of the Revolution were strongly in favour of juries, and that he should never sit silent in that House, and hear it as a doctrine not to be departed from, that the judges were to determine when juries did, or did not, perform their duty; that however high a respect he might entertain for the learned judge who tried the cause, or deference he might be willing to pay to his opinion on matters of mere law, he should never countenance any thing which might seem to have the most distant appearance of granting new trials on slight occasions, or giving the judges an indiscriminate power and controul over juries. He said no man respected the church more than he did, or wished more sincerely for the preservation of her just rights and privileges; but he believed, if such vexatious claims as the present were set up and pursued, the nation at large would find itself under a necessity of procuring a *nullum tempus* law, to secure their property against the encroachments of the church, as it had been on a recent occasion against those of the crown.

The Archbishop of *Canterbury* said, he by no means agreed with what fell from the noble Earl; and as for the noble Lord who spoke before him, he presumed to say, he was mistaken; for the composition which he said took place in 1601, was of no longer standing than 1707; and to go no further into the argument, the difference between both compositions was the fullest proof of the non-existence of either as an antient composition; because, if it could be so construed, the composition at both periods must have been the

the same; whereas the former was 10l. and the latter 15l. the strongest proof in the world with him, that they were made according to the real value at the respective periods.

The Lord *Le Despencer* answered, that it mattered very little what was the composition at one time, compared with what it was at another; but it was perfectly plain to him, that a prescription or usage of 60 years, from 1704 or 1707, to 1767, satisfied his conscience (all the other circumstances of a *bonâ fide* purchase, and money expended in improvement considered, with the total non-performance of duty, and abstinence of all the functions on which the respondent could only equitably claim the tythes or ecclesiastical dues) that the present composition was a good one, and should on every principle and policy be sustained by their Lordships.

The Archbishop of *Canterbury* replied, that the question in his opinion was simply, whether the act of the 13th of Queen Elizabeth, since which no composition could have taken place, should determine their Lordships. He therefore called upon some noble Lord, learned in the law, to rise and direct the judgment of the House, in a matter which seemed at present to be controverted.

Lord *Mansfield*, after assuring the House that he did not mean to give a vote, as he had not attended the two first days, said, he was astonished to hear such doctrines laid down, as persons consciences being satisfied in direct contradiction to an express statute. He insisted, that any determination formed on such doctrine would be monstrous, would be iniquitous. I do not pretend to say, continued his Lordship, whether the composition contended for is not more ancient than the reign of Queen Elizabeth; but will any Lord in this House, at this time of day, rise and tell me, that a composition of 60 or 174 years, or even an hour later than the passing of the statute of the 13th of Queen Elizabeth, will legally or equitably defeat the intentions of that statute? No, I hope I shall never hear so wild, so dangerous a doctrine seriously maintained. What, my Lords, would be the consequence of such a procedure? Why, that we sitting here in our judicial capacity, should, by one single determination, abrogate all the laws of the land; for if we can do it in one instance, cannot we clearly do it in every other? There is an express statute passed in the 13th year of the reign of Queen Elizabeth, which positively nullifies and renders ineffectual every agreement whatever made by an incumbent, which may injure, nay bind, his successor; and

are we to alter the laws of the land, because from some particular instances we are induced to think and feel our consciences satisfied? No; if it be an hardship which may extend in a variety of instances so as to become a real grievance, let the legislature remedy it, let a bill be brought in to prevent the mischief; but let us not, under the appearance of equity and justice, by a vote or determination of this House, overthrow all law and justice, and by averting one evil, introduce ten thousand others of infinitely greater magnitude.

Lord *Camden* closed the debate. He informed the House, that as he did not attend till the second day, he should give no vote on the occasion; he should never be the first that would introduce so fatal a precedent, should it ever come to be adopted, as giving a vote without personally attending from the beginning to the end. His Lordship complimented Lord *Mansfield* highly on the part he had taken, as the great patron of the common law. He expatiated largely on the sentiments thrown out by the noble and learned Lord: after which he confined himself chiefly to two points: the first to prove that there was no composition: for that the sum paid was always fairly equivalent to the value of the land, even to the very last composition, in the reign of Queen *Ann*, when the lands in question were rated at 104*l.* per annum, and the composition was 15*l.*; the second, to shew, that whenever a *nullam tempus* bill should pass, respecting the possessions of the clergy, from that instant there would be a foundation laid for stripping the church of her inheritance, as things might be easily managed between the patron and incumbent, so as that in two ordinary successions, the patrons, in whose gifts the livings are, might settle matters with those who might be glad to accept them on any terms; that compositions might be set up within a period of sixty years, sufficient to strip the church of more than one half, or two thirds of the real value of the livings she now possessed.

The question being put on the Lord Chancellor's motion, it passed in the affirmative, without one dissenting voice.

[There were seldom less than sixty Lords present, during the whole time of hearing this cause, and sixteen or eighteen bishops.]

March 15.

Second reading of the New England restraining bill. This bill was brought up from the Commons on the 9th, and immediately read the first time, when there was no debate.

The

The Marquis of Rockingham presented the following petition against the bill.

To the Right Honourable the Lords Spiritual and Temporal in Parliament assembled.

The Petition of the Merchants, Traders, and others of the City of London, interested in the American commerce,
Humbly sheweth,

That your petitioners are deeply concerned to find that there is now depending before this right honourable House, a bill to restrain the trade and commerce of the province of Massachusetts's Bay, and New Hampshire, and colonies of Connecticut and Rhode Island, and Providence Plantation in North America, to Great Britain, Ireland, and the British Islands in the West Indies; and to prohibit such provinces and colonies from carrying on any fishery on the banks of Newfoundland, or other places therein to be mentioned, under certain restrictions, and for a time to be limited.

Your petitioners beg leave to represent, that the said bill, should it pass into a law, will in its operation deprive thousands of his Majesty's loyal subjects of their actual subsistence, and reduce them to extreme distress, even that of famine, the said provinces not generally raising corn sufficient for their own support; and by this bill they will be prevented from receiving any supplies from their sister colonies, and precluded from their natural resource—the sea.

Your petitioners have reason to believe, that the very great numbers of men, bred and employed in the fisheries, who in hardiness and intrepidity are not exceeded by any in this extensive empire, will be impelled, by the pressing calls of hunger and want, and a just feeling for their violated rights, to such a conduct as may be productive of devastation and bloodshed, which may endanger the peace and welfare of his Majesty's American dominions; or be induced to employ themselves in fishing for the French, and thereby give our rivals the means of supplying the markets in Europe, which will render it difficult for us ever to regain that valuable branch of commerce.

Your petitioners beg leave further to represent, that there is now due from the said provinces and colonies to the city of London only, one million sterling and upwards; that their remittances are almost entirely made by means of the fisheries, and consequently the ruin brought on those colonies will deeply injure the commercial interest of Great Britain, and ultimately fall on the landed property of these kingdoms.

That among the other grievances of which our fellow sub-
jects

jects in America so generally complain, is their being deprived of trial by jury in particular cases, and the extension of the jurisdiction of the Admiralty courts; which grievances your petitioners, with much concern, find are not only continued, but extended by the present bill; and they think it their duty to represent it as their firm opinion to this right honourable House, that the disquietudes which universally prevail in the minds of their fellow subjects in America will be increased and confirmed by this bill, which is unjust, as they conceive, because it involves the punishment of those who are allowed to be innocent with those who are supposed to be guilty, and that these disquietudes will never be removed, unless lenient measures are pursued, and their grievances redressed.

Your petitioners therefore most humbly pray, that the said bill may not pass into a law.

The house after some debate agreed to read the bill, and then to call witnesses.

Mr. *Seth Jenkins*, master of a trading vessel, was the first witness called. He said that the inhabitants of the island of Nantucket consist of about six or seven thousand souls, mostly Quakers; that their whole employment was in fishing on the banks of Newfoundland, and in the whale fishery; that they generally fitted out 32 sail of ships annually, navigated by 2400 seamen; the average produce of the cargoes at market was about 90,000*l.* that the vessels were mostly built in America, which found the timber, the masts, and the iron, all the other materials being the produce of Great Britain, besides the fishing tackling, nets, &c. that they had their provisions from the continent, which being cut off by the present bill, they must perish with famine, from two causes equally in v t able, being deprived at the same time of the means of purchasing or procuring provisions, had they the liberty so to do, or of the liberty, had they the means of paying for them; that the New-England provinces produced a sufficient quantity of provisions for their own consumption, except in the article of bread corn; that they had wheat flour and Indian corn from the more southern provinces of New York, Pennsylvania, &c. that if they should be cut off from those supplies, the certain effects of such a prohibition must be a famine; that they are in no habit of cultivating their land, so as to raise corn sufficient for some years for their support, nor with their greatest efforts of industry, could they be able to raise a substitute, such as potatoes, &c. in the place of corn, sufficient to prevent a famine; and, that he was well convinced, that no temptation would induce them to settle in

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Nova Scotia, or about Halifax, as they believe it to be a military government.

Mr. Brook Watson, an American merchant, was the next person examined. He said, that he went to America in the year 1764, with an intention of acquiring every possible information relative to the state of the trade and commerce of that country, and after the most laborious researches and careful investigations, he found it to be of the utmost consequence, and daily on the increase; that among the first important branches of their commerce, he discovered the fishery to be one, continually employing 6000 seaman and 150 sail of vessels, besides the numbers employed to carry the cod, whale fins, blubber, oil, &c. to the several European markets. He then entered into a long detail, enumerating the several articles just mentioned, the places where they were disposed of, and the various great and important benefits derived to the mother country, where the whole at last centered. He stated that the amount of the fishery, or the net proceeds at the West Indian, Portuguese, Italian, and Spanish markets, was about 290,000l. per annum, on an average; and he believed it to be considerably increased since he made his computation. He further informed the House, that the amount of the exports to America at that period was about 2,700,000l. per annum; and that he believed it was since very considerably increased. He observed, that the general entries at the custom-house are usually very erroneous; and being asked how he could pretend to speak with such accuracy upon the subject, he answered, that at the time of the repeal of the stamp-act, the committee of merchants agreed to put in unsigned papers into a box, stating the amount of their respective exports; and that upon examination, those papers furnished the round sum of 2,610,000l. He was then pressed to declare, if all the supposed hardships and severe consequences dreaded from the bill might not be easily prevented by the people on which this bill was intended to operate. He said, if he had liberty to speak his sentiments, he was ready to reply. Being desired to proceed, he said in the instance now before the House, the very reverse was known to be the case; for here are 7000 persons doomed to starve for want of provisions, or the means of paying for them if they had them, without any imputed fault or act of disobedience whatsoever; therefore, says he, I think that those people at least cannot, by any act of their own, prevent the ruin and destruction which now threatens them, as they are ready to submit to every ordinance and command of the mother country.

Messrs. *Lister* and *Davis*, two merchants of Poole to Newfoundland, were next severally examined. Their evidence went to prove, that there are, upon an average, about 36,000 tons of shipping employed in that fishery, besides shallops; that out of that number, Poole and Dartmouth supply about two-thirds, and that they are managed in the proportion of 100 men to a vessel of 200 tons, or one man to two ton; that those crews consist generally of 12 able seamen, and 88 passengers; that to every four seamen they are obliged to carry out a green man, that is, to make a man unused to the sea learn to work the ship; row, &c. that the whole number employed is about 20,000 persons, and the net produce of cargoes at market about 500,000*l.* that if a total prohibition took place, so as intirely and perpetually to exclude the New-Englanders, Great Britain would almost this year, and ever after, be enabled entirely to supply the European markets; that this would be much more advantageous to the mother-country, as it would occasion an increase of seamen, fit to man our fleets on any emergency, which could not be the case in either event, were the New England fishery continued; for, in the first place, the profits never centered here, nor did their fishery scarcely afford a single seaman in time of war, as they were exempted by act of Parliament from the press. They added besides, that France could never come in competition with us, as they had neither the means of curing the fish when caught, nor the mode of fitting it for the foreign markets; that the species of fish now sold in Spain was mostly cured by the Americans, but that the British fishery could soon supply that market; and that on the whole, France hardly caught fish enough to answer their own consumption. For the reason before assigned, they said France never would be able to extend their fishery, namely, the want of room to cure and dry their fish.

A *mi* *l* *Shuldham* was next examined. He confirmed the testimony of the last two witnesses in many particulars. He said, the numbers were about twenty thousand employed; and that for the several reasons enumerated by the two preceding witnesses, it would be better, for every reason of policy and commerce, to encrease our trade, and strengthen our navy, to reserve that branch of it entirely to the inhabitants of Great Britain and Ireland.

He was followed in the same sentiments by Sir *Hugh Pultney*, at that time comptroller of the navy, who thought the New England people did the British fishery a great deal of
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hurt in many respects; that they debauched our seamen, carried on an illicit trade with the French at St. Pierre and Miquelon, and smuggled French commodities purchased at those places into the American continent; that they supplied the French in return with the necessaries of subsistence, without which supply, he doubted whether the French would ever have been able to carry on their fisheries to any extent; that they supplied the French also with the implements of fishing, and all the different means of carrying it on; and that he believed, had it not been for this illicit correspondence, and the various means it furnished, which he endeavoured all in his power to prevent, the French must have been obliged to abandon all thoughts of establishing any fishery or settlement on Newfoundland. He stated the numbers employed in 1768, the last year of his being on that station, to be 5000 seamen, 6000 passengers, 10,000 residents on the island, and 2000 green men, or land-men, instructed in the art of navigation. The gross number agreed pretty nearly with the Poole merchants account, but it was evident it made no more than two-thirds of the number stated by those gentlemen, if the green men were included in the passengers. Those naval officers likewise asserted, that they could not get any seamen out of the New-England vessels; and if they could, they would not chuse it, as they were not fit for their purpose; and that on the other hand, the British seamen employed in the fishery were the very best, those employed in the coal trade only excepted.

Adjourned to next day.

March 16.

The Earl of *Dartmouth* moved to commit the bill.

The Marquis of *Rockingham* opposed the motion. His Lordship asserted that the bill was oppressive and tyrannical throughout; that the principle which pervaded it, and the means of putting it into execution, had one merit, that of consistency; and that from the same motive, he should heartily dissent to every syllable of its contents. He said, he meant not to trouble their Lordships in any future stage of the bill, or perhaps at all on the same subject, during the continuance of the session, for which reason he wished and hoped for their indulgence on the present occasion. He desired to repeat, that the present bill, and every other framed on the same principle, and directed to the same object, to be attained only by the most flagrant acts of cruelty and oppression, must for ever continue to meet with his strongest disapprobation. After examining the general principle of the bill, which he

strongly

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of Virginia, dated some day in December, in which he omits to take the least notice of the association and declaration entered into by the army under his command early in the preceding November. It was impossible, he said, that his Lordship could be ignorant of so important a fact, which happened on the spot; but were that even so, a paper which he held in his hand, made it clear, that his Lordship could be at least no stranger to its being published at Williamsburgh in Virginia, the seat of his government, two days preceding the date of his dispatch. Perhaps it might have been a spurious account, and as such his Lordship could not have taken notice of it; but if that were the case, he should be obliged to some noble Lord in administration to rise and tell him so, otherwise he must continue to think that the proceeding of the noble Governor was not to be accounted for, consistent with his duty, or at least with the duty of those, who, having better information, thought proper to hold it back. The noble Marquis concluded his speech with a general disapprobation of all the measures pursued relative to America since the repeal of the stamp-act; and predicted that an useful and constitutional agreement in sentiments, and a cordial reciprocity of interests, would never take place between them and the mother country, till the same principles were once more recurred to, and similar measures adopted.

The Earl of *Carlisle* was surprised that the noble Marquis could possibly conceive the bill was either intended, or could be supposed to operate in the manner he affected to think it would; no such thing being meant, no such thing could take place. The present was not a question about taxation; it was not involved in difficulty, but simply, whether we were justified in employing the most lenient methods of bringing America back to obedience and a proper sense of her duty. The bill was not formed on the narrow views of loading her with taxes, or for the sake of a paltry revenue. He believed the ministry had no design of forcing her into any such concession; if they had, he was certain that neither he, nor many of the other Lords who intended to vote for the measure, had any such desire.

The Duke of *Manchester* condemned the bill, as involving in its consequences the guilty and innocent in the same punishment. It was a new kind of logic to him to hear it contended, that the bill was not oppressive, cruel, or unjust, in respect of the inhabitants of Nantucket; because, be their conduct what it may, they were sure to be punished.

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Whether they are obedient or disobedient, their fate is to be the same; and what, says his Grace, is their mode of relief? Why, after peace and obedience, which by the bye, as far as relates to them, has never been violated or departed from, shall be restored for one month, and that the same shall be certified by the custom-house officers, then the pains and penalties inflicted by this bill are to cease. Now, when it is considered what a kind of people the majority at least of those custom-house officers are; when we seriously reflect on their narrow minds, and the mean passions they are generally actuated by, we may readily conclude what degree of favour, indulgence, or justice, the inhabitants of Nantucket are to receive at the hands of such men; men who, in their several stations, besides, are to share among them the penalties and forfeitures to be recovered under this act. It is said, that there are live stock on the island; and it is contended, that New-England has a plentiful supply of provisions within itself; because, during the late war, large supplies were procured from thence for the use of the army and navy. By this latter mode of reasoning, we might as well suppose, that because large quantities of tobacco are annually exported from the city of Glasgow, we should therefore conclude, that it grows in the neighbourhood of that town; and, by the former, that because there were provisions sufficient in New-England, the people of Nantucket, deprived of the only fair means of procuring it at market, might obtain it by rapine and injustice. His Grace proceeded to examine the manifest tyranny and oppression of the bill in other respects, particularly as it would affect the property of our merchants, who could not be supposed to have had any hand in the outrages which gave birth to it, or to that general spirit of resistance and disobedience it was intended to subdue. He protested, sincerely, he came with no prejudices or party views whatever into the House; that he had laboriously endeavoured to forget every connection, to banish every distinction, to forget all that had hitherto passed, and contemplate the bill nakedly as it came before him; nevertheless, upon the fullest investigation, and most impartial consideration, in his opinion, it carried in the very face of it every appearance of a most tyrannic, oppressive, and persecuting spirit, from which, consequences of great and alarming danger were to be feared; for, concluded he, the military force sent to reduce those injured people may be employed at home in the destruction of our own liberties; and by the general complexion of men and measures, and the professed means employed to give the latter existence

existence and success, there are, I fear, some persons of weight and influence who would cheerfully adopt and assiduously labour to put such a design in execution.

The Earl of *Danbigh* rose, to correct a mistake which the noble Duke fell into, relative to the inhabitants of Nantucket, by informing him, that the bill was not correctly printed from the copy; for that in the ingrossed bill every thing which had the least appearance of severity was provided against. As to the certificate required from the custom-house officers, he said, that proceeded from a misapprehension of the noble Duke, for the application was to be made to the Governor of the Massachuset's Bay, not to the custom-house officers. His Lordship then disclaimed the imputation thrown out by the noble Duke on administration, so far as it might be supposed to affect himself, and was certain, he said, that he might answer with justice, that no one member of it ever harboured such a thought.

The Duke of *Manchester* answered, that the clause respecting Nantucket, however construed, could extend no further than to the whale-fishery; for it still left all, but those employed in that fishery, to starve without employment or bread. He still maintained what he asserted, respecting the mode of application to the custom-house officers, so far as it related to the colonies of Connecticut and Rhode Island, and Providence Plantations. His Grace then read the clause out of the bill, "If it shall be proved to the said governor and commander in chief, and council of Massachuset's Bay, by the testimony of the officers of his Majesty's customs," &c. The noble Duke then exculpated his Lordship from the most distant suspicion that he would concur in any design to enslave his country, were he first minister.

The Earl of *Denbigh* thanked his Grace for the good opinion he entertained of him; but if his insinuations were directed at a noble Lord who presided at the head of the finances, he begged leave to assure him he was mistaken, for he had known that noble Lord [Lord North] from his early youth; they had been bred up together; he was perfectly acquainted with his disposition and sentiments; and by a knowledge thus founded and acquired, he could venture to affirm, with the fullest confidence, that there was not a noble Lord in that House, however zealous, would be further from entering into, or co-operating in, any design for overturning the liberties of his country, than he would. He therefore wished that the noble Duke would explain himself, for however flattering or pleasing his Grace's sentiments might be respecting himself,

it took off entirely from the pleasure it would otherwise cause, while it was founded in an insinuation against another, and given at his expence.

The Duke of *Manchester* rose again, and assured his Lordship, that he had no intention of directly alluding to the noble Lord, who had, unintentionally in him, been the subject of conversation.

The Lord Viscount *Dudley* observed, that the whole state of the evidence given the preceding day at their Lordships' Bar, had a direct contrary effect upon him from that proposed by those who combated the bill; for he thought when the interests of this country, the manning of our navy, the increase of our seamen, and the employment of our own people, came in competition with the pretended hardships and severities of the bill, he not only thought that it should receive the approbation of the house on the ground it was taken up on; but that it ought to be made perpetual, in order to secure for ever to this country so valuable and important a branch of commerce. The colonies were at present spared, by the lenity and mildness of administration, who might carry fire and sword throughout the whole continent of America. He said, he totally differed from the noble Marquis, as to the conclusions he drew from the comparative state of the evidence of Mr. Watson, and its supposed agreement with that now on their Lordships' table, relative to the exports to America in 1764, as he thought them both equally erroneous. The witness said, that the entries at the custom-house are generally more by one-third than the goods really shipped; and that he and the rest of his brethren put into a box unsigned papers, containing an account of what each of them exported. Will any noble Lord in this House affirm that there could be an accuracy in such a mode, whereby every man was at liberty to set down any quantity he thought proper, without a possibility of detection? If such be the information this House is to be guided by, I am certain that no reliance ought to be had on it; and that it proves only one thing, that both accounts ought equally to be rejected. He said, two of the noble Lords who spoke on the other side, seemed much to lament, and fesh greatly for the distresses of the Americans; but said not a syllable of the present miseries of our own manufacturers at home, who were daily dismissed for want of employment; and whose sufferings would, he feared, if not prevented by this bill, or some other of the same nature, become intolerable. For his part, he lived in the neighbourhood of one of the greatest manufacturing towns in the kingdom, [*Birmingham*], and

and there the state of trade, and the want of work was such, that should it continue much longer, the most dreadful consequences were justly to be dreaded.

Lord *Camden*. I have so often troubled your Lordships on the subject of America, that on every new occasion of speaking to it, I rise with great unwillingness and reluctance to encroach on your Lordships' attention; and indeed, I feel myself not a little wearied with the fruitless efforts I have uniformly made since this business has been in agitation. My opinion, on the rights of England, and the rights of America is well known. I first formed it on the clearest conviction, and it continues the same to this day. This opinion I have uniformly maintained; but the great and certain majorities in both Houses of Parliament, and the great numbers, for I admit there are such, perhaps the majority without doors, differing from those opinions, and overbearing with a high and powerful hand our feeble efforts, have almost wearied me into despair of obtaining any thing in this question, or on this subject, by argument or debate: and I would not now give your Lordships this trouble, but from a consideration of the duty in which I stand, as a member of this House, to interpose my endeavours towards the vindication of justice, and the service of my country. For this purpose, and in this debate, it will not be necessary to go into the several clauses of the bill with a minute exactness. It will be sufficient for your Lordships to consider the general nature and character of the bill, to advert to its operation and tendency, and to estimate its fitness and its wisdom by the qualities that shall be discovered in its nature and character, and by the consequences that are to result from it.

This bill, my Lords, is held out to us in various lights, and under various characters. It is sometimes described to us as a bill of trade and commercial regulation, to regulate and restrain North American commerce, and in so doing to strengthen and increase the commercial interest of this country. At other times we are told it is a bill of political operation; that it is to increase our maritime power by augmenting the British fishery at Newfoundland; and it is most industriously inculcated by official [Ld. Sandwich] authority, that the fishery of Great Britain and Ireland there, is the great, and perhaps the only source of our marine. We are told by some, that this is a bill of firmness and of vigour, to fill up the measure of justice, and to inflict condign punishment on the obstinate and rebellious colonists; but other of your Lordships informs us, that it is a bill of mercy and clemency, kind and indulgent to the Americans, calculated to soothe their minds, and to favour
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and assist their interest. But my Lords, the true character of the bill is violent and hostile. My Lords, it is a bill of war; it draws the sword, and in its necessary consequences plunges the empire into civil and unnatural war. This, my Lords, is the true description of the bill; and the various contradictory opinions on it, which I have already stated, will be found by your Lordships,———when you consider this subject with due attention, not only contradicted by themselves, but by the truth and reason of things. The evidence yesterday produced at your bar, was anxiously examined, to prove the beneficial effects of the bill to this country, both in its commercial and political character; but when your Lordships recollect the persons who appeared at your bar, to decide points of such importance and such magnitude, you will reject with due contempt their petty and interested testimony. A Mr. Lyster, of Poole, and a Captain Davis, were to instruct your Lordships in the political system of Great Britain and America. Mr. Lyster, of Poole, was to convince your Lordships, that the profits of the commerce of America did not enrich this country; and Mr. Lyster, of Poole, and his brother-politician, were to satisfy the legislature of this country, that the utter destruction of American trade would strengthen the navy, and invigorate the marine of England! and from their redoubtable testimony we were to believe, that the fishery at present carried on by New-England, might be supplied and continued by a sufficient number of men and ships from Great Britain and Ireland! that foreign markets should still be amply furnished; and that five or six hundred thousand pounds, the value of the North American fishery, should be continued, if not increased, to this country, by our own efforts, independently of them! Why, my Lords, or how? Because Mr. Lyster, of Poole, and his friend Captain Davis, were to gain two or three hundred pounds a year by the operation of this bill. Your Lordships see the frivolous and contemptible nature of such evidence. The narrow and interested minds of such men are totally unfit for such mighty discussions. Their little distorted scale of understanding cannot comprize, nor comprehend the policy of nations; but a noble Lord, at the head of a naval department, warmly supports this bill, because, in his opinion also, it is to derive prodigious advantages to our navy. I do not wonder at the noble Lord's embracing every idea which seems to have that tendency; but I cannot agree that these advantages to our navy, so contended and hoped for, even if they were proved, are to be decisive

arguments to your Lordships to commit this bill. Though our navy were to receive the addition of five hundred seamen, or five thousand, I cannot think with the noble Lord, that we are therefore merely to give effect to a measure, which involves the fatal ruinous consequences that I shall have the honour of submitting to your Lordships. But, my Lords, it is much relied on, that our general trade will not suffer, nor diminish, by the particular restrictions imposed on our American fishery by this bill. My lords, this is a question of the most doubtful and dangerous nature, and requires the most circumspect attention from your Lordships. The benefits of trade we know are infinite, and the danger of tampering with it is in proportion. When we consider its circuitry, the various lines it forms, and the many channels through which its several streams flow to a common center, we shall find it is easy to disturb, but most difficult to restore, the complicated arrangement. The sources are so subtle, and the complication so intricate, that these golden streams, if once disturbed, may be irrecoverably lost, and may imperceptibly glide into channels the most hostile and pernicious. But, it has been observed and argued, that in this great question, trade is a secondary consideration; that it is subordinate to the great discussions of polity involved in this argument. We are then to understand that this is the state of the question; that to maintain a legislative power over America, is the primary, the sole, and the necessary object; for the attainment of which, and for the reduction of the colonies to an unlimited obedience, all considerations of the benefits of trade, be they what they may, and of the ruinous mischiefs of its loss, be they however certain and fatal, are to be suspended; that we are to contend through every hazard, and in neglect of every other, for this grand object, the establishment of supreme dominion, *Voluntas pro imperio*. I wish, my Lords, to bring the argument to its true grounds; to place the question on its proper basis; and then to submit to your Lordships whether, on the real state of it, your wisdom and equity will, for such an object and in exclusion of all other, entail on your country such calamities as I maintain must result from the bill, the calamities of civil war. Before wise and good men draw the sword, they consider whether the war in which they are going to engage be just, practicable, and necessary. Unless the war, which this measure must produce, be found to have these qualities, it cannot be imagined that your Lordships will give your sanc-

tion to it. The consideration of the justice of the measure contended for, will bring your Lordships to the original cause of contention, Taxation, As to the *right of taxing* America, my ideas on that subject must ever continue the same; though I am not now to give them to your Lordships. I am tongue-tied on that question. It is now enacted law, and is not at present, nor on this occasion, to be brought into debate. But the *exercise* of that right, we may always fully examine into. Now, my Lords, I must humbly submit to your Lordships, that we have attempted the exercise of this right of taxation, as some of your Lordships are pleased to call it, most unwarrantably, and pursued it most unwisely, as the events have proved. An East-India-ship, freighted with tea, goes to Boston. A mob, and a very inconsiderable mob, destroy it. No requisition is made for satisfaction, which would have been given: no step is taken towards accommodation, which would have been effected; no enquiry is instituted into the transaction; but you proceed, without hearing the parties, without distinguishing the innocent from the guilty, or examining whether any were guilty at all, you proceed to block up the harbour, destroy their trade, and reduce the whole country to the deepest distress. And for what, my Lord? For a transaction which every American disclaimed, and none have attempted to justify. Pursuing the same spirit, you arbitrarily introduce a total change into their constitution. You violate their charter-rights of chusing their own council, their own assembly, and their magistrates; and invest the governor with these privileges. You rivet the dependence of their judges, by making them removeable at pleasure. You pack their juries, by a *bene placito* sheriff. And thus, my Lords, are annihilated all the securities of their freedom and happiness. In criminal matters, the tyrannical statute of Henry the Eighth is revived, and the most oppressive partiality is established. If an American kills an Englishman, he is dragged hither, far from his neighbours, his friends, his witnesses; from all possibility of vindicating his innocence. If an Englishman kills an American, he is brought home to his own country, to be tried with all advantages, and without testimony or circumstances to prove his guilt. These, my Lords, are part of the oppressions you have accumulated on America; and to repeal them, the Americans have united their counsels and their valour; and, my Lords, I must maintain that they are justified in their union. But, my Lords, some ideas are most industriously circulated, extolling the

the irresistible omnipotence of Parliament; that the decrees of the legislature must be obeyed, be they what they may, without doubt, and without appeal. A reverend dean [Dr. Tucker, dean of Gloucester] preaches these unlimited doctrines, in his book on the subject of America; and a pamphlet published a few days ago, "Taxation no Tyranny," I know not the author, [Doctor Johnson,] speaks the same language; the press indeed abounds with politics and pamphlets, studiously endeavouring to enforce the same principles. But, my Lords, I have learned other principles and other doctrines, and I learned them from a court-writer; but he was a writer in support of the court and the politics of William the Third. Mr. Locke wrote his Book on Government in defence of King William's title to the crown; and Mr. Locke proves, in that inestimable treatise, that the people are justified in resistance to tyranny; whether it be tyranny assumed by a Monarch, or power arbitrarily unjust, attempted by a Legislature. My Lords, the bodies which compose the Legislature, are invested with that power for the good of the whole. We are trustees, and can exercise our powers, only in execution of the great trust reposed in us. What, my Lords, if both Houses of Parliament, with the concurrence of the King, if you will, should propose to surrender the dearest rights and privileges of the people; and the case lately happened in Denmark, almost before our eyes, and formerly in our own history, in the time of Henry the Eighth, when parliament voted that his proclamation should be equivalent to law; in such cases, are not the people justified in resisting? These, my Lords, are the constitutional doctrines of resistance to arbitrary power in all shapes whatever. And let me observe, my Lords, that these are the doctrines which establish the present family on the throne. Their title stands on this solid rock, the principles of Mr. Locke. I trust then, my Lords, *those slavish tenets* will never gain ground in this country, and that it will never be understood the constitution gives you more power than that of *doing right*. And when I am asked whether the Legislature cannot retract charters, and annual rights, if it thinks proper, and merely at its own will, I say, my Lords, *it cannot—I say it cannot*. They may be lost, they may be forfeited; but they are not to be arbitrarily sported with, and wantonly violated. And, my Lords, when such is the conduct held against America, when the severest and most comprehensive punishments are inflicted, without examining the offence; when their constitutional liberties are destroyed; when their

charters and their rights are sacrificed to the vindictive spirit of the moment; when you thus tear up all their privileges by the roots; is there a country under Heaven, breathing the last grasp of freedom, that will not resist such oppressions, and vindicate, on the oppressors heads, such violations of justice? Now, my Lords, whether the proposed measure of severity and war be practicable or not, is also most seriously deserving of your Lordships' attention. To conquer a great continent of 1800 miles, containing three millions of people, all indissolubly united on the great Whig bottom of liberty and justice, seems an undertaking not to be rashly engaged in. It is said by a noble Lord [Lord Dudley] that only our mildness and lenity save them from utter desolation, and prevent our carrying fire and sword through their country. But I believe it is certain that we would have done so, if we could; and that nothing but inability has prevented our proceeding to the most hostile extremes of violence and devastation; if we may judge from what has been done in that line, in which alone any thing can hope to be effected. But, my Lords, where are you to get men and money adequate to the service and expence that the reduction of such a continent must require? What are the 10,000 men you have just voted out to Boston? Merely to save General Gage from the disgrace and destruction of being sacked in his entrenchments. It is obvious, my Lords, that you cannot furnish armies, or treasure, competent to the mighty purpose of subduing America. It is obvious that your only efforts can be by your naval power; and, as far as those efforts can have effect, you may certainly expect success: at least when we consider America alone: but whether France and Spain will be tame, inactive spectators of your efforts and distractions, is well worthy the considerations of your Lordships. But admitting full success to your naval efforts, what can they effect? The blocking up their ports, and the suppression of their trade. But will this procure the conquest of America? No, my Lords; they are prepared to meet these severities, and to surmount them. They are applying themselves most diligently to agriculture, that great source of strength and independence. Foreseeing the important crisis, they have provided against its wants; and have imported into their country stores of industry, implements of husbandry and manufacture. They have united in the rejection of luxury and superfluous enjoyment. They have suppressed their public diversions, formerly common enough in their great and wealthy towns; and

and every man attaches himself wholly to the great business of his country. Such is the state of America. She has curtailed her expences; she has reduced her table; she has clothed herself in mean and coarse stuffs; she has adopted the wise system of frugal industry. Her wants can be only ideal, imaginary, nothing. But, my Lords, what will be the state of this *civilized, enlightened, dissipated and debauched* country? How shall the want of American commerce be supplied, of that commerce which contributes the means of your luxury, of your enjoyments, of the imaginary happiness of this country? We may feel the loss of American connection, a loss which nothing can compensate; but America will have little reason to regret her disconnection from England; and, my Lords, it is evident that England must one day lose the dominion of America. It is impossible that this petty island can continue in dependence that mighty continent, increasing daily in numbers and in strength. To protract the time of separation to a distant day is all that can be hoped; and this hope might be obtained by wise and temperate counsels; not by precipitation and violence, uniting America against you; for so it is, my Lords. There is not a man in America, who can endure the idea of being taxed, perhaps to the amount of his whole property, at pleasure, by a legislature 3000 miles distant; or who can separate the idea of taxation from representation. The groundless and interested rumours that are spread, of disagreement and discord among the Americans, can only impose on the grossest ignorance. They are considered as the cry of the court, the talk of the times, and the cue of the day, and meet with the contempt they deserve. But, my Lords, when administration attempt to join in the imposture, I cannot but think it most humiliating and disgraceful. And, my Lords, such is the attempt made in the exception in favour of New York. The world is to be deceived into an opinion, that New York is detached from the general cause, and this dirty, humiliating contrivance, is to create distrust and disunion in America; and this, when the directly contrary state of the province is well known. Did not they send delegates to the congress? To that congress, which I shall ever maintain to have been strictly justifiable. And, my Lords, the committee is now in the town, most heartily and unanimously co-operating and enforcing the general cause. Such mean insidious attempts to undermine the American union, only prove its solidity and firmness, which are otherwise, not to be attacked or shaken, and against which,

all your efforts of war must be vain and impracticable.— But, my Lords, an objection may be made to this account of the powerful and invincible state of America. It will be said, that if England cannot enforce obedience, and curb any refractory disposition that may arise in the colonies, America might at any time revolt, and shake off the authority of the mother-country. But the answer, my Lords, is this; that America derives the invincible strength I have described, from her union, which can only be produced by the oppressions of this country; for, my Lords, the state of America is such, that union can never originate in herself. And this was wisely consulted in the original settlement of that continent, by the different constitutions given to the different provinces, forming them of such divers textures and dispositions, as not easily to unite or assimilate. Some received royal charter governments; some, provincial; and some, proprietary. Some were shaped in the mould of monarchy; others received the form of pure democracy; and even these last were granted in a reign in which the most arbitrary counsels disgraced the throne. But the ministers of this prince [Charles the Second] wisely detached them from each other, knowing that different forms of government would give them different directions. And so it was. They could never, from themselves, merely coincide or co-operate. You might as easily have reconciled fire and water, as have brought Virginia to shake hands with Pennsylvania, or associated New York to the Massachusetts Bay. And if any one colony could have ever been infatuated into an attempt entirely to throw off the dependence on this country, she would have had few or none to join her. The contest would then be speedily decided, and very different would be the efforts of divided America against united England, from the force which now resists you, the collected force of united America against England weakened and divided. For such, my Lords, is the state to which the present measures have brought both countries. At home, discontent and division prevail; and in America it was reserved for the wisdom of these times to produce such an union as renders her invincible. The Americans are now united and cemented by the strongest ties. They are allied in the common defence of every thing dear to them. They are struggling *pro aris et focis*, in support of their liberties and properties, and the most sacred rights of mankind. Thus associated by strongest mutual engagements, and aided by their mutual
b, grounded on the justice of their cause, I must assert

must and repeat, my Lords, that your efforts against them
 shall be successful, and your war impracticable. And now,
 my Lords, it remains to be considered, whether the war
 which this bill must produce, be necessary; for without
 necessity, it will not be contended that any war should be
 undertaken; much less a civil war, which in the first in-
 stance proscribes, and drives to famine, such multitudes of
 your fellow-subjects; whole towns and provinces; for it
 is well known, that the fishery is not only the trade, but in
 a great measure the food of New England. Now it can-
 not appear that this ruinous measure, fraught with all fatal
 consequences, both to them and ourselves, is necessary; un-
 less it appears that every prudent and proper endeavour has
 been made to accommodate, to conciliate, and to pacify.
 If such endeavours have been used, and used in vain, then,
 my Lords, there might be some colour for the present vio-
 lence. But it is notorious, that not the temper of modera-
 tion and humanity, but the spirit of violence and proscrip-
 tion has uniformly actuated your counsels. In the first in-
 stance, without the forms of justice, for a particular fault,
 you inflicted general punishment. You proceeded, from their
 trade, to their municipal rights, to their constitutions, their
 charters, their liberties; and now, this bill of famine and
 of war finishes the climax of severity. Such have been the
 counsels and the measures of administration. Other counsels
 have been given; and different measures have been
 proposed; but they have not been even considered; they
 were rejected with disdain; though they came from a per-
 sonage, whose character gave them authority, and ought
 to have procured them respect; a great man, [Earl of Chat-
 ham] the greatest perhaps that this age or this country has
 produced, to whom this country owes her present prosperity,
 and, I am sorry to say it, her pride, her pride of conquest,
 which has infatuated her, even in this impracticable war,
 with the ideas of victory, and certain success; that great
 man, from whose opinions, though some of your Lordships
 may sometimes differ, yet there is not one of your Lord-
 ships who does not pay homage to his consummate capacity,
 his extensive talents, his great services, and his age, when he
 delivers those opinions from his place. I lament that I do
 not see him there. That great man did propose to you a
 plan of conciliation between this country and her colonies.
 How was it received? It was treated with the most scornful
 contempt; rejected without being looked into; spurned,
 trampled upon! I protest, my Lords, I am afflicted with

grief, when I reflect on the proceedings of that day; in such an arduous moment, that such a plan, the labour of such talents and such experience, should be rejected, even from your consideration, unlooked into, with such indecent indignity. Erase it from your books; obliterate the transaction from your records; let not posterity be contradicted by history, that such could have been your conduct towards such a man! So much, my Lords, for conciliatory plans in this House. In another House of Parliament, when a noble Lord, [Lord North] whose character I by no means intend to reflect on, or to mention with disrespect—when he proposed what was conceived in some degree to tend towards conciliation, there was immediately a general alarm, it created almost a civil war amongst his troops; and the confusion was universal; till some of the veteran and principal officers brought back their general, and fixed and ascertained him on the old ground of severity. Nothing conciliatory therefore has been proposed from administration, or received from any other quarter: but an uniform system of maxims, doctrines, and measures of violence, has been maintained. And surely, before you resolved on measures of such magnitude, where the event is at least hazardous, and certainly of the extremest importance, it was your duty to have tried all possible means of lenity, accommodation and of prevention, and not have rushed into such fatal calamities, till impelled by the last necessity. As it appears to me therefore, my Lords, that the war in which this bill must involve this country, is neither just, practicable, nor necessary, I must give my vote against committing the bill.

In the course of the debate the Duke of *Grafton* adverted particularly to this matter, and was extremely anxious to remove the impressions made by Lord Camden. I rejoice, said the Duke, that in speaking before so numerous an audience I can describe the true state of this transaction, and prevent its crossing the Atlantic in improper colours. When the noble Earl proposed his bill, could such a bill be expected? Could any man imagine a person of his wisdom and experience (and I have all respect for his abilities, but would speak even if he were present, with the same freedom I now do) of his parliamentary experience, would propose a bill which must involve us in fatal disputes with the Commons; a bill which was to repeal nine acts of Parliament, and many of them revenue acts! But let his plan have been what it would, it was not spurned from this House; it is yet in this House; it now lies on your table.

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The Lord *Camden* replied, desiring his Grace to interrupt him, if he mis-stated him. He then recapitulated his own idea, and the Duke's conception of it; maintaining his former assertion, that Lord Chatham's plan had been rejected with the utmost contempt: that though from such a man, and for such a purpose, it could not obtain twenty-four hours consideration, but had been instantly crushed. That it was indeed on their table, but that it was there in a state of perdition; only that it might be entered on their journals with that indecent *burry* [a favourite word of the Duke of Grafton's, in a former debate on this subject] it had been rejected. That if it proposed the repeal of nine acts of parliament, revenue acts, or any other, or fifty, his Grace might have objected to those obnoxious passages, on the consideration of it; a consideration which it so well deserved, but did not receive; being rejected with contempt on its first reading.

The Duke did not think proper to rejoin.

The Earl of *Sandwich*. The noble Lord [*Camden*] mentions the impracticability of conquering America; I cannot think the noble Lord can be serious on this matter. Suppose the colonies do abound in men, what does that signify? they are raw, undisciplined, cowardly men. I wish instead of 40 or 50,000 of these brave fellows, they would produce in the field at least 200,000, the more the better, the easier would be the conquest; if they did not run away, they would starve themselves into compliance with our measures. I will tell your Lordships an anecdote that happened at the siege of *Louisburg*: Sir Peter Warren told me, that, in order to try the courage of the Americans, he ordered that a great number of them should be placed in the front of the army; the Americans pretended at first to be very much elated at this mark of distinction, and boasted what mighty feats they would do upon the scene of action; however, when the moment came to put in execution this boasted courage, behold, every one of them run from the front to the rear of the army, with as much expedition as their feet could carry them, and threatened to go off entirely, if the commander offered to make them a shield to protect the British soldiers at the expense of their blood; they did not understand such usage. Sir Peter finding what egregious cowards they were, and knowing of what importance such numbers must be to intimidate the French by their appearance, told these American heroes, that his orders had been misunderstood, that he always intended to keep them in the rear of the army to make
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the great push; that it was the custom of generals to preserve the best troops to the last; that this was always the Roman custom, and as the Americans resembled the Romans in every particular, especially in courage and a love to their country, he should make no scruple of following the Roman custom, and made no doubt but the modern Romans would shew acts of bravery equal to any in ancient Rome. By such discourses as these, said Sir Peter Warren, I made a shift to keep them with us, though I took care they should be pushed forward in no dangerous conflict. Now, I can tell the noble Lord, that this is exactly the situation of all the heroes in North America; they are all Romans; and are these the men to fright us from the post of honour? Believe me, my Lords, the very sound of a cannon would carry them off, in Sir Peter's words, as fast as their feet could carry them. This is too trifling a part of the argument, to detain your Lordships any longer. The noble Earl then went on to abuse the Americans for not paying their debts; he made no doubt that the real motive of their associations was to defraud their creditors. That the congress, on which the noble Lord [Lord Camden] had passed high encomiums, was a seditious and treasonable meeting of persons assembled to resist the legal and just authority of the supreme legislative power; and however dignified by his Lordship, or any other noble Lord in that House, he should always continue to describe it by the latter appellation, and no other, as its only true and proper name. His Lordship entered into a long examination of the purport of the evidence given at the bar by Messrs. Lister, Davis, Shulldham, and Palliser; and laboured to prove, that the present bill, whatever other objects it might take in, was not, nor ought to be, a bill of intimidation or experiment, but a perpetual law of commercial regulation, operating to extend our trade, to encrease our seamen, and strengthen our naval power.

The Lord *Wycombe*, [Earl of Shelburne] after stating at large the nature of the Newfoundland fishery, and its great importance to this country, observed, that unless the present bill was taken up as a permanent, commercial regulation, that an object of however great a magnitude it might be, it was by no means at present before the House. You are told, it is in proof before you, that the people of Nantucket, the inoffending, peaceable inhabitants of that island, will be deprived of every means of sustenance and support, should this bill pass into a law. It remains yet uncontradict-
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ed, that the people of New-England have not corn nearly sufficient raised for their own consumption; and this bill says, they shall not be supplied elsewhere. How nugatory and ridiculous it is, then, to talk of commercial regulation, which is supposed to include improvement and protection, when that regulation is immediately directed to starve and oppress one part of your subjects, to whom there is not so much as any crime or offence imputed, in order to give commercial advantages to another. But if the several laws in being, for the improvement of the Newfoundland fishery are not sufficient, or that the admiralty, in whose department it is, satisfy Parliament that those powers have been properly exerted, and are found to be inadequate, let a bill be brought in for that purpose. I am convinced of the very great importance of the fishery; and no man in this House will be more zealous, however deficient in ability, to give it his most warm support, than I shall be. His Lordship next adverted to the sedentary fishery, given up to Canada by the Quebec bill, and fully explained the great pains taken by the two very able men who preceded him at the board of trade, Charles Townshend and a certain noble Lord and himself, to annex the fishery of Labradore, &c. to that of Newfoundland. He gave the most flattering testimony to the attention and great abilities of Sir Hugh Palliser, to whom he entrusted the entire negociation of that difficult affair with the Count de Guerchy, the French minister. He entirely coincided in sentiments, he said, with the noble Lord [Lord Camden] who called this a bill of pains and penalties, and coercion, not of commercial regulation. He agreed with him likewise, that the popular tide was against him; but he was certain it would not be long before it took a different turn, and would run another way, as the people would find they were deceived, and Parliament would at length discover they were misinformed and misled. He, therefore, as a member of that body, put in his early claim of objecting to the current ministerial language, that Parliament did this, and Parliament did that, for he insisted that Parliament had done nothing, it was the ministry had done all. Attend only a minute to their conduct, says his Lordship, and you will see, that what I have now advanced is strictly true. They have laid before us a mutilated correspondence, precisely calculated to answer certain purposes. On one hand, they have suppressed whole letters, and of such as they have laid before us, they have only given partial extracts; on the other,

other, they have held back the whole of the official letters on this side of the water, one or two of no consequence only excepted. Will any noble Lord in this House seriously affirm, that whatever proceedings have been taken on such information, can be deemed the proceedings of Parliament? or that any minister, or set of ministers, will be permitted to screen themselves under the protection of Parliament, when it shall be discovered, that the measures recommended and adopted, were framed on facts mis-stated, or for want of material ones, designedly suppressed? His Lordship concluded his speech with observing the strange diversity of sentiment which prevailed among the several leading members in administration. He alluded to the plan of conciliation proposed by a noble Lord in the other House, [Lord North] which was instantly reprobated. He then observed, that of several of the noble Lords no two of them scarcely thought alike; some were for commercial regulation, others for asserting the right, without wishing for a paltry revenue, and a very considerable body for the right and revenue both. This state of things, he said, put him in mind of a general whom he served under in Germany, a native of that country, who first desired the regiments at the right to form to the left; then again to the right, then to the rear, again to the right about. That the troops, after being harassed for two days by those absurd contradictory manoeuvres, at last found themselves in the place they set out from, without making the least way, on which the general desired every corps to march as they liked, so as to make their way in the most speedy manner to the place of their destination. He hoped, however, Englishmen would never copy the slavish obedience of Germans, but would learn to act themselves, and spurn the command and direction of those who knew neither to lead them to victory, nor protect them from ruin and defeat.

The Earl of *Suffolk* totally disapproved of some of the reasoning employed, and facts alluded to by a noble Lord in office [the Earl of Sandwich]. He said, that noble Lord's insinuations and assertions, that the Americans were shy or bashful, or, in plain English, would not fight, were what he could not approve of. He believed, there were as brave men in that country as in any other; and though the fact was otherwise, he could never hear it asserted with any degree of satisfaction, that there was any part of the King's subjects deficient in that degree of personal courage, for which the whole were so justly renowned. There was another point
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much laboured by the same noble Lord, to which he could never give his assent; and he was sorry to hear it relied on, and so much adverted to in the course of the debate; that was, that the present bill was meant to be a measure of permanent commercial regulation, distinct from its main object. This, he said, was by no means the intention of its original framers; it was intended as a bill of coercion, to oblige the people of New-England to submit to the legal and just power of the mother country, and that the faith of Parliament would be pledged to them, to restore the fishery, as soon as it should appear that they had returned to their former obedience. His Lordship then proceeded to defend the bill on that idea; and, in answer to what had been said relative to the diversity of opinions which prevailed among the King's servants, he was certain there was not a second among them as to the material question of the right, and the means of exerting it. As to the conciliatory motion in the other House, he owned that many of the members of it were much staggered, and very justly so, till it came to be explained; and for his part, he should be much grieved if there was not as great a majority against it as there appeared for it, if the motion had not admitted of the obvious sense it did when it came to be examined. He again repeated, how happy he was in being one of the persons who advised the dissolution of Parliament, as the designs and expectations of America were at once frustrated and broken by that measure; and concluded in replying to what the noble Marquis dropped early in the debate, that the repeal of the stamp act was the source from which all our present confusions had totally originated.

The Earl of *Radnor* said, he was at the throne, going out, not intending to vote on either side, when he heard the last noble Earl pledge the faith of Parliament, that so valuable a branch of our commerce was intended to be given up to the New-Englanders, as a sacrifice for their returning to their duty. It was an improper language to be held in that House, nor was the policy in every respect less exceptionable; for both which reasons he had returned to give his voice against the bill.

The Earl of *Suffolk* to explain. He said, he did not mean as a minister to pledge the faith of Parliament, nor did he promise the people of New-England that the fishery should be given up; the intentions he wished to impress or hold out, being only, that the present bill was not a bill of commercial regulation, but a bill of coercion; which, as

soon

soon as the ends proposed were attained, would certainly be repealed, leaving Parliament nevertheless to take the matter up on motives of policy.

The Earl of *Radnor*, not at all satisfied with this explanation, adhered to his former opinion, and declared, that he could not, in conscience, give his vote in favour of a bill, obedience to which was to be purchased on the implied conditions of sacrificing the most important branch of commerce belonging to the British empire.

The Duke of *Grafton* said he had not the least difficulty in giving his vote on the present occasion, as it did not, in his opinion, rest on the question so much agitated on both sides of the House; the question of taxation, so improperly introduced into the debate. The present bill, he insisted, was founded on the principle of retaliation and punishment, for an outrage as daring as it was unprovoked, still further heightened and aggravated by a resistance to all lawful authority, and almost a positive avowal of a total independence on the mother country. On these grounds the propriety of the present bill could only be fairly argued; and the motives of retaliation in one instance, and a with-holding the benefits only due to a dutiful and obedient conduct in the other, were what had determined him to give his vote, that the bill should be committed. His Grace next disclaimed all ideas of taxation and commercial regulation, as being clearly out of the question. He observed, that a noble Lord in administration [Earl of *Suffolk*] had very improperly imputed all the present confusions to the repeal of the stamp act. I was the person, says his Grace, who framed those resolutions, and had the honour to propose them to a committee of this House, on which the bill for that repeal was afterwards formed, brought in, and passed. I was then the advocate, and still take a particular pride in being the steady friend of America. The delicacy of my situation then, as well as now, will not permit me to satisfactorily explain the motives which led to that repeal, nor the consequent very disagreeable circumstances which succeeded it, and perhaps now regulate my conduct; but this however I am at liberty to declare, that the argument so confidently urged, that America contributes nothing towards the common support, however plausibly maintained, or forcibly expressed, is a fallacious one. I affirm, she does contribute largely to the public burthens, in the great consumption of our manufactures; and I should be very sorry to see, that what appears now a speculative

lative proposition, liable to be controverted, should ever come to be demonstrably, nay actually, proved. Will any noble Lord in this House, at all conversant with the trade and commerce of this country, contend, that we are not enabled to pay the great load of taxes we labour under, by the vast encrease of our exports to that continent; or that the various articles of leather, &c. and in short all exciseable commodities exported to that country, as well as the innumerable benefits derived to every part of the three kingdoms, by the circuitous commerce carried on with it, is not in reality a very great augmentation to our revenue, and to every substantial purpose, answers the end of an actual tax, unaccompanied by any of the disagreeable consequences that never fail to attend laying burthens on the people, and collecting it? A noble and learned Lord on the other side, [Lord Camden] seemed to take it for granted, that all thoughts of conciliation are laid aside; and that this bill is no less than a positive declaration of war on our part. I beg leave to differ from the learned Lord. I believe that America will trust to the parental disposition of this country, where she has many strenuous friends, among which, I number myself one of the warmest. I trust, therefore, that she will not blindly rush on her own destruction, and thereby prevent them from serving her; but return to her duty and obedience, as the surest means of obtaining a reparation for any injuries she may have sustained. On the whole, therefore, I sincerely hope, that the present bill will have the desired effect; that our fellow-subjects in America will wisely and dutifully return to their obedience; and, that as in the present year 1775, we are prosecuting just measures to bring about so desirable an end, so in the year 1776 we may be employed in manifesting the most ample proofs of our removing all cause, or almost possibility of the return of the same evils, by ascertaining their rights, and the constitutional power of this country, on the most fair, equitable, and permanent foundations. It was my task on a former occasion: and I shall with pleasure, in the year 1776, as a strenuous friend to the just claims of America, unremittingly labour in the same cause.

The Marquis of *Rockingham* to explain. He observed, that a noble Lord [Lord Dudley] early in the debate, had objected to the accounts of the American exports of 1764, now lying on the table, as well as that given by a witness at their Lordships' bar, [Mr. Watson] and drew a conclusion from the method of obtaining them, one being made up from unsigned papers,

papers, and the other from false entries; that they were both erroneous, and consequently that every deduction drawn from such premises must be equally fallacious and undeserving of the least degree of credit or attention. To this his Lordship answered, that for the purpose he employed those supposed facts, it was totally immaterial whether they were correct or not; the exports, for instance, might be 2,700,000*l.* or only 2,000,000*l.* the argument either way was equally good. All he meant to prove by stating them, was to shew the vast encrease of our trade to America, from a comparative state of it at different periods. The error, his Lordship said, was uniform; it existed at all times, or not at all. Thus the custom-house entries said, the annual exports in 1704 were of foreign goods 17,000*l.* of home 54,000*l.* in all 71,000*l.* in 1754, 180,000*l.* in 1764, in ten years, more than double; and in the last nine years again, nearly in the same proportion, the exports being between seven and 800,000*l.* to New England alone. His Lordship concluded with observing, that some noble Lords, who formerly entertained an opinion of the propriety of the stamp-act, seemed to have since altered their sentiments. He, therefore, called upon them to declare their minds freely, and not to act under any restraint; for he was ready and willing to unload them of such a burthen, and bear the whole of the blame on his own shoulders; trusting, on the other hand, if it proved a wise measure, that he might be entitled to claim the merit thus abandoned.

The Earl of *Abington* said, that reason, justice, conscience, principle and instinct, all prompted him to pronounce the bill a most infernal and diabolic measure. How the right reverend bench reconciled it to their consciences, he was unable to conceive; for his part, he put his trust in the Almighty; and though he knew all he could say would avail nothing against a ministerial majority, yet he cautioned the Lords against injustice, as in the judicial visitation of Providence it generally fell heavy on the heads of those who planned iniquity.

This closed the debate, it being past nine o'clock; and on a division, the numbers stood thus: for the bill, 104; against the bill, 29.

March 20.

Bill reported. No debate.

March 21.

The Earl of *Dartmouth* moved the third reading of the bill.

The

The Earl of *Buckinghamshire* offered an amendment. The clause, as it stood in the ingrossed bill, which his Lordship wished to alter, was part of the prohibitory clause, relative to the fishery, where it was enacted, that if any ship, or vessel, being the property of the subjects of Great Britain, not belonging to, and fitted out from Great Britain, Ireland, or the islands of Guernsey and Jersey, shall be found, after the 20th day of July, 1775, carrying on any fishery, of what nature or kind soever, upon the banks of Newfoundland, the coast of Labrador, or within the river or gulph of St. Lawrence, or upon the coast of Cape Breton, or Nova Scotia, or any other part of the coast of North America, or having on board materials for carrying on any such fishery, every such ship or vessel, with her guns, ammunition, tackle, apparel, and furniture, together with the fish, if any shall be found, shall be forfeited, unless the master, or person having the charge of such ship or vessel, do produce to the commander of any of his Majesty's ships of war, stationed for the protection and superintendance of the British fisheries in America, a certificate under the hand and seal of the governor or commander in chief of any of the colonies or plantations of Quebec, Newfoundland, St. John's, Nova Scotia, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, East or West Florida, setting forth, that such ship or vessel, expressing her name, burden, &c. and describing her, hath been fitted out from some one of the said colonies or plantations." His Lordship moved, that the words New Jersey, Pennsylvania, Maryland, Virginia, and South Carolina, should be omitted; and the Lord Keeper having put the question in the usual form, that those words stand part of the bill, the house divided, and the non-contents carried it by a majority of 52 to 21; consequently, the prohibitions of the bill were extended to the provinces so omitted.

The Duke of *Manchester* opposed the amendment. He said, that one-half of the continent of North America was at once punished by the proposed alteration, without any trial, proof, or enquiry whatever; that such a mode of proceeding was totally unparliamentary and unprecedented; that it was no less repugnant to the established rules of equity and judicial decision, which always and in every instance supposed the party accused had been heard before judgment was pronounced; and, that if such a mode of executive speedy justice were to obtain in that House, it would be productive of the most dangerous and alarming consequences.

The Lord Keeper quitted the woolsack, in order to reply to the noble Duke. He said, the House was in possession of evidence, fully sufficient to authorize their Lordships agreeing to the proposed amendment; that the papers on their Lordships table were full of the information necessary to warrant it; that at the time the bill originated in the other House, the information alluded to was not known; that it appeared by the several accounts received from the provinces of New Jersey, Pennsylvania, &c. that they were equally culpable with those of New England; and that of course they ought to suffer under one common punishment.

The Duke of *Manchester* acceded to the general premises laid down by the learned Lord; but totally denied the propriety of the inferences and conclusions drawn from them. He observed, that although the letters stated what his Lordship was pleased to call the disobedient and undutiful disposition of the southern colonies, but what he should always esteem as a meritorious perseverance in the cause of freedom, and a constitutional assertion of their rights, those letters were no more in the contemplation of the House, in its legislative or deliberative capacity, than if they had never existed. Have they, said his Grace, been even so much as read? Have they been considered? Have the parties accused been heard in their own defence? Away then with such pretences. Has not the minister in the other House, and the House itself, been in possession of the same information? Why then have not they proceeded in the same manner? No; however willing they might be to do it, they plainly saw the insurmountable difficulties which lay in their way, and wisely declined it.

The Earl of Abingdon spoke to order. He was answered by the Earl of Bucks; on which Lord Mansfield said a few words, in order to set the matter right.

The Duke of *Manchester* rose again, and observed, that the province of New-York was permitted to stand in the bill with the other favoured provinces, though it was well known that they had, in their legislative capacity, denied the right of taxation; and had, conformably to those sentiments, transmitted a petition to the King, a memorial to this House, and a remonstrance to the other. His Grace, therefore, desired to know the reason why they were singled out from the rest, when the offence was the same. He said, he had no objection to the indulgence; but he could not perceive how their Lordships could reconcile their conduct on this occasion with any rule of consistency whatever.

The

The Earl of *Effingham*. I have been well informed that a ship has arrived at New-York, and that the people of that colony absolutely and peremptorily refused to permit any part of the cargo to be landed. I therefore call on some of the noble Lords in administration to contradict this account if false, or confirm it if it be true. Should the latter be the case, I cannot for my part conceive, on what ground the present exemption in favour of New-York can be defended.

The Earl of *Dartmouth*. It is not in my power directly to contradict, or affirm, the intelligence of the noble Lord. All I can say on the subject is, that the last account I received was from a gentleman of veracity on the spot, who writing on the Saturday, and informing me of the arrival of the vessel, assures me, that the goods would be landed on the Monday following.

The Lord Keeper put the question :

The House divided. For the amendment, 52; against it 23.

As soon as their Lordships returned above the bar, the question was put, that the said bill be read a third time. The Lord Keeper added, "and that the House of Commons be acquainted, that this House hath agreed to the same with amendments." To this the Duke of Richmond objected, as he said, "he meant to divide the House." The House divided again. For the bill, 73; against it, 21.

The following Lords divided against the bill.

Camden,	Scarborough,
Richmond,	Cholmondeley,
Devonshire,	Abergavenny,
Portland,	Wycombe,
Rockingham,	Torrington,
Ponsonby,	Effingham,
Abingdon,	Craven,
Manchester,	Leinster,
Courtenay,	Stanhope,
Tankerville,	Archer.
Fitzwilliam,	

Dissentient, Because the attempt to coerce by famine the whole body of the inhabitants of great and populous provinces, is without example in the history of this, or perhaps of any civilized nation: and is one of those unhappy inventions, to which Parliament is driven by the difficulties which daily multiply upon us, from an obstinate adherence to an unwise plan of government. We do not know exactly the extent of the combination against our com-

merce in New-England and the other colonies; but we do know the extent of the punishment we inflict upon it, which is universal, and includes all the inhabitants. Among these many are admitted to be innocent, and several are alledged by ministers to be, in their case, even meritorious. That government which attempts to preserve its authority by destroying the trade of its subjects, and by involving the innocent and guilty in a common ruin, if it acts from a choice of such means, confesses itself unworthy; if from inability to find any other, admits itself wholly incompetent to the end of its institution.

2dly, Because the English merchants are punished without any guilt, real or pretended, on their part. The people of the proscribed provinces, though failing in their duty to government, ought to be permitted to discharge their obligations to commerce; without their fishery this is impossible. The merchants of England entertain no fears for their debts, except from the steps which are said to be taken in their favour. Eight hundred thousand pounds of English property, belonging to London alone, is not to be trifled with, or sacrificed to the projects of those who have constantly failed in every expectation which they have held out to the public; and who are become more bigotted to methods of violence, in proportion to the experience of their inefficacy, and the mischievous consequences which attend them.

3dly, Because the people of New England, besides the natural claim of mankind to the gifts of Providence on their own coast, are especially entitled to the fishery by their charters, which have never been declared forfeited. These charters, we think, (notwithstanding the contempt with which the idea of public faith hath been treated) to be of material consideration. The bill therefore not growing out of any judicial process, seems equally a violation of all natural and all civil right.

4thly, Because we conceive, that the attempt which has been made to bribe the nation into an acquiescence in this arbitrary act, by holding out to them (by evidence at the bar) the spoils of the New-England fishery, worth upwards of 300,000l. a year, to be a scheme full of weakness and indecency; of indecency, because it may be suspected that the desire of the confiscation has created the guilt; weak, because it supposes that whatever is taken from the colonies is of course to be transferred to ourselves. We may trample on the rules of justice, but we cannot alter the nature of things. We cannot convey to Great Britain the advantages of situation,

tion, which New England possesses for the fishery. If the value of the commodity should be enhanced at the foreign markets by the exclusion of so large a part of the supply, it may either greatly injure the sale of the commodity itself, or put the consumers on new articles of consumption, or new methods of supply, to the just ruin of those, who, deluded by avarice, have chosen from the vain hope of an enhanced market, to disturb the natural, settled, and beneficial course of traffic.

5thly, Because we do not apprehend, that the topic so much insisted upon by a Lord high in office, in favour of this project, namely, the *cowardice* of his Majesty's American subjects, to have any weight in itself, or be at all agreeable to the dignity of sentiment which ought to characterise this House. We do not think it true that any part of the subjects of this empire are defective in bravery. It is to the last degree improper to act upon such a supposition, as it must highly disgrace our arms in case of misfortune, and must take away all honour from them in case of success. Nothing can tend more effectually to defeat the purposes of all our coercive measures, than to let the people, against whom they are intended, know, that we think our authority founded in their baseness; that their resistance will give them some credit, even in our own eyes, and that we attribute their obedience only to their want of courage. This is to call for resistance, and to provoke rebellion by the most powerful of all motives which can act upon men of any degree of spirit and sensibility.

6thly, Because the interdict from fishing and commerce is not to be terminated by any certain and definitive act to be done by the party interdicted, but its duration depends solely on the will of the governors and majority of the council in some of the provinces; upon their more arbitrary opinion of the state of the commerce. In two of the proscribed provinces the interdict is made to depend on the same arbitrary will, in much worse hands, those of mere Custom-house officers; a power of such magnitude is not fit to be delegated to any man, however wise, or however exalted.

But to deliver over several hundred thousands of our fellow creatures to be starved, at the mere pleasure of persons in subordinate situations, and some of them in an office always more or less suspicious and obnoxious, and necessary to be watched and guarded, rather than vested with absolute power over all, and this without any rule to guide their discretion, without any penalty to deter from an abuse of it,

is a strain of such tyranny, oppression, and absurdity, as we believe never was deliberately entertained by any grave assembly.

Lastly, Because the bill, though in appearance a measure of retaliation, only upon a supposition that the colonies have been the first aggressors, by their association not to import goods from Great Britain, yet is, in truth, a most cruel enforcement of former oppressions; and that association is no more than a natural consequence of antecedent and repeated injuries. And since the restraint of this bill is not to be taken off, till the several colonies shall agree to receive again all goods whatsoever from Great Britain, and to pay all the duties imposed by Parliament, not excepting those upon tea; and since three of them must apply through the medium of the New council of Massachusetts Bay, and the last mentioned province is obliged not only to acknowledge the new charter, but submit, in all respects, to the severe conditions of the Port Bill, before they can be released from their hardships; since these are the terms, and the only terms, upon which this proscription is to cease, and the colonies must therefore submit to be the slaves, instead of the subjects, of Great Britain; this bill, in its principle, is both arbitrary and unjust. And as we do not conceive any ground of expectation that the provinces will yield to such hard conditions, a civil war, which may probably end in the total separation of the colonies from the mother-country, will too naturally be the consequence of this bill, in respect of which, as well as for the other hereby assigned, we do most solemnly and heartily protest against the same reasons,

Abingdon,	Devonshire,
Stanhope,	Camden,
Richmond,	Cholmondeley,
Rockingham,	Abergavenny,
Ponsonby,	Wycombe,
Manchester,	Torrington,
Craven,	Effingham,
Leinster,	Fitzwilliam,

[By the amendment made in the bill this day, the title and the body of the bill did not correspond; and the Commons rejected the amendment when sent to them. A conference was desired with the Commons to remove this difficulty.]

March 27.

A conference with the Commons. The following members of the House of Commons, as managers for said House, took their seats at the conference table, in the painted chamber:

ber: Lord North, Mr. Solicitor-General, Mr. Cornwall, Mr. Rice, Mr. Grey Cooper, Mr. Hans Stanley, Mr. Jenkinson, Mr. Cornwall, Mr. Rigby, Mr. Townshend, and Mr. Bamber Gascoyne. A message was immediately sent to the Lords, informing them that the Commons were waiting. In about five minutes the following Lords appeared as managers for the House of Lords: The Lord President, [Earl Gower] the Lords Aberdeen, Dalhousie, Abercorn, Roseberry, Delawar, Townshend, Irby, Despencer, and the Bishops of London, Carlisle, Norwich, Worcester, Bristol, and Oxford.

As soon as their Lordships were seated, and covered, the Commons stood up uncovered, and Lord North acquainted them, that the Commons had sent their managers to offer reasons why they had disagreed with the amendment made by their Lordships to the Massachusetts Bay fishery bill.

His Lordship then recited the title of the bill at large, and informed them, that they had disagreed with their Lordships' amendment.

Lord North then proceeded to acquaint their Lordships, that the reasons why the Commons could not agree to the amendment were, that the commanders of his Majesty's ships of war, should the bill pass with the amendment, would be greatly embarrassed, and not know in what manner to act with ease and security to themselves.

The usual forms being complied with, the conference broke up, and each set of managers returned to their respective Houses.

The Lords having taken the reasons offered by the Commons at the conference into consideration, their Lordships agreed with the Commons in rejecting the amendment, and orders were given to acquaint the Commons therewith.

April 12.

The Earl of Rochford presented a message from his Majesty, the purport of which was, for settling Buckingham-house on her Majesty, in lieu of Somerset-house, which is to be disposed of for other purposes.

An address was immediately moved for, to thank his Majesty for his most gracious message, and to assure his Majesty that the House would most readily concur in every measure that might promote what was recommended by the message.

A motion was made by the Earl of *Sandwich*, that the committee to whom the Braunston inclosure bill was referred, should meet again after the recess at Easter, and report to the

House their reasons for rejecting the said bill; this motion brought on a debate.

In order to understand the grounds of this debate, and explain how this matter, which was originally of a private nature, solely depending on local circumstances, came to be a subject of public consideration, it is necessary to mention, that the common fields and commonable lands in the parish of Braunston being proposed to be inclosed, consist of forty-one yard-lands, of thirty-five computed, or fifty statute acres each, besides the waste; the proprietors of twenty-seven and a half of those petitioned the House of Commons for the bill, and the proprietors of eleven and a half petitioned against it, in which last number the Lord of the Manor, who had a property in the waste, heriots, &c. and the Rector, were included. The matter was for a long time warmly contested in a committee above stairs; and being at length reported, counsel were heard against the bill, and it was read a second time, and committed. Though there is no standing order of the House, which ascertains the exact proportion of property necessary to carry an inclosing bill through, yet it is generally understood, that the petitioners for any bill of this nature should amount to four-fifths in value and number. But the friends of the Braunston bill were driven to extraordinary arguments to shew, that only three fourth of the proprietors were for the bill. The Lord's manorial rights they accounted as nothing, though his property in the soil of the waste was equal to at least one yard-land; the proprietors of the two yard-lands, who did not sign, they appropriated on the well known adage, that *silence gives consent*. The Rector's interest, who was entitled to two yard-lands, shared the same fate; because the patrons, the fellows of St. John's college, Oxford, had consented on a former occasion, but now refused to confirm or repeat it; and the most curious reason of all was, the interest of the Rector, who, in the allotment, was to have six yard-lands in lieu of tythes, but who adhering to his word, as it was termed, refused his consent, because he promised, on his first induction into the living, that he would never agree to an inclosing bill.

The state of the matter was shortly this: that the Rector having a freehold or interest for life in the tythes before inclosing, or in the land allotted to him as a compensation for those tythes, that in either event he should have been considered, in every idea of law, equity, or common-sense, a proprietor to the reputed value of the tythes, or the specific

fic equivalent held out, in lieu of them. This being the case, the value of the property would stand thus: take six yard-lands, which was the value the tythes were estimated at: from the 29½ yard-lands, it would be found then that the consenters possessed a property in the lands in question equal to 23½, out of 41 parts, and the dissenters 17½.

The bill being read a second time in the House of Lords, was sent to a committee, where it was postponed for two months, by a majority of one, and here, though thus disposed of, it first became a matter of public consideration.

The Earl of *Sandwich* condemned the conduct of the committee, in thus assuming the legislative power vested in the whole House. He said they had no such power; that they should have reported the special circumstances as they appeared before them; that however, he did not mean to give the House trouble, merely on a matter of order, but was ready to meet the committee Lords on the fair merits. He observed, that he had been always taught to consider the legislature as composed of three estates, King, Lords, and Commons; but by this new mode of proceeding another branch was created, totally unknown to the constitution; and if people might judge by this first act, it might be well presumed, that it would be exercised in a most arbitrary and oppressive manner. He concluded, by moving, that the committee should be ordered to report the first day of the meeting of the House after the adjournment.

The Bishop of *Peterborough* replied, that he was on the committee, and that counsel had been heard for and against the bill, and their Lordships had, after the most mature consideration and close attention to the subject, and enquiry into the merits, not rejected the bill, but postponed it for two months. He said, that the present motion was evidently calculated to censure the committee; that he should look on it as such; but he was sure, that whatever might be the event of the motion, or revision of the report, the committee had complied strictly with the usage in such cases, which, if any doubt remained, might be easily proved by almost daily experience.

The Earl of *Abercorn* got up to exculpate himself from the implied censure of the noble Earl who made the motion. He said, it had been the constant custom, as long as he was acquainted with the House, not only to postpone, but reject, when they saw just reason; and that for his own part, if he was in an error, he must attribute it to the noble Earl, for it was he who advised him to adopt the mode which he now so loudly condemned.

The Earl of *Sandwich* in reply, confessed the charge the noble Earl had made, and avowed his motives for so doing were to mislead, in order that the whole proceedings might again come under the cognizance of the House. This confession created a loud laugh throughout the House.

The Earl of *Radnor* contended, that the power assumed by the committee was unparliamentary and unconstitutional; that he had been a member of the other House during two sessions, and though such a power was sometimes exercised by its committees, upon a motion made, the House, in several instances which came to his own knowledge, had obliged the committee to report.

Lord Viscount *Dudley*, from long experience, confirmed the fact asserted by the noble Earl who spoke before him; and observed, that if the usage now contended for was to obtain in the manner it was agreed, it would be neither more nor less than divesting the House of its legislative power and authority.

Lord *Cathcart* defended the committee on precedent and usage; and said, it was a most extraordinary procedure to censure their conduct for doing no more than what was done for a series of years in both Houses, and particularly by the committees appointed by that House.

Lord *Lyttleton* expressed his indignation on the conduct of the committee, in harsh terms. He said, the most notorious acts of injustice and oppression ever committed, had been justified on the same ground; and said, he did not know one act, howsoever atrocious, that might not be defended by precedent. He observed, that what was done in the other House was no rule nor regulation for their Lordships conduct, no more than the power assumed in the present instance by the committee; the question being, whether the committees appointed by this House, who were on such occasions no more than its servants, should arrogate to themselves a power of superseding and controuling the House itself, in matters where they were merely delegated to enquire into facts, and report their opinions on those facts.

The Lord *Camden* expressed his disapprobation of the conduct of the committee, in the most warm and forcible terms. He affirmed, that since he first had the honour to have a seat in that House, an instance of a similar nature never came within his knowledge. It was a downright violation of the rights of the House, in the first instance; and, if submitted to, would sanctify an usurpation, hitherto unknown in the annals of Parliament. But, says his Lordship, *give me leave to correct myself; it is not a fair, open*
 attack

attack on the legislative power of this House; it is worse infinitely; because a direct attempt of such a nature would be scouted in the first instance, but it is an attempt to divest this House of its legislative power, as one of the three estates of the realm, by a side wind, as deep laid as it would be fatal in its consequences, were it silently acquiesced in. A great deal has been urged in support and justification of the committee, on the ground of precedent; and the mode of proceeding adopted by the other House has been much relied on, and earnestly pressed on the present occasion; but what does all this amount to, but that this House has, through inattention, neglect, or some other reason, which is not at all necessary to enquire into, suffered their committees to exercise a power to which they were by no means competent, and then defend one usurpation by quoting another? Yet, how does the matter come out in point of fact, as to the usage of the other House? Why, that committees on private bills do sometimes take upon themselves to decide on their propriety or impropriety. But is it not well known, is it not matter of public notoriety, that the Speaker has a right, if he chuses to exert it, to oblige the committee to report to the House the facts stated in the course of the evidence laid before them; And that he has exercised this right in the very instance now under your Lordships consideration, is certain; otherwise we should not be debating the present question; for their committee, as well as ours, took upon them to decide what could only be properly determined in the House. I trust, however, we shall do, on the present occasion, what that House, in vindication of its own rights, very properly did, and compel the committee to report.

The Earl of *Fauconberg* seemed hurt at the severe censure passed by the two last noble Lords, who spoke on the conduct of the committee. He disclaimed for himself, and believed he could answer for all the rest, who acted on that occasion, any intention whatever to invade the legislative rights and privileges of the House. They proceeded by usage, and determined by the merits; and he was sorry to observe, that the main scope of the arguments urged on the other side, went generally to impute the motives of their conduct to some private, personal, or sinister consideration; but allowing the latter supposition to be just, which he could not bring himself to believe any person in that House would be so uncharitable as to do, the main objection to the proceedings of the committee must instantly fall to the ground; for then it would come out, that they had proceeded and acted on

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partial and reprehensible motives, but not with any view or intention of divesting the House of its inherent rights; besides, says his Lordship, I cannot believe that such a charge could be seriously urged, without those who have made it will still strengthen it by a more absurd supposition, that the noble Lords who served on that committee, claim an exclusive privilege of serving on every other committee; and by making themselves a permanent fixed body, mean, as such, to invade or usurp the inherent rights of this House.

The Lord *Camden* assured the noble Earl who spoke last, that he had not the most distant intention of passing the least degree of personal censure on any of the noble Lords who served on that committee; that he was perfectly satisfied and convinced they had acted agreeably to their consciences, and strictly conformable to the rules of the most perfect probity and strict integrity; that his Lordship totally mistook him, if he interpreted any warm expression which might have fallen from him as conveying any particular or personal allusion; that he supposed their Lordships had been misled by what had been done in similar instances on former occasions; and, that he presumed, when they perceived the error they had been inadvertently led into, none would be more willing, on reconsideration, to correct it.

The Lord Viscount *Weymouth* observed, that whatever colouring might be put on the present motion, and the reasons adduced in its support, it carried on the face of it an implied censure on the conduct of the committee; that the argument speciously laid hold of was the preservation of the legislative right of the House, to reserve to itself the power of assent or rejection; whereas the real motives which gave birth to the present censure were the merits, not the orders or forms of the House. For my part, says his Lordship, I am well informed, and clearly of opinion, that the merits are against the bill, not with it; and were it even otherwise, I think we should be very cautious in our enquiries into those merits, and very slow in coming to any resolution which might, in the most distant manner, seem to censure or affect a committee who have confessedly complied with the established forms of the House, and who could not be supposed to be at all influenced by any other consideration but what was purely dictated by conscience, and an earnest desire of doing justice to the parties before them. Besides, allowing they had been wrong, I repeat again, that the forms of the House are not invaded, because it is no more than a confirmation or repetition of an usage exercised before in a thousand instances. The noble Lord who made the motion
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seems anxious for the preservation of the legislative rights of the House; I commend his zeal, but, in my opinion, the point, if that be the only one he wishes to gain, will be obtained as effectually, and much more consistently with the dignity of this House, and the respect due to the committee, on some future occasion, standing singly on the independent ground of rectifying an abuse which, through inattention, has crept into our form of proceeding, than by involving the noble Lords in an implied censure, in order to bring this bill again before the House, on pretended merits, which, I am clearly convinced, are against it.

The Earl of *Sandwich* offered to join the issue with the last noble Lord on the merits. On being called to order,—he insisted he was strictly within order; that he was well apprized the merits were not before the House, only the single question of revision, but still in point of argument, as respecting the noble Lord who mentioned them, he was at liberty to speak to them, and combat his Lordship's prepossessions on that head; that out of 41 yard-lands, within the parish, 29 petitioned for the bill, and nine or ten, at most, were only against it; that bills of inclosure, thus supported, uniformly received the sanction of the House; that if ever an inclosing bill deserved the support of the House, the present did; and that he had no positive reason for wishing to trouble the House on the subject, as he knew not one of the parties on either side, but he had very powerful negative motives operating on his mind, which he understood prevailed on this as well as many other occasions, namely, the want of the rector's consent, which he should, as long as he had a seat in that House, most strenuously oppose, as he thought it behoved the House to do every thing in their power to discourage the idea, that it should be at the option of a rector to controul and command the whole landed property of a parish merely at his will and pleasure.

The Earl of *Sandwich*'s motion was put, and carried by a majority of 40 to 24, and the committee was ordered to report the whole of their proceedings the first day after the recess.

April 26.

The committee on the *Braunston* inclosing bill reported the same without any amendment; but the order of reference only directing them to report a general state of their proceedings previous to that order, a debate arose on the informality of going out of the order of reference, contrary to the sense of the House, which continued till half after four o'clock.

o'clock, when a sort of compromise took place between the parties, and a motion was made, that the committee do draw up a state of their whole proceedings previous to the 12th of April, (the date of the order of reference) with an account of the motion of adjournment, and report the same to the House.

May 2.

The Earl of *Sandwich* moved, that the committee on the *Braunston* inclosing bill might be directed to report their original proceedings to the House, which being complied with, his Lordship entered into a short view of the question. He observed, that the lands proposed to be inclosed, being divided into 41 parts or yard-lands, those who possess 27 parts were for the bill, and only ten and a half against it; that the remaining two parts and a fraction were in the possession of those who were well enough contented with the inclosure, but did not sign, chusing to avoid giving offence; that upon this state of the matter, which could not be fairly controverted, it appeared, that three-fourths of the proprietors of lands within the parish were for the proposed inclosure, which was a sufficient majority to justify the passing of the bill, and much greater than had been known to succeed in many instances. For these reasons, therefore, he said he had a motion to propose, founded on the subject matter of the report, which would defeat its effect, and at the same time bring the real merits of the bill, in as expeditious a manner as possible, under the consideration of the House. His Lordship's motion recited the proceedings of the committee, their putting off the bill for two months, and that it be recommitted, and that the committee be directed to report the facts as they should appear to them.

The Lord *Sandys* observed, that the motion was irregular; that the House were now in possession of the report; and were competent to agree with what part they pleased, and reject the rest.

The Earl of *Sandwich* replied, that no part of the original report could be properly received or proceeded upon, as the committee, by putting off the bill, had exceeded the powers delegated to them, and had actually invaded the legislative rights of the House; that the House, by entertaining the bill in the first instance, and after a second reading, having sent it to a committee, had approved of the principle, and were bound to discuss the merits on the report or third reading, which could never be the case on the one now made,

made, as the committee had precluded the House from taking cognizance of the merits by irregularly proceeding to decide on them out of the House.

The Earl of *Abercorn* said, that however strenuous the noble Earl might be to censure the proceedings of the committee, he could fairly answer for himself, that he was influenced by no motives whatever, but doing justice to the parties. That the noble Earl had relied much on the state of property possessed by the friends of the bill, and had drawn conclusions very favourably to the cause he espoused; but, he begged leave to differ from his Lordship, as much on his conclusions as his facts; and when the latter were properly ascertained to the satisfaction of the House, he believed his Lordship would not be able to produce one instance where an inclosing bill was passed against the consent of so many proprietors, both in number and value.

The Earl of *Sandwich* cited several instances, in which bills had been passed when no more than two-thirds had consented; and mentioned one in the year 1771 in particular, when a bill was passed, though the value possessed by the proprietors for the bill exceeded little more than one-half.

The Earl of *Abercorn* allowed the facts as stated by the noble Earl; but contended, that although that was the seeming state of the property, if those instances now quoted by the noble Earl were minutely enquired into, it would be found that a great majority were for those respective bills, though they refused to sign the petitions, on purpose to avoid contributing to the expence; this being well known to be a constant practice when there was no strong opposition expected.

Lord Viscount *Weymouth* contended, that the point of order and the merits of the bill were both equally against the noble Earl who made the motion; that he should therefore, move the House to agree with the committee on the report, if there had not been a question before their Lordships which must be first disposed of; that however, when that question was put and lost, as he trusted it would, the motion for agreeing to the report from their Lordships committee would come as a matter of course. He said, the noble Earl [Earl of *Sandwich*] had exerted himself greatly to prove that three-fourths of the proprietors were for the inclosure, but had totally failed in his proofs, for at most the consenters were but 27 out of 41, the rest refusing to sign might be fairly deemed dissenters; besides, the very valuable

able interest of the Lord of the manor and the rector, when properly and fairly estimated, would bring the consents and dissents nearly upon an equality. The sooner, therefore, the noble Lord's question was disposed of the better, as he would be then at full liberty to introduce his, of agreeing with the report now on the table.

The Earl of *Sandwich* answered, that the noble Lord had, he presumed, forgot, that the Lord of the Manor had little or no property in the parish; and as to the claim of the rector, that being the very strong part of the cause he espoused, he was ready to enter into the merits, as soon as possible, in order to get at that particular part of the main question; besides, a right reverend prelate (the Bishop of Peterborough) now absent, had assured him, that the equivalent provided for the rector was ample, and every way satisfactory.

Lord Viscount *Dudley* said, it would be impossible, consistent with the forms of the House, to agree with the report in its present shape. He therefore recommended, as a middle way, to have the first motion withdrawn, which being acquiesced in by the noble mover, his Lordship then moved simply, that the bill be recommitted.

The House divided. Contents, 28; non-contents, 23.

And next day the report was received.

May 3.

A bill from the Commons to establish a play-house at Manchester, was read the first time. The Earl of *Radnor* entered the following protest against it.

Dissentient, "For the reasons entered in the journals the 26th of February, 1771, which, I conceive, at least, operate with equal force against establishing a theatre in the town of Manchester; and because no argument, or local consideration, can, in my judgment, justify even the partial repeal of a law so well calculated to restrain dissipation and licentiousness, and to promote the cause of industry, morality, and religion; as every such repeal directly tends to the increase of those very evils, which, in the late address of the convocation to his Majesty, the prelates (who now with such consistency countenance this bill) 'observe with infinite concern, do at this time present a very gloomy prospect to every serious and considerate mind.'

RADNOR."

May 4.

The order of the day for the second reading of the bill for erecting a house of industry, and for the employment of the poor

poor within the hundreds of Mitford and Launditch, in the county of Norfolk. And counsel having been heard for and against the bill, the Earl of *Buckinghamshire* moved, that the bill be committed. His Lordship entered into a general view of the poor laws, made several remarks on the great abuses which have prevailed in the execution of them, and applied his whole reasoning particularly to the shameful and neglected state of those parishes and hundreds meant to be incorporated.

The Lord *Walpole* owned the general principles laid down, but denied the propriety of the application. His Lordship contended, the present bill could be countenanced but on two grounds; either for the better support and employment of the poor, or for the relief of the land-owners and occupiers, by lowering of the rates. The first of those includes the ease, happiness and content of the persons maintained and employed; the other, the approbation and relief of those who are to pay for their maintenance; neither of which can be so much as pretended in the present instance; for neither my noble relation near me [Lord Townshend] who so warmly patronizes the bill, nor any other noble Lord in this House, can insist, that the poor in general are not strongly averse to the bill, and that a great majority of the land occupiers, who are to pay the rates, and an equality of the proprietors, who may be supposed to be affected in a secondary degree by those rates, have not done every thing in their power to oppose it.

The Duke of *Manchester* observed, that great stress had been laid by the counsel who argued against the propriety of the bill's being sent to a committee, on the clause which makes it a capital felony to pull down, deface, or destroy any of the fences or inclosures to be raised about the house or fields meant to be erected or inclosed; and had ludicrously supposed the case of a person pulling a hedge-stake, breaking a pale, or committing any such trifling trespass, as coming within the penal view or provision of that clause; but for his part, however he might admire the ingenuity of the learned gentleman, he could not possibly see the necessity of inserting the word maliciously, according to his ideas; because, in the construction of all penal statutes, he had always understood, that it was the intention, not the act, or, more properly speaking, the intention and the act coupled together, that constituted the offence. His Grace was therefore for permitting the clause to stand in its present form, as a prevention of any general or particular intention to destroy,

sooner than have it altered, upon such slight, remote, and visionary grounds.

The Lord *Lyttleton* approved of the principles of the bill; and said, he should vote for it. The objection made at the bar, that the poor would be confined, and that confinement was a real hardship, and contrary to the spirit of our laws, his Lordship contended, was a mistake; for the present bill, though it might differ as to the mode of restraint, gave no new substantial power, but what might be legally exercised under the statute of the 43d of Elizabeth. The other objection, that confinement was repugnant to the spirit of our laws and constitution, was an assertion in his opinion equally erroneous; for his Lordship could never believe that a qualified, optional restraint, designed manifestly for the benefit and relief of the person alone who was to be bound by it, could be deemed a hardship or punishment, particularly when such restraint grew out of the very act itself, which was to constitute the relief; for the nature of mankind is such, that you cannot relieve without the power of restraining, therefore you must have the power of doing both or neither. His Lordship then launched into great encomiums on the act of the 43d of Elizabeth; and enumerated the various and important benefits derived from it; lamenting at the same time the shameful neglect and abuses which had since been introduced into the framing and executing the poor-laws. He dwelt with great energy on the vast sums daily wasted in endless litigation, relative to the law of settlements; and the corruption, cruelty, and interested conduct of parish officers. There is, says his Lordship, above three millions of money annually raised in this country, for the support and relief of the poor; and I solemnly believe, that of the vast sums of money thrown away in suits relative to parish settlements, and squandered by the churchwardens and overseers in their feasts and revellings, &c. with several other species of misapplication and fraud, not a million and a half is applied to the real purposes for which it is granted; but though I highly approve of the principle of the bill, I beg leave to differ from the noble Duke, that the clause does as well without the word malicious. I think a provision which enacts and submits the offender to so heavy a punishment, the highest known in our law, should be as clear and definite as possible; and though we may well presume it will never be rigorously executed, so as to obtain a bad purpose, I must confess I would be much better pleased that the clause had been penned *with the clearness and precision so necessary to the true fram-*

ing of all penal statutes. Neither do I entirely approve of the mode of confinement proposed by the bill, though, as I said before, I believe confinement, or a certain qualified degree of restraint, to be necessary. But take the bill on the whole, as I presume no alteration can, consistent with the claims of the other House, be now made, as it is a money bill, and approving of the principle of the bill, as I do, in the light at least of a local improvement of the poor laws, as they now stand, I shall give my hearty assent for sending it to a committee.

The Earl of *Hillsborough* informed the House, that he had made the poor laws his particular study, and had many years since framed a general bill for their amendment and improvement; but after he had made a considerable progress, and the bill having met with strong opposition, the able man who at that time presided at the head of public affairs (Mr. Pelham) fearing it might produce similar clamours to that raised against the Jew-bill then recently repealed, advised his Lordship to drop it, as he could not with prudence promise it his countenance or support. His Lordship observed, that since that time he had remembered several bills relative to the poor laws, brought into Parliament. Some directed to remove some partial evil, others for the purpose of local benefit, or convenience; none of them, he feared, answering the ends proposed; for, in his opinion, the evils, whether partial or general, have been for many years in a state of progressional encrease. However, in all remedies of a local nature, two invariable rules had been constantly adhered to; one was, that the mode of relief or improvement was well directed, and would probably have the desired effect; the other, that the matter being of a private and personal nature (the case being quite otherwise where the whole community is concerned) the persons immediately interested in the event alone are to be consulted. Now, how does the present bill come supported by those inseparable marks, and inherent qualities? Why, in the first place, guardians are to be appointed, who, it is presumed, being gentlemen of probity, humanity, and independent fortunes, will execute the trust reposed in them by this bill, with honour and fidelity. I allow the principle as a mere speculative proposition, to be an extremely just one; but I contend, it will be found the direct contrary in practice. I know too much of the world to believe otherwise. It is well known, that nothing of this kind was ever taken up, upon purer or more exalted ideas of humanity and generosity, than the appointment of the select vestry of St. George's, Hanover-

square. It is equally notorious, that no trust or parish regulation was ever more faithfully and honourably executed for a time; but what is the case now? Why, that myself and several others, at first equally sanguine, have neglected what from our situation and general pursuits we have found we could not possibly attend to; and the parish of Hanover-square will in a few years fall under the direction, though perhaps modified into another form, of the very same species of power the select vestry was instituted to prevent. What will the case then be probably within the hundreds of Mitford and Launditch? That the gentlemen appointed guardians, in execution of their present ideas, will exert themselves in the manner we did; and that when the fervor of reformation and improvement abates, things will again flow into their former channels, of private jobs, petty oppressions, and all the detail of grievances which fill up the local annals of almost every parish in the kingdom. For I believe no person will be hardy enough to assert, that in an extent of country, which takes in 23 miles in length and 15 in breadth, the guardians of the poor, I mean for any long continuance, will, in the winter, through dirty roads, and short days, do what the select vestry have failed to execute, even at their very doors, without any personal inconvenience whatever. As to the other general ground of the bill, the consulting and taking the sense of those who are to be immediately affected by it, that, I think, is a matter of very serious consideration, and ought to be very cautiously attended to. Parliament should, on no account, on applications of local regulation, countenance a bill of this kind, or any other of a similar tendency, without being fully satisfied that such a clear, decisive majority, as is usually deemed sufficient in such cases, are for the bill. How, then, does it appear in the instance before us? One gentleman, examined at the bar, says, that there is such a majority of the land-owners, which is as flatly contradicted; while it is confessed on all hands, that of those who actually pay the tax, the land-occupiers, there is an undisputed majority against the bill. The same gentlemen, if I mistake not, was examined to prove the wretched, neglected state of the poor within the parish in which he resides. Now, I would observe, that this gentleman is a justice of the peace; and I would ask this House, if, by the nature of his office, he was not competent to correct in the first instance, or remedy upon representation, the very evils, the averting and removal of which are intended by the bill he is brought to give his testimony

in support of. On the whole, therefore, as the House on a former occasion threw out Mr. Gilbert's bill, intended to give an optional power of incorporation to every hundred or number of parishes in the kingdom, as the plan, however plausible and well intentioned, appears to me ideal and impracticable; and as the dissensions are much too numerous to warrant the legislative interference of this House, I shall be against the bill going to a committee.

Lords Townshend and Montfort spoke in favour of the bill. It was committed upon a division of 58 to 3.

May 9.

Counsel heard for and against the third reading of the Braunston inclosing bill.

The Earl of *Sandwich*, as soon as the counsel had finished, moved, that the said bill be now read a third time. His Lordship said, that the bill had been opposed on a variety of grounds, and that great industry had been used to reprobate it; but however, without wishing to combat such a croud of objections, many of them trifling and contradictory, in detail, he should crave the indulgence of the House, after classing them under three distinct heads, to consider briefly such as carried most weight, or were supported with the greatest degree of plausibility. Those heads of objection, says his Lordship, are the rights of the Lord of the manor, the state of consents and dissents to the bill, both in point of comparative property and number; and which I look upon to be the true cause of the present opposition, the seeming interests and personal disapprobation of the rector, Mr. Edwards; I therefore entreat, that the House will please to give their attention for a few minutes, while I endeavour to shew, that no one solid objection can be maintained upon any or all of those grounds, taken together. Before I proceed, it will be necessary to assure the Right Rev. Bench, for whom, as individuals, as well as a collective body, I entertain a very high reverence and esteem, that nothing which may fall from me in the course of the following observations is meant to convey the least degree of censure on their conduct. As to the claim of Sir John Webb, (the lord of the manor) I have been long conversant with inclosures, and frequently interested as a party, and, till the present occasion, never heard, that the consent or dissent of the Lord was considered, only in proportion to the property he possessed. I am myself Lord of a very extensive manor in Huntingdonshire, the beneficial property of which is enjoyed by my noble kinsman now in my eye, [the Duke of Manchester] and my interest in it is not worth five guineas *per annum*, the only power vested

in me being that of appointing a game-keeper. Suppose, then, a bill was brought in for inclosing and dividing this lordship, and that I should take it into my head to oppose it; it would indeed, at first, sound very well, and no doubt be a plausible ground for opposition, that Lord Sandwich, the lord of the manor, being highly interested in the event, was strongly against the inclosure, but when, on enquiry, it was discovered what species of interest his Lordship had in the intended inclosure, and that he had no real property; would not your Lordships laugh at Lord Sandwich for his frivolous and ill-grounded opposition? What is the case here? Why, that Sir John Webb, whose dissent is much relied on, is not possessed of a sixtieth part of Braunston field, or little more than half a yard-land out of forty-one. But it has been urged, with great seeming weight, at the bar, that his other interests will be deeply affected by the passing of the bill; that the copyhold and freehold will be so blended together, that he will be deprived of his manorial rights and services, his heriots, fines, &c. Now I take it, that the very reverse will be the case; because, the limits of both will be more exactly ascertained, the fines will be certain, and all that collusion on one side, and those unreasonable claims on the other, will immediately cease; because the present bill will be such a record to which either party may have recourse, that the Lord will know where to distrain for its heriots, &c. and the copyholder be clearly protected from any claims, but those to which he ought to submit. I do not offer on mere speculative notions. I speak from experience, in an inclosure I was concerned in a few years since in the first mentioned county, not where I was the nominal Lord of the manor, but in which I at present enjoy an estate of 1000*l.* *per ann.* I believe I might suggest one great motive for the present Lord's great seeming solicitude for his manorial rights, that is, while the fields lie open, they will be a harbour for all kinds of game, but as soon as they become inclosed, his fox-hunting will shortly after be at an end.

The next point to be considered is, the state of the property respecting the contents and dissents. I own I was much surprised to hear it asserted at the bar, that the dissents bore a proportion of $17\frac{1}{2}$ to $23\frac{1}{2}$, when it is so evident, as not to be even contradicted, that the latter were no more than 12 and a fraction, and the contents were clearly 28, allowing that the person whose son signed for him, and who was possessed of a yard-land, had never given his son any authority to do so. This, therefore, I take to be the true merits of the question; every other consideration thrown in to swell
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the opposition, but not to give it weight, in my opinion, being totally foreign. Now if we recollect, that neither House of Parliament have established the exact *quantum* of property necessary to entitle a bill of this nature to their legislative sanction; if we reflect, that nearly three-fourths of the proprietors of lands within Braunston field are for having it enclosed; that several have been prevailed on, by personal influence, to withhold their consents; and that three or four bills warmly contested have passed this House within the last year or two, supported by a much smaller proportion of property; I trust your Lordships will, for these reasons, be induced to give your assent to the bill.

The last point I shall observe on is the opposition of the Rector, which I look upon to be the most extraordinary that every entered into the mind of man to conceive. His income is to be considerably improved, I think nearly 190l. *per ann.* but he does not chuse it. Will any noble Lord in this House bring himself to believe, that because this gentleman has thought fit to oppose the inclosure, that therefore the interests of a considerable body of men should be sacrificed to his caprice? I would wish to pass it over in silence, but I cannot avoid remarking that this act of the Rector's rather seems to originate from a systematic spirit of vesting the clergy in general with a power of controuling the landed property of the whole kingdom, and of employing that power to purposes equally injurious to that property, and directed to their own particular benefit. I speak it with great deference, but I repeat it again, that I shall, to the utmost of my power, combat such an attempt, however abetted or supported within these walls, or elsewhere; and I trust, that the very respectable part of that body, when properly apprized of such an intention, will forbear on the present, as on all future occasions, to give such a system either countenance or support.

On the whole, the present question not being, whether inclosing in general be founded in good policy, which I think it is, but whether the bill before us stands unimpeached upon any ground of argument, particular facts, specific rights, or want of precedent, I make no doubt but it will meet with your Lordships hearty concurrence.

Lord *Weymouth*. Without entering into the detail which the noble Earl has laboured to explain with so much ingenuity and ability, I would just meet him on the ground on which he seems desirous to entirely rest the merits of the present question. That is, the state of the property between the consenters and dissenters. If I can prove to the House,

that his Lordship's representation is erroneous, all his conclusions, correlative arguments, and facts, must at once come to nothing. I would wish your Lordships to recollect the conduct of the counsel at the bar. Mr. Wheeler, (who was against the bill) after enumerating the state of the consents and dissents, asked the counsel on the other side, if he meant to controvert that state; and only one objection being made, relative to Clarridge's authorizing his son to sign for him, Mr. Wheeler brought two witnesses, who proved he did not give any such authority at the time; and that both at the time, and since, he declared his wish, that the fields might remain open. Now, supposing that Clarridge's yardland were to be deemed as included in the consents, yet the proportion of property would remain thus, for I took it down at the time. The proprietors of 23 yard-lards for the bill, and 17 against it. Sure then, no noble Lord in this House will contend in a matter of mere private consideration, totally unconnected with the public interest, that it was ever known that this House ever interfered when the properties were so nearly equal. The noble Earl may answer, that this is not the true state of the property possessed by the contending parties; but I am well convinced that it is; and that, were any other proof wanting, the admission of the counsel on the other side, would be sufficient evidence for the House to proceed on; according to this plain rule, that whatever is not contradicted is well presumed to be admitted. The noble earl has taken great pains to obviate several other objections made to the bill; but I must beg leave to observe, he has failed in every one instance. He says, the claim of the Lord of the manor is only to be considered in proportion to the beneficial interest he possesses. I own the truth of the position, as a general one, though I do not implicitly assent to it to the full extent he lays it down; but in the present instance the very argument makes against him, and it is, because the Lord of the manor has a beneficial interest in the premises, that I would give his opposition the weight and consideration it is deservedly entitled to. It is because he can neither distrain for his heriots, or recover his fines; and that he has not an equitable compensation for his property in the waste, that I profess myself against the bill. If indeed, he was such a Lord of the manor as the noble Earl so humorously describes himself to be, I should look upon his opposition to proceed from his desire of enjoying the pleasure of the field; but I can never be induced to treat the opposition on the present occasion originating from property lightly, on a bare

supposition that the Lord of a manor, who had no property, might think proper to act in a similar manner. The divesting the power from the ordinary, and lodging it in the patron, though I presume no bad use of it will be made on the present occasion, will, in my opinion, be a very bad precedent to establish; because it will open a door for collusive arguments between the patron and the parishioners in some instances, and in others, where matters may be managed more dexterously, between the patron, parishioners, and incumbent, whereby the church may be stripped of her patrimony, as the ordinary will be precluded from any interference whatever. But besides the general mischiefs that may arise, how does the case stand as affecting the present rector? The Commissioners are authorized to borrow, with the consent of the patrons, the fellows of St. John's College, Oxford, 1500*l.* to be laid out at their pleasure; and the rector is compelled, in the first instance, to pay the interest of the whole sum, and reduce the capital at the rate of 1-30th every year; so that, to convenience certain landholders in this parish, and to increase the interest of the patrons, the rector is to be saddled with a payment of 125*l.* *per annum*, out of a freehold for life, which no man on earth, without manifest injustice, can abridge or take away. Great stress has likewise been laid on the great inconvenience from the Oxford canal, which runs through the field, the true state of which is this: the field contains upwards of two thousand acres, and the whole of what the navigation has cut off is but 260; when it is, therefore, considered, that the cut is no more than half a mile in length, and that within that short distance there are four bridges, I hope no argument of necessity will weigh with your Lordships, where there does not exist the least foundation for any. The last circumstance I shall mention is, the allotting nine acres for a new road. Now, it is well known, that the great Chester road goes through the field, but that for the convenience of a neighbouring parish, there is a clause in the bill, that another road, thirty yards in breadth, is to be made; I therefore move a clause, by way of rider to the bill, that the said road be confined to the breadth of twenty yards.

The Archbishop of *Canterbury* said, he should not enter into the consideration of the several arguments made use of on either side of the House, relative to the controul of the diocesan, or the particular rights of the rector, but confine himself barely to the state of property for and against the bill; and that, in his opinion, being not sufficient for sup-
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porting the present bill, he should be against its passing into a law. He added, he knew nothing of the sentiments of the right reverend prelate [Bishop of Peterborough] in whose diocese the lands in question were situated, but what he had learned from the noble Earl [Earl of Sandwich.]

The Earl of *Fauconberg* spoke warmly against the bill, and after minutely stating the property on both sides, the number of acres, the produce in corn, and the value of it at market, observed on the whole, that the value of the lands meant to be inclosed were 1200*l. per annum*, 650*l.* of which only was possessed by the friends of the bill, and the remainder by its opponents, which was a majority that he defied the friends of the bill to produce such another instance in the proceedings of that House, to authorize the present to be passed into a law.

The Lord Viscount *Dudley* alluded to the story of the old man, his son, and his ass; and said, it was impossible to please every one in matters of this kind. He had frequently experienced the same himself, particularly relative to the fate of the Worcestershire canal, lately postponed in the other House; where, after every material objection had been removed, new ones were started, and daily multiplied, which, he could not help observing, was the case in the present bill, where, among many other reasons of similar nature offered against it, the exonerating those possessed of less than half a yard-land from the expence of inclosing was much insisted on, though probably if they were not, still greater complaints would have been raised against the injustice and oppression of obliging them to contribute rateably towards the expence with the more opulent land-owners.

The question being put upon Lord Weymouth's intended clause, the House divided; for it 30; against it 37.

The bill was committed, read a third time, and passed.

May 12.

As the following debate turned mostly on a circumstance, not immediately connected with the merits of the bill, for the better understanding of what passed on the occasion, it will be necessary to point out that circumstance by way of explanation.—The day on which the bill was presented, on a motion for reading it a first time, the Earl of Radnor moved the rejection of it, and a short conversation ensued. The friends of the bill, fearful of losing it in this stage, judiciously moved the previous question, by which means the noble Lord was left in a minority consisting of himself. *Offended that the Bishops* divided against him, contrary, as he understood,

understood, to their previous declarations, his Lordship entered the protest, (*see page 112*) in which he contrasted part of the contents of their address to his Majesty in convocation, with their conduct in reference to the bill. Lord Lyttelton having moved to have the bill read a second time, a debate ensued.

The Bishop of *London* declared, he was entirely against the bill going to a committee; that, however, he should not have risen, were it not to exculpate himself from a charge made against him and the rest of his brethren by a noble Earl present; that it was not a thing that fell merely in the heat of debate, it was no loose equivocal expression which might admit of a double interpretation; the matter he adverted to was on record, for it was on their Lordships journals. He said, it was no less fallacious in point of fact, than injurious to a body of men, who were certainly intitled to justice in common with the rest of their fellow subjects. He then proceeded to inform the House, that although he disapproved of the bill, and was of course from the beginning resolved to vote against it, he did not think the first reading the proper stage to oppose it, as it would, in his opinion, be more candid and agreeable to parliamentary usage, to combat the bill on the second reading. He therefore, from the known candour of the noble Earl who had entered the protest, as well as his love of justice, expected that his Lordship would withdraw it, or at least expunge such parts as may be supposed to convey to posterity a most heavy accusation on a body of men who were entirely innocent. As to the question itself, whether or not permission ought to be given to erect a playhouse at Manchester, he had not a single doubt of the impropriety of granting such a permission, in a great trading manufacturing town; but, he feared at the same time, that throwing out the bill would not prevent the evil, as what was refused by Parliament would still be supported by connivance. He said there were many plays of a moral instructive tendency, that where those representations were properly conducted, they operated to the improvement of manners; and if custom had not determined otherwise, for his own part, he could with pleasure go to the theatre to see the English *Roscus*; and on the whole, if a theatre was to be permitted, or established by act of Parliament (for he was afraid the evil would exist in one form, or the other) he hoped the magistrates in all those towns, where such exhibitions were permitted, would take singular care to prohibit the representation of one particular play (the *Beggar's Opera*)
which

which, in his opinion, tended more to corrupt the morals of the lower orders of the people, than all the other plays extant in the English language beside; and should the managers or directors persist, he trusted that the magistrates would vigorously execute the vagrant laws against such daring offenders, as persons not entitled to a parish settlement.

The Earl of *Radnor*. No person in this House would be farther than I would from passing a censure upon any body of men, particularly the right reverend bench, for whom I entertain so high and singular a respect. A short history of the transaction will however be my best apology for my conduct relative to what has already happened; and for still persisting in my former opinion, and refusing now to retract it. While this bill was passing through the other House, I applied to the most reverend prelate who sits at the head of the Bishops bench, to the right reverend prelate who now spoke, and to the other right reverend prelate in whose diocese Manchester is situated. I informed them of my intention to oppose the bill; and desired to know their sentiments. They answered, they thought with me on the subject; and were resolved to give it every opposition in their power. Having notice of the day the bill was to come up from the Commons, I desired the first reading might be deferred, and the Lords summoned. This being complied with, how great was my astonishment, when I moved the rejection on the first reading, to find the previous question put, and myself in a minority alone; every one member of the right reverend bench that was present having divided against me. I do therefore appeal to your Lordships, if I had not reason to be offended; and if any one noble Lord in this House would not think himself ill treated, if upon any question agitated within these walls, his friends, after assuring him of their support, should encourage him to divide the House, and afterwards vote directly contrary to the previous assurances given on their part?

The Earl of *Carlisle* spoke much in favour of the bill; said, that Methodism was daily gaining ground, particularly in the manufacturing towns; and that playhouses, well regulated, would be the means of dispelling those gloomy thoughts, and that melancholy state of mind so favourable to the propagation of the dangerous doctrines embraced by those sectaries. That he would not say plays were therefore at this time less witty, but they certainly were less immoral and indecent than the productions of former periods, and consequently that a restrictive hand was less necessary than it ever was before.

Lord.

Lord *Lyttelton*. The right reverend prelate who opened the debate, though he professes his intention of giving a negative to the bill, has at the same time pleaded most powerfully in its favour. He says, were our theatric exhibitions properly regulated, they might serve and promote the cause of virtue, instead of hurting it. He deprecates the pernicious, baneful effects of one play in particular, *The Beggar's Opera*; and seems to allow, that the representation of that play alone is to be dreaded. I am pleased to find, that the right reverend prelate has given me so fair an opportunity of satisfying him on that head; and informing him, that the intended manager has given me the fullest and most unreserved assurances, that the play of the *Beggar's Opera* shall never be exhibited on his theatre. The right reverend prelate likewise tells your Lordships, that if custom and the current prevailing opinions of mankind had not forbidden it, that he could with pleasure be present to see the English *Roscus* appear in some of his capital characters. I applaud the wish, and I am sorry to observe, that nothing but prejudice and ignorance could lay the foundation of a distinction, which is to preclude any set of men from enjoying the fruits of so pleasing, instructive, and solid an entertainment. The right reverend prelate endeavours to make a distinction, and draw a line between those places where entertainments of this kind ought or ought not to be permitted; by which he would exclude all trading and manufacturing towns. But here I must beg leave to dissent from him, and to draw a direct contrary conclusion; for in my opinion, there is no place under proper regulation, in which they should be more encouraged, as people, who labour intensely, require a proportionable recreation; and the sixpence spent at a theatre is much better laid out than at an alehouse. It gives me much pain, but my duty as a member of this House will not permit me to pass over in silence a matter of no small consequence mentioned in this day's debate; I mean the protest signed a few days since by the noble Earl near me, which, give me leave to say, when properly and seriously considered, has a much more direct tendency to corrupt the morals of the lower orders of the people, than all the theatrical exhibitions ever represented in this country, The right reverend bench, who are the great protectors of the interests of religion, the known promoters of virtue and morality in their several dioceses, who in their own persons enforce by example what they teach by precept; who are the only set of men in the christian world of the same description that follow the rigid doctrines of primitive christianity, and shew them-

themselves the true disciples of their Saviour Jesus, (the bishops of Spain, France, Italy, and the rest of Europe having long since mixed in the common herd of mankind, and thrown off all distinctions of living and acting, which originally connected themselves with the exercise of their sacred functions.) This very respectable body of men, I say, are not only held out to the present generation, but their names handed down to posterity, as the encouragers of vice, immorality, and profaneness; and still the more to aggravate the charge, their own words, on a former occasion, are quoted and contrasted with their recent conduct, in order to convict them of hypocrisy, and surcharge the picture. This is the substance of the noble Earl's protest. Now, what will be the probable consequences, as operating on the people? First, to increase that levelling spirit, and contempt of the high orders of the state, which I am sorry to see is already too prevalent, and which is known to be so destructive of all subordination, order, and good government; and secondly, to persuade mankind, that religion and morality are no more than empty sounds taken up and echoed for personal, interested purposes, when it is proved that the very protectors and guardians of both have deserted their charge, as unworthy of their care or attention. This, my Lords, will be the certain effect of the noble Earl's protest in its present form; and it is on this ground I now presume to contend, that it is highly incumbent on his Lordship to withdraw it, or modify it in such a manner as to prevent the manifest evils it must otherwise be productive of. I know the noble Lord's candour; I am satisfied of his love of truth and justice. His religious tenets are too well known; indeed, his ecclesiastical, I should say his episcopal character, for sanctity of life and purity of doctrine, are already so notorious, that his Lordship wants no essential quality, but a mitre and a pair of lawn sleeves to make him a perfect bishop. I therefore entreat that his Lordship from those united motives, will undeceive the public, and disabuse posterity, by erasing the exceptionable parts of the protest, or consent to withdraw it entirely. The explanation of the right reverend prelate, the sentiments of the whole bench, shew beyond question, that justice rigidly demands what is now asked; for, sure, the noble Lord could not wish to have it go abroad into the world, that the right reverend bench voted for the bill, when the fact was confessedly otherwise; and that the cause of virtue, morality, and religion, should suffer, by means of any such misrepresentation. On the *whole, my Lords*, I appeal to the candour and justice of the noble

noble Lord: I trust to his care of the morals of the people, and his love of truth, that he will devise some method to set this matter upon a right footing; and I press him more earnestly to the execution of this request, because, otherwise, I must be under the disagreeable necessity of moving to expunge from your Lordships journals what truth will not permit to remain there; what is in its nature so very injurious to the personal character of so respectable a part of this House; and finally, what may be so destructive to the morals of the people and to the civil and religious interests of this country.

The Earl of *Radnor*. Whatever might have been the intention of the right reverend prelate, and the rest of his brethren present, I could not pretend to determine. I found myself compelled to act in a manner suited to my feelings, and to the spur of the occasion. A bill was offered to be read a first time, for establishing a theatre in the town of Manchester; from the very minute therefore that the division took place, and that I saw the members of the right reverend bench support the bringing in of the bill, I was clearly justified in making the distinction on which my protest was grounded. The right reverend prelate justifies himself on the usages of Parliament, and the general mode of proceeding usually adopted by this House; which is, to let a bill go to a first reading, perhaps out of compliment to whatever noble Lord may happen to bring it in. But I deny any such usage, as a rule never to be departed from: I remember myself many instances to the contrary, particularly one, in which the right reverend bench itself took a very leading and active part, relative to the dissenters. I recollect a recent instance, in the course of the present session, full in point, when a bill was rejected on the very day it was received; and I look upon it to be much more parliamentary, candid, and regular, to reject a bill, the principle of which is totally disapproved of, in the first stage, than, by permitting it to go to a second reading, entertain, and give a sanction to the principle, and subject the persons applying for it to the expences and fees of the House. How much soever the right reverend prelate may talk of candour and parliamentary usage, I am justified in contending, that such an indulgence is cruelty in the extreme, and that I shall always think it my duty to put a negative on a bill, in a stage in which it is attended with little or no expence, rather than vote first for its introduction (though fully determined to oppose it) and when it comes to be read a second time, vote for its rejection; which to me appears somewhat like entertaining a bill or suit

in the courts below, upon no just ground, but with a view to dismiss it with double costs, as frivolous and vexatious.

Duke of *Manchester*. The noble Lord near me [Lord Lyttleton] seems to establish a proposition, which I must confess I am far from approving. He urges the necessity of the noble Lord, who spoke last, permitting such alterations in his protest as may remove the censure it is supposed to contain on a certain right-reverend body; and in case of refusal, says, he shall be obliged to move, that the objectionable words, or passage alluded to, shall be erased. I am far from approving of the whole of the protest: I wish sincerely it had not been entered, because it proceeded from mistake and misapprehension, no matter on which side; but I can never consent to have one of the most important and useful privileges of the peerage invaded, to answer any particular purpose, however urgent. It is the inherent, indubitable right of every noble Lord in this House, to protest either singly or in a body; and I take it, that this privilege admits of no specific controul. This privilege, it is true, may be abused, or wrongly exercised; but what will be the probable consequence, should your Lordships attempt to establish a precedent that would take this right of protesting away? That a majority at all times may not only, as usual, carry every point they wish, but besides, prevent the minority from protesting; for reasons would not be wanting to point out the necessity of such a mode of proceeding. I cannot therefore conceive, that it would be possible to devise any mode, or form of protesting, which might not with a little ingenuity be made to point at, and be interpreted to be injurious to some one body of men or other. On the other hand, the great respect I bear to the noble Earl, who drew up the protest, and the high esteem and reverence I entertain for the right-reverend body, who are immediately affected by that performance, induce me to wish, that the noble Earl himself would offer some amendment, or explanative addition, suited to the actual circumstances of the case. But whether his Lordship will, or will not, I can never give my consent to have any part of the sacred records of Parliament expunged from your Lordships journals. As to the bill itself, I own myself a very warm advocate in its favour. I think the motives for condemning theatric representations, which formerly subsisted, at present no longer exist. The licentiousness of the last century is wholly banished from our theatres; and how much soever our modern playwrights may fall short of *their predecessors* in point of wit, humour, and true character,
they

they at least excel them in morality. I will not even pretend, that this turn or taste of the town originated either with authors or managers; but this I will affirm, and do appeal to your Lordships for the truth of what I say, that the most moral and sentimental pieces are those best received; nay more, that any glaring violation of the rules of propriety and decorum would meet with the most marked displeasure of the public. Besides, were there any grounds to fear that a certain favourite piece, justly reprobated by the right reverend prelate, as pernicious and destructive to the last degree, of the morals of the lower orders of the people, might be exhibited on the Manchester theatre, we have the most full and specific assurances to the contrary. On the whole, therefore, I do give my most hearty concurrence for the bill being sent to a committee.

The Earl *Gower* endeavoured to shew, that the protest was drawn up on misconception and mistake; and therefore, as the true sentiments of the right reverend bench were at present fully known, he earnestly recommended to the noble Earl, who drew it up, to make such alterations as would correspond with those sentiments. His Lordship observed, that the protest had already got into the news-papers, that, in its present form, it conveyed the most unfavourable idea of the whole bench of Bishops; and that, consequently, the reparation which justice required, ought to be as public as the injury they had sustained, which he knew no way of effecting but by altering the protest, and explaining the true grounds of the mistake, or misrepresentation.

The Archbishop of *Canterbury*. The right reverend prelate on my right hand, has so fully explained what I had to offer concerning the protest, that I have nothing further to urge on that subject. This I may safely add, however, that the noble Earl who thought fit to pass so heavy a censure on this bench, nor any other Lord in this House, could possibly be more zealous against the present bill than myself. I assured his Lordship, at the time, of my sentiments; and I little imagined, that when I was complying with what I deemed the uniform mode of proceeding established by the House, I was at the same time laying a foundation for a charge of a most heavy and unprecedented nature, in which I and the rest of my brethren were to be undeservedly involved. That noble Lord's own ideas of justice will, I doubt not, better suggest what may be proper to undeceive the public than any thing I could possibly offer. A noble Lord over the way, [Lord *Lyttelton*] has endeavoured to defend the bill on gene-

ral principles; but give me leave to say, that, in my opinion, he has totally failed, as to the particular application of his arguments, in support of establishing play-houses in great manufacturing towns. I must observe, that his reasons are both fallacious and erroneous; for whatever may be urged for their being established here in London, I am perfectly convinced that they tend to create idleness, and all the train of evils idleness is known to be productive of, among those who are destined to live by labour and industry. I remember, when I resided in the last diocese I had the care of, I went to a great trading town [Birmingham] to attend an ordination; and having a curiosity to inspect the manufactures carrying on by a Mr. Taylor, upon examining the works, I enquired how many men he employed; he answered 500. And where are they? is this a holiday? No, says he, but we have a play-house here; the men were at the play last night, and it is impossible to get them to their business for two or three days after they have been there. The noble Lord has asserted another thing equally destitute of foundation or probability. He supposes that the labouring mechanic will spend the six-pence or shilling he was wont to throw away at the public-house, in the more rational entertainment of a play. Is his Lordship serious, or would he attempt to persuade us, that the man who used to waste his time at the ale-house will return supperless to bed, or not rather incur a double expence, first at the play-house, and afterwards at a public-house? On the whole, we do not speak from mere speculation; experience has already proved the evil at Norwich and other trading towns. I disapprove of the principle; I am convinced that in trading and manufacturing towns its effects are immediate and pernicious; I am therefore strenuously against committing the bill.

The Lord Viscount *Dudley*. I live very near the great manufacturing town the most reverend prelate speaks of, and in the course of my observation and acquaintance with several of the most eminent traders, could never learn that the least inconvenience was felt by erecting a play-house in that town. I knew Mr. Taylor, the person his Grace speaks of; and can hardly think he could have ever amassed the very immense riches he did, unless his men, as well in times of theatric exhibitions as at other seasons, were more amenable to their master's orders, and attended more constantly to their work. As to the protest which has been so much the subject of this day's debate, I confess I do not see myself, how the expression
of

of convocation, and the conduct of the Bishops can be at all contrasted, as they are attempted in the protest: in their address, they shew their abhorrence of every thing that tends to encourage immorality: and here they voted for a bill allowing the exhibition of moral plays. I do not think the observation at all to the purpose. I wish the noble Earl would consent to withdraw, or suffer such alterations as would prevent the injustice with which it is fraught, and the very dangerous impressions it may make without doors. Otherwise I must feel myself under the same disagreeable predicament of the noble Lord [Lord Lyttelton] who took an early part in this debate; that of having such parts as now come fairly within the description of misrepresentation or mistake, totally suppressed.

The Bishop of *Bangor*. I would venture to recommend a mode, which in my apprehension would meet with the ideas of all sides of the House. The noble Earl who framed the protest, it is certain, mistook the intentions of this bench. In my opinion, the best way, without doing any violence to the rights of the peerage on one hand, or suffering misrepresentation to get out into the world on the other, would be reciting the circumstances which have since been explained, added to the protest in its present form; by which means the whole matter will be taken together, and appear in its native genuine form, without prejudice to any party or person whatever. The noble Lord has admitted in debate, that we declared ourselves against the bill; would it not be justice to us, to insert the same in the record, together with what we consider as an insinuation of the contrary?

The Lord *Lyttelton*. The noble Earl who drew up the protest has confirmed himself what has fallen from the right reverend bench. His Lordship has told you, that the most reverend prelate who spoke some time since, and two right reverend prelates, assured him they were against the bill. I do therefore think his Lordship bound, upon every motive of truth and justice, to alter his protest, by inserting that fact, as well as such others as have since come out, that the public may be enabled to form a true judgment of the whole together.

The Earl of *Radnor*. I admit with the noble Lord near me, [Lord Dudley] that the intended contest between the professions and conduct of the Bishops, must appear ill supported, to one who considers this bill as an encouragement to immorality; but I appeal to the Bishops themselves, to

the arguments they have this day used against it, that they consider it as I do; and consequently that their conduct upon the first reading was inconsistent with their promise to me, their professions in their address, and their arguments and opinions you have heard this day: after all I do assure your Lordships that I find myself extremely embarrassed in what manner to act. I think still, that I was strictly justified in what I have done; yet the house seem to be of another opinion, to whose judgment, as far as it is consistent with my own personal rights, and those of the peerage in general, I would very cheerfully submit. Thus circumstanced, therefore, I have difficulties to encounter on either hand; the only mode of keeping clear of them, which presents itself at present to me, is to come to the question directly, and if the right reverend bench should find itself in a minority, they will have an opportunity of protesting against the bill, and wiping off the imputation several of its members seem so sensibly to feel; if not, and that the bill should happen to be thrown out, in that event I pledge myself to have the matter cleared up to the satisfaction of the House.

The bill was committed by a majority of 33 to 25.

May 15.

The Earl of Radnor entered the following protest.

Dissentient,

Because the several reasons already entered against passing bills of this nature have in this debate received additional weight and force, from the argument of the prelates, and their unanimous vote; for though by refusing, without reason given, to divide for the previous question, moved upon the question of rejection, after the first reading (which gave time for procuring a petition in favour of the bill) they appeared to me to countenance the bill; yet as their Lordships have this day solemnly avowed in argument, that they had no such intention, and think they unjustly suffer by the imputation of it, it would be injurious to the reverend bench, as well as to the argument, not to say I am strengthened in my objections to the bill, by their Lordships' declarations, of their having been uniformly as well as unanimously against it.

RADNOR.

The bill passed without any further opposition.

May

May 17.

Lord Camden presented the following petition.
*To the Right Honourable the Lords Spiritual and Temporal in
 Parliament assembled.*

The petition of his Majesty's loyal and dutiful subjects settled in the province of Quebec,

Humbly sheweth,

That since the commencement of civil government in this province, your Lordships' humble petitioners, under the protection of English laws granted us by his sacred Majesty's royal proclamation, bearing date the seventh day of October, which was in the year of our Lord one thousand seven hundred and sixty-three, have been encouraged to adventure their properties in trade, estates and agriculture, to a very considerable amount, thereby rendering the province a valuable acquisition to Great Britain: That, to their inexpressible grief, they find, by an act of Parliament intitled, "An act for making more effectual provision for the government of the province of Quebec in North America," they are deprived of the *habeas corpus* act and trial by juries, are subjected to arbitrary fines and imprisonment, and liable to be tried, both in civil cases and matters of a criminal nature, not by known and permanent laws, but by ordinances and edicts which the governor and council are empowered to make void at their will and pleasure, which must render our persons and properties insecure, and has already deeply wounded the credit of the country, and confined our views in trade to very narrow limits.

In this cruel state of apprehension and uncertainty, we humbly implore your Lordships' favourable interposition, as the hereditary guardians of the rights of the people, that the said act may be repealed or amended, and that your humble petitioners may enjoy their constitutional rights, privileges, and franchises heretofore granted to all his Majesty's dutiful subjects.

And your petitioners as in duty bound will ever pray.

Quebec, 12th Nov. 1774.

Before the Clerk read the petition, Earl Gower said, he should be glad to be informed through what channel the petition came into the noble Lord's [Lord Camden] hands, as he understood that such a petition had been in town for some months; but not coming in a manner in which his Majesty's ministers could take the desired notice of it, he did not see how the House could entertain it, without it came

accompanied with the necessary forms. He heard, he said, that a gentleman, no way connected with the province, had such a petition in his possession; but how the House could be satisfied, that the petition now presented was the petition of the persons to whom it was attributed, was not in his power to determine.

The Lord *Camden* replied, it mattered very little how the petition came into his hands; this, however, he would venture to assure the House, that it was genuine; and if their Lordships conceived any suspicion that it was unfairly or surreptitiously obtained, the agent of the colony [Mr. Maseres] would give them the fullest satisfaction on that head.

The Clerk having read the petition, Lord *Camden* acquainted the House, that the petition having been previously offered to every Peer in administration, had at last been delivered to himself to present to that House, a task which he had undertaken, not having those reasons that might have influenced the Lords in office to decline it; because he had uniformly, from principle and conviction, opposed the act which they had planned, and by their persuasive powers carried through the House.

His Lordship then observed, that after the fullest examination of the act in question, he found it so thoroughly impolitic, pernicious, and incompatible with the religion and constitution of our country, that no amendment, nor any thing short of a total repeal of it, would be sufficient. He remarked on the provisions of the act as being wholly inconsistent with the reasons recited in it; and he concluded that they were not the true reasons on which it was founded, that there must be other secret motives and designs which had produced the measure, and which could be best discovered by attending to the purposes the act was calculated to answer, which, from the provisions made therein, appeared to be no other than to prevent the farther progress of freedom and the Protestant religion in America, and to secure a popish Canadian army to subdue and oppress the protestant British colonies of America. His Lordship arranged his objections to the act under the three following heads.

- 1st, The extension of the limits of Quebec.
- 2dly, The establishment of popery there; and
- 3dly, The civil despotism in which the inhabitants of that immensely extended province are to be perpetually bound, by being deprived of all share in the legislative power, and subjected in life, freedom and property, to the arbitrary ordinances of

of a governor and council appointed by, and dependant on, the crown.

Under the first of these heads his Lordship proved, that there could be no good reason for so extending the limits of Quebec, as to make them comprehend a vast extent of country, two thousand miles in length from North to South, and bounded on the West only by the South Sea. That this enlargement could only be intended to extend the shackles of arbitrary power and of popery over all the future settlements and colonies of America. That by drawing the limits of that province close along the interior settlements of all the old English colonies, so as to prevent their further progress, an eternal barrier was intended to be placed, like the Chinese wall, against the further extension of civil liberty and the Protestant religion. His Lordship then animadverted particularly on the instructions lately transmitted to General Carleton, whereby the regulation of all the Indian trade of North America is put into the hands of the governor and council of Quebec, and the other colonies are obliged, in their intercourse with the Indians, to submit to the laws, not of the British Parliament, but of a despotic unconstitutional legislature in Canada; a measure calculated to produce endless contentions and animosities.

Under the second head his Lordship proved, that the Popish religion, though not in express terms, is in effect really and fully established in the province of Quebec. By confirming not only the laity in a free exercise of their religion, but the Romish clergy in the enjoyment of all their former tythes and ecclesiastical dues, rights, &c. and the bishop, (the Pope's representative) in the exercise of all his spiritual powers and functions, and in the disposal of one hundred and eighty ecclesiastical benefices; and also by dispensing with the oath of supremacy, whereby every officer of government in that province, both civil and military, even the governor himself, may be of the Romish religion. And here his Lordship particularly referred to the act of the 1st of Queen Elizabeth, which forever excludes the Pope from all jurisdiction within the kingdom of England, and the dominions thereunto belonging, or which may, at any future time be acquired; and prescribes an oath of supremacy to be taken through this kingdom and all its dominions. This act his Lordship represented as the great support and barrier of the Protestant religion; and, as being in its nature as sacred and fundamental as the act of settlement, or even as Magna Charta

itself;—and yet, said his Lordship, this has been unnecessarily and wantonly violated by the Quebec act, whereby the oath which it prescribes is wholly dispensed with in that province. His Lordship observed, that the capitulation with Sir Jeffery Amherst, promised the people of Canada only a toleration in the exercise of their religion, and that by the definitive treaty of peace, they were only to be allowed to “ profess the worship of their religion, according to the rights of the Romish church, as far as the laws of Great Britain permit;” that the utmost which the inhabitants of Canada had expected, in consequence of this, was a religious toleration, such as is allowed to Protestant dissenters in England, whose clergy not only receive no tythes, but are exposed to a train of penalties from which they have in vain solicited relief.—And that the Popish clergy of Quebec were so far from expecting any grant of tythes, that they had not even asked for them in the course of more than ten years, which had since elapsed.—That they were unexpected—unreasonable bounties, “ *quod nemo Divum promittere audeat.*” His Lordship farther observed, that by thus clothing the Popish clergy with wealth and power, and the rites of the Romish religion, with that alluring splendor, magnificence and pomp, which are its chief supports, an impolitic insuperable bar was placed against the conversion of the people of Canada, from their present attachment to the Popish religion, and their desire of returning again to the dominion of France.

Under the third and last head, his Lordship took a liberal and an extensive review of the history and constitution of England, as well as of the royal prerogative, in respect to new dominions and conquered countries; he animadverted on the doctrine said to have been delivered by Lord Mansfield in the cause respecting the duty of $4\frac{1}{4}$ per cent. levied by the crown in Grenada, and he clearly proved, that in all accessions of territory to the crown, the King is constitutionally entrusted, and required to extend to his new subjects the laws of England, and the benefit of a constitution similar to that of our own country—that he can give no less than those rights and privileges which by the common law, as well as by the act of settlement, are declared to be “ the birthright of every British subject”—that accordingly this had been invariably done in every acquisition of territory and dominion, particularly in the case of Ireland, of the counties Palatine, (Chester and Durham) of Wales, of Berwick upon Tweed, of Calais, of Jamaica, of New-York, of St. Christopher’s, of Grenada, &c.—that the same was also promised to be done

in the province of Quebec; and that by the proclamation of 1764, the faith of the crown was solemnly plighted to the settlers in that and the other new colonies, that their respective governors "shall summon and call general assemblies within the said governments respectively, in such manner and form as is used and directed in those colonies and provinces in America, which are under our immediate government;" and, continues the proclamation, "we have also given power to the said governors, with the consent of our said councils, and the representatives of the people, so to be summoned as aforesaid, to make, constitute, and ordain laws, statutes, and ordinances, for the public peace, welfare, and good government of our said colonies, and the people and inhabitants thereof, as near as may be agreeable to the laws of England, &c.; and in the mean time, and until such assemblies can be called as aforesaid, all persons inhabiting in, or resorting to our said colonies, may confide in our royal protection, for the enjoyment of the benefit of the laws of our realm of England," for which purpose courts of justice were to be erected, &c. all which, Lord Camden observed, had been done and fulfilled in every other province, excepting that of Quebec, to which many settlers had been allured by this proclamation, who, by a most disgraceful violation of the royal faith, were since, with the rest of that province, subjected to the civil laws of France, and to the despotism of a governor and a dependent council, instead of being allowed an assembly, and laws made by the representatives of the people, as they were solemnly promised. His Lordship also represented, that the tyrannical government thus established, is considered as the most oppressive act of injustice by all the protestant, and even by all the popish inhabitants of Quebec, except the Romish clergy and French *noblesse*, who are willing to submit to a despotic government, for the sake of tyrannizing over the peasantry of Canada. He likewise observed, that the slavery imposed by the act in question is so repugnant to the success of commerce, and abhorrent to the feelings of native British subjects, that if it be not soon repealed, both the former and latter will abandon that province.

His Lordship having by these, and many other facts and arguments, proved the impolicy, injustice, tyranny, and iniquity of the act in question, declared, that it deserved to be reprobated by the unanimous voice of Parliament, and that it would necessarily receive the censure of their Lordships, if there remained the smallest regard for liberty and the constitution

stitution in one part of the House, (meaning the Lords Temporal) or for the Protestant religion in the other, (meaning the Bishops.)

His Lordship concluded with offering the following bill.

A bill to repeal an act made in the last session of the last Parliament, intituled, An act for making more effectual provision for the government of the province of Quebec, in North America.

Whereas an act was passed in the last session of the last Parliament, intituled, An act for making more effectual provision for the government of the province of Quebec, in North America;

And whereas the said act, contrary to the example of all former times, and to the faith of his Majesty's proclamation issued in the year 1763, has established an arbitrary government in the said province;

And whereas the said act, by permitting both the clergy and laity there to hold offices and benefices, without taking the oath of supremacy, and by granting to the Popish clergy in the said province the enjoyment of their accustomed dues and rights, has intirely stopped the growth and propagation of the Protestant religion, and in the room thereof has established the religion of the church of Rome in the said province for ever;

And whereas the said act, by enlarging the boundaries of the said province, and making the legislature thereof co-extensive with the same, may put the Indian trade, among other things, under the sole management of that legislature, as in truth appears to be already done, by the instructions lately given to Governor Carleton, by which that trade, which had before been freely carried on by all his Majesty's subjects in North America without restriction, is now to be confined to such regulations as the said legislature may think fit to impose upon it, and thereby the rights of his Majesty's other colonies unwarrantably abridged and invaded; and by a like extension of the said legislature, the said other colonies may come to be excluded from having any intercourse or correspondence whatsoever with the Indian nations of that vast continent, without the leave or permission of the said legislature, which would naturally give rise to unnatural divisions, and endless controversies between his Majesty's subjects of the old colonies, and the inhabitants of the new province of Quebec;

May

May it therefore please your most excellent Majesty,

That it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and the Commons in this present Parliament assembled, and by the authority of the same, that from and after the first day of May, 1776, the above mentioned act, and the several matters and things therein contained, shall be, and is, and are, hereby repealed and made void to all intents and purposes whatsoever.

This bill being read, Lord Camden acquainted the House, that he had delayed the proposed repeal until the first of May next, to the end that time might be obtained in the interval to provide a better plan of government for the province of Quebec.

The Earl of *Dartmouth* said, he should decline entering into a detailed view of the vast mass of matter which had been travelled over by the noble Lord who spoke before him. He made the same objection to the mode of obtaining the petition, and the manner of presenting it, as Earl Gower had done. He said, that the petition had been offered to be delivered to him four months ago, so early as the 23d or 24th of January; but, besides, that his sentiments were clearly in favour of the act, he could not with propriety receive any paper, importing to be a petition from the inhabitants of that province, unless it came through the channel of the governor and council. But, says his Lordship, supposing that the petition had been fairly obtained, what does it literally or substantially import? Does it desire a repeal? Does it even hint at any such thing? How then can the noble and learned Lord come upon the ground of this petition to Parliament to desire a repeal, when the very utmost the petitioners themselves look for is, that they may have the benefit of the *habeas corpus* law, and the trial by jury? The former of which it is evident they are entitled to, by the laws of England, and the latter they now enjoy in all criminal matters. His Lordship then read the address presented to Governor Carleton from the French inhabitants on his arrival, and their address to the King, wherein they express their thanks and gratitude to his Majesty, for restoring them to their ancient rights and privileges. These, he insisted, were the most indubitable proofs, that the French Canadians were made happy by the change, and that by no one rule of good policy, justice, or a regard to public faith, could it be expected that nearly one hundred thousand peaceable loyal subjects should

should be rendered unhappy and miserable, purely to gratify the unreasonable request of two or three thousand persons, who wished for what was impracticable, and looked upon themselves deprived of what they were actually in possession of. On those grounds his Lordship moved for the rejection of the bill.

The Duke of *Richmond* said, the present motion of repeal was not supported solely on the contents of the petition now presented, but on the idea that every noble Lord in that House had a right to propose an amendment, and move for a repeal of any law which they deemed impolitic or oppressive. His Grace observed, that great industry had been used on a former occasion, and he made no doubt would be much resorted to, and great stress would be laid on the same mode of reasoning this day, that suppose the powers vested by the act might, on account of giving the Canadians some civil constitution suited to the immediate necessity of the case, somewhat exceed those modes of legislation and government usually exercised where no such necessity existed; yet the acknowledged disposition of those, to whom this power was delegated, removed the most distant jealousy or suspicion, that this trust would be abused. This maxim, says his Grace, applied directly, is certainly true in fact, though notoriously fallacious in every other respect by way of argument; for where would it lead us, but directly to the establishment of arbitrary power? I am confident, there is not a Lord in this House, who has made politics his study, or has taken time to consider the different constitutions of government, that have been framed and established, but will agree with me, that the true end of all civil regimen, is the happiness and prosperity of the governed; and that, consequently, the best government is that which is best exercised. But I trust there is not a noble Lord in this House, who will openly contend, that because the person to whom the execution of the laws is entrusted probably will employ the trust thus committed to his charge with fidelity, and a sacred regard for the interests of his people, that therefore they should, from their unbounded confidence in him, foolishly and blindly make a surrender of their rights and liberties; thinking his virtues and abilities transmissible and hereditary with his political office. To guard against this mistake, our constitution was first framed; and every one law enacted to secure to us the blessings we at present enjoy, is directed not to bind good princes, or direct wise ones, but to prevent weak

weak or bad men from abusing that trust, necessary, from the nature of civil government, to be lodged somewhere. I will even come more immediately to the point before your Lordships, to the personal character of the governor, who is charged with the execution of those monstrous arbitrary powers which are the subject of this day's debate. I do not, for my part, believe there is a more worthy or deserving man breathing. I know him well; I have, I may say, lived with him for several years, and I am convinced of his high integrity and eminent skill in his profession; but will it follow, that because I know General Carleton to be a man to whom I might safely trust every thing I hold as dear and sacred, that therefore I must wish to trust the Governor of Quebec, be he whom he may, with powers which, from their nature, if exercised at all, must be productive of oppression and injustice; and if badly exercised by any future Governor who may happen to succeed him, may be turned into an engine of oppression and tyranny equal to those claimed by the most absolute despot on earth? His Grace, besides his general argument, applied particularly to the Bishops to rise and explain themselves on the article of religion; and whether they were of opinion that it was proper that Popery should be indulged with a legislative establishment in any part of the British empire?

The Lord *Lytelton* threw out an insinuation, that those who opposed the Quebec act, or desired the repeal of it, were factious persons; and concluded, with calling upon administration, to know what the Spaniards were about, affirming that the great armament fitting out in the Spanish ports could not be intended against the Moors.

The Duke of *Manchester*, in a very manly, spirited speech, replied to the factious charges thrown out by the last noble Lord on opposition in general. He said, he often happened to differ from administration; but he had never till that day heard such difference of opinion directly imputed as a crime, or branded with an indecent and ill-founded epithet.

The Earl of *Rochford*: I do not think myself obliged to answer the question now put to me by the noble Lord; nor were the matter of it pressed on me by the united voice of the whole House, do I conceive, I would be justified in divulging in the informal manner desired, the secrets of state committed to my knowledge. Yet, as far as it may be consistent with the nature of my office, I will inform his Lordship and the House of what I know concerning the arma-
ment

ment he speaks of. By the best accounts I have been able to collect, and no industry has been wanting, the armament consists of no more than twelve or thirteen men of war of the line at most; what the inferior vessels of force, or the number of frigates may be, I cannot precisely say. I understand, the land forces, so far from being prepared to get aboard the transports, at a short warning, though they may amount to about 30,000 men, are composed partly of cavalry and guards, which can never be meant for a naval expedition. Whatever suspicions such appearances may create, I am to inform your Lordships, that our minister at the court of Madrid has been instructed to press for explanations, and has received the strongest assurances, that nothing was intended against Great Britain or her allies. I cannot say that I have any great reliance on assurances in general; but yet ridiculous as it may appear to us, that the Spaniards should incur so immense an expence, in preparations for chastising the Moors; when their policy and religion are considered, and that the Moorish war is taken up on conscientious notions of religion, our wonder will in a great measure cease. Besides, there are many other motives which might probably induce Spain to arm at this time, without having any hostile intentions against this country. Sicily is disturbed by civil commotion, and threatened with latent discontents, which his Catholic Majesty feels for, almost as much as if they were in his own kingdom. A kind of war actually subsists between Spain and Portugal in the Brazils. There is a revolt in Mexico, and the total silence of the consuls and the merchants, whose business and interest it is to watch and give information, join to strengthen me in the same opinion; and to give a credit to those assurances, which I should otherwise be rather inclined to deny. I have only one more word to add, which is, that the Portuguese envoy at this court seems perfectly undisturbed, and free from apprehensions of any invasion of his country; and that if he should be mistaken, and that those armaments are actually intended against Portugal, I shall, for my own part, think Great Britain as much interested in the event, as if part of her own dominions were actually attacked.

The Earl of *Bristol*. I have not the least doubt, my Lords, but the Spaniards have a very powerful naval armament in great forwardness for the sea; and though I cannot think, from the tonnage and construction of the transports, they are calculated to convey troops beyond the ocean, yet I must

must confess, Britain, however conscious she may be of her naval superiority, has just reason to be seriously alarmed. The noble Earl in office, [Earl of Rochford] speaks of insurrections in Mexico, of a kind of war at present subsisting between the subjects of his Catholic Majesty and the Portuguese in the Brazils; and how deeply his Catholic Majesty concerns himself in the latent discontents which threaten to disturb the kingdom of Sicily. I need not repeat again; that, in my opinion, this armament can never be intended to cross the ocean; neither do I think, if the transport service were calculated for that purpose, would it be at all necessary to collect such a strong military force, so near the water-side; and I beg leave to differ from his Lordship, when he supposes they are scattered through the different provinces in cantonments; for if I be not misinformed, though they are not perhaps just ready to embark, they are nevertheless stationed in such a manner as to be drawn together at a very short warning. In such a state of uncertainty, if intended at all for actual service, it may be asked, whither are they destined? For my part, if I were to hazard a conjecture, I should be inclined to imagine for the coast of Africa, for Lisbon, or Gibraltar; and the more so, against either of the two latter, for the very reason the noble Earl in office has assigned, that the land forces consisted in a good measure of cavalry, and the Spanish and Walloon guards, who never serve out of the kingdom, but who might, very consistently with their usual designation, either co-operate with a fleet in attacking Lisbon or Gibraltar. Every noble Lord in this House, by consulting the situation of the rendezvous, and its vicinity to Gibraltar, may readily conclude with what facility the fleet and transports might turn down into Gibraltar bay. It is true, that Gibraltar is almost invulnerable on the land side, and that very strong defences and additional works have been within the three or four last years erected towards the sea. Yet, how much soever I may be inclined to depend on the bravery of the troops, and the ability of the officers in superior command, I would feel very sensibly for the fate of that fortress, if attacked, and if not quickly relieved by naval succours from England. I am certain, before those additional works were raised, it could not hold out against a fleet of seventeen ships of the line a single day; and even now it is possible it would be obliged to submit in a week, though it might hold out much longer. A great deal will however depend, should such a disagreeable event take place, on the present

present state of our navy. If we have a force equal, or superior to theirs, ready at a short notice, it is probable, the gallantry and spirit of the troops might be able to baffle every attempt of the assailants, till succours should arrive. The noble Earl at the head of the admiralty, who has, much to his honour, done more than any man who has presided at that board for upwards of a century, can inform the House, whether or not a sufficient naval force could be made ready, so as to answer the necessity of so critical an emergency. Before I sit down, I shall just trouble your Lordships with one other observation. The noble Earl in office strengthens his own conjectures, and receives the assurances of the Spanish court with an additional degree of confidence, as neither the consuls nor merchants, whose immediate business and interest it is to collect the earliest intelligence, have expressed the least uneasiness concerning this armament. But I will venture, from my own experience, to assure his Lordship, that although this circumstance may serve to corroborate others tending to the same conclusion, detach it from the rest, and it deserves very little weight. I remember what happened in the year 1756, when I was stationed in the Mediterranean, and that the armaments and military preparations were going on at Toulon, there was not a merchant, a consul, a naval or military officer could believe its destination, till Richelieu and the French troops were landed on the island of Minorca, though reports of such their intentions had been current at London and the Hague some weeks before their debarkation at Fort St. Philip's.

The Lord *Lyttelton*, in reply: I think I am rather confirmed in my opinion, relative to the just apprehensions the armament now going on in the Spanish ports should excite in the breast of every man who feels for the honour and interest of his country; nor am I less satisfied of the propriety of pressing the discussion of this important subject, however informal and unprecedented it may appear to some of your Lordships. I did not press the noble Earl in office to betray the secrets of it, nor divulge matters of state; I wished only to give his Majesty's ministers, if they thought proper, an opportunity of averting part of the censure which might be undeservedly thrown on them, in case an unexpected blow should happen to be struck, and prevent the fraud and imposition the people might be liable to from a few among them, perhaps, who might have better or earlier intelligence than the rest. I have, it is true, no great opinion of Spanish politics, yet I must abide by my former assertion, that I am convinced,

convinced, however conscientious his Catholic Majesty may be and desirous of propagating the christian faith, and extirpating the enemies of the cross, his Majesty, much less his ministers, would never put the nation to the enormous expence of the present armament, merely to make proselytes in the wilds and desarts of Africa. The Spanish cabinet is composed, like those of other princes, of men of different abilities and dispositions; and business is transacted in it, as it is in all others, where there is no prime minister, by a plurality of voices. I can never, therefore, be persuaded to think, that a majority of men, trained up to public business, could ever be led to adopt so wild, incoherent, and preposterous a measure. The noble Earl in office seems to place too great a reliance on the positive assurances given by the Spanish court; and I will tell your Lordships why I think so (not that I would give less or greater credit to assurances from that court than any other). It is because I am well informed; I know it to be the current language of the several branches of the house of Bourbon, that they do not look upon themselves bound to give us any previous information of their hostile intentions, either by declaration of war or otherwise, on account of our capture of the French ships before the commencement of the late war. On the whole, the noble Earl who spoke last has put the matter upon the clearest and most incontrovertible footing, not upon the faith of Spanish assurance, or their ideas of political justice or injustice, but on what are our powers of immediate resistance, should such an attempt be made. I do therefore call upon the noble Earl at the head of the admiralty, to inform the House what force we have immediately ready to put to sea, should the first accounts from that quarter bring us intelligence, that Gibraltar was attacked by a Spanish fleet.

The Earl of *Sandwich*. The noble Lord who spoke last, has called upon me particularly to come to certain explanations, which I do not by any means think myself obliged to give, nor his Lordship authorised to ask. However, as the main part of his enquiry depends upon facts notorious, and already sufficiently public, I can with propriety tell his Lordship, that we have seventeen sail of the line fit for immediate service; that the number of men wanting to compleat the ships to their full complement would not be more than about 4500; that by issuing press-warrants they might be readily procured in a week; and that the whole armament would be ready to proceed to sea within ten days at furthest. This is the plain state of the case, and is what I have frequently declared in this House, and to several of

your Lordships out of it. What the total amount of the Spanish force may be, or whether we have a fleet on a sudden emergency fit to cope with them, is more than I will now venture to determine; but this I am convinced of, that in a very little time we shall have eighty men of war of the line, with all the necessary stores for their equipment, ready, as occasion may require, to be drawn out into actual service; which is a force superior to any the united efforts of our enemies can possibly bring against us.

The Earl of *Bristol*. The noble Earl has told us, and I make no doubt very truly, that we have seventeen sail of the line ready to proceed to sea at a few days notice. But I should be glad to know from his Lordship, in the event of Gibraltar being attacked with such a fleet as has been this day mentioned, whether his Lordship is of opinion it would be prudent to send the whole force he speaks of to the immediate relief of that fortress.

The Earl of *Sandwich*. I can hardly think myself enabled, from my official situation, to answer the noble Earl's question. That is a matter of state, not, in my opinion, at all connected with the immediate business of department. If I was ordered to comply with such a requisition, I must certainly obey it, whatever might be my own private opinion, my sentiments in this House, or the arguments I might use elsewhere, when it came under deliberation as a matter of state. For instance, if I received directions to order out half the number, or the whole, or keep the fleet at home to defend our own coasts, the question would not turn on what I, in my official capacity, wished to do; but what the majority of his Majesty's servants had really decided. As to the force and the facility of sending it to sea, I need only appeal to the noble Earl himself, to whom, in a great measure, the nation is obliged for that arrangement. When his Lordship sat as a member at the board at which I have the honour to preside, I stood much indebted to him for his assistance in effectuating the plan, by which we are enabled, at all times, to have a fleet ready to put to sea on a few days notice, by converting the guardships, which formerly were almost totally useless, into vessels fit for immediate service; and though still I have his private assistance, I must confess I have great reason to regret his absence from that board.

The Archbishop of *Canterbury*, in answer to what had fallen from the two noble Dukes, and the noble Lord who presented the bill, observed, that so far from the Protestant religion

religion being totally neglected at Quebec, four clergymen of the church of England were actually established in that province, with a stipend of 200*l.* *per annum* each; that more would be appointed, as soon as the necessity of the case, or an increase of population, should require it; and denied that the Popish religion was established at Canada, or that it was possible for Parliament to have acted otherwise, consistent with the faith of the capitulation, or the terms of the definitive treaty.

The Lord *Wycombe* [Earl of Shelburne]. It is with great diffidence and reluctance that I presume to trouble your Lordships on a subject which has been so ably and fully discussed by so many noble Lords, much better informed and capable to decide on it. I cannot, however, be so entirely wanting in my duty, as a member of this august assembly, to pass over in total silence some things which have fallen in the course of this day's debate. A noble Lord, who spoke early, [Lord Lyttelton] has said, that there are some present who regret the absence of a certain noble Lord from his place [Earl of Chatham.] If that be a crime, I am willing to share part of the imputation, for I own myself one of that number, though I by no means agree with his Lordship in the motives he has assigned for that absence, nor in the supposed sentiments attributed by him to the noble Earl respecting the Quebec act. I am, on the contrary, convinced, that he would have been present in his place on this occasion, were it not for an accident; and so far from approving of the bill in every other part but relative to the sedentary fishery, that from every thing I could learn then, and in every private conversation I have had the honour to have since had with him, I have found his sentiments to be for condemning the bill *in toto*. I believe the noble Lord has but a confused recollection of the true state of that matter, otherwise he must have remembered, that his Lordship's supposed reconciliation to the bill was no part of what he now alludes to, but that the very ministers themselves disapproved of divesting the Commodore on the Newfoundland station of the controul over the fishery on the coast of Labradore. The other parts of the bill having been already so fully discussed, I shall just crave your Lordships' patient attention to a few words on the dangerous consequences and certain pernicious effects which must flow from annexing this fishery to the province of Quebec, and taking it out of the superintendance and controul of the commander of his Majesty's ships of war on the Newfoundland

land station. By the bills lately passed, it seems to be the professed policy of those in power to wish and endeavour to reserve the whole of the Newfoundland fishery for the benefit of the inhabitants of Great Britain and Ireland. I will say nothing of the immediate spirit which has given rise to this policy; but this I will venture to affirm, that not a single reason was adduced either from the evidence at your Lordships' bar, or in the House, that did not directly apply to evince the supreme folly of annexing the Labradore fishery to the province of Quebec. It was both proved and pressed in argument, that the spirit of the act of the 12th of William the Third should be strictly adhered to, that of preventing settlers and making as many sailors as possible; in fine, strongly condemning the permission of a sedentary fishery. What was the evidence of a most able and experienced naval officer [Sir Hugh Palliser] on that occasion? That the settlers have done every thing in their power to defeat the periodical fishery from Europe; that they destroyed their nets, seduced the men to run away and get over to the continent; and that they supplied the fishermen with French spirituous liquors and other French commodities. Now, my Lords, I would submit, if there be any one Lord in this House who will take upon him to affirm, that every one of these evils will not encrease an hundred fold; or that we shall be able to prevent them on the coast of Labradore, where, if aggrieved, the party must go all the way to Quebec to seek redress against Frenchmen and French smuggling, when even numberless evils were, by the nature of the service, obliged to be left uncorrected, under almost the very eye of the commodore. The peltry, or skin trade, my Lords, is a matter which I presume to affirm is of the utmost magnitude, and of the last importance to the trade and commerce of the colonies and this country. The arrangement and regulation of this business has, give me leave to say, cost his Majesty's ministers more time and trouble than any one matter I know of. The noble Earl behind me [Earl of Hillsborough] it is true, differed from me among others of his Majesty's servants, on the regulating the trade with the Indians; but it was never so much as dreamt of, that the whole skin trade, from Hudson's Bay to the forks of the Mississippi, should be at once taken from the several American colonies, and transferred to the French Canadians; or, which is substantially the same thing, that by a royal instruction the sole direction of it should be vested in the governor of Quebec. For, I will be bold to contend, whatever

whatever colourable construction may be put on it, it will operate as a compleat exclusion, and total monopoly, so far as the Protestant British colonies can possibly be interested. I think, however foreign the subject relative to the Spanish armaments may be to the subject of this debate, or irregular it may have seemed to introduce it in such a manner, I must confess myself very ready to dispense with mere forms, when matters of such singular importance so pressingly call for our notice and most serious deliberation. I remember a few years since, that we were lulled into a security which must inevitably have proved fatal, but for the strange revolution which took place in the French cabinet, the dismissal of that bold enterprizing minister Choiseul, who had planned the destruction of this country, in revenge for the disgraces France had suffered, and the repeated injuries, he imagined, she had received in the course of a long, glorious, and successful war carried on by Great Britain. I will not pretend to dive into the secrets of cabinets farther than I am well warranted, or presume to point out the persuasive arguments employed to bring over the woman to whose influence this unexpected turn of affairs is attributed; but this I will venture to assert, because I have the proofs in my power, that Gibraltar, Minorca, Jamaica, and the greater part of our possessions in the East and West Indies, would have been among some of the first sacrifices that would have fallen; had it not, I may say, been for the miraculous interposition of Providence in our favour. We were, then, not a whit less consistent than we are now; though we had not a single line of battle ship fit for actual service. I trust, however fashionable it may be to hold the same language at present, we should not again trust to the chapter of accidents, but that we will make an enquiry into the true state of our navy, as well as the conduct of the persons to whose care it has been entrusted; and whenever that day shall come, I pledge myself to your Lordships, that I will take an active and decided part in bringing to condemnation such as have been wanting in their duty. Two things have come out in the debate, which I cannot bring myself to subscribe to; one is, that the Spaniards are not to be depended on; and that the language of the house of Bourbon is justifiable, because we took their ships before a declaration of war. On the former I shall only observe, that I presume the Spaniards, in their public transactions, have as much honour as any other nation; and that though I was but a child at the time, by the best and most impartial account I have

read on that affair, I never could discover but Great Britain was fully justified in her conduct on that occasion. I shall trouble your Lordships with but one observation more, relative to the determined pacific system of the court of Versailles, so confidently set forth and relied on by the first noble Earl in office who spoke in this debate; and I trust your Lordships will think it fully in point, should the court of Spain by their conduct, create the occasion. In the year 1741, in the second or third year of the Spanish war, during the ministry of the Cardinal [Fleury] a man of the most pacific dispositions that ever directed the councils of France, Lord Waldegrave, being then our ambassador at Paris, frequently pressed his eminency relative to an armament then fitting out at Brest, to know its destination, or whether particularly it was meant to join and co-operate with the Spanish fleet. The Cardinal always assured him, in the fullest and most explicit terms, that France was resolved to take no part whatever in the quarrel subsisting between the two crowns. His Lordship, however, went out one day, and heard it publicly asserted in the streets, that the fleet had sailed from Brest, and was destined to reinforce the Spanish fleet, then cruising in the Mediterranean; on which he immediately repaired to the Cardinal to upbraid him with his breach of promise, if the fact should turn out to be true. "You were not misinformed, my Lord," replied the Cardinal, "the fleet is actually sailed, and for the purpose you heard. I confess likewise, that I had frequently solemnly assured you of the contrary; and further I own, that Spain is entirely in the wrong, and that it is perhaps neither prudent or politic in us to take part in their business; but I would wish you, my Lord, at the same time to perfectly understand, though we do not approve of the motives of their going to war, and will always carefully avoid to encourage them in their broils in the first instance, when engaged for any time, we can never submit to remain inactive spectators of their ruin, and your consequent aggrandizement."

The Lord *Mansfield* rose to defend the general principles of the bill, and to reply to the objections urged and supported by those who were in favour of the repeal. His Lordship, though he did not directly own the sentiments imputed to him, containing certain doctrines in law and politics, said to have been maintained by him in giving judgment in the cause of Campbell against the Receiver General of Grenada, relative to the $4\frac{1}{2}$ per cent. duties claimed by the King on the exported produce of that island, virtually proved, nevertheless,

vertheless, that the sentiments were not without foundation, because he endeavoured to defend every single proposition they contained. This general defence, brought up Lord *Camden*, who went over the same ground again, by either maintaining his former positions, illustrating the facts on which they were built, or replying to every answer that had in the course of the debate been attempted to be made to his original objections, and at the conclusion claimed the victory, in reference to those objectionable doctrines adverted to in the morning: observing, that the learned Lord [Lord Mansfield] had deserted the main proposition, on which all the others rested; namely, that the King coming in as a conqueror, could give the conquered any constitution he pleased; or, if the new subjects claimed the benefit of capitulation or cession, the King might, at his option, stand in the place of the former prince; whereas the learned Lord was now obliged to confess, contrary to his former opinion, that a King of England could not in any circumstances, or coming in under any title, exercise an arbitrary power, or reign over any of the subjects of the British Empire in a despotic manner, against the spirit of the constitution.

[This law contest lasted near two hours; but Lord *Camden* having in reply to something Lord Mansfield said, such as that some constitution was better than none, pledged himself to produce a better in twenty-four, or even twelve hours; the Earl of *Denbigh* stood up, and demanded, why the noble and learned Lord had not produced one before.]

This debate lasted till ten o'clock: when the question was put, on the Earl of *Dartmouth's* motion to reject the proposed bill. The House divided. Contents, 88; Non-contents, 28.

The following were the Non-contents.

Dukes of	Gloucester	Earls of	Effingham
	Cumberland		Spencer
	Richmond	Bishop of	Exeter
	Manchester	Lords	Craven
Marquis of	Rockingham		Ponsonby
Earls of	Abingdon		Ravensworth
	Scarborough		Archer
	Stanhope		Wycombe
	Cholmondeley		Beaulieu
	Fitzwilliam		Camden
	Radnor		

The

The following Lords voted by proxy.

Dukes of	Devonshire	Viscount	Torrington
	Portland	Bishop of	St. Asaph
Earls of	Stamford	Lord	King
	Tankerville		

May 18.

The Duke of *Manchester* brought in a memorial from the house of assembly at New-York, and moved that the same might be read.

The Earl of *Dartmouth* observed, that it was usual for a Lord, when he presented a petition, to state the subject of it, in order for the House to have an idea how far it was proper to give leave for it to be read.

The Duke of *Manchester* replied, that he could not take upon him to state the matter of the petition without doing injustice to it; but, in general, it was to complain of grievances; and read the concluding words.

The Earl of *Buckinghamshire* said, it ought certainly to be opened more fully; and desired to know if it did not contain matter derogatory to the supreme legislative power of Great Britain.

The Earl of *Denbigh* observed, that the title of the paper rendered it inadmissible: It was called a memorial. Now memorials are presented from one crowned head to another; but as to a memorial from an American assembly, it was unheard of, and ought not, on that account, to be read.

The Earl *Gower* added to this, that the title given to the paper was suspicious: A petition from the same assembly had been presented to the King, the colonies not denying the supreme rights of his Majesty; a remonstrance to the Commons, and now a memorial to the Lords. They dropt the usual word petition, lest from that it should be imagined that they acknowledged the supreme power of those branches of the legislature; upon this account therefore the contents of it ought to be opened more to the House.

The Duke of *Manchester* replied, that if the House insisted on his performing the office of clerk he would submit, but till then he should decline reading it; and as to opening the subject of it he had done it already.

The Earl of *Hillsborough* said, that the orders of the House were not to be dispensed with; a Lord was not allowed to present a petition unless he opened the purport of it; that the noble Duke reading it in his place, as a part of his speech,

speech, would be accepted by the House; or if the Duke thought that it would be too great a burthen for him to read it himself, that then the clerk might go to him, and stand by his Grace, and read the memorial as a part of his speech.

The Duke of *Richmond* ridiculed this idea. What, my Lords! the clerk go and stand by a Lord and read a paper, as a part of that Lord's speech! Very pretty truly! Why then we need not any of us be at the trouble of making speeches; we need only get our speeches written for us, and have the clerk read them; we may then any of us prove as eloquent as the noble Earl himself. Objections (he added) have been made to the term Memorial, as if belonging to sovereigns, and denying our rights: that is very strange, surely; when it is well-known every ensign in the army, who has objections to the treatment he receives, has the right of presenting a memorial to the King; I think, therefore, there is nothing in the term derogatory to the dignity of this House in it.

The Earl of *Sandwich* contended, that the noble Duke had been repeatedly called on to open the contents of the memorial, but would not comply; for as to telling the House merely it was a complaint of grievances, that was nothing satisfactory: as this was the case, he moved an amendment to the Duke's motion for reading the memorial, by adding the words, "the contents of which had not been opened."

The Duke of *Richmond* observed, that this amendment threw a reflection on the noble Duke who brought in the memorial, which would be highly unjust: that in his opinion the contents had been opened; that is, the principal part of the memorial, the prayer of it, which was for a redress of grievances; therefore, if the amendment was accepted, he must move another to do justice to the noble Duke, by an explanation of how far he had opened it; and moved to add the concluding words of the memorial which the Duke of *Manchester* had read.

The Earl *Gower* said, that the noble mover had not opened the contents; for merely saying it was for a redress of grievances, and reading the concluding words, was saying nothing, unless he mentioned what those grievances were: a friend of the house of *Stuart* might petition for the redress of a grievance, and that grievance might be the want of the throne; thus, if the particulars are not mentioned, we can judge of nothing.

The

The Lord *Camden* spoke exceeding well; he stated the great-injustice of not allowing a Lord to open the contents of a petition in the way he thought proper; there could be but two ways, one forcing him to read the whole, which was a drudgery they could not think of; the other, touching the heads of it: now, if a Lord is to open the contents particularly, and upon that opening the fate of the petition is to depend, then it must depend upon the capacity and abilities of the individual who does it, which would be throwing a negative upon petitions in general. But he was so great a friend to petitions being received and read, let them come from whom they might and under whatever name, that throwing these obstructions upon them must be very mischievous. That the amendment in favour of the noble Duke was highly reasonable and ought to be accepted.

The Lord *Mansfield* spoke to the order of the proceedings of the House, and attempted to shew that a Lord must open the contents of a petition, and that the Duke of Manchester had not done it.

The Lord *Wycombe*. [Earl of Shelburne] reminded the House, that when the City of London presented their remonstrance to the King, lawyers were consulted upon the legality of not receiving it; yet so highly was the right of a subject to petition thought of, that it was determined it must be received, under whatever name.

The Earl of *Effingham*. The turn which this debate has taken, makes it unnecessary for me to remark on any thing which in the course of it has fallen from any noble Lord; but as I wish to call your Lordships' attention rather to the subject matter, than to the form and manner of the paper offered to you, I hope I shall stand excused, if I treat the latter as trifling, when put in competition with the salutary or dreadful effects of admitting or rejecting the means now in your hands, of restoring harmony to this distracted empire. What may be the fate of the amendment proposed, I know not; but I fear it is too easily to be guessed, from the complexion of the House, what will be that of the memorial. If any thing, my Lords, can add to the reluctance with which I at any time trouble your Lordships, it is a consciousness of my own inability to treat this subject as it ought to be treated. Indeed the importance of it is such, as would deter me from entering into it at all, did I not think, that in the precarious situation in which this country stands

at present, it is the duty of every man to avow his principles and sentiments with firmness and integrity. The indulgence which I have before experienced, encourages me to expect again from your candour, that attention, which I have not, like many among your Lordships, the abilities to command. I confess I wish to avoid the discussion of our right to such a power as we are contending for; that is to say, a power of taxing a set of subjects who are not represented among us, and who have full power to tax themselves in the ordinary and constitutional manner. Were any particular province among the Americans to refuse grants of money in proportion to others, or to commit any act in abuse of their charters, I think that supreme controuling power, which the province in question allows in its full extent, would give us the charge, *Ne quid detrimenti, res capiat publica*. And in that case, my Lords, almost the whole empire would be united against the wrong-headed few, who would be soon brought to reason. But I am satisfied, that without such necessity, we have no more right to exercise the power of taxation in that country, than a Roman dictator had to begin his office with a declaration, that his power should be perpetual, and was necessary in the ordinary business of government. Therefore, my Lords, whatever has been done by the Americans, I must deem the mere consequence of our unjust demands. They have come to you with fair arguments, you have refused to hear them; they make the most respectful remonstrances, you answer them with bills of pains and penalties; they know they ought to be free, you tell them they shall be slaves. Is it then a wonder, if they say in despair, "for the short remainder of our lives, we will be free!" Is there one among your Lordships, who in a situation similar to that which I have described, would not resolve the same? If there could be such a one, I am sure he ought not to be here. To bring the history down to the present scene. Here are two armies in presence of each other; armies of brothers and countrymen; each dreading the event, yet each feeling, that it is in the power of the most trifling accident, a private dispute, a drunken fray in any public house in Boston; in short, a nothing, to cause the sword to be drawn, and to plunge the whole country into all the horrors of blood, flames and parricide. In this dreadful moment, a set of men, more wise and moderate than the rest, exert themselves to bring us all to reason. They state their

their claims and their grievances; nay, if any thing can be proved by law and history, they prove them. They propose oblivion; they make the first concessions; we treat them with contempt, we prefer poverty, blood, and servitude, to wealth, happiness, and liberty. My Lords, I should think myself guilty of offering an insult to your Lordships, if I presumed to suppose there was any amongst you who could think of what was expedient, when once it appeared what was just. I might otherwise have adverted to the very formidable armament preparing by Spain; but as that argument ought to have no consideration with your Lordships, I shall not suppose it would have any; and for that reason will entirely reject it. What weight these few observations may have, I don't know; but the candour your Lordships have indulged me with, requires a confession on my part which may still lessen that weight. I must own I am not personally disinterested. Ever since I was of an age to have any ambition at all, my highest has been to serve my country in a military capacity. If there was on earth an event I dreaded, it was to see this country so situated as to make that profession incompatible with my duty as a citizen. That period is, in my opinion, arrived; and I have thought myself bound to relinquish the hopes I had formed, by a resignation which appeared to me the only method of avoiding the guilt of enslaving my country, and embroiling my hands in the blood of her sons. When the duties of a soldier and a citizen become inconsistent, I shall always think myself obliged to sink the character of the soldier in that of the citizen, till such time as those duties shall again, by the malice of our real enemies, become united. It is no small sacrifice which a man makes who gives up his profession; but it is a much greater, when a predilection, strengthened by habit, has given him so strong an attachment to his profession as I feel. I have, however, this one consolation, that by making that sacrifice, I at least give to my country an unequivocal proof of the sincerity of my principles.

The House divided at half past eight.

For reading the memorial 25.

Against it 45.

The following is a copy of the memorial.

To the Right Honourable the Lords Spiritual and Temporal of Great Britain, in Parliament assembled.

The memorial of his Majesty's faithful subjects and representatives of the Colony of New-York, in general assembly convened.

May it please your Lordships,

We his Majesty's most dutiful and loyal subjects, the representatives of the colony of New-York, in general assembly convened, are conscious, when we address your Lordships, that we are applying to a body who have ever been distinguished for the firmest attachment to the principles of liberty, and that happiest result of them, the British constitution.

We acknowledge ourselves, and the people we represent, strictly bound by the ties of faith and allegiance to our most gracious sovereign, that we justly owe the same faith and allegiance as are due to him from his subjects in Great Britain, that we regard him with the utmost veneration, and that we shall be ever ready to contribute to his service, and to support the dignity of his crown and government.

We esteem ourselves happy in our connection with the parent state, whose true interests are inseparably united with our own; and we are fully sensible, that none but the enemies of both countries could ever wish to disjoin them.

Impressed with these sentiments, we consider ourselves as parts of one great empire, in which it is necessary there should be some supreme regulating power. But though we acknowledge the existence of such power, yet we conceive it by no means comprehends a right of binding us in all cases whatsoever, because a power of so unbounded an extent, would totally deprive us of security, and reduce us to a state of the most abjective servitude.

The colonies, as your Lordships know, were not in contemplation when the forms of the British constitution were established; it followed, therefore, from its principles, when colonization took place, that the colonists carried with them all the rights they were entitled to in the country from which they emigrated; but as, from their local circumstances, they were precluded from sharing in the representation in that legislature in which they had been represented, they of right claimed, and enjoyed a legislature of their own, always acknowledging the King, or his representative, as one branch thereof. This right they have pointedly, repeatedly, and zealously asserted, as what only could afford them that security

curity which their fellow subjects in Great Britain enjoy under a constitution, at once the envy and admiration of surrounding nations, because no money can be raised upon the subject of Great Britain, not any law made that is binding on him, without the concurrence of those who have been elected by the people to represent them.

For what happiness can the colonists expect, if their lives and properties are at the absolute disposal of others? And that power which, when restrained within its just bounds, would dispense light and heat to the whole empire, may be employed like a devouring flame, to consume and destroy them.

Your Lordships will excuse, nay, we doubt not will commend us, for speaking at this important juncture with the freedom becoming the representatives of a free people, when addressing ourselves to this most illustrious body.

We therefore beg leave, on this occasion, to declare, we conceive the people of the colonies entitled to equal rights and privileges with their fellow subjects in Great Britain; and that upon these principles it is a grievance of a most alarming nature, that the Parliament of Great Britain should claim a right to enact laws, binding the colonies in all cases whatsoever.

Incompatible as this claim is with the very idea of freedom, your Lordships cannot wonder that the colonies should express an invincible repugnance to it. Absolute and uncontrollable power in any man, or body of men, necessarily implies absolute slavery in those who are subject to it; even should such a power not be carried into execution, yet let it be remembered, that the liberties of an Englishman are his rights, and that freedom consists not in a mere exemption from oppression, but in a right to such exemption founded on law and the principles of the constitution.

But your Lordships cannot be ignorant that this claim has been exercised in such a manner as to give the colonists the utmost uneasiness, and the most unexceptionable grounds of complaint.

Duties, for the express purpose of raising a revenue in America, have been imposed upon several articles imported directly from Great Britain, or the British colonies, and on foreign wines, an article which does not in the least interfere with the products of Great Britain, nor any of its colonies.

The jurisdiction of the admiralty courts have been extended beyond its antient limits; the judges of those courts, invested

invested with new and unconstitutional powers; the subjects in America, in many cases, divested of that invaluable privilege, a trial by jury, and a discrimination highly injurious held up between us and our fellow subjects in Great Britain.

Acts have been passed for the purpose of suspending the legislature of this colony from the exercise of its constitutional powers, till it should comply with requisitions which it had before judged improper, and laying an unreasonable restraint upon us with respect to the emission of a paper currency to be a legal tender within the colony.

Officers employed in the administration of justice, have been rendered independent of the people with respect both to their salaries and the tenure of their commission, whereby they are forced from those checks, to which, as servants of the public, they ought to be subject, although the representatives of the people have ever been ready, and now declare their willingness to make suitable provision for their support.

New and unconstitutional acts have been passed, and constructions made of an old one, by which the American subject is directed to be tried for offences, either real or supposed, not in the place where the fact was committed, where his witnesses reside, and their characters are known, but in a strange country, where his witnesses may not attend, and where their credibility cannot be ascertained.

We are extremely unhappy that occasion has been given us to add to the catalogue of our grievances, the laws enacted in the last session of the late Parliament, for shutting up the port of Boston, for altering the government of the Massachusetts Bay, and for the impartial administration of justice, in certain cases, in that province.

Although it is not our intention to enter into a justification of the measures which occasioned those acts, or to intimate an approbation of the mode pursued for redressing the grievances of which they have been productive, yet we cannot help viewing them as forming precedents of so dangerous a nature, as must render the privileges, the property, and even the lives of all his Majesty's American subjects precarious and insecure.

By other acts of the same session, the bounds of the province of Quebec are considerably extended; the Roman Catholic religion may be construed to be established throughout that province; and such regulations are enacted respecting its trade, as not only hold up a discrimination between the continental,

continental, and other colonies; injurious to the former, but in the establishment of the port of entry, cannot fail totally to deprive this colony of an extensive and important commerce, which it formerly carried on with the native Indian inhabitants of that vast track of country, now included within the bounds of that government.

These are the principal grievances under which our constituents at present labour; but though we conceive it our duty thus fully to lay them before your Lordships, we beg leave to assure you, that we shall always cheerfully submit to the constitutional exercise of the supreme regulating power lodged in the King, Lords and Commons of Great Britain, and to all acts calculated for the general weal of the empire, and the due regulation of the trade and commerce thereof.

We conceive this power includes a right to lay duties upon all articles imported directly into the colonies from any foreign country or plantation which may interfere with products and manufactures of Great Britain, or any other part of his Majesty's dominions; but that it is essential to freedom, and the undoubted rights of our constituents, that no taxes be imposed on them but with their consent given personally, or by their lawful representatives.

Whilst, therefore, we entertain such dispositions of obedience to the lawful powers of government, of allegiance to our most gracious Sovereign, and attachment to the parent country; we humbly hope that your Lordships will aid and concur in redressing our grievances, removing all causes of dissension with Great Britain, and establishing our rights and privileges upon a solid and lasting foundation.

And your memorialists shall ever pray,

By order of the general assembly,

JOHN CRUGER, Speaker.

*Assembly-chamber, city of
New-York, 25th day of
March, 1775.*

May 19.

The Duke of *Richmond* stated to the House, with great clearness, that a strange and dangerous mistake had been made in an appeal, in the case of Sir Thomas Broughton. He said, the cause was first tried in the court of Common Pleas, and the judgment there was very generally approved of in Westminster Hall. But upon an appeal to the King's Bench,

Bench, some new light had struck the noble Lord who presided there in consequence of which the judgment was reversed. From this reversal there was an appeal to that House: The opinions of the Exchequer Bench being taken, the Chief Baron only was for the judgment of the King's Bench, the rest against it. There were nine Lords in the House, on hearing the repeal. Of these the Lord Chancellor and Lord Camden spoke for reversing the judgment, and the Bishop of Ely with the Lords Northington and Sandys, were of the same opinion; so that there were five to four for reversing the judgment of the King's Bench; and yet by some unaccountable mistake the Chancellor declared it was affirmed. His Grace after stating this accident to the House, with great candour and modesty, submitted the consideration of the remedy to their Lordships.

The Lord Chancellor acknowledged the facts as his Grace had stated them, he lamented the mistake, but exculpated himself, by insisting that it was no more his business than that of any other Lord to call for a division. He said, whatever the world might think, it would have been an excess of idiotism in him to decide against his own opinion, if he knew the majority was with him.

The Earl *Gower* lamented the transaction in terms of great propriety, but conceived a remedy impracticable, as the particular case could not be re-considered.

The Duke of *Chandos* informed their Lordships, that he moved to affirm the judgment. He said, he was encouraged to give an opinion in the cause, from Lord Camden's having declared, that it was a question on which the lay Lords were very competent to decide. He felt no wish to have carried the question by indirect means, but lamented what had happened, and the more so that he remembered an instance in which the decision was against the judgment of other Lords and of himself, tho' they were withheld by diffidence from insisting on their opinions. For the future, he said, he was determined no such thing should happen.

The Lord *Camden* re-stated the argument he delivered when the point was agitated. He said, that having declared his opinion in his place, it was less incumbent on him to call for a division, which was seldom or never his practice, as it might wear the appearance of party, which ought never to interfere in judicial questions. Tho' he felt and lamented the hardship of the particular case, yet he professed his incapacity to suggest a remedy on the sudden; but thought it worthy the attention of every Lord to turn it in

his mind; that right, if possible, might be done in the particular case, and some regulation adopted to prevent the possibility of such an accident for the future.

The Lord *Mansfield* now interposed, with that dictatorial authority, which the usual infallibility of his opinion, his weight with the House, and the favour of the King so justly inspire. He told them it was of infinite importance, that they should hold out to the public, clearness of decision, that the moment the word *affirm* came from the woolsack, it was incumbent on every Lord to maintain the decision, for the honour of the House, and the quiet of the public: that even the Lords who differed in opinion, were bound, from that moment, to bury and forget their opinions in favour of the general authority. He reprobated the very idea of rehearing causes; and said, upon memory, that, in the case of one *Fitzgerald*, during the Queen's time, such an attempt had been made, by Lord *Harcourt*, whose mind was uneasy under a determination in which he had acquiesced. But the proposition was over-ruled by a majority after full debate, in which Lord *Bathurst*, the present Chancellor's father, took a great lead. He thought the present case was not likely to be so bad as it seemed, for he had happened to talk privately and confidentially with one of the Lords who was supposed to be against the judgment as it now stood, and had altered his opinion in twenty-four hours after the determination. He concluded with imposing silence on the subject.

The Lord *Wycombe* [Earl of *Shelburne*] agreed with the noble Lord who spoke last, in the transcendent importance of maintaining the reputation, weight, and consequently the authority of the House, as the supreme court of judicature. He said, religion and law were the two great pillars of society. That he was sorry to see the former losing daily much of its influence, that a subtle metaphysical spirit of refinement had crept in, and made writers, countenanced, he feared, by men in high station, use the words religion and prejudice as synonymous. With regard to the law, what had fallen from many Lords, was exceedingly alarming. One erroneous judgment stated by a noble Duke, and acknowledged by the House; another referred to by his Grace of *Chandois*: the fluctuation of judgment by private conference, to which Lord *Mansfield* had alluded; must hold out an alarming and uncomfortable picture to the public. For thirty years Lord *Hardwicke* presided at the head of the law, without a doubt arising of the wisdom and integrity

grity of the decisions in the courts of justice. But since that time, a certain diffidence had been gradually rising, till at length it walked abroad in open day. Every Lord, he said, must have felt with him, the importunity of suitors, in consequence of these doubts. Every one must have observed that publications of a very extraordinary nature were frequent; publications which would not be called libels, without the cruelty of depriving men injured, as in the present case, even of the miserable consolation of complaint. He observed, that the Chief Justice of the Common Pleas, in giving his opinion two years ago, had hinted at an over subtlety and love of innovation having found its way into Westminster Hall. For these reasons he felt it his duty not to let the matter remain exactly where the noble Lord, who spoke last, desired it might rest, but wished to bring the House back to what had fallen with so great propriety from Lord Camden, and to recommend it to, or rather call upon Lords of more ability, to turn in their minds, whether if right could not be done in the particular case, some means might not be devised to prevent it in future. The law Lords in particular, he thought, owed this to their own reputation, as well as to the House and to the public; that the character of that assembly might not be sullied with suspicion, and the confidence of the people in the supreme court of judicature shaken. For he would venture to prophecy, that if such suspicions got abroad, and became prevalent, it would shock, not only the administration of the day, but the very foundations of government itself.

The Duke of *Richmond* summed up the whole that had been said, with great precision and ability, and concluded with wishing some relief might be devised for the present complaint, with a proper provision against the same accident happening again.

May 22.

The order of the day, to consider of a petition, praying a re-hearing or revision of the judgment given by the House, relative to the advowson of Mottisfont, in the county of Southampton, affirming a judgment in error pronounced by the court of King's Bench.

The Duke of *Richmond* moved to have the petition read, which being complied with, his Grace then moved, that a committee be appointed to enquire into the true state of the contents and non-contents, and report their opinion thereon to the House.

The Lord *Chancellor* moved, that the petition might be rejected; he observed, that he had put the question in the usual manner; that no Lord present demanded a division, from whence he concluded, that the House was bound to do the same; that the Lords of an opinion contrary to what he pronounced acquiesced in what he said; that if this was not so taken, there was an end of all the modes of the proceeding; for this reason he moved that the petition might be rejected.

The Duke of *Richmond*. I am aware of the numerous difficulties, which present themselves, to obstruct a compliance with the present intended motion; but nevertheless, I think it my duty, as a member of this House, to do every thing in my power to preserve your Lordships' judgments unsullied and unquestioned, and to forward substantial justice in the most direct and satisfactory manner. The question now before your Lordships, is not whether the decision was, or was not, a wise one, or consonant to the legal and equitable construction of wills; but whether it was in truth the genuine sense of the House. It may indeed be objected, that any revision or rehearing of this business may be of the most fatal consequence, as letting in evils which your Lordships would neither be able to correct or limit. I foresee those inconveniencies, and feel the force of the arguments that may be built on them, as strongly as any noble Lord in this House; but it is because, in my opinion, the present proposed enquiry can establish no precedent, and that we are strictly warranted, by the orders of the House, that I presume to trouble your Lordships on the occasion. The two principal points I take to be these: It has been discovered, since the judgment was pronounced, that out of nine Peers present, five of them were for the reversal, and four against it. But says the noble Lord on the woollack, who just now spoke, the question being put in the usual form, three or four noble Lords signified their dissent, while those for the motion remained silent: therefore, says the learned Lord, "I was justified in declaring, that the non-contents had it; and when no person offered to divide the House, to pronounce in favour of the respondent in error." I grant what the noble and learned Lord offers to be extremely just; but at the same time, if it should come out that a majority were for the motion of reversal, I trust your Lordships, on this occasion, will have recourse to the only regular mode of taking the sense of the House, which is for the learned Lord on the woollack to stand up uncovered,
and

and begin with the youngest Baron, and so proceed to take the opinion of every Lord present, *seriatim*. What I propose is not contrary to precedent, for no longer ago than 1733, a petition was presented, praying for the re-hearing of a cause, setting forth, that the nephew of an appellant, who appealed in his name, was not interested. That position, my Lords, was referred to a committee to consider the facts stated, they reported unfavourably to the petitioner, the man was ordered into custody but ran away, and there the matter ended; proving however sufficiently that there was nothing contrary to your orders in admitting repetition praying for a re-hearing. In the House of Commons, where order is not in other matters so strictly adhered to, the Speaker, when he comes to put the question, says, after repeating it, "As many are of that opinion, say *aye*;" and then makes a rest, and again says, "As many as are of a contrary opinion, say *no*;" and a second, or a third time, if the sound be doubtful; by which formality, the parties have time to prepare for the division; whereas, by the manner of putting the question in this House, should it happen to be complicated, by amendments or otherwise, your Lordships may be surprised into a judgment manifestly contradictory to the sense of the majority. I will not pretend to decide how far that might have been the case in the present instance; but sure I am, your Lordships will never rest satisfied till this point is fully cleared up. I do therefore move, that a committee be appointed to enquire into the two petitions now read, and report their opinion thereon to the House,

The Earl of *Hillsborough*. I was present in the House, and spoke to the question; and, upon my own knowledge, confirm every syllable asserted by the noble Lord on the wool-sack to be literally and substantially true. However, all the circumstances of that day, now so much relied on, come to nothing, when I inform your Lordships, that I had it this day from the noble Lord, who it is contended would not have voted, that he positively meant to vote, and to have divided against the question, for affirming the judgment in error. And I beg leave to repeat again, that I heard three, if not four, non-contents, and to the best of my recollection, not one content. This being the true state of the case, my Lords, how does the matter really stand? On the old ground, that no question was ever put in this House more regularly, nor more fairly carried; and on the new ground taken up by the petition on your Lordships' table, that instead

of five to four, there were ten Lords present, five for, and five against; therefore the question was lost, the mover always requiring a majority.

The Earl of *Northington*. I shall just trouble your Lordships with a short state of the question. The advowson, which it is determined, passed by the will of the late Sir Bryan Broughton Delves, being sold by his lady, the supposed devisee, under the said will, to the respondent in error, Mr. St. John, a suit at law was instituted by the heir at law, or his presentee; and the matter being tried at Winchester assizes, the jury found a verdict for the presentee. It was, however, solemnly argued in the Common Pleas, where the verdict was confirmed. From thence the respondent moved the cause by writ of error into the King's Bench, where he obtained judgment; on which the appellant in error appealed to the wisdom and justice of this House. What was your Lordships' conduct on this occasion? Why, as two courts, I will venture to say equally respectable, had differed, you very properly desired the attendance of the Barons of the court of Exchequer, in order, as it was understood at the time, to be finally determined by their opinions. Three of them accordingly attended, the other being absent by illness. The Chief Baron was for affirming the judgment in error, the two Barons for the reversal: add to this, that the learned Lord on the woosack, to whose opinion your Lordships are always ready to pay the deference it deserves, and another noble and learned Lord near me [Lord Camden] followed the Barons in their opinions. I only repeat these circumstances to remind your Lordships of the true state of the matter, previous to the determination: and all I have to say now to the allegations of the petition under consideration is, that I testified my assent to the motion; that I was preparing to divide; that I was never more surprized in my life, than when I heard the judgment pronounced; and, that I do not recollect there were more than nine Lords in the House who would vote, the other four having gone below the throne, not chusing to divide.

The Bishop of *Ely*. For my part, I affirm, I did express my assent, whether the noble Lord on the woosack heard it, or not; and so far was I from being acquainted with the truth of the transaction, that I was for a minute before I knew that the question was carried against my opinion. As soon as I learned it was, I went to the noble Lord on the woosack and desired the mistake might be rectified, but was told it was too late. As to what the noble Lord says of the present

present opinion of another noble Lord, now absent, I confess, that to the best of memory, there were only nine remained to vote, the other four having retired behind the throne; and if any thing were wanting to confirm me in that opinion, my eagerness to divide, from my knowledge of the true state of the contents, and not-contents, perfectly satisfy me that it was so. Besides, I understood all along, that the noble Lord now alluded to, never meant to give a vote on either side.

The Earl of *Hillsborough*. It is not very usual, I believe, in this House, when a noble Lord rises to assert a fact, to afterwards retain any doubt concerning it. I know there were thirteen Lords present. I remember that three only of them went behind the throne, and that ten remained in the House; but however, as my word will not be taken, I will appeal to his Lordship's own words, which were delivered to me by message this morning, and that messenger your Lordships' own clerk, whereby he assured me that he did intend to vote, and would have divided against the motion. As to what the noble Lord might in conversation have said relative to dividing or not dividing, it can signify but very little, when opposed to his solemn assurance thus given; and were that to weigh, the noble Earl [Earl of Northington] assured me himself, that he did not know whether he should have voted, as he did not hear the arguments of council at the bar.

The Lord *Mansfield*. The merits of the present question are in some measure removed off their true ground, and are now decisive against the allegations stated in the petition. Instead, therefore, of going into the propriety or impropriety of receiving petitions for revisions and rehearings, the matter is stopped at the very threshold; for it comes out directly, that there were ten Lords in the body of the House, five for, and five against, consequently the motion must have been lost, and the mover left in a minority. But tho' the matter be thus of course disposed of, I cannot avoid saying a word or two on the supposed foundation on which the petition is built. How does the case stand in respect of rehearings in general? Why, that the ecclesiastical courts, and all matters connected with civil-law, admit of them. From thence they have made their way into the court of Chancery, and if any prayer of this kind could be entertained here, it would and must be on the idea of equity.

This House never took cognizance of causes in equity till Lord Chancellor Bacon's time. This was always deemed a court of law, in the *dernier resort*, in which the King was supposed to preside with his Peers, and, assisted by the judges of the realm, to expound, explain, and determine the laws of the land, according to their true legal construction and import, previous to the period I have now alluded to. But here, whatever the real jurisdiction of your Lordships may be in matters of equity, there is an end of the question at once. This is not a matter of equity, but mere law, the determination of which must, in the instant the judgment is pronounced, be ultimately final and irrevocable, even against yourselves. Your Lordships' power is at an end: the proceedings already had on it form at present part of the law of the land. Your Lordships can no more legally revoke the judgment now it is passed, than you can give one respecting a property which was never yet litigated; for I am bold to affirm, that any order of this House would now operate as well in one case as the other. I have made it my business to enquire into the usual mode of proceeding on rehearings, and do not find, that any have been granted since the rule established in 1693, till 1733, nor since the time the noble Duke alluded to. I perceive, that many applications of this nature have been made, but the greater part of them have been as constantly rejected, and not one of those granted ever prayed for a rehearing of a question of mere law ultimately decided. But, my Lords, what would the reasons now set up lead us to?—that certain Lords were present, and that they declined to divide the House, though they were a majority. As well, in my opinion, might a petition be presented to reconsider the proceedings of this House, when any of your Lordships happened to be locked out on a division. Suppose, which happened to be the case within these few weeks, any of your Lordships should *mistake* the question, and divide on the *wrong* side; suppose, in the very instance I now allude to, that the numbers had been equal, and that the noble Lord, by going *below* the bar, *instead* of *staying* in the House, had lost the question, would you permit his Lordship to come in, some days after, to desire the same question to be again debated? Suppose again, the tellers, through mistake or design, had misreported the numbers, would you consent to have the declared sense of the House set aside? I remember to have heard a matter of that sort upon one

of

of the greatest questions ever decided in this House: Lord Bradford, being a remarkable fat man, the teller, after the question was carried, said, that he counted him as ten, by which he gained the victory. It is, indeed more probable he might have told him as two; but in either event, it is plain, the matter was not to be set right, after the sense of the House was once regularly declared.

The Lord *Chancellor*. The noble Lord whose opinion has been so much alluded to in this debate, I can, from my certain knowledge, affirm, was sitting in the body of the House, on one of the middle benches, at the instant the question was put, and had not then retired behind the throne.

The Duke of *Richmond*. I have been to speak with the appellant at the bar, and he seems satisfied, by what has passed this day, that the numbers in the House were equal; he desires, therefore, to withdraw his petition, and decline giving your Lordships any further trouble.

May 23.

The House resolved itself into a committee on the bill for amending and explaining the Speaker's warrant bill. A trifling amendment was offered to be made to the first enacting clause, on which the Earl of *Sandwich* observed, as there were no facts proved at their Lordships bar to substantiate the allegations set forth in the preamble, it was impossible their Lordships could longer entertain the bill, consistent with their own rights and the usual established modes of proceeding.

The Earl of *Denbigh* supported the bill; contending, as no punishment would be inflicted by the bill, but barely withholding the issuing of the writ during the recess, as preparatory to fuller and more substantial proofs, no evidence was necessary.

An altercation now ensued between the two noble Lords, till at length the Lord Chancellor rose, and treated the House of Commons with great asperity; observing, among other things, that the Commons had learned to treat the Lords with a degree of disrespect and contempt that ought not to be tamely borne, or let to pass without notice; that in the present instance they had shewn the highest and most unbecoming indignity; and for those reasons moved, that the Chairman do now leave the chair. The debate now became general, till at length Lord Sandys moved for a conference. This gave a visible turn to the appearance of things.

The Duke of *Manchester* spoke against a hasty decision in a matter of such a nicety and difficulty, and moved to have the preamble and the first enacting clause of the bill read. A doubt which was the proper mode of proceeding seemed for some minutes to prevail, till Lord Abercorn moved, that the Chairman do leave the chair, and report some progress; which being agreed to, a resolution was then entered up, that a conference be desired with the Commons, to know the grounds of evidence they proceeded on, relative to the amended bill for directing the Speaker to withhold making out his warrant to the clerk of the crown, for issuing a writ for electing a burgess to serve in Parliament for the borough of Shafton, otherwise Shaftesbury, in the county of Wilts.

May 24.

The House having yesterday agreed to send a message to the Commons, desiring to be informed on what grounds they passed a bill for amending and explaining an act for empowering the Speaker, during the recess of Parliament, to direct warrants to the clerk of the crown to issue writs for electing persons in the room of such members as shall die, so far as to prevent the issuing a writ, during the present recess, for electing a burgess to serve in this present Parliament for the borough of Shaftesbury. The masters in chancery having delivered the said message, Mr. Holford acquainted the House, that he had a paper in his hand containing reasons delivered to him by the other House, which he read accordingly. The purport of the reasons read by the Master was, that they [the Commons] had appointed a select committee to try and determine on a petition complaining of an undue election and return for the said borough of Shaftesbury; that in the course of the examination of witnesses before the committee, most notorious bribery and corruption had been proved against a great number of electors voting at the said election: that the session being nearly terminated, and too far spent for the House to take cognizance of the facts, or make a full enquiry into the proceedings of their committee, so as to come to a final determination relative to the measures proper to be pursued against the delinquents, had deferred the further consideration of the affair till after the next recess; and that in the mean time they had thought it expedient to pass a bill for preventing the Speaker from issuing a writ, during the recess of Parliament for Shaftesbury, till they should first take the report of the committee into consideration.

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The order of the day was then moved for, to go into a committee of the whole House on the Speaker's warrant bill; and a motion being made, that the contents of the said written paper, with the minutes of the proceedings of the select committee of the House of Commons, be referred to the committee, Lord Scarsdale took the chair, and the Lord Chancellor rose and observed, that the reasons now transmitted by the House of Commons, accompanied by the minutes of the proceedings of their select committee, were sufficient to support the facts stated in the preamble of the bill; but that the motive for withholding the writ, in the words "it appears therefore improper and expedient to issue any writ during the recess," still remained unsupported by any fact or allegation in the bill. His Lordship therefore moved to leave out those words, which being agreed to, the House was again resumed, and the amendment proposed by his Lordship immediately reported.

No other public business.

May 26.

The King put an end to the session. See his Majesty's speech at the end of the first volume.

PETITIONS to the KING.

The following petition was delivered to the Earl of Dartmouth, January 18, 1775, to be by his Lordship presented to his Majesty.

*To the King's most excellent Majesty.
The petition of your Majesty's most loyal and dutiful your ancient subjects settled in the province of Quebec.*

Most humbly sheweth,
THAT we, upon the faith of your sacred Majesty's royal proclamation, bearing date the seventh day of October, which was in the year of our Lord one thousand seven hundred and sixty-three, did come and settle ourselves in the said province, purchasing houses and lands, and carrying on extensive trade, commerce, and agriculture, whereby the value of the land and wealth of its inhabitants are more than doubled; during all which time we humbly crave leave to say that we have paid a ready and dutiful obedience to government, and have lived in peace and amity with your Majesty's new subjects. Nevertheless we find, and with unutterable grief presume to say, that by a late act of Parliament, intituled, 'An act for the more effectual provision for the government of the province of Quebec in North America,' we are deprived of the franchises granted by your Majesty's royal predecessors, and by us inherited from our fore-fathers; that we have lost the protection of the English laws, so universally admired for their wisdom and lenity, and which we have ever held in the highest veneration, and in their stead the laws of Canada are to be introduced, to which we are utter strangers, disgraceful to us as Britons, and in their consequences ruinous to our properties, as we thereby lose the invaluable privilege of trials by juries. That in matters of a criminal nature the *habeas corpus* act is dissolved, and we are subject to arbitrary fines and imprisonment, at the will of the governor and council, who may at pleasure render the certainty of the criminal laws of no effect, by the great power that is granted to them of making alterations in the same.

We therefore most humbly implore your Majesty to take our unhappy state into your royal consideration, and grant

us

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us such relief as your Majesty in your royal wisdom shall think meet.

And your petitioners, as in duty bound, will ever pay.

Quebec, 12th Nov. 1774.

Zac. Macaulay,	} Quebec Committee. Montreal Committee.	J. Grant,	Joseph Ingo,
John Aitkin,		James Morrison,	Adam Scott,
John Patterson,		James Sinclair,	James Finlay,
Rand. Meredith		John Chisholm,	Pat. M'Clement,
John Lees,		James Jeffry,	William Pantree,
John Welles,		Robert M'Fie,	Jacob Bittez,
S. Fargues,		Francis Atkinson,	Leach Smith,
T. Walker,		David Shoolbred,	John Saul,
James Price,		Jon. Clarke Minot,	Francis Anderson,
John Blake,		Godfrey King,	Simon Fraser,
Isaac Todd,		John Land,	John Ross,
Alex. Paterson,		Caleb Thorne,	John M'Cluer,
John Porteous,		John Lees, junior,	James Woods,
John M'Cord,		Robert Jackson,	John Lees,
Charles Grant,		Hugh Richie,	Lemuel Bowles,
Robert Woolsey,		Alexander Lawson,	Thomas Davidson,
Nicholas Bayard,		Charles Daily,	Patrick O'Donell,
C. Le Marchant,		Edw. Manwaring,	Arch. Lawford,
John Fainter,		Michael Flanagan,	Simon Fraser, jun.
Thomas M'Cord,		J. Melvin,	Richard Vincent,
Henry Grebassa,		George Munro,	Daniel Cameron,
Robert Willcocks,		James Hanna,	James Galbraith,
John Renaud,		Joseph Torrey,	Roderick M'Leod,
Christy Cramer,		T. Walker, junior,	John White Swift,
George Gregory,		James Dyer White,	John Bonfield,
Lewis Chaperon,		John Bell,	Wm. Callander,
Frederick Petry,		Andrew M'Gill,	David Geddes,
James Cuming,		Samuel Holmes,	Samuel Morrison,
William Laing,		James Blake,	John Thomson,
George Jenkins,		James Noel,	Alexander Hay,
Francis Smith,		T. M'Murray,	James Doig,
Alexander Wallace,		Allan Paterson,	Joseph Bindon,
Richard Dobie,		James Symington,	Andrew Hayes,
George Measam,		Abram Holmes,	George Singleton,
Samuel Jacobs,	John Neagle,	John Stonhouse,	
Nicholas Brown,	Peter Arnoldi,	John Kay,	
Michael Morin,	Daniel Robertson,	D. Salesby Franks,	
William Kay,	Alex. Milmine,	J. Richardson, jun.	
John Lilly,	Thomas Fraser,	James Loach,	
John Sunderland,	A. Porteous,	Ezekiel Solomons,	
		James	

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James Perry,	John Comfort,	Benaiah Gibb,
J. Beck,	Adam Wentsel,	J. George Walk,
Law. Ermatinger,	Adam M'Farlain,	Michael Phillips,
Simon M'Tavish,	J. Vander Heyden,	C. Dumoulin,
J. Pullman,	Hinr. Gonnerman,	Francis Dumoulin,
James Frazer,	John Hare, junior,	Duncan Cumming,
G. Young,	G. Wright Knowles,	William Haywood,
William Ashby,	Benj. Forbisher,	Robert M'Cay,
Gavin Lourie,	William Murray,	James Robinson,
Phill. Brickman,	James Anderson,	Jean Bernard,
Benjamin Holborn,	John Trotter,	Lazarus David,
Joseph Borrel,	Christopher Chron,	P. Bouthillier,,
John Connolly,	William England,	Richard Walker,
John Durocker,	Meshach Leeng,	Josiah Bleakley,
B. Janis,	Thomas Boyd,	Aaron Heart,
J. Joran,	John Mittleberger,	Levy Solomons,
Jacob Maurer,	S. Mittleberger,	Alexander Fraser,
Simeon Lévy,	Isaac Judah,	Malcolm Fraser,
Edward Chinn,	Peter M'Farlane,	J. M'Cord, junior,
Richard M'Neall,	James May,	Henry Dunn.*
R. Cruickshanks,	Jacob Scieffelin,	

When the New-England restraining bill had passed the House of Lords, the committee of merchants of London deputed three of their body, Messrs. Lane, Molleson, and Bridgen, to present the following petition to his Majesty against it.

To the King's most excellent Majesty.

The humble address and petition of the merchants, traders, and others of the city of London, concerned in the commerce of North-America.

We your Majesty's dutiful and loyal subjects, the merchants, traders, and others, concerned in the commerce of North-America, beg leave to approach and humbly to lay before your Majesty those grievances, from the weight of which we are obliged to seek refuge in your royal wisdom and justice. An application of this extraordinary nature, we hope will not be attributed to any design on our part to disturb your Majesty's government, but to out present uncommon sufferings, the severity of which is aggravated by the prospect of future calamities.

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* The petition to the House of Lords and to the House of Commons were signed by the same persons.

We are constrained, with very deep concern, to observe, that the ministers of your Majesty have, for some years past, adopted a new mode of government, with regard to the colonies; a mode which has created great disquietude in the minds of your Majesty's American subjects, and has been productive of repeated interruptions of the valuable commerce carried on between this country and America. An evil of such magnitude awakes us from that silence which we have hitherto observed, in confidence that your Majesty's ministers, perceiving the effects of this fatal innovation, would revert at length to those wise regulations by which the government of the colonies had been successfully administered. In the measures of late pursued, we have the unhappiness to find that experience has been disregarded; and that the mischiefs resulting from this error, which by the application of seasonable and moderate remedies might have been prevented, have been suffered to grow to a degree of alarming inveteracy. The interruption of commerce, the distress of manufacturers, the diminution of your Majesty's revenue, are mischiefs which are lost in the contemplation of more disastrous consequences, the alienated affections of your Majesty's subjects in America, and the horrors of a civil war.

If the subjects of your Majesty in North America have been led into any acts of extravagance, we confide in your Majesty's justice to explain their present proceedings by that loyalty which has distinguished them upon former occasions. Your Majesty will estimate their conduct by the integrity of their intentions; and if they have been betrayed by repeated provocation, or excessive punishment, into any measures which may not approved, your Majesty will impute them to their true cause, and will make a just distinction between the turbulence of a faction, and the eager contentions of a free people.

To enforce this system of severity towards the colonies, an act has been passed by both Houses of Parliament, and is now awaiting your Majesty's royal assent; 'to restrain the trade and commerce of the province of Massachusetts Bay and New Hampshire, and colonies of Connecticut and Rhode Island, and Providence plantation in North America, to Great Britain, Ireland, and the British islands in the West Indies; and to prohibit such provinces and colonies from carrying on any fishery on the banks of Newfoundland, &c.'

By the operation of this act, many thousands of your Majesty's subjects in those provinces, bereft of their occupation, and in vain desirous of exerting their usual industry, will
either

either remain a burthen on the community, or suffer themselves to be hurried away by a spirit of enterprizing despair. The loss they will sustain by the interruption of so valuable a branch of their commerce, will be aggravated by the want of provisions which they derive from that source. Their minds already too much irritated, will be still more inflamed; and to their other causes of discontent will be added the strong and irresistible impulse of famine. So forcible an incentive, it is scarcely to be supposed that human nature can withstand. The most moderate will at length give way to the impatience of complaint; the most loyal will forget their duty, in the severe conflict of obedience and necessity.

We are sensible indeed, from the imperfect institution of human judicatures, that it is not possible in all cases to discriminate the innocent from the guilty. But no arguments, in our apprehension, can justify a mode of punishment that involves thousands, who confessedly are not guilty of the offence for which it is inflicted; a punishment that is not to be averted by the future deportment of the unfortunate persons who are the innocent victims of it, but which may be entailed upon them for ever, by the persevering resistance of their neighbours.

The impolicy of this act, we apprehend, will afford an argument no less weighty to induce your Majesty to withhold your assent from it. It must be admitted, if the European market could be supplied by the merchants of Great Britain or Ireland, that it cannot be supplied upon the same terms, and consequently that it will create an opening for the French to interfere and rival us in that beneficial commerce. Nor can it be urged that they are prevented from so doing by the limits to which their fishery is confined; for it is not improbable but that they may take a sufficient quantity of fish within their own limits to supply the European market; and even if that were not the case, they would undoubtedly effect it by other means. Whatever reliance may be placed in theory upon the invisible lines drawn by treaty, as the boundaries of the right of fishery, we are well acquainted by experience, how easily those limits are eluded or transgressed. But if this profitable branch of trade should be once interrupted, it will be as a river diverted from its course; and will either lose itself entirely, or wander into new channels, from whence no human effort can recall it.

We therefore most humbly pray your Majesty to withhold your royal assent from an act, which is no less repugnant to good policy than justice. We acknowledge the many blessings

sings which we and our ancestors have enjoyed under the princes of your Majesty's illustrious house; and feeling an unfeigned satisfaction in the paternal regard which your Majesty has repeatedly expressed for the welfare and happiness of all your subjects, with the greater confidence we intreat the exertion of that just and necessary prerogative, which the constitution has wisely placed in your Majesty's hands. Permit us at the same time to express our wishes, that your Majesty may temper with clemency those rigorous measures with which your American subjects are threatened. The benevolence of your Majesty will inspire you upon this occasion with a recollection of the high deserts of the ancestors of this unfortunate people; who flying from the house of bondage, and guided by the spirit of freedom and their own enlightened conscience, traversed the vast ocean, and encountered all the perils of a dreary wilderness.

Your Majesty will contemplate likewise the extensive benefits gradually derived from their patient industry and perseverance; and weighing the great commercial advantages that for many years have accrued to these kingdoms from the American colonies, and the dreadful consequences of the disorders which now distract them, will pursue such lenient measures as can alone restore true harmony, and promote the happiness and prosperity of the British empire.

The following petition of the People called Quakers, was also presented to his Majesty, by four respectable persons of their body.

To George the Third, king of Great Britain and the dominions thereunto belonging.

The address and petition of the people called Quakers.

May it please the King!

Gratefully sensible of the protection and indulgence we enjoy under thy government, and with hearts full of anxious concern for thy happiness, and the prosperity of this great empire, we beg leave to approach thy royal presence.

Prompted by the affection we bear to our brethren and fellow subjects; impressed with an apprehension of calamities in which the whole British empire may be involved; and moved by an ardent desire to promote thy royal intention of effecting a happy reconciliation with thy people in America, we beseech thy gracious regard to our petition.

From the intercourse subsisting between us and our brethren abroad, for the advancements of piety and virtue, we are persuaded there are not in thy extensive dominions, subjects more loyal and more zealously attached to thy royal person,

thy family, and government, than in the provinces of America, and amongst all religious denominations.

We presume not to justify the excesses committed, nor to enquire into the causes which may have produced them, but influenced by the principles of that religion which proclaims 'peace on earth and good will to men,' we humbly beseech thee to stay the sword; that means may be tried to effect without bloodshed, and all the evils of intestine war, a firm and lasting union with our fellow subjects in America.

Great and arduous as the task may appear, we trust men may be found in this country, and in America, who, properly authorized, would, with a zeal and ardour becoming an object so important, endeavour to compose the present differences, and establish a happy and permanent reconciliation, on that firm foundation, the reciprocal interest of each part of the British empire.

That the Almighty, by whom kings reign, and princes decree justice, may make thee the happy instrument of perpetuating harmony and concord through the several parts of thy extensive dominions; that thy clemency and magnanimity may be admired in future generations, and a long succession of thy descendants fill, with honour to themselves, and happiness to a grateful people, the throne of their ancestors, is the fervent prayer of thy faithful subjects.

The Address, remonstrance, and petition of the city of London, to the King, April 10, 1775.

To the King's most excellent Majesty.

The humble address, remonstrance, and petition of the Lord Mayor, aldermen, and livery of the city of London, in common-hall assembled.

We your Majesty's dutiful and loyal subjects, the Lord Mayor, aldermen, and livery of the city of London, beg leave to approach the throne, and to declare our abhorrence of the measures which have been pursued, and are now pursuing, to the oppression of our fellow subjects in America. These measures are big with all the consequences which can alarm a free and commercial people. A deep and perhaps fatal wound to commerce; the ruin of manufactures; the diminution of the revenue, and consequent increase of taxes; the alienation of the colonies; and the blood of your Majesty's subjects.

But your petitioners look with less horror at the consequences, than at the purpose of those measures. Not deceived by the specious artifice of calling despotism, dignity, they plainly perceive, that the real purpose is, to establish arbitrary power over all America.

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Your petitioners conceive the liberties of the whole to be inevitably connected with those of every part of an empire founded on the common rights of mankind. They cannot therefore observe, without the greatest concern and alarm, the constitution fundamentally violated in any part of your Majesty's dominions. They esteem it an essential, unalterable principle of liberty, the source and security of all constitutional rights—that no part of the dominion can be taxed without being represented. Upon this great leading principle, they most ardently wish to see their fellow subjects in America secured in what their humble petition to your Majesty prays for, peace, liberty, and safety. Subordination in commerce, under which the colonies have always cheerfully acquiesced, is, they conceive, all that this country ought in justice to require. From this subordination such advantages flow, by all the profits of their commerce centering here, as fully compensate this nation for the expence incurred, to which they also contribute in men and money for their defence and protection during a general war; and in their provincial wars they have manifested their readiness and resolution to defend themselves. To require more of them would, for this reason, derogate from the justice and magnanimity which have been hitherto the pride and character of this country.

It is therefore with the deepest concern, that we have seen the sacred security of representation in their assemblies wrested from them, the trial by jury abolished, and the odious powers of excise extended to all cases of revenue; the sanctuary of their houses laid open to violation at the will and pleasure of every officer and servant in the customs; the dispensation of justice corrupted, by rendering their judges dependent for their seats and salaries on the will of the crown; liberty and life rendered precarious by subjecting them to be dragged over the ocean, and tried for treason or felony here; where the distance, making it impossible for the most guiltless to maintain his innocence, must deliver him up a victim to ministerial vengeance; soldiers and others in America have been instigated to shed the blood of the people, by establishing a mode of trial which holds out impunity for such murder. The capital of New England has been punished with unexampled rigour, untried and unheard, involving the innocent and the suspected in one common and inhuman calamity; chartered rights have been taken away, without any forfeiture proved, in order to deprive the people of every legal exertion against the tyranny of their rulers—the *habeas corpus* act, and trial by jury, have been suppressed; and French despotic government, with the

180. P E T I T I O N S to the K I N G.

Roman Catholic religion, have been established by law over an extensive part of your Majesty's dominions in America; dutiful petitions for redress of those grievances, from all your Majesty's American subjects, have been fruitless.

To fill up the measures of these oppressions, an army has been sent to enforce them.

Superadded to this, measures are now planned upon the most merciless policy of starving our fellow subjects into a total surrender of their liberties, and an unlimited submission to arbitrary government.

These grievances have driven your Majesty's faithful subjects to despair, and compelled them to have recourse to that resistance which is justified by the great principles of the constitution, actuated by which, at the glorious period of the Revolution, our ancestors transferred the imperial crown of these realms from the Popish and tyrannic race of the Stuarts to the illustrious and Protestant House of Brunswick.

Your petitioners are persuaded, that these measures originate in the secret advice of men who are enemies equally to your Majesty's title and to the liberties of your people. That your Majesty's ministers carry them into execution by the same fatal corruption which has enabled them to wound the peace and violate the constitution of this country—thus they poison the fountain of public security, and render that body which should be the guardian of liberty, a formidable instrument of arbitrary power.

Your petitioners do therefore most earnestly beseech your Majesty to dismiss immediately, and for ever, from your councils, those ministers and advisers, as the first step towards a full redress of those grievances which alarm and afflict your whole people. So shall peace and commerce be restored, and the confidence and affection of all your Majesty's subjects be the solid supporters of your throne.

The King's answer.

It is with the utmost astonishment that I find any of my subjects capable of encouraging the rebellious disposition which unhappily exists in some of my colonies in North America.

Having entire confidence in the wisdom of my Parliament, the great council of the nation, I will steadily pursue those measures which they have recommended for the support of the constitutional rights of Great Britain, and the protection of the commercial interests of my kingdoms.

LIST

L I S T

Of the most material ACTS passed in this Session.

- A**N act to allow the importation of Indian corn.
 — for duty on malt, cyder, &c.
 — land tax 3s.
 — for regulation of marines on shore.
 — to repeal an act preventing the exportation of wool cards.
 — to punish mutiny and desertion.
 — for the importation of Irish provisions and potatoes.
 — for pay and cloathing the militia.
 — to restrain the trade and commerce of the provinces of Massachusetts Bay and New Hampshire, and colonies of Connecticut and Rhode Island, and Providence Plantation in North America, to Great Britain, Ireland, and the British islands in the West Indies; and to prohibit such provinces and colonies from carrying on any fishery on the banks of Newfoundland, or other places therein mentioned, under certain conditions and limitations.
 — to enable the commissioners to charge further taxes for draining Bedford Level.
 — for the relief and employment of the poor in Norfolk.
 — to explain an act for preventing combinations and abuses in journeymen dyers, &c. &c. &c.
 — to punish mutiny and desertion in America.
 — to indemnify persons omitting to qualify.
 — to restrain the trade and commerce of the colonies of New Jersey, Pennsylvania, Maryland, Virginia, and South Carolina, to Great Britain, Ireland, and the British islands in the West Indies, under certain conditions and limitations.
 — for relief and employment of the poor in Marybone, Middlesex.
 — for building offices in Lincoln's Inn.
 — for building a county gaol at Hertford.
 — for appointing commissioners of land tax.
 — for admeasuring waggons used in loading coals on board ships.

An act for reviving an act relative to the Mac Gregors of Scotland.

————— for giving fees to an officer to stamp weights for gold.

————— to repeal an act against erecting cottages.

————— for settling Buckingham House with the appurtenances upon the Queen, in case she shall survive his Majesty, in lieu of his Majesty's palace of Somerset House; selling Ely House in Holbourn, and applying the money in building public offices in Somerset House, and embanking the Thames within the bounds of the Savoy.

————— for lowering the duties on rape seed.

————— for the importation of goat skins.

————— not to issue a new writ of election for Shaftesbury.

————— to charge imported painted earthen ware with a duty.

————— to raise a sum of money by exchequer bills.

————— to enable justices of the peace to administer oaths.

————— for a lottery.

————— for granting a sum of money out of the sinking fund.

————— to continue an act obliging the East India company to export a certain value of the manufactures of Great Britain.

————— for clothing the troops in Ireland and granting a bounty on flax-seed imported into Ireland.

————— for licensing a play-house at Manchester.

————— ale duty in Scotland.

————— to restrain promissary notes of small sums.

————— for the universities of England, Scotland, and the colleges of Westminster, Eaton, and Winchester, to hold in perpetuity their copy-right in books.

T H E
Parliamentary Register;
OR,
H I S T O R Y
OF THE
PROCEEDINGS AND DEBATES
OF THE
HOUSE OF COMMONS;

CONTAINING AN ACCOUNT OF

The most interesting **SPEECHES** and **MOTIONS**; accurate Copies
of the most remarkable **BILLS**, **LETTERS** and **PAPERS**;
of the most material **EVIDENCE**, **PETITIONS**, &c.
laid before and offered to the **HOUSE**,

DURING THE

SECOND SESSION of the **FOURTEENTH PARLIAMENT**

OF

GREAT BRITAIN.

1940

1941

1942

1943

1944

1945

1946

1947

1948

1949

1950

1951

THE
H I S T O R Y
OF THE
PROCEEDINGS AND DEBATES

Of the SECOND SESSION of the
HOUSE OF COMMONS
OF THE
Fourteenth Parliament of *Great-Britain*.

Appointed to meet at *Westminster*, on *Thursday* the 26th Day of
October, 1775.

THE King being on the throne in the House of Peers, and the Commons attending, his Majesty opened the session with a speech.

The Commons being returned to their own House, the Speaker informed them, he had (to prevent mistakes) obtained a copy of his Majesty's speech; which he read as follows:

My Lords, and Gentlemen,

The present situation of America, and my constant desire to have your advice, concurrence, and assistance on every important occasion, have determined me to call you thus early together.

Those who have long too successfully laboured to inflame my people in America by gross misrepresentations; and to infuse into their minds a system of opinions repugnant to the true constitution of the colonies, and to their subordinate relation to *Great-Britain*, now openly avow their revolt, hostility, and rebellion. They have raised troops, and are collecting a naval force; they have seized the public revenue, and assumed to themselves legislative, executive, and judicial powers, which they already exercise, in the most arbitrary manner,

manner, over the persons and properties of their fellow-subjects: and although many of these unhappy people may still retain their loyalty, and may be too wise not to see the fatal consequence of this usurpation, and wish to resist it, yet the torrent of violence has been strong enough to compel their acquiescence, till a sufficient force shall appear to support them.

The authors and promoters of this desperate conspiracy have, in the conduct of it, derived great advantage from the difference of our intentions and theirs. They meant only to amuse by vague expressions of attachment to the parent state, and the strongest protestations of loyalty to me, whilst they were preparing for a general revolt. On our part, tho' it was declared in your last session, that a rebellion existed within the province of the Massachuset's Bay, yet even that province we wished rather to reclaim than to subdue. The resolutions of Parliament breathed a spirit of moderation and forbearance; conciliatory propositions accompanied the measure taken to enforce authority; and the coercive acts were adapted to cases of criminal combinations among subjects not then in arms. I have acted with the same temper; anxious to prevent, if it had been possible, the effusion of the blood of my subjects, and the calamities which are inseparable from a state of war; still hoping that my people in America would have discerned the traitorous views of their leaders, and have been convinced, that to be a subject of Great-Britain, with all its consequences, is to be the freest member of any civil society in the known world.

The rebellious war now levied is become more general, and is manifestly carried on for the purpose of establishing an independent empire. I need not dwell upon the fatal effects of the success of such a plan. The object is too important, the spirit of the British nation too high, the resources with which God hath blessed her too numerous, to give up so many colonies, which she has planted with great industry, nursed with great tenderness, encouraged with many commercial advantages, and protected and defended at much expence of blood and treasure.

It is now become the part of wisdom, and (in its effects) of clemency, to put a speedy end to these disorders, by the most decisive exertions. For this purpose, I have increased my naval establishment, and greatly augmented my land forces; but in such a manner as may be the least burthensome to my kingdoms.

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I have also the satisfaction to inform you, that I have received the most friendly offers of foreign assistance; and if I shall make any treaties in consequence thereof, they shall be laid before you. And I have, in testimony of my affection to my people, who have no cause in which I am not equally interested, sent to the garrisons of Gibraltar and Port Mahon a part of my electoral troops, in order that a larger number of the established forces of this kingdom may be applied to the maintenance of its authority; and the national militia, planned and regulated with equal regard to the rights, safety, and protection of my crown and people, may give a farther extent and activity to our military operations.

When the unhappy and deluded multitude, against whom this force will be directed, shall become sensible of their error, I shall be ready to receive the misled with tenderness and mercy: and in order to prevent the inconveniencies which may arise from the great distance of their situation, and to remove as soon as possible the calamities which they suffer, I shall give authority to certain persons upon the spot to grant general or particular pardons and indemnities, in such manner, and to such persons, as they shall think fit, and to receive the submission of any province or colony which shall be disposed to return to its allegiance. It may be also proper to authorise the persons so commissioned to restore such province or colony, so returning to its allegiance, to the free exercise of its trade and commerce, and to the same protection and security as if such province or colony had never revolted.

Gentlemen of the House of Commons,

I have ordered the proper estimates for the ensuing year to be laid before you; and I rely on your affection to me, and your resolution to maintain the just rights of this country, for such supplies as the present circumstances of our affairs require. Among the many unavoidable ill consequences of this rebellion, none affects me more sensibly than the extraordinary burthen which it must create to my faithful subjects.

My Lords and Gentlemen,

I have fully opened to you my views and intentions. The constant employment of my thoughts, and the most earnest wishes of my heart, tend wholly to the safety and happiness of all my people, and to the re-establishment of order and tranquillity through the several parts of my dominions, in a close connection and constitutional dependence. You see the tendency of the present disorders, and I have stated to you the measures which I mean to pursue for suppressing them. Whatever remains to be done that may farther contribute to this end,

end, I commit to your wisdom. And I am happy to add, that, as well from the assurances I have received, as from the general appearance of affairs in Europe, I see no probability that the measures which you may adopt will be interrupted by disputes with any foreign power.

Mr. *Ackland* moved that an humble address be presented to his Majesty; which motion he introduced with the following speech:

When I consider the importance of the subject brought under our consideration by the King's most gracious speech from the throne, that on our firmness or indecision, the future fate of the British empire and of ages yet unborn will depend; when I behold the eyes of all Europe fixed on the temper and first proceedings of this assembly, I cannot rise without feeling the inferiority of my own abilities, and dreading to sink under a burthen I find myself almost unequal to bear; but if the kind indulgence of this house will support me, I will beg its attention but for a few moments, and then conclude with moving a dutiful address to the King.

Reflecting, Sir, on the present situation of America, so greatly altered since our last meeting, when I see her rising from her subordinate relation to this country, to the undisguised assertion of independence and empire; when I attempt to deduce the consequences that will thence flow, not only to this country but to all Europe, I confess I stand amazed at the extent of the object. But, Sir, however awful the situation of public affairs may be, I hold it to be the first duty of a great national assembly, deliberating on a great national concern, not to despair of the republic; for whoever, Sir, attentively examines the spirit of opposition that has been so long fomenting in America, who traces its course from its origin to its present enormous height, through all the various appearances under which artifice, passion, and interest have alternately disguised it, must admit as I do, that the reducing America to a just obedience to this country is not without its difficulties; but he will conclude with me too, that where the interests of a great people are concerned, difficulties must be overcome not yielded to; nor are the difficulties superior to the strength of the nation that has to encounter them. Recollect the strength, the resources, and above all the spirit of the British nation, which when roused knows no opposition; let me remind you of those great, extensive and successful wars that this country has carried on before the continent of America was known; let me turn your attention to that period when you defended this very people from the attacks of
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the most powerful and valiant nation in Europe, when your armies gave law, and your fleets rode triumphant on every coast. Shall we be told then, that this people, whose greatness is the work of our hands, and whose insolence arises from our divisions, who have mistaken the lenity of this country for its weakness, and the reluctance to punish, for a want of power to vindicate the violated rights of British subjects; shall we be told that such a people can resist the powerful efforts of this nation.

The steps hitherto taken by Parliament have been marked by forbearance and moderation; for though it was well known that parts of America had been labouring to throw off the authority of this country, yet so unwilling was Parliament to exert its arms, that during the last session it continued to proceed by the coercion of civil power, trusting that the infatuation of the Americans would at last cease, and the sword might remain peaceful within its scabbard: but the Americans reasoned differently; they took advantage of our inclination to peace to prepare themselves for war, and though it was contended at our last meeting that New England was not then in a state of rebellion, it cannot now be contended that America is not in a state of war. From the very beginning of this quarrel the point in dispute between us has been perpetually fluctuating, and whatever the original contest might be, it is now lost in a contest for independence and empire. That the Americans have been long contending for independence, I believe I am not the only gentlemen in the House who is firmly persuaded; but now they hold a higher tone, presuming on a supposed invincibility of strength, they speak a clearer language.

The congress, in their observations on the conciliatory plan offered by Parliament last year, triumphantly demand "what right Britain has to interfere with her government, since she does not interfere with that of Britain?" Is not this the language of an independent state? It is a language that might well become France and Spain, but which cannot be reconciled to any idea of obedience from a colony to a mother country. In the private intercepted correspondence of their leaders, we find them boasting "of their labours in modelling a new government; raising, clothing and subsisting a large army, creating a marine, and founding an extensive empire:" but their actions still more loudly declare their intentions; than their professions; they have raised an army, they are creating a marine, and the continental congress, under the assumed power of its own self-created assembly, have issued bills on con-

tinental credit; they have made war too, in all its forms, on the people of whom they would wish to be independent.

The question is now therefore reduced into a very short compass, do gentlemen chuse to acquiesce in the independence of America, or to enforce their submission to this country by vigorous measures? We shall be told perhaps not only of the difficulties of such an enterprize, but of the few advantages we can draw from a country reduced by the calamities of war: but this argument has little weight with any one who considers that the same force which is sufficient to subdue the disobedient spirit of America, is also sufficient and will be exerted to repair her losses, and alleviate her calamities. How soon were the mischiefs of the last war repaired! how soon was commerce restored, and industry re-animating in all parts of the world! But admitting this argument in its full force, admitting that America is regained, weakened and exhausted by the unnatural struggle; compare this situation with that of American independence; compare it with the perpetual loss of those exclusive advantages you have hitherto enjoyed in her trade; consider too, that the moment America is independent, she becomes the arbiter of your West-Indian trade, and a dangerous rival in many of the other branches of British commerce; from that moment the North American merchant becomes the rival of the British merchant in every part of Europe, Asia, and Africa, whilst the European, the Asiatic and African merchant, will be received as favourably as the British through the whole American continent: and I must maintain, that it would have been better for this country that America had never been known, than that a great consolidated American Empire should exist independent of Britain.

Would gentlemen, not mutually reproaching each other for what has or has been done, without passion and without prejudice, consider what the exigency of affairs requires now to be done, they will perceive, whatever its origin might be, to such a height is this dispute now run, that no measures can be proposed that the Americans, confident in their own strength, would now accept, that would not terminate in real though perhaps not in nominal independence; as therefore there is now no medium left between their submission and their independence, those who think it for the advantage of this country that America should be reduced to a due submission to its legislature, will of course strengthen the hands of the executive power for that constitutional purpose; those, if there are any such, who wish to see America independent, may live to see the consequences of their mis-judged partiality to
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that country, fatal to the interests of this, which ought to be, and I trust will be, the first and dearest object to the representatives of British freeholders.

Governor *Lyttelton* seconded the motion for the address. He expatiated on the necessity of strengthening the hands of government, if coercive measures were intended to be pursued. He compared America to a chain, the upper part of which was strong, and the lower weak; he explained this, by saying, the northern colonies, or upper part of the chain, were strong, populous, and of course able to make resistance; the southern colonies, or lower part, were weak, on account of the number of negroes in them. He intimated, if a few regiments were sent there, the negroes would rise, and embroil their hands in the blood of their masters. He was against any conciliatory offers being made; said this was the most proper time to speak out; and thought, at all events, the honour of the nation required coercive measures; that the colonies ought to be conquered and then to have mercy shewn them; concluding, from Virgil, with *parcere subjectis et debellare superbas*.

Lord *John Cavendish* moved an amendment to erase the whole address, except the first paragraph, and to insert the following instead:

That we behold, with the utmost concern, the disorders and discontents in the British colonies, rather increased than diminished by the means that have been used to suppress and allay them; a circumstance alone sufficient to give this House just reason to fear, that those means were not originally well considered, or properly adapted to answer the ends to which they were directed.

We are satisfied by experience that the misfortune has, in a great measure, arisen from the want of full and proper information being laid before the Parliament of the true state and condition of the colonies; by reason of which, measures have been carried into execution injurious and inefficacious, from whence no salutary end was reasonably to be expected; tending to tarnish the lustre of the British arms, to bring discredit on the wisdom of his Majesty's councils, and to nourish, without hope of end, a most unhappy civil war.

Deeply impressed with a melancholy state of public concerns, we shall, in the fullest information we can obtain, and with the most mature deliberation we can employ, review the whole of the late proceedings, that we may be enabled to discover, as we shall be most willing to apply, the most effectual means of restoring order to the distracted affairs of the

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the British empire, confidence to his Majesty's government, obedience, by a prudent and temperate use of its powers, authority of Parliament, and satisfaction and happiness to all his people.

By these means we trust we shall avoid any occasion of having recourse to the alarming and dangerous expedient of calling in foreign forces to the support of his Majesty's authority within his own dominions, and the still more dreadful calamity of shedding British blood by British arms.

Sir *James Lowther* seconded this motion. He strongly urged the great impropriety and danger of vesting the important fortresses of Gibraltar and Minorca in the hands of foreigners. He condemned the address throughout; attacked the whole system of colony government, and the measures arising from it; and with peculiar energy, urged the interest he had in the event of those measures, the stake he had to lose, and the motives which might consequently be supposed to influence his conduct.

The Lord Mayor [*Mr. Wilkes.*] I entirely agree with the honourable gentleman who seconded the motion for an address to his Majesty, that every man ought now to speak out; and in a moment so important as the present to the whole empire, I think it ill becomes the dignity and duty of Parliament to lose itself in such a fulsome, adulatory address to the throne as that now proposed. We ought rather, Sir, to approach our Sovereign with sound and wholesome advice, and even with remonstrances against the conduct of his ministers, who have precipitated the nation into an unjust, ruinous, felonious and murderous war. I call the war with our brethren in America an unjust, felonious war, because the primary cause and confessed origin of it is, to attempt to take their money from them without their consent, contrary to the common rights of all mankind, and those great fundamental principles of the English constitution, for which Hampden bled. I assert, Sir, that it is in consequence a murderous war, because it is an attempt to deprive men of their lives for standing up in the just cause of the defence of their property and their clear rights. It becomes no less a murderous war with respect to many of our fellow-subjects of this island; for every man, either of the navy or army, who has been sent by government to America, and has fallen a victim in this unnatural and unjust contest, has been murdered by administration, and his blood lies at their door. Such a war, I fear, Sir, will draw down the vengeance of Heaven upon this devoted kingdom.

I think this war, Sir, fatal and ruinous to our country. It absolutely

absolutely annihilates the only great source of our wealth, which we enjoyed unrivalled by other nations, and deprives us of the fruits of the laborious industry of near three millions of subjects, which centered here. That commerce has already taken its flight, and our American merchants are now deploring the consequences of a wretched policy, which has been pursued to their destruction. It is, Sir, no less ruinous with regard to the enormous expence of the fleets and armies necessary for this nefarious undertaking, so that we are wasting our present wealth, while we are destroying the source of all we might have in future.

I speak, Sir, as a friend to England and America, but still more to universal liberty, and the rights of all mankind. I trust no part of the subjects of this vast empire will ever submit to be slaves. I am sure the Americans are too high spirited to brook the idea. Your whole power, and that of your allies, if you had any, and of all the German troops you can hire, cannot effect so wicked a purpose. The conduct of the present administration has already wrested the sceptre of America out of the hands of our Sovereign, and you have now scarcely a postmaster left in the whole northern continent. More than half the empire is already lost, and almost all the rest is in confusion and anarchy. The ministry have brought our Sovereign into a more disgraceful situation than any crowned head now living. He alone has already lost, by their fatal counsels, more territory than the three great united powers of Russia, Austria, and Prussia, have together robbed Poland of, and by equal acts of violence and injustice from administration.

England was never engaged in a contest of such importance to our most valuable concerns and possessions. We are fighting for the subjection of a country infinitely more extended than our own, of which every day encreases the wealth, the natural strength, and population. Should we not succeed, it will be a bosom friendship soured to hate and resentment. We shall be considered as their most implacable enemies, an eternal separation will succeed, and the grandeur of the British empire pass away. Success seems to me not equivocal, but impossible. However we may differ among ourselves, they are perfectly united. On this side the Atlantic, party-rage unhappily divides us, but one soul animates the vast northern continent of America, the general congress and each provincial assembly. An appeal has been made to the sword, and at the close of the last campaign what have we conquered? Bunker's Hill with the loss of 1200 men. Are

we to pay as dearly for the rest of America? The idea of conquest is as romantic as unjust.

The honourable gentleman, who moved the address, says, "the Americans have been treated with lenity." Was your Boston port bill a measure of lenity? Was your fishery bill a measure of lenity? Was your bill for taking away the charter of the Massachuset's Bay a measure of lenity, or even justice? I omit your many other gross provocations and insults, by which the brave Americans have been driven into their present state. He asserts that they avow a disposition to be independent. On the contrary, Sir, all the declarations both of the late and the present congress, uniformly tend to this one object, of being put on the same footing they were in the year 1763. This has been their only demand, from which they have never varied. Their daily prayers are for liberty, peace and safety. I use the words of the congress of the last year. They justly expect to be put on an equal footing with the other subjects of the empire. If you confine all our trade to yourselves, say they; if you make a monopoly of our commerce; if you shut all other ports of the world against us, tax us not too. If you do, then give us a free trade, such as you enjoy yourselves; let us have equal advantages of commerce, all other ports open to us; then we can, and will, cheerfully pay taxes.

It must give, Sir, every man who loves this country, the deepest concern at the naming in the address foreign troops, Hanoverians and Hessians, who are now called to interfere in our domestic quarrels, not to dwell this day on the illegality of the measure. The militia indeed are now employed, and that noble institution is at present complimented by ministers, who hate the very name of a militia, because the embodying of these forces enables administration to butcher more of our fellow subjects in America.

Sir, I disapprove not only the evil spirit of the whole address, but likewise the wretched adulation of almost every part of it. My wish and hope therefore is, that it will be rejected by the House, and that another dutiful, yet decent, manly address will be presented to the King, praying his Majesty that he would sheath the sword, prevent the farther effusion of the blood of our fellow subjects, adopt some mode of negotiation with the general congress, in compliance with their repeated petition, and thereby restore peace and harmony to this distracted empire.

Sir *Adam Fergusson* said, that if experience did not shew that scarce any question ever came before that House without
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some variety of opinion, he would have flattered himself that however much they had hitherto differed, they should now, at least, have come together with some degree of unanimity.

That gentlemen should differ about some particular points of colony government, as, for example, how far it was expedient or inexpedient to tax America, considering how much that question was involved in difficulty, and how much could be plausibly said on the one side or the other, was not much to be wondered at: but that it was matter of no small surprise to him, that they were still likely to differ in opinion, when the question was no longer confined to taxation, or to any particular exercise of the authority of Great Britain, but extended to the very being of the sovereignty itself, and to those rights of which this kingdom had been in possession ever since the existence of the colonies.

That the honourable magistrate [the late Lord Mayor, Mr. Wilkes] had said, that the congress had declared they did not aim at independence. They certainly had done so in general terms: but how did their particular claims correspond to this general assertion? He was afraid, if these were examined, it would appear that the pretensions of the congress went the length of a total exemption from the power and authority of Parliament.

They had declared in the most express terms, that Parliament had no right to intermeddle with their provisions for the support of civil government, or the administration of justice. Their language was, that while Parliament pursued its plan of civil government within its own jurisdiction, they insisted upon pursuing theirs without molestation, plainly claiming an authority in each of the colony assemblies, exclusive of that of Parliament. An exclusive right of legislation in all matters of internal polity had been, in the most express term, asserted by them, and not only the late acts of Parliament more particularly complained of, but every other which touched upon the internal polity of the colonies, had been treated by them as unjust encroachments of Parliament upon the rights of a legislature as independent as itself.

In military matters, their pretensions were equally extravagant. They expressly denied that Great Britain had a right to keep a single soldier in the whole extensive continent of America, without the consent of the legislature of that colony where the troops were kept.

With regard to revenue, had not a declaration been made in words intelligible to all mankind, that America never would be taxed by Parliament, unless they refused to contribute

bute their proportion to the common expences of the state? They even knew, that any reasonable sum would be accepted of: but they would not gratify this country so far as to say that they would contribute a single shilling.

The only particular in which they seemed inclined to admit the authority of Parliament was in what related to the regulation of their trade: even with regard to that, they expressed themselves with a sufficient degree of caution; but in every thing else they asserted an absolute independence on Parliament.

In what manner things had been brought to that unhappy dilemma, did not seem the proper object of their present enquiry. There might be time enough for that enquiry afterwards. The present object was to remedy the evil. For his part, were he to give his opinion upon that subject, he should be apt to say, that the fault did not so much lie in this or that particular set of measures, as in that variable and fluctuating conduct, which cannot be altogether avoided in a government such as ours, and which had remarkably prevailed with regard to America.

He should be apt to say, that no ministry, since the time of the stamp-act, had been altogether free of blame: but he should at the same time add, that, perhaps, more than any ministry, those had been to blame, who, not satisfied with expressing their disapprobation of particular measures, had argued, both within and without doors, against the authority of the supreme legislature itself; who, from an excess of zeal in support of America, seemed too much to forget the interest of the mother-country; and, from an apprehension lest the colonies should be ruled with too heavy a hand, seemed inclined to adopt measures which had a tendency to exempt them from the dominion of Great Britain altogether, and to erect them into so many sovereign independent states.

But instead of investigating the causes of the evil, it was more material now to consider what was proper to be done to remedy it, and in this he saw but one choice, either to support with vigour the authority of Great Britain, or to abandon America altogether.

That some speculative men have said, and published their opinions to the world, that it would be no such fatal stroke to Britain as is generally imagined, were America to be abandoned altogether; that he had not opinion enough of his own foresight to say with certainty what the consequence would be, but so much benefit he had reaped from these speculations

as to hope that the welfare and prosperity of Great Britain would not be desperate even were such an event to happen.

But who would be bold enough to advise such a measure? and who could, with certainty, answer for the effects of it? If no person would, what remained, but that they should exert every nerve to reduce their rebellious subjects to obedience? After they had reduced them, and convinced them of their inability to resist the power of this country, then, and not till then, would be the time to shew them all possible indulgence.

That any farther concession now would be considered as extorted from them by their fears, not as the voluntary effect of their favour.

But *can* this country reduce them to obedience, or must their contest be given up for want of power? If it must, there is no help for it: but, at least, let us put it to the trial; for his own part, he could not entertain a doubt of it; he did, indeed, see that those were mistaken who said the Americans would not fight: but those were, at least, as much mistaken, if there were any such, who would entertain a doubt of their being reduced by a proper exertion of the power of Great Britain.

As he could not doubt of the strength of Great Britain to reduce them, so he hoped if that strength was exerted it would be done effectually. If a force is sent to America, both prudence and humanity required that it should be such a one as, humanly speaking, would carry its point. The error hitherto had been to have too small a force there; to continue the same error still, was to protract the miseries and horrors of a civil war. He did not mean merely that such a force should be sent as would be sufficient to beat their opponents; it ought to be such a one as would deprive them of all idea of resistance.

These being his sentiments, he could not possibly give his assent to the amendment proposed by the noble Lord.

He concluded with expressing a wish that in this great and trying crisis, in which the power, the authority, the importance of Parliament was at stake; in which the question was, whether the King, Lords, and Commons should continue, as he had always understood them to be, the great governing power of the whole British empire; or if America was henceforward to be subject to the King alone, while Parliament was reduced to a level with one of the provincial assemblies. If gentlemen would lay aside the animosity of party, and confine their views singly to their country, that he knew that

while this government subsisted there must be different parties, and that the minister, merely because he was minister, must be opposed. That he did not wish it otherwise. He was afraid such opposition was necessary to supply the want of public virtue: but that though such opposition was to be expected in the ordinary course of parliamentary proceedings, there were some cases of much too serious a nature to admit of it, and such he thought the present case to be.

Governor. *Johnstone.* The speech of the honourable baronet who spoke last is very much like that we have just heard from the throne, full of assumed false facts and general undisputed axioms, which the people in America are as ready to close with as their adversaries on this side. As for instance, the honourable gentleman says, "the Americans had some reason for their conduct in the first of those disputes; but now they have refused their *just* proportion of taxes, by rejecting Lord North's conciliatory proposition of last year, and resisting the constitutional authority of parliament, he is ready to devote them to destruction." Who does not see that the whole question, even according to this honourable gentleman, turns upon *just* proportion and constitutional authority? Now I deny that the people of America have ever refused to contribute their just proportion, when called upon in a constitutional way, and those who assert the contrary ought to prove it. If the honourable gentleman vindicates the severity of his conduct against his fellow subjects in America, for rejecting the proposition of last year, which the noble Lord introduced about the middle of the session, I think he rests on as feeble ground as any man ever stood on. How does he vindicate the severities in which he concurred before it could be known whether the subjects in America would accede to this marvellous indulgence or not? His mind must have been strangely biassed to the noble Lord, if this could turn the scale of his reason. I really thought this foolish piece of paper had been so universally condemned, that I should never again have heard any arguments founded on so flimsy a foundation. The purpose was clearly to amuse the people on this side the Atlantic, and to divide the people on that. Having failed in its effects, I understood from many friends of government, that every rational argument in support of the proposition had been reprobated: for what, indeed, can be more truly ridiculous, than in a dispute concerning the power of taxation, seriously to say to a sensible people, we admit there are many unanswerable reasons why this assembly

bly are unfit to impose taxes upon you, and therefore, if you will only tax yourselves to *our* satisfaction, we will forbear the exercise of a right to which we declare by the proposition we are incompetent : but some men will say the Parliament can judge sufficiently well of the gross sum, though unfit and incapable of determining on the manner in which it is to be raised, Who that is accustomed to reason accurately, does not perceive that the estimate of supply must be regulated from a thorough knowledge of the ways and means, and that they are united in common sense, as well as by the English constitution, to reside in the same persons. But the honourable baronet forgets that the main argument which drew the concession of the conciliatory proposition turns on this : The Americans have no representatives in the British Parliament ; they have not the security of other subjects residing in Britain, who may not be represented, namely, that the members in taxing them must tax themselves ; on the contrary, it is the interest of every member to lay as much as possible on America to ease himself. This was the consideration which “ drew iron tears from Pluto’s cheek,” and has affected so many members not remarkably tender towards the feeling of their fellow-creature. But let us consider if this irresistible objection, as it has been called by one of the friends of administration, against taxing America by the British Parliament, does not equally apply, when we approve of the sum offered, and tax them in the lump, as when we tax them by detail.

However, Sir, absurd as this appears, it is not my capital objection to that mode of raising money, nor is it the objection of the Americans ; they maintain the power of giving and granting their own money by their own free and voluntary consent, is the only security they can retain for the just administration of government, at so great a distance from the seat of empire. That it is the main spring in their several establishments upon which the meeting and power of their several assemblies depend, from whence the singular prosperity of the British colonies, above all others on the face of the earth, have flowed. They admit you have the power of limiting the means, by which they may acquire property, but they deny you the power of disposing of this property after it is so acquired. Thus in his Majesty’s speech the same general undefined axioms prevail. “ To be a subject of Great Britain, with all its consequences, is to be the freest member of any civil society in the known world.” All America with one voice agree in this truth ; their writings and their actions proclaim their belief: but they maintain, as I

assert in their behalf, that one of the unalienable consequences of that situation, is the giving and granting of aids for the support of government, according to the exigency that shall appear to their own understanding: and that to tax them in an assembly where they have no representatives, and by men who have no interest in the subsidy they impose, is contrary to the spirit of the British constitution, and in its consequences must deprive them of all the essential rights of a British subject. Another essential right of a British subject is trial by jury; has not this been abrogated in many cases by the late acts of Parliament, and totally destroyed in all civil causes in the extensive province of Quebec? The writ of *habeas corpus* is another essential right of a British subject; has not this also been done away; I forbear to enumerate the other oppressive proceedings, contrary to the whole tenor of our government, dissolving of charters without evidence, trial, or forfeiture; laws to deny the natural gifts of the elements, confounding the innocent with the guilty; because when once the three great pillars of the British constitution are removed, taxing without representatives, trial without jury, imprisonment without relief by writ of *habeas corpus*, the whole must necessarily fall into confusion, and the rest is not worth contending for. The people in America wisely foresee the suppression of all their rights, in the train of those iniquitous innovations. They perceive that every thing which is dear to a free man is at stake, and they are willing, as becomes the children of their ancestors, to put all to the risque, and sacrifice their lives and fortunes, rather than give up the liberty of a subject of Great Britain, with all its consequences. The honourable baronet has concluded his speech with another reason for inducing us to join in the coercive measures proposed by the address, which is still more extraordinary, saying, "Whether we succeed or not may be uncertain; but if we fail, we shall even then be no worse than we were." These are the very words of the noble Lord on the treasury bench last year. I am persuaded the worthy baronet has words of his own so much at will, that he borrows from no man; but I am more surprised he can sanctify such opinions by his voice. If America is forced to invite foreign powers to share in her commerce; if she is drove to the necessity of following the example of Holland and Switzerland; if our armies are destroyed, our fleets wrecked, our treasures wasted, our reputation for justice and humanity lost, our senses corrupted by the emoluments which must fall to individuals,

viduals, in the prosecution of so expensive a war, and four shillings land-tax entailed on us for ever, will the honourable gentleman say we are only where we were? What objects can call the attention of the House in a stronger degree than those I have enumerated? and yet they are all involved in the question now before you, if you reject the amendment proposed. I say, it is unfair in administration, and an affront to every individual member of the House, to call upon them without any information laid on your table, without evidence brought to your bar, destitute of every material by which a rational creature can resolve, to require he should give his unlimited sanction to measures of such moment, on the very first day (perhaps) of his arrival in town. The reason is obvious to me. The minister clearly perceives, if men were acquainted with the real state of things in America; if they had time to acquire information, to reason and reflect, that all men of generous feelings would leave him, and even his most desperate followers might be shaken: men are to be brought to this black business hood-winked; they are to be drawn in by degrees till they cannot retreat. On the one hand a dutiful address to his Majesty, full of those general assurances of loyalty and respect becoming subjects to the first magistrate, is offered to your determination: on the other, a hasty approbation of measures you have had no time to consider, from men you have every reason to suspect, lies before you. Is there a man who feels the dignity of his situation, that can hesitate in his choice upon such an alternative?

I shall now expose to the House the false facts which are assumed in his Majesty's speech, as composed by the minister. First, the minister tells you he has called you early together 'This I deny. The commencement of open hostilities was in April, the battle of Bunker's hill in June, and the petition from the congress in July; they severally arrived in England within five or six weeks after the events. Now I maintain as a member of Parliament intrusted with a voice in the supreme authority of the empire, that I am called late to deliberate in the national council on such great events. The next notorious untruth is, that the Americans are collecting a naval force. The third assertion, that the Americans meant only to amuse by vague expressions of attachment, to the parent state, is equally injurious to their honour and to truth. This can only be asserted as an excuse for the bad conduct of administration and their ill success. The Americans told you in language the most direct and simple; again and again repeated,

peated, that they would resist to the last appeal those arbitrary innovations: but you affected not to believe them; nevertheless, I maintain, the armaments were calculated to resist men in arms, and the insufficiency arose from a total ignorance of the force, character and dispositions of the people in America, as well as a misconception upon the effect the several restraining bills passed last sessions would produce: in short, from a perfect ignorance of the operations of cruelty and oppression on high-minded men, acting under the spirit of freedom. All their knowledge seems to have been drawn from one source, that of Governor Hutchinson. The civil war now raging in America seems, step by step, to have been carried on by his advice. Whoever reads his letters, lately published in America, sees every measure pursued by administration to have been antecedently pointed out by this gentleman in his *confidential* correspondence, until his sentiments seem dictated at last more by revenge and disappointment than any other principle: what confidence should be placed in the advice of a man who has declared in the cool moments of committing his reflections to paper, that every Machiavelian policy is now to be vindicated towards the people in America? I am here supposing the letters in my hand to be genuine, and there is little reason to doubt their authenticity, as they remain uncontradicted. It matters not to me, as a judge, how they were procured. The only question respecting my opinion on the conduct of Mr. Hutchinson at present is, are the letters genuine or not? For in this I always differed from the lords of the council, who determined on the complaint of the province of New England against Governor Hutchinson, on the former letters they discovered. The Lords of the council laid the whole stress on the manner in which the letters had been obtained. No man could admire the abilities of the advocate more than I did on that occasion; it was his business to inflame the passions, to cover the turpitude of Governor Hutchinson's conduct, under crimes of a greater dye: but it was shameful in the judges to be led away, it was unworthy the discrimination so necessary to that character, to mingle the manner of obtaining the letters with the fact they were brought to prove. I shall suppose the letters had been obtained as infamously as the Essay on Woman, and more infamously it is impossible; yet my judgment on the conduct of a governor writing to men in high authority, on the political affairs of his province, and concluding as his advice, that the liberty of British subjects must be abridged, would

would not have been altered from that circumstance. And here I must avow my sentiments as freely as Governor Hutchinson has communicated his, that any officer in government, much less the supreme magistrate, entrusted with the preservation of the rights of every individual in his province, who could entertain such sentiments, is unfit to be employed in any office; civil or military, after a fact of so heinous a nature against the constitution being fully proved. I am confident our ancestors, instead of giving such a man an enormous pension, would have inflicted the punishment he deserved, which I think should have been an address to the crown, that he might never more have been employed in the service of the public.

I know there are many men high in favour who are for *abridging the liberties of the people* in the colonies. My system, on the contrary, is for preserving them sacred and inviolate, according to their several antient institutions, the variety of which forms the harmony and beauty of the whole. There is no middle institution, as in this country, to balance between the people and the crown: the assemblies are their only barrier; they are, therefore, the favourite institution of the people; to them they look for protection against the exactions, oppressions, and extortions of governors, and are, on that account, cautious and jealous of any infringement that shall diminish their power. The honourable gentleman who seconded this address has been long employed as his Majesty's representative in the colonies, first in Carolina, and lastly in Jamaica; every thing he offers to this House must derive great weight from these circumstances; his abilities are undisputed. I have not the honour of knowing him; but I have heard his talents universally acknowledged. Having been on the spot in some places, it must give him many additional advantages, for I maintain it is impossible for any man who has not seen with his own eyes, and heard with his own ears, to know equally well the manners, customs, dispositions, and other circumstances necessary to form a true judgment on the present contest with the colonies; but it is also necessary to know some leading circumstances respecting the person who offers his information and advice, before we hastily concur in his opinion. The honourable gentleman says, "it may appear strange, that he who has grown grey in the service of America, should now appear among the first to propose those coercive measures, which by some are termed cruel and harsh," but this he excuses from his humanity: I say, it may appear

appear strange to some who are not acquainted with the history of that gentleman's administration so well as I, that he should take this forward part. But here I premise, that I do not enter into the merit of the dispute which that gentleman had with the assembly of Jamaica, because it is beyond my present argument; all I assert is, that he had an unfortunate dispute with that body, which lasted two years; that, during this period they would do no business with him, or raise any money; that he dissolved the assembly more than once, and still a greater majority were found against his measures; that he was at last recalled, and a successor appointed, who cancelled his proceedings, upon one of the most *unfortunate* representations that ever attended any man on leaving his government: I am, therefore, not surprised that the honourable gentleman should be inimical to American assemblies, or that he should be ready to join with those who have found out a shorter way of governing them, than by the general sense of the people, seeing they are so troublesome, on many occasions, to the repose of a governor.

The honourable gentleman has given us some account of the debilitated state of men in the other province he had the honour to command, and hinted at means for subduing their spirit, in a manner which inclines me to believe he has not left any more friends behind in that colony than in Jamaica. Administration has been so much misled by those partial and illiberal accounts of men in the gross, that I dare say they will be cautious how they trust to such intelligence again. Neither my reading or observation give me leave to think the people of Carolina will be behind any of the colonies, in supporting and defending rights which are so essential to securing every thing that is dear to them as British subjects. The honourable gentleman had occasion to lead them to war on a certain occasion; I wish he would tell the House how they behaved. If southern climates had such strange effects in enervating the human frame, give me leave to hope at least that the honourable gentleman has escaped this contagion. The other scheme he alludes to, of calling forth the slaves, is too black and horrid to be adopted; neither would it answer, if administration were wicked enough to make the attempt: the state of slavery cuts off all the great magnanimous inventive powers of the human mind, but it rather strengthens fidelity and attachment; the Roman history fully confirms this: amidst the multiplied treachery of friends and relations, amidst the greatest temptations, during the corruptions of that government, the slave was seldom

dom or ever unfaithful to his master. The principle lies in human nature. Where mankind are deprived of the means of getting subsistence, where they are accustomed to look up to another for food, raiment and protection, they insensibly forget the original injury they sustained, and become attached to their master. In general, I must also observe, that masters are kind to their slaves. It is not he who uses the scourge and the whip, which the honourable gentleman has mentioned, that is the first to put the musquet on his shoulders in such glorious contests as these. It is not he who tortures and frets his fellow-creatures; but he who feels that universal benevolence which extends his affections to all men in their several stations; who feels the spirit of equality, who knows the principles of liberty, who understands the consequence of those rights, without which we are always worse men and worse subjects, and who is willing, for the benefit of children yet unborn, to seal the truth of his doctrine with his blood. It is not to men of this temper that slaves will prove unfaithful. I shall rather expect to see them flock round his standard, though I admit the experiment is too dangerous on either side. I say again, the whole of our blunders, oppressions and mistakes, in these unfortunate disputes, have arisen from ignorance in the first principles of government; gross ignorance in the several constitutions of the colonies; ignorance in the power we could apply to subdue them, and still greater ignorance of the end to be obtained by such an attempt. To each of those I will severally speak. I say it demonstrates a perfect ignorance of the history of civil society, to assert (which is the captivating argument used in this House, for breaking down all the barriers of liberty in America) that two independent legislatures cannot exist in the same community, and therefore we are to destroy the whole fabric of those governments which have subsisted for so many years. Mankind are constantly quoting some trite maxim, and appealing to their limited theory in politics, while they reject established facts. I say, a free government necessarily involves many clashing jurisdictions, if pushed to the extreme. I maintain this species of government must ever depend more on the spirit of freedom that first established it, than on all the parchment you can cover with words. I aver that in the most active triumphant commonwealth which ever appeared on the stage of the world, two distinct legislative authorities did actually exist. The *comitia tributa* and the *comitia centuriata*. The whole government of Athens would appear

appear as containing so many ridiculous paradoxes to those wise politicians. The actual state of Holland, where every town is a distinct government within itself. The deliberations of the States General, where no money can be raised unless the whole are unanimous. No new laws made or any old repealed against one dissenting voice; all these would appear impossible to such politicians, who are ever supposing mankind ready to destroy themselves: nevertheless the facts are equally certain. If the best parts of our constitution were to be stated to a foreigner; the trial by jury, where twelve men must be unanimous in their opinion, in causes the most intricate and nice, where even the ablest counsel differ in opinion, he would be led to imagine justice might stand still; yet we all know nothing proves so easy in the execution. The danger of pushing things to extreme, makes the good sense of men prevail, while the power of resisting in every individual jurymen, prevents prejudice and injustice from trying their strength on matters that are not tenable. The springs of a free government are not obvious to every understanding, while the meanest foot soldier knows all the powers of despotism. Here the *supremacy* of the magistrate solves every question. In the same manner the advantages derived from America, in the circle of commerce, are not so evident to a vulgar understanding, as so much palpable cash paid into the Exchequer. For this reason I am ready to forgive those who differ with me in opinion, concerning this American contest. It demands a process of reasoning to which common understandings are not generally accustomed. I should not be surprised if half the people in England should at first join against the Americans; national prejudice, pride, false glory, and false arithmetic, all contribute to deceive them; but that any man assuming the character of a statesman should proceed in this mad career, to destroy in a few years that beautiful system of empire our ancestors have been raising with so much pains and glory; first under the false pretence of raising a revenue, and next under a more false pretence that America wishes to throw off her just dependence on Great Britain. This, I confess, does surprise me. For this reason my indignation chiefly rises against the noble Lord on the floor; I am willing to acquit all his colleagues and most of his followers, even if they had not the interested motives of place and pensions to bias their judgment; but that the noble Lord, who yearly considers the riches that come into the public treasury, who knows and can trace all the circuitous channels

channels by which riches flow into this country, that he should place no more to the credit of America than the paltry sum collected by his insignificant commissioners, and endeavour to mislead others by such assertions. This indeed is beyond belief. When the noble lord is pleased to take the other side of the argument, what abundance of wealth does he sometimes pour forth in the most copious flow of eloquence. When he supports this rugged coercive system, how he labours and flags; nothing but sounding words, and unmeaning phrases. *The dignity of Parliament!* now I say this is best supported by humanity and justice, and maintaining the freedom of the subject. The *supremacy* of the legislative authority of Great Britain! this I call unintelligible jargon; instead of running the different privileges belonging to the various parts of the empire into one common mass of power, gentlemen should consider that the very first principles of good government in this wide extended dominion, consist in subdividing the empire into many parts, and giving to each individual an immediate interest, that the community to which he belongs should be well regulated. This is the principle upon which our ancestors established those different colonies or communities; this is the principle on which they have flourished so long and so prosperously; this is the principle on which alone they can be well governed at such a distance from the seat of empire. Yet we are breaking through all those sacred maxims of our forefathers, and giving the alarm to every wise man on the continent of America, that all his rights depend on the will of men whose corruptions are notorious, who regard him as an enemy, and who have no interest in his prosperity, and feel no controul from him as a constituent. The most learned writer on government has defined civil and political liberty to consist in a perfect security as to a man's rights; after the acts of Parliament of last year, can any man on the great continent of America say that he feels that security? Could any thing less than a dread of losing every essential privilege, have united a people so divided in customs, manners, climate, and communications? Could any thing less than an intire want of policy, a species of political phrenzy here, have produced this wonderful effect? You blame the Americans, but do not consider the next step which your conduct necessarily drives them to. You assert they aim at independency; I assert they wish for nothing more than a constitutional dependence on Great Britain, according as they have subsisted from

from their first establishments, and according as Ireland depends on the British legislature at this moment. Can any man who knows the power of the crown in the legislature and executive parts of our colony government, who understands the force of the several acts of navigation, who knows the incitements and attachments by the education of youth in this country, who knows what would be the effects of mixing the colonists in our fleets and armies, and every other office in our government; who considers the effects of appeals in the last resort to his Majesty in council; who knows the power of his Majesty in annulling the laws made in the colonies within three years; who perceives the advantages that every part of the empire derives from the prosperity of the other; who is there, I say, capable of digesting those thoughts, and can entertain the ignoble jealousies daily expressed against the Americans, or show any motive why the people in America should break the bond of union with this country for ages yet to come, unless driven to that extremity by following Mr. Hutchinson's advice in *abridging their liberties*, which is as much a part of their birth-right as of any man living and born in England. The nature of government will not allow us to define what are the precise points where *resistance* may be made to the governing powers; but will any man conclude from thence that acts of King, Lords and Commons ought not to be resisted, if they should sap the fundamental principles of the constitution? Nothing but the general feeling of the community can determine the point; and was ever the sense of a people so unanimous on any subject? I declare, upon my honour, I have not conversed with one man from America (and I have chiefly sought out the friends of Administration) who has not universally agreed, that all America is unanimous in resisting the power of taxing them by the British Parliament, where they have no representatives; that they will never yield this point; that in case they were made easy on this point, and secure as to their charters, on which their property depends, they would immediately return to their duty and obedience. This I aver to be the universal report and opinion of all men with whom I have conversed from America. If any one disputes the truth of my assertions, I now defy him to bring any evidence to contradict me, and I now undertake to bring men of the best characters in support of what I aver. But respecting general opinion, I still go further; I maintain that the sense of the best and wisest man in

in this country, are on the side of the Americans; that three to one in Ireland are on their side; that the soldiers and sailors feel an unwillingness to the service; that you never will find the same exertions of spirit in this as in other wars. I speak it to the credit of the fleet and army; they do not like to butcher men whom the greatest characters in this country consider as contending in the glorious cause of preserving those institutions which are necessary to the happiness, security and elevation of the human mind. I am well informed, that four field officers, in the four regiments now going from Ireland, have desired leave to retire or sell out. I do not mean to say, that the soldiers or sailors in America have shown any signs of cowardice, this is below their spirit; I only assert they in general proclaim it a disagreeable service; most of the army feel it as such; that numbers have not deserted is owing to their situation. There is a wide difference between the English officer or soldier who barely does his duty, and the general exertions of the New England army, where every man is thinking what further service he can perform; where every soldier is a Scævola. To a mind who loves to contemplate the glorious spirit of freedom, no spectacle can be more affecting than the action at Bunker's hill. To see an irregular peasantry commanded by a physician: inferior in number: opposed by every circumstance of cannon and bombs that could terrify timid minds, calmly waiting the attack of the gallant Howe, leading on the best troops in the world, with an excellent train of artillery, and twice repulsing those very troops who had often chased the chosen battalions of France, and at last retiring for want of ammunition, but in so respectable a manner, that they were not even pursued. Who can reflect on such scenes and not adore the constitution of government which could breed such men! Who will not pause and examine, before he destroys institutions that have reared such elevated spirits! Who is there that can dismiss all doubts on the justice of a cause which can inspire such conscious rectitude? The conduct of the people of New England for wisdom, courage, temperance, fortitude, and all those qualities that can command the admiration of noble minds, is not surpassed in the history of any nation under the sun. Instead of wrecking our vengeance against that colony, their heroism alone should plead their forgiveness. What my worthy friend* said last year of

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their

* Mr. Burke.

their industry, may now be applied to their warlike achievements. Consider the power of such materials in the hands of a minister who knew how to encourage their industry, and apply their courage to the purposes of national defence: but all the secret of our colony government is now reduced to mere force, the baneful engine of destructive despotism; nevertheless it is with pleasure I perceive the force of this country, when wielded in such a cause, is totally inadequate; your own army is not sufficient; your illegal application for foreign mercenaries at the beginning of the contest, sufficiently shews your weakness; your navy is equally incapable of effecting the purposes which are expected from it. It may ruin their foreign trade; it may destroy some of their towns (though that is doubtful) but the lying in their rivers, as some suppose, without a superior military force to protect them on shore; I say as a sea officer, if the war is thoroughly kindled, the thing is impossible. We are apt to judge from what happened at Quebec, where the French, never remarkable for naval enterprize, though naturally brave, quitted their fire raft, and left it to the chance of the stream, or to be towed off by boats; but this I maintain, that any fleet lying in a river where they cannot command the shore, that such fleet is liable to be burnt if the people are willing in that enterprize to run the same risque of life and danger to which the crew of the ships are exposed, I mean by sticking by the fire-vessel whatever she may be, till with wind and stream they lay the enemy a thwart hause; and who can doubt that the people in America are capable of such exertions of courage when we see them refuse quarter, when we find them devoting themselves to death with such enthusiasm. Another circumstance respecting ships is not generally known. The wonders they have hitherto performed has been owing to the ignorance of engineers in placing their batteries; but I am afraid the secret is now out as to their power against the shore, without a military force to assist them; a single gun in a retired situation, or on an eminence, or a single howitzer, will dislodge a first rate man of war, and may burn her, to add to the disgrace. I speak this publicly, that you may not expect more from the sea service than it is capable to perform. Ruin their trade you certainly may, but at an expence as ruinous to this country. Has any of the ministry considered the immense expence of such naval armaments on the coast of America, in transports and ships of war? Have we calculated the chance of destruction by those

those horrid streams of wind peculiar to that coast, that sometimes sweep all before them? Where are the resources on which this country can depend in case our empire in America is lost? I do not say you will feel the disadvantage immediately, I know the various channels to which commerce and industry may divert their streams; I am also certain that the wants of America must be supplied in some way or other with certain goods from Great Britain; I further know, that a nation can only trade to the extent of its capital, and in case one vent is cut off, it will probably find another, while its manufactures are cheaper and better than those of other nations. I believe such to be the case with many branches of our manufacture at present, but is it possible it can long continue? Must not the same laws of nature follow this commercial country that has affected Venice and Genoa, the Hans Towns and other commercial states? The acquirement of wealth must produce dearness in living; dearness of living must produce dearness of labour; dearness of labour must produce dearness of manufactures; dearness of manufactures must conduct trade to some place where cheapness of living will give the preference in the markets. Thus the circle of commerce has hitherto run: but the settlement of North America under the old establishment, seemed to defy the powers of those fleeting principles. America was bound to take your manufactures *only* to whatever price they might rise; you were bound to take most of her raw materials and to give her commerce protection; a compleat system in the exchange of all commodities was established within your own dominion, which might last beyond the views of human calculation, if properly conducted. This is the great purpose to which I look up to America as a naval and as a commercial power; how often have I indulged myself in these thoughts, unable to see the end of our glory from the same causes which have destroyed other states, little dreaming that one infatuated minister could tempt, seduce, and persuade a whole nation to cut the strings of such harmony. An honourable gentleman who opened the debate, has remarked how we recovered from the interruptions of our commerce during the last war. The honourable gentleman forgets that we had the free and interrupted resources of America during the last war; that in seizing the ships of our enemies we added to the national wealth and increased our own commerce; the progress was double, here it runs in an inverse proportion, no man knows the final effects as yet; like the bursting of a burning mountain, it is sport and play to the

the distant spectators who think themselves safe, but the eruption may spread to cover this city in ruin.

I come now to consider the consequence of all those measures supposing we should succeed. If national strength is to be calculated from the fitness of every part to preserve and improve the advantages of their constitution and to support their country in pursuit of its objects; if institutions that secure property and prevent oppression, encourage the settlement of families, and facilitate the rearing of children, are the most favourable to mankind and therefore to be protected and preferred, as the best writer on government has asserted, surely the establishments of the English colonies, as excelling all others which have appeared in the history of the world, deserve to be revered in this respect. But a success in the present war, after destroying all the principles which have produced those glorious effects in civil society, must leave the country desolate, must spread through that wide dominion, forfeitures, executions, change of property, military oppression, and every misery that can engender hatred and distract mankind. But these are but temporary evils, in comparison to the last dreadful catastrophe. It must establish a military despotism in the colonies, which the revenues of an oppressed people never can pay. An army that the men of this country can never supply, which therefore foreign mercenaries must fill, and all this with additional powers in the crown, that must end in the subversion of the constitution. I make no doubt many men labour in the support of this business, purposely to effect that end. The contentions in a free government do not accord with their feeble, corrupt, luxurious dispositions. That the spirit of the people should so long lie deceived by their arts and management, is to me astonishing. I shall wait patiently some farther calamity, for no reasoning on the certain progress of things in a growing empire can affect their narrow minds. That this may soon happen in a small degree, as the only means of saving the dissolution of the whole, I sincerely wish, for the good of the public; misfortunes if duly watched are ostentatious as profitable to an unfeeling multitude as they are useful to private individuals. But let those who now encourage measures that must inevitably end in such dreadful calamities, beware of the turn of the tide. Let them look into history, and remember the fate of cruel, oppressive and arrogant statesmen. Let even kings attend to the examples which history presents on this subject—but I
blame

blame not them; it is unnatural for beings, with human passions, placed in such high situations, mixing little with men, and generally deceived, to bear contradiction to their will, and opposition even to their arms, with any degree of patience: irritation and resentment must be the consequences; encroachments on their part often proceed from a conscious rectitude of their own intentions: but the people I do blame is the members of this House, placed as the guardians of the people's rights and privileges, daily sacrificing them to some interested motive. Let any one consider all the national advantages that can be drawn from colonies, and ask his own heart, if we have not hitherto drawn, and may not in time to come draw all these from the ancient constitution. To what motive then can these innovations be imputed? I have shewn you the bad consequences in proceeding, shew me the good you propose from slaughter and devastation; that the paymaster of the forces should urge you to those measures, that the treasurer of the navy should press for large equipments; that contractors, jobbers, dealers in scrip, and all those who fatten on public supplies, should eagerly concur, this I can easily imagine; but that a landed gentleman should give his consent to rush into a civil war, that must entail four shillings land-tax on his estate for ever, that must drain him of men and money, and all the resources of naval power, to protect his country against those neighbouring powers who will, in all human probability, attack him when defenceless and exhausted; in a contest that must end, on whatever alternative, in lowering the value of his estate. All this exhibits a degree of infatuation, beyond example in my little reading, and can only be accounted for from the revival of ignoble party-distinctions, gratifying resentments at the expence of their country. Have the country gentlemen ever considered the expence of maintaining a war across the Atlantic? Have they considered the expences of a fleet? Have they calculated the amount of transports? Have they thought of feeding an army with porter, sheep, and sour-cROUT across a tempestuous ocean? I am told a curious spectacle of such management has lately been exhibited in the Downs, where floating carcasses of dead sheep have marked to passing nations the folly of such attempts. The project of sour-cROUT has indeed one circumstance attending it that gives me pleasure—I understand the contract is given to one of the worthiest men in the community; at the same time such magazines are new in my notions of war;

it may be a proper preparation for a Russian army, but I believe English soldiers will hardly be delighted with such gripping food. The project of calcining ice into gun-powder is not more truly ridiculous ! I shall suppose then for a moment, that war with America is really necessary ; yet will any man alledge, after such gross mismanagement in every part, that these are the proper men to carry it on. Has there been consistency in any part of their conduct ? Has one scheme they have offered succeeded ? Has not every one produced a contrary effect ? Have they not been told so at the time of passing their various laws ? Have they been checked in any of their intentions ? Has any uncommon accident of wind or weather been unfavourable ? Can our affairs be possibly in a worse situation ? Do they state any rational plan of ways and means, by which we are to extricate ourselves ? If after answering all those questions in the spirit of truth and justice, this House will still persist in supporting such feeble ministers of so mighty an empire, I must submit to a majority, but with this melancholy consolation, when the day of tribulation shall come, that at least my feeble endeavours were not wanting to prevent the impending mischiefs ; nor has my voice been lent on any occasion in support of oppression. Other gentlemen of a contrary opinion to me, have declared they give their opinion for more coercive measures, from motives the most pure and disinterested : I declare I give my opinion against them, from the sincerest belief, they are oppressive and unjust. I am now at an age when my character must be fully known. A conduct in life that has not flattered the passions of men must have frequently called forth the examination of many with keen resentments : but I here defy any man to say I was ever actuated by interested motives during the course of my life. My conduct at present is influenced from a conscientious belief, that the greatest good any man can perform, is to preserve institutions favourable to the freedom of mankind ; the greatest evil they can commit, is to destroy them. In that belief I heartily vote for the amendment, and to the utmost of my power oppose this sanguinary address.

Right honourable *George Rice* said generally, that the conquest of America was a popular measure in England.

Lord *Stanley*, said, he rose in the name of the freeholders of Lancashire, to avow the addresses from Manchester, &c. which he was well persuaded was the sense of the freeholders at large,

Honourable

Honourable *Temple Luttrell*. We might reasonably suppose, that the ministers who had a hand in fabricating this voluminous speech, would be impatient to obtain our approbation and thanks as representatives of the community in general, in the name of the people of Great Britain, who are our actual constituents; in the name of the people of America, who, as they tell us, are our virtual constituents.

Those evil counsellors who have so long poisoned the ear of the Sovereign, would now make us believe they have perverted his principles also; they wish us to consider the speech before you as conveying his Majesty's own sentiments and resolves. Sir, we know that to be impossible. Our King is too humane, and besides, too well acquainted with the history of this country and its constitution, with the memoirs of the Stuart race, and of his own illustrious house, to imbibe the despotic doctrines here imputed to him. His Majesty knows, that whenever either of the three estates of this empire, or the whole in conspiracy together, shall arrogate power to which they are incompetent, such as infringing the original rights and liberties of the people in any part of the British dominions, it is the exertion of such power, not the resistance to it, which constitutes rebellion. If this be not the case, the glorious Revolution was, above all rebellions upon record, the most atrocious.

We who are the deputies of the people, assembled together from the different counties, cities, and boroughs of the kingdom, ought faithfully to impart to his Majesty the real wishes and dispositions of his subjects. As the first counsellors of the crown, it is our peculiar province to advise and direct his Majesty on every national emergency like the present. But, Sir, in order to qualify us so to do, affection to our king, obligation to our country, and sober wisdom, all combine in requiring the closest and most deliberate discussions, and the deepest researches into the true bias of the times, previous to the offering up any address to the throne whatever. An address at such a crisis as this, upon such important and decisive matters, cannot be considered as a mere point of *etiquette*, or personal compliment to our Sovereign; if it could, there is not a member of this House would be more forward in duty and obsequiousness than myself. Are we not totally ignorant of the real state of Great Britain and her colonies? Sir, the sense of the society at large is not to be ascertained by the signature of a score of provincial corporations, under corrupt ministerial influence; it is not to be ascertained by the voice of repletion and re-

vely, by a few mistaken individuals, brought together under the hospitable roof of a great baron's castle. Sir, within those battlements Kings are not, now-a-days, made or unmade; || it is not to be ascertained by the cry of a few Tory justices, ductile magistrates, huddled together by their creator, the Lord Lieutenant of the county, to approve of prescriptions and proclamations, devised in councils where he himself takes the lead as president.* Sir, I will tell the noble Lord who spoke last, † that if the people of Lancaster, Liverpool, and Manchester, were the oracles of British law and policy, the electors of Hanover had never swayed the imperial sceptre of this realm. I admire, however, the spirited zeal and consistency of the addressing inhabitants of that part of England; I admire their firm reverence for the divine authority of Kings, their defence of popery, of arbitrary government, and sword law. The same political tenets which now fill the heads of these loyal addressers, filled also the heads of their townsmen in forty-five and forty-six. Those heads, which being impaled over Temple-bar in the last Whig reign, were soon after the commencement of the present, when a mighty Northern Thane came into office, taken down with veneration, and are now, 'tis said, enshrined in a certain interior cabinet, where a Right Honourable household officer in my eye, and others of the White Rose junto, frequently offer upon a bended knee their secret oraison and incense. Sir, the noble Lord who spoke last, and the Right Honourable member who delivered his sentiments earlier in the debate, have assured you, ‡ that the sense of this country is against the Americans. I am confident, as well from the intelligence I have been able to procure from a multitude of persons widely different in station and description, as by my own remarks in the progress of many a journey through the interior of this island during the summer season, that the sense of the mass of the people is in favour of the Americans. They think that the provocation given by a rash and insufficient ministry to the colony of Massachusetts's Bay, in lawless and oppressive exactions, enforced by famine, devastation, and slaughter, at length constitutionally justified an appeal to arms. A very learned judge

|| Alluding to the famous Earl of Warwick, who alternately deposed Henry VI. and Edward IV.

* Earl Gower, in the county of Stafford.

† Lord Stanley.

‡ Lord Stanley and Mr. Rice.

who now does signal honour to their coif, assures us, in his excellent book of commentaries, that every freeman is warranted in the use of arms for defence of his rightful possessions and liberty? And that great luminary of his profession, Lord Chief Justice Holt, in pronouncing judgment on the memorable case of Tooty and Dekins, says, "When the liberty of the subject is invaded, it is a provocation to all the subjects of England." Where then will these grievances, this civil war and carnage, terminate? I shall now borrow the words of Sir Charles Sedley, in the last age, to express my astonishment, that a nation sick at heart, as our's is, should wear so florid a countenance. But, Sir, is it not that hectic bloom which is frequently found to accompany a radical decay of the constitution, or rather some artificial beautifier spread over the surface of a cadaverous substance, for popular show and delusion? We have heretofore found it expedient, when this kingdom has been shaken to its foundation from one extremity to the other, as it now actually is; when the original compact between the governing power and the subject has been differently construed, and in danger of being totally dissolved; I say, Sir, that the Commons in Parliament assembled, have found it expedient to enquire in the first place into the actual state and condition of the nation in general: for this we have a recent precedent, almost within the memory of man, not strictly speaking in the journals of the Parliament, but in the journals of a national and constitutional assembly, which has done more good than all your Parliaments since the days of Henry III. put together, which restored and established on a firm basis the Protestant religion, and civil liberties of the people, and which brought in the amiable families of Nassau and of Brunswick, to maintain that religion, and to protect us in the enjoyment of those liberties; I mean, Sir, the Convocation, or Congress, in the year 1688, whose acts and resolutions ought, like the leaves of the sybils of old, to be sanctimoniously reverted to, at all times of state perplexity and peril: I therefore desire, that the motion made at the opening of this Congress, commonly called the Convention Parliament, and which was the ground-work of the Revolution, be now read.

The motion was then read, which stands upon the Journals in the following words: "That the House do appoint a day to take into consideration the state and condition of the nation," which motion passed, *nemine contradicente*, for the Monday following.

I now

I now move you, Sir, that this House do appoint a day to take into consideration the present state and condition of Great Britain and her colonies, in order to ground thereupon an affectionate and dutiful address to the crown, in an answer to his Majesty's speech this day delivered from the throne.

I am sorry not to see the Honourable Member who proposed, and so ably supported this address, now in his seat, or I flatter myself he would acknowledge his motion premature, and admit of the necessity to take the preliminary step of ascertaining the temper and resources of Great Britain and her colonies, in order to address his Majesty with good effect; when we shall, I trust, open his eyes to the manifold impositions put upon his royal confidence, by some dark and dangerous parricides, ambushed too near the throne, and help him to restore that peace, good order and happiness, throughout all his dominions, without which it is impossible that he can continue to reign over us with security; or that so pious and benevolent a prince as he is, though he wears the most brilliant diadem in Christendom, can make it sit easy on his brow.

General *Conway*, against the address, apologized for opposing the king's servants, but thought it his duty to oppose this address, because it approved of the American war. He condemned that war as cruel, unnecessary, and unnatural; called it a butchery of his fellow subjects, to which his conscience forbade him to give his assent. Though joined with the king's servants, he detested that principle of implicit supporting every measure of government; and was severe upon those officers of the crown, who, because they are linked with others in administration, think they are bound to wade through thick and thin with their colleagues. He demanded, with an emphasis, what was the state of the British empire in America? called upon the noble lord in the blue ribbon [lord North] to give it, or at least to lay some information of the state of affairs in America before the House. Asked administration what part of America was to be called their own? Is Canada yours? he said; Is Halifax yours? At this time, is even Boston yours? It is reported, that Boston is to be abandoned; where then are the troops to be landed in the spring? Are they, like the first emigrants from this country, to sail along the coast till they find a place? He reprobated the idea of conquering America, declared explicitly against the right of taxation, and wished to see the declaratory law repealed, since so bad an use had been made of it.

Lord

Lord *George Germaine* replied, in favour of the address; but did not say any thing new, except that he had received a letter from General *Burgoyne*, who said, that notwithstanding the distresses and obstacles the King's troops met with, they were zealous and determined in defence of their country.

Capt. *Luttrell*. I confess that I do not feel much surprize at the inflammatory language of some gentlemen opposite to me, for I am persuaded from the vindictive, cruel, and oppressive measures they have recommended and pursued towards our fellow subjects in America, during the recess of Parliament, they determine to stake the prosperity of both countries to their own emolument and revenge, and at every risque to endeavour to keep their places as long as they can, without attending to reason, humanity, justice, or good policy; therefore with them, as with the mercenary and necessitous, it may be in vain to argue, for they will probably be found as callous to conviction as the leaders of administration are, who instead of being convinced of the fatal errors they have already been guilty of, by the most horrid scenes of bloodshed, seem with equal rashness to be precipitating the colonies, the West-India islands, this country and all its dependencies, into every species of wretchedness, poverty, disorder, and distress, that can render us miserable or contemptible abroad. But, Sir, a chance still remains that we shall be able to avert these impending dangers; it is that we may meet protection from the independent gentlemen of England, and from those who have been deceived by the misrepresentations of such artful and designing men as I shall endeavour to mark by separating the voice of faction from that of truth. We have found, Sir, by woeful experience from which side of the House misinformation has hitherto come. The noble Lord and his adherents, to obtain the support of those whom no private interest or party zeal could bias, assured us in the last session of Parliament, with a confidence and plausibility too sufficient to impose upon such as neither doubted their integrity, nor were aware of the enthusiastic spirit for liberty which at that time prevailed throughout all America, that the dispute was by no means of the alarming nature gentlemen apprehended; that it was a contest between a single province and this country; that the Americans in general were friends to government, and waited but the arrival of a single regiment to manifest their approbation of measures, which we were told, were just, political, necessary, and eventually would prove successful. The noble Lord had not a single doubt, but that peace, reconciliation, and good fellowship would take place speedily, happily,
and

and without bloodshed : but he assured us, if the contest continued we stood upon ground that would enable us to enforce by arms an acquiescence with those laws we had a right to impose. That the insurgents neither merited protection from this nor from that side the water, for they had added the crime of the highest ingratitude to illegal resistance; that the late war was an American war, undertaken merely for their protection and support, which had involved this country in a heavy debt, and now they refused to contribute to it; in short, that the contest was whether New England or Old England should get the better; though I fear this will prove the most losing game, on both sides, that ever was played; for no penetrating eye yet can discern if the victors or the vanquished will eventually be the greatest sufferers. Sir, a right honourable member too, who enjoys a very beneficial employment, told us, for our comfort, that our fellow subjects in America were indiscriminately a race of cowards; that they would not abide the resolves of the congress, nor ever be brought to face General Gage's army; Sir, with language like this, dressed in the best attire of eloquence to render it persuasive, and the temporary bait of three shillings land-tax, of which I fear we may take our leave for ever, have administration endeavoured to lull gentlemen into a political lethargy; if with success, I hope they will awake at this critical moment, and pause at least before they concur farther in measures which must render us a nation bankrupt in men, in treasure, and in consequence. Now, Sir, what did we learn from this side of the House, and from some gentlemen near me of rank, property, character, and integrity? Why, that administration were either very ill informed themselves, or meant to deceive us; that the dispute was unfortunately of a more serious tendency than probably any gentleman had formed an idea of; that it was by no means what the noble Lord represented, a partial dispute between a single province and this country, but the manly, firm, laudable, and constitutional efforts of free-born subjects to preserve, at the risque of their lives, that liberty with which their forefathers emigrated, and which have been hitherto (long may it continue so) the natural produce of this soil; that the late acts of Parliament respecting America were reprobated from one end of that continent to the other, as the most arbitrary violation of the liberties of mankind in general, and of their rights and privileges as English subjects in particular, which they would never sacrifice to the pride, ambition, or persecution of any set of ministers whatsoever. Now, Sir, by *truth's fair test* let the foes as well as the friends of America be judged,

judged. Was the dispute of the trifling nature government represented, and are the Americans so easily to be vanquished? Have they not hitherto conformed to the resolves of the congress as minutely as to any laws upon the face of the earth? Will they not fight in a just cause? and may they not even be provoked to face General Gage's army? In short, Sir, has not the notorious fallacy of every argument of administration in the course of a very few months, been made manifest to the universe? But I am aware it will be said by some, that the Americans are neither exonerated from the charge of ingratitude, nor an attempt to become an independent state. To these I answer, that these are assertions weak and absurd as those I have recapitulated, and will equally fail in proof; for you must either deny that America is like any other mercantile nation, which derives its wealth and consequence from commerce; or admit that without one ship of force to boast of, she must for the present at least, and probably for a century to come, seek the protection of some great maritime power, or be subject every day to have her coasts insulted, or her trade destroyed, by the most piratical petty states that can boast a musquetto fleet, in the like manner they now unfortunately and unjustly experience from the formidable navy of England, whose interest as well as duty it is to protect and defend them. Sir, on the score of ingratitude, I must observe, that where great nations, like France and England, ever jealous of the power of each other, feel themselves in a situation to take up arms, they will not be long finding an occasion; but it so happens that the first hostilities previous to the late war commenced in Asia, not in America, the battle of Arcot was fought by Lord Clive (then Captain Clive) against the French; that of Trichinopoly by major Lawrence, and a powerful fleet ordered to India, under the command of the admirals Watson and Pocock, before the French were known to have committed any encroachments on the Ohio; but, Sir, the ministers of those days, in every respect very unlike the present, regarded America as a mine of inestimable value to this country, and were therefore tenacious of every acre of that possession; they had spirit enough to resent the insults of foreign powers, and wisdom enough to see the importance of the contest; that it was not merely whether you would suffer the French to harass our fellow-subjects in America, which humanity or justice ought to have forbid their acquiescence in, but that it was of no less moment, than whether the colonies should remain dependent upon England, or become an appendage to the crown of France. Sir, the French at that time were not only masters

of the best fortresses and most accessible harbours in America, but of a vast tract of territory there, exclusive of the great possessions of the Indians, whom they had artfully, politicly, and industriously gained over to their religion and interest, by whose assistance they defeated your army under general Braddock, and would probably have become masters of the country, had you not fortunately intercepted their reinforcements and beat them at sea. Sir, the advantages you derived from that victory, to the fatal hour in which you madly threw them away, I will not take up the time of the House to enumerate, though they are very many that fall within the scope of my superficial knowledge; I will only say, that in addition to the increase of some millions annually to your public stock, the wealth, prosperity and consequence of your West-India islands are all derived from America; she, Sir, has furnished them with the necessaries of life, and with almost every kind of store fitting to carry on their works. She has taken in barter their rum and molasses; the sugars have been mostly sent to this country, and the nett produce of them circulated amongst us. Now, Sir, the planter may seek a distant market for his commodities; he must purchase his stores with specie at vast disadvantage; part of his plantation will be turned into provision grounds, and the losses he daily sustains by this unfortunate dispute will inevitably encrease every hour it continues: but I expect to be told, as we were last year, that these are imaginary grievances, temporary inconveniences, and short lived distresses. Here, Sir, admitting that the late war was undertaken merely for the support and advantage of the Americans, then, Sir, to them we fortunately owe the great and flourishing state of this nation at its conclusion. How unlike Sir, was that war to the present! It was constitutional, honourable, popular, prosperous, and glorious. This, Sir, is unnatural, unjust, unprofitable, cruel, and revengeful. It commenced, Sir, in ignorance and despotism, and is pursuing with a rancour bordering upon madness, which can end, at best, but in the destruction of your colonies, with the loss of your troops. Then, Sir, is the lives of the bravest and most valuable officers and soldiers this or any other country ever produced, the only tribute that can satiate the blind passion and revenge of administration? Why will they not relax a little, and be satisfied to entrust the execution of their blood-thirsty measures to such as are better suited to the temper and disposition of their employers. I mean their favourite army of bigotted Canadians, and Roman Catholic marines, now raising in Ireland, and fitting for such laudable purposes.

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They, Sir, are the natural enemies of both countries, and if they prove successful, will be ready to obey the first beck of their masters, and return with swords stained in the blood of every American province to enforce either the declaratory act, a popery bill, or any arbitrary assessment of administration in Ireland. For we have been told by very prevailing authority, [Mr. Rigby and Mr. Charles Jenkinson,] that the establishment of their Parliament does not preclude us from taxing them, which we may, and ought to do whenever we judge proper; for that the Irish had the power to make bye-laws, but nothing more. Indeed, the minister of that House of Commons insists that this is but the rash opinion of some individuals; not that of government; I wish he may be right, for I fear the Whigs and Protestants of that country would be able to make but a faint resistance against such an army. Which way they might probably be next disposed of, I will not venture to foretell. But however pleasing or beneficial the smiles or friendship of ministers may be, it is with a heart-felt satisfaction I reflect that I differ as widely in principle as in politics from a set of men, whose aim I am afraid is the subversion of the constitution, whose delight appears to be in blood, and in destroying the peace of millions.

Colonel *Barre* entered minutely into the particulars and consequences of the summer campaign, described the situation of the King's forces as on a wen, or little excrescence of land, blocked up within the town of Boston, and the fleet not even master of the river in which it lies; he drew a conclusion, that if an army of 22,000 of our forces, with 20,000 provincials and a fleet of twenty-two sail of the line, with more than as many frigates, were three years in subduing Canada, though completed every spring—what little prospect could there be for 10,000 men to effect the conquest of all America.—He told the minister that as he expected but little information from him, he would give him some: that he had received a letter from a Major Caldwell who was settled on a large estate in Canada, who assured him that the Canadians were not by any means to be driven into the war; that he had tried the arts of persuasion in vain; that he assembled about 1200 of them together, who came with large sticks, but had concealed 400 firelocks in the woods, which they were determined to make use of against the English, if they forced them to take either side. He said, that General Carleton and Lord Pitt, were within a quarter of an hour of falling into the hands of Jeremiah Duggan, a barber, who was now a Major
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in the Provincials. He laid the blood of his gallant friend Colonel Abercrombie at the Minister's door; a man, whom particular circumstances (which he could not then mention, but which the noble Lord was well acquainted with) should have secured him from such a fate. He added, as to himself he stood there, it was true, an humble individual, brought into Parliament with reluctance on his own part, by the hand of friendship; that his Majesty thought proper to call him into his service; but, when the matter of general warrants was discussed in the House, and his conscience directed him to oppose the measure, which he modestly did by a silent vote, a younger officer was purposely put over his head, as an intimation that his services were no further necessary; he retired, without repining, on a scanty pittance, as he would have done to the most mortifying state, without a murmur. His Majesty again thought proper to call him into his service, and made him one of the joint vice-treasurers of Ireland, which he held but a short time, owing to a change of both men and measures. Since that time, he had retired with the name indeed of Colonel; yet, in truth, simply but Mr. Barre. He desired the noble Lord before him, to say if he had ever solicited the smiles of government: nay, ministers had empowered him since the last sessions to say more;—but he should be silent.—In touching on the war-office arrangements, in America, he said, though he had lost one eye in America, he had still one military eye left, which did not deceive him. The Americans had been called cowards; that the noble Lord at the head of the admiralty had wantonly raked up the ashes of a deceased admiral, to confirm his hasty assertion; but now he had sent for a living admiral home, to give the departed one the lie; as to cowards, they were certainly the greatest to his knowledge; for the 47th regiment of foot, which behaved so gallantly at Bunker's-Hill, (an engagement that smacked more of defeat than victory)—the very corps that broke the whole French column, and threw them in such disorder, at the siege of Quebec, was three parts composed of these cowards.—He would not say much of himself in a military capacity, to give weight to this account; yet it could not but be flattering to him to reflect, that the dead Wolfe, and the living Amherst, honoured him with their esteem.—He animadverted with great severity on the Minister having said some time ago, that if Parliament would give him the men and money he asked, he would immediately pilot them safe through this American storm. He then ridiculed the absurdity of General Gage's signing the flowery answer to General Washington's clear and manly

manly letter : affirmed that the letter was not the composition of the commander in chief, but that he was compelled to father it by superior powers. He was a good officer, but a plain man. Spoke highly of General Howe, and General Washington. He concluded, with a recommendation to the minister, to embrace the present, the only moment tolerated by Heaven for an accommodation with the Americans; if they were driven a step farther in resistance, the whole American continent was lost for ever. He said, as he had mentioned General Gage's letter, a quotation from it might now supply him with a general inference, with which he would conclude, as a seasonable *memento* to administration.—*Be temperate in political disquisition: give free operation to truth, and punish those who deceive and misrepresent; and not only the effects, but the causes, of this unhappy conflict will be removed.*

Lord Barrington denied the disaffection of the officers, &c. assured the House, that they would receive satisfactory accounts to the contrary in seven or eight days.

Mr. Wedderburne replied to Colonel Barré, accused him of drawing false inferences from his own premises; defended vigorous measures against America. Said sixty thousand men ought to be sent to reconquer that country; it was a system that must be pursued with spirit, even though we lost all the towns and provinces upon that continent, to put us upon a proper footing to negociate with them.

Mr. Burke repeated some expressions of Lord North, on American affairs, some time since; such as, that he would bring the Americans to his feet, &c. and contrasted them with the late events in America; which caused a good deal of laughter. He afterwards compared the Americans to a people who had emancipated themselves, and described the mother-country as a piratical disturber of the ports and trade of the colonies. He spoke largely on the disgrace brought upon the British arms, by being cooped up a whole campaign in Boston, by those who had been called an undisciplined cowardly rabble. He strongly represented the danger to Great Britain in carrying on the American war; and concluded with advising the ministers to meet America with a friendly countenance, nor longer let England appear like a porcupine, armed all over with acts of Parliament, oppressive to trade and America.

Mr. C. Fox described Lord North as the blundering pilot who had brought the nation into its present difficulties. Administration, he said, exult at having brought us into this di-

lemma. They have reason to triumph. Lord Chatham, the king of Prussia, nay, Alexander the Great, never gained more in one campaign than the noble Lord has lost—he has lost a whole continent. Although he thought the Americans had gone too far, and were not justifiable in what they had done, yet they were more justifiable for resisting, than they would have been had they submitted to the tyrannical acts of a British parliament—that when the question was, whether a people ought to submit to slavery, or aim at freedom by a spirited resistance, the alternative which must strike every Englishman was, the choice of the latter. He took occasion to speak of his father, and the fluctuation of ministers at the commencement of the last war. He declared his father was secretary of state only four months, and finding himself without power, and merely a nominal minister, he did as every man of spirit should do on such an occasion, he gave up his place. He then applied this observation to the noble Lord on the Treasury-bench, and in a very pointed manner intimated that it was high time a change of men took place, that a change of measures might accompany it. He took occasion to mention the political distinctions of Whig and Tory, and describing the present ministers as enemies to freedom, declared they were Tories. He made a comparison between the conduct of administration and the conduct of America, shewing the weakness, the error, and the imprudence of the former, and the firmness, the spirit, and the just pursuits of the latter. He combated the argument in the King's speech which inferred that America aimed at independency; and by a chain of reasoning, he shewed, that to be popular in America it was necessary to talk of dependance on Great Britain, and to hold that out as the object in pursuit. He rallied Lord North on the rapid progress he had made in misfortune, having expended nearly as large a sum to acquire national disgrace as that most able minister Lord Chatham had expended in gaining that glorious lustre with which he had encircled the British name. He did not approve of every thing done by that noble Lord [Lord Chatham] but all must confess his great and surprizing talents as a minister. He declared opposition to be cordially united in every part. He retorted on administration for their having last year aroused the younger part of the House by their appeals to the spirit of Englishmen to enforce vigorous measures, and asked whether that spirit was discernible in the pitiful party of the military sent to Boston, or in the vigorous measures of that party; declaring, that if the spirit the ministry had appealed to was still in existence, it would not be possible

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for them to keep their places. After severely rebuking them for endeavouring to shift the blame from themselves to General Gage, he concluded with advising administration to place America where she stood in 1763, and to repeal every act passed since that period, which affected either her freedom or her commerce.

Lord *North* said, he held the pity and contempt of the honourable gentleman [Mr. Fox] in equal indifference. He declared that the words quoted with so much humour by the hon. gentleman [Mr. Burke] had never been used by him in the sense to which he had applied them, and complained of the injustice done him both in the English and American news-papers, by printing false accounts of his speeches in parliament. Respecting the observations made by the last honourable gentleman [Mr. Fox] on the changes in the ministerial departments at the commencement of the war, he begged the House to recollect, that though the men were changed, the same measures were pursued, but that for his own part he wished not to remain a day in office after he was thought inactive, inattentive, or inconsiderate. That if the scheme of repealing every American act passed since 1763, was adopted, there was certainly an end to the dispute, for from that moment America would be independent of England. That many of the acts were framed for the necessary support of the superiority of the mother country, on points in which her right of superiority had never been questioned till America was refractory; that all of the acts were rather acts of justice than of cruelty, and that the act preventing the colonies from trading with other countries, which the gentlemen in opposition made so much rout about, was not passed till the colonies, by a non-importation agreement, had refused to trade with England, who had nurtured them to their present greatness, and had therefore, on the principles of gratitude and recompence, an exclusive right to the benefits of their commerce. His lordship then said, that if he understood the meaning of the words Whig and Tory, which the last speaker [Mr. Fox] had mentioned, he conceived that it was the characteristic of whiggism to gain as much for the people as possible, while the aim of toryism was to encrease the prerogative. That in the present case, administration contended for the right of Parliament, while the Americans talked of their belonging to the crown. Their language therefore was that of toryism, although, through the artful designs of the real enemies of freedom, the good sense of the people of England was endeavoured to be misled; and false
opinions

opinions were industriously inculcated throughout the kingdom. The speech and the proposed address, his lordship said, tied the House down to no point, it could not therefore be of ill consequence to carry the latter to the throne. That the measures administration meant now to pursue, were to send a powerful sea and land force to America, and at the same time to accompany them with offers of mercy upon a proper submission. "This (concluded his lordship) will shew we are in earnest, that we are prepared to punish, but are nevertheless ready to forgive; this is, in my opinion, the most likely means of producing an honourable reconciliation."

Mr. *Dunning* against the address. Had heard it was the intention of administration to send a large force to America to compel submission, and that foreign troops were introduced into the British dominions for that purpose. He said, the measure ought not to have been taken without the consent of Parliament. Without such consent he peremptorily pronounced it to be illegal. To this is to be added, not only the disgrace, but the bad tendency and evil consequences of which this measure may be productive, if suffered to pass into a precedent.

The *Attorney General* [Mr. *Thurlow*] in support of the address, declared that in his opinion there was no illegality in the measure of sending Hanoverian troops to garrison the fortresses of Gibraltar and Mahon, and therefore that no bad tendency or evil consequences could arise from it.

Sir *A. Fergusson*, Mr. *Rice*, Mr. *Jolliffe*, and Mr. *Freeman*, spoke likewise for the address; and Sir *Edward Astley* against it.

At a quarter past four o'clock in the morning the House divided upon the amendment; for it 108, against it 278.

The following is a List of the Minority upon this Division

Gen. Acourf Ashe	Edmund Burke
Serj. Adair	Lord George Cavendish
Evelyn Anderson	Lord Frederick Cavendish
Sir Edward Astley	Lord John Cavendish
Rt. Hon. Isaac Barré	Lord Richard Cavendish
Charles Barrow	Ld. G. Aug. Hen. Cavendish
Nathaniel Bayly	Jervoise Clarke
Lord Ch. Ed. Bentinck	Sir Robert Clayton
Richard Benyon	Wenman Coke
Hon. Peregrine Bertie	Rt. Hon. H. S. Conway
Thomas Brand	John Cooper
Sir Henry Bridgeman	Ric. Hippiis. Coxe

Laurence

A. 1775.

D E B A T E S.

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Laurence Cox
John Crewe
George Dempster
John Dunning
Paul Fielde
Savile Finch
Sir Mich. le Fleming
Thomas Foley, junior
Hon. Charles James Fox
Sir Thomas Frankland
Viscount Folkstone
Ambrose Goddard
Lord George Gordon
Charles Goring
Ralph Gowland
Marquis of Granby
Robert Gregory
James Grenville, junior
Sir William Guise
John Halliday
Rt. hon. W. G. Hamilton
Sir Harboard Harboard
David Hartley
George Hayley
Richard Hopkins
George Hunt
William Hussey
George Johnstone
John Johnstone
Hon. Augustus Keppel
Lord George Leonox
Sir James Lowther
Earl Ludlow
John Luther
Hon. Temple Luttrell
Hon. John Luttrell
Joseph Martin
Sir Joseph Mawbey
Hugo Meynell
Sir Thomas Miller
Sir John Molesworth
Crisp Molyneux

Frederick Montagu
Hans Wintrop Mortimer
William Needham
Richard Oliver
Henry Pierse
Charles Anderson Pelham
Sir James Pennyman
Nathaniel Polhill
Alexander Popham
William Pulteney
John Ratcliffe
Sir George Robinson
Sir John Rushout
Samuel Salt
Sir George Savile
Sir Charles Saunders
John Sawbridge
James Scawen
Robert Scott
Charles Fitz. Scudamore
John Scudamore
Henry Seymour
John Smith
Frederick Standert
Walter Stanhope
Thomas Thoroton
Rt. hon. T. Townshend, jun.
John Trevannion
George Forster Tuffnel
Charles Turner
Earl of Tyrconnel
Earl Verney
Hon. Geo. Venables Vernon
Sir William Wake
Hon. Thomas Walpole
Hon. Richard Walpole
Hon. R. Boyle Walsingham
William Weddell
Viscount Wenman
John Wilkes
Jacob Wilkinson
Sir George Yonge

Tellers, W. Plummer and G. Byng, Esqrs. 110.

Mr.

Mr. Speaker laid before the House the following paper.*

To the King's most excellent Majesty, the Lords spiritual and temporal, and the Commons of Great Britain in Parliament assembled.

The address, petition, and memorial of the representatives of the freeholders of the province of Nova Scotia, in general assembly.

YOUR loyal and ever dutiful house of assembly of the province of Nova Scotia, most humbly beg leave to address our gracious Sovereign, and both Houses of Parliament, at this dreadful and alarming crisis, when civil discord, and its melancholy consequences are impending over all British America.

Actuated by the warmest ties of duty and affection to the person and family of our most gracious sovereign, animated with the firmest attachment to the mother country, zealous to support her power and consequence, over all the British dominions, and dreading a separation from her government and protection, as the greatest political evil which can befall us or our posterity.

Influenced by the principles of humanity and the just rights of mankind in civil society, we tremble at the gloomy prospect before us, we feel for our gracious King, we feel for our mother country, of which many of us are natives, we feel for the British American race, once the most loyal, virtuous, and happy of mankind; animated with such principles, may we not approach the supreme legislature of the British empire, and as dutiful children of just and indulgent parents, may we not most humbly solicit for such regulations as we conceive most likely to preserve the inhabitants of this province in duty and allegiance to our King, in rendering permanent their connection with, and dependence on the supreme legislature of Great Britain, and preserving inviolably to us, and our posterity, the just rights of men in civil society.

We are fully sensible that we have no right to pray for redress of grievances, to request privileges or regulations, unless we acknowledge your right over us; therefore we the
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* He said he received it during the recess, by the post.

representatives of the freeholders of Nova-Scotia, do unanimously most humbly acknowledge our gracious sovereign George the Third, king of Great Britain, the Lords spiritual and temporal and the Commons of Great Britain in Parliament assembled, to be the supreme legislature of this province and of all the British dominions, and that it is our indispensable duty to pay a due proportion of the expence of this great empire.

Having thus, as obedient subjects, acknowledged our duty to our King, and our willing submission to the supreme legislature of the British empire, we humbly request the right of being heard in respect of our grievances or wishes; and as our proceeding in this assembly may possibly have some influence with other assemblies in America, we humbly hope it will not seem presuming if we enter on the subject.

We humbly conceive it will be necessary to the peace and happiness of the British empire, that the tax to be raised in the colonies, and which shall be at the disposal of the British parliament, and the proportion of each colony toward the imperial expence, should be of such a nature, as it may never after be necessary to alter it.

We are also humbly of opinion, that this tax should be of such a nature as should not depreciate, but should increase in the same ratio with the affluence of the inhabitants of this province.

We are also humbly of opinion, that the tax should be of such a nature, as not to be liable to be affected by the increase or diminution of the metals of gold and silver in the world.

From these considerations we humbly offer it as our opinion that the fittest tax for this purpose would be a duty of so much per cent. upon all commodities imported into this province, not being the produce of the British dominions in Europe and America, (except the article of bay salt); this tax will include almost all the luxuries made use of, and will increase in an equal ratio with the affluence of the inhabitants; and if the rates of the several articles are fixed every ten years, for the future and subsequent ten years, it will not be liable to depreciate in value by the increase of the metals of gold and silver.

We therefore humbly pray that the supreme legislature of the British empire will please to accept of a tax as above pointed out; and so conscious are we of your justice and humanity, that we request to know what proportion would be pleasing or agreeable to you; reminding you to consider,

that this province having no manufactories or lucrative commerce, must ever have a scarcity of specie.

We also humbly pray, that when the exigencies of the state may require any further supplies from this province, that then such requisitions may be made in the usual manner formerly practised, whereby we may have an opportunity of shewing our duty and attachment to our Sovereign, and our sense of the cause for which the requisition is made, by which means, and that only, our gracious Sovereign can be acquainted with the true sense of the people in these his distant dominions.

We also humbly pray, that you will permit us, and instruct your governor to consent to an act to disqualify and deprive every member of the community from the rights and privileges of a subject in civil prosecutions, who shall be detected in any illicit trade or fraudulent dealing, together with their aiders, abettors, or concealors, in this or any other branch of the revenue.

This will render unnecessary a multitude of officers employed to detect illicit trade, and prevent that disgust and evil spirit which has been created by their insolence, and will prevent that corruption of manners, and that contempt of the crime of perjury, which is now become so open and flagrant. We humbly request that you will appoint good and sufficient salaries to the officers of the customs, and absolutely forbid them to take any fee, in any case whatsoever, as we have found that the detail of revenue-duty, in all its departments, have been clogged with unnecessary forms and trifling regulations, to increase the fees and perquisites of the officers; and are also humbly of opinion that if those officers were under the controul of the governor, the council and judges of the supreme court of this province, it would be more for the advantage of his Majesty's service and the good of the revenue. We also humbly request, that if the mode of taxation be pleasing to you, that you will permit and order the legislative council, and the judges of the supreme court for the time being, to determine and affix the rate of the taxed articles every ten years for every subsequent ten years.

Your ever dutiful, loyal, and affectionate house of assembly would not in these unhappy times presume to mention their own grievances, or request any particular privileges, lest you should suppose they were meant conditional of their just duty and allegiance this day acknowledged: but as the humble

ble friends of our King and mother country, may we not respectfully point out those measures which may best tend to preserve the inhabitants of this province in loyalty and allegiance, and although we are not at this time in such circumstances as to raise a revenue for the support of the interior civil government of this province, agreeable to the present plan established by his Majesty, and which seems absolutely necessary for the dignity of government in a country, whose particular situation and advantages are such as may probably induce government to order it to be the head quarters of the British land and sea forces in America. But although we may be unable wholly to support so large yet necessary civil list, yet we are willing to set apart a fund for that purpose, which will necessarily increase with the opulence and number of the inhabitants, and will in time relieve our parent state from the heavy burthen of our support; our poverty as a province will not prevent a British King and Parliament from hearing and justly relieving us, when as humble and dutiful subjects, and being well acquainted with this country and its inhabitants, we only beg leave to inform our gracious King and Parliament with the measures which we conceive would best tend to the peace and happiness of this country.

We therefore most humbly presume to offer as our opinion, that no native of this province may ever be appointed a governor or lieutenant governor in this province, the ambition of affluent individuals in the provinces, to acquire governments, have led to faction and parties, subversive of the peace and happiness of the people, the good of the province, and the honour of government, probably the present disputes in America may have been promoted by this cause.

We are humbly of opinion that the members of the legislative council should be appointed for life, and that no person should be appointed a member of the council, unless he be possessed of landed property in the province, to the value of one thousand pounds at least; and we most humbly pray that no collector or under officer of the customs, or any officer who is directly or indirectly concerned in the collection of the provincial revenue, may ever be admitted to a seat at the council board.

We humbly pray, most fervently, that the officers of the customs, and every officer concerned in collecting the provincial revenue, may be prohibited from serving as representatives in general assembly.

We

that this province having no manufactories or lucrative commerce, must ever have a scarcity of specie.

We also humbly pray, that when the exigencies of the state may require any further supplies from this province, that then such requisitions may be made in the usual manner formerly practised, whereby we may have an opportunity of shewing our duty and attachment to our Sovereign, and our sense of the cause for which the requisition is made, by which means, and that only, our gracious Sovereign can be acquainted with the true sense of the people in these his distant dominions.

We also humbly pray, that you will permit us, and instruct your governor to consent to an act to disqualify and deprive every member of the community from the rights and privileges of a subject in civil prosecutions, who shall be detected in any illicit trade or fraudulent dealing, together with their aiders, abettors, or concealors, in this or any other branch of the revenue.

This will render unnecessary a multitude of officers employed to detect illicit trade, and prevent that disgust and evil spirit which has been created by their insolence, and will prevent that corruption of manners, and that contempt of the crime of perjury, which is now become so open and flagrant. We humbly request that you will appoint good and sufficient salaries to the officers of the customs, and absolutely forbid them to take any fee, in any case whatsoever, as we have found that the detail of revenue-duty, in all its departments, have been clogged with unnecessary forms and trifling regulations, to increase the fees and perquisites of the officers; and are also humbly of opinion that if those officers were under the controul of the governor, the council and judges of the supreme court of this province, it would be more for the advantage of his Majesty's service and the good of the revenue. We also humbly request, that if the mode of taxation be pleasing to you, that you will permit and order the legislative council, and the judges of the supreme court for the time being, to determine and affix the rate of the taxed articles every ten years for every subsequent ten years.

Your ever dutiful, loyal, and affectionate house of assembly would not in these unhappy times presume to mention their own grievances, or request any particular privileges, lest you should suppose they were meant conditional of their just duty and allegiance this day acknowledged: but as the humble

throughout this province, subject only to appeals to his Majesty in council, where the property contested may amount to five hundred pounds sterling or upwards.

We humbly pray to be delivered from the oppression of practitioners in the law, and pray that in all civil actions their fees, charges and perquisites may be limited to five *per cent.* on all sums declared for or defended; it is not the desire of our good King to have his quiet and inoffensive subjects in this quarter of the globe given up to be persecuted by a few rapacious men.

Most benign King, your Majesty was graciously pleased to grant tracts of land in this province, upon various conditions of settlement and payment of quit-rents, many of the conditions of settlement were impracticable, and others so expensive, that the grantees were not able fully to effect them, we humbly pray to be exonerated from those severe conditions, and that you will graciously limit the power of the court of escheats to defaults in the payment of the quit-rent only.

This house is sorry to observe that most cruel use has been made of this power of escheating land, even to the depriving of two old officers of the gratuity given them by your Majesty for near forty years of military service, and that to justify two domestics of that governor who ordered the escheatment; and at this time a tract of land is advertised to be escheated, on which the proprietors have laid out near four thousand pounds.

Finally, we most humbly request that the assembly of this province may be called together annually, and that no governor may be allowed to dissolve or prorogue them when he shall be informed that they are preparing a petition to our gracious King and Parliament of Great-Britain.

Most gracious Sovereign, we have unhappily experienced that the redress of our grievances, and those requested regulations, could not come from us in the constitutional mode of laws, which must have passed a council, some of them without property in the province or interest in our welfare.

May the God of all goodness shower down on our gracious Sovereign and his beloved family, every temporal blessing.

May the spirit of concord, justice and public virtue direct the councils of the British senate, and may the Father of mercies preserve constitutional freedom to the British race in every part of the globe.

W. NESBITT, Speaker.

Halifax, June 24, 1775.

October

October 27.

Mr *Ackland* reported the address agreed to yesterday.

Mr. *Hartley* pressed Lord North to declare, that it should be understood, that agreeing to the report now brought up by Mr. *Ackland* should not be deemed a full and decisive approbation of its contents, nor preclude the House in any manner from taking the measures recommended in it, into consideration on any future day.

Mr. *Fielde* approved of this caution and hesitation of the honourable gentleman [Mr. *Hartley*] and thought the advice extremely necessary.

Sir *Matthew White Ridley* said, he had gone along with the minister during the last session of Parliament, upon the supposition that his information regarding America was authentic and to be depended upon; but now that he found it was otherwise, he went away last night without giving any vote, a conduct he wished to avoid, and therefore he called upon the minister to lay sufficient information before the House, that gentlemen might know the ground upon which they were to proceed.

Lord *North* declined complying with these requests: but said, in general, that the navy and army would be taken into consideration in the course of the week, and he believed that either of the days appointed for that purpose would be the most proper time for stating objections, or framing any motion.

This answer brought up Mr. *Powys*, who moved to recommit the address; in order to leave out what related to the Hanoverian troops, viz. "We thankfully acknowledge the gracious considerations which induced your Majesty to send a part of your electoral troops to the garrisons of Gibraltar and Mahon, in order that a larger number," &c. This changed the debate to the general subject of America.

[On this subject of the Hanoverian troops, the arguments were chiefly directed against that paragraph in the address which thanks his Majesty for his gracious consideration, in sending part of his electoral troops to garrison the fortresses of Gibraltar and Minorca. Those who condemned the paragraph argued against its illegality, its being expressly repugnant to the Bill of Rights; and, above all, its being a precedent of a most alarming and dangerous tendency, as it recognised a power in the King to introduce foreigners into his British dominions, and to raise armies without the previous consent of Parliament. It was defended on a variety of grounds. First, on the idea, that the paragraph expressed nor implied no approbation of the measure; that

that the Bill of Rights passed at the Revolution was a declaratory law, and that law, to use Mr. Attorney General's own words, embraced no part of the British dominions beyond the limits of this island; that the necessity of the measure justified it, because of the delay it might occasion, and the consequent embarrassment it might bring on, in the future progress of this business; that it was nothing new, for 6000 Dutch had come over, in the year 1745, to our assistance, without any such previous consent. The gentlemen in opposition considered the paragraph as a full approbation of the measure; whilst the friends of administration insisted it was no more than a compliment to his Majesty's good intentions, and left the measure itself a matter of future deliberation. Mr. Wedderburne and Mr. Dunning had a long conversation upon the different interpretations of the clause. Very few of the speakers confined themselves to this single point, but successively beat over the wide ground of the general dispute with America. The minister, however, quitting his ground, left his supporters by themselves, and fairly owned he was the adviser of the paragraph, and that he was firmly persuaded of its legality, wisdom, and expediency. This explanation was occasioned by his being pressed, in case the opposition agreed to the report, that his Lordship would agree to review the proposition, and give it a full and fair discussion on some future day to be appointed for that purpose.]

Mr. Cornwall entered into American affairs. He acknowledged there had been mismanagement somewhere; but whether by the Parliament, in not granting a sufficient force; by the ministry, in not properly applying the forces granted; or by the officers who had the command of them, in not exercising them effectually, he would not then assert; but probably it might one day afford matter for enquiry in that House. However, he could not avoid saying thus much in favour of administration, that a minister in this country, though he may see much farther into future events than the rest of his countrymen, cannot take any great step without having the cry of the people against him. Had government demanded 40,000 men last session to send to America, Parliament perhaps would not have granted them; but now that the nation seemed to approve of sending a sufficient force, he did not doubt of success. He then proceeded to make some remarks on the conduct of the late Lord Holland, when secretary of state, at the beginning of the last war, in allusion to what had been said by Mr. Fox the night before; and concluded by attacking a noble Duke [Duke of Grafton] for his desertion.

Mr. *Charles Fox* vindicated his father, and defended the noble Duke; but as he quoted the speech the noble Duke had made the night before in another House, he was called to order by the House and by the Speaker. He protested that he had been deceived by the ministry; he had been taught to believe that government had so many friends in America, that the appearance of a few regiments there would give them security in avowing themselves; secure an obedience to our laws, and ensure peace; that upon this principle he voted for sending over the forces last session: peace was his object in that measure; but now that the minister declared himself for war, he could not but object to his proceedings. He could not consent to the bloody consequences of so silly a contest about so silly an object, conducted in the silliest manner that history, or observation, had ever furnished an instance of; and from which we were likely to derive nothing, but poverty, misery, disgrace, defeat, and ruin.

The *Lord Advocate of Scotland* said, it would be ridiculous in administration to recede, or to listen, at present, to conciliatory measures, whilst America was making so effectual a resistance; that all Europe would say we had felt our inability to enforce our rights, and therefore were glad to accommodate matters on any terms; that when we had regained and re-established our authority there, he would be happy to join in any plan for the better and more happy government of that part of the empire. He said, it was not uncommon for Great Britain to be unsuccessful in the beginning, and victorious in the progress and conclusion of her wars; and that he was not at all dismayed by the gloomy pictures which some gentlemen were pleased to draw of our perilous and deplorable situation. He concluded with an attack upon opposition, which he executed with great good humour.

Governor *Johnstone* arraigned the conduct of administration pretty severely; he declared that he was certain that the Hanoverian soldiers could not be tried by martial law for any offences; that if they should be tried, they would have an action in Great Britain against their officers, and that if any of them should be put to death, in consequence of the sentence of a court-martial, those who gave that sentence would be guilty of murder according to our laws; he insisted, that our garrisons abroad were, in the true sense of the word, a part of this kingdom, and he was against the paragraph, as a *dangerous precedent*.

The

The Attorney General [Mr. *Thurlow*] insisted that decency demanded that we should return his Majesty thanks for the considerations which induced him to take the step, though we might afterwards condemn the measure. *Suaviter in modo, sed fortiter in re*, should ever be a maxim in British minds; he declared that it was his opinion that the Bill of Rights did not forbid the introduction of foreign troops into our territories abroad; that it only mentioned this kingdom; that consequently he could no more see any illegality, than he could danger, in the measure.

Mr. *Charles Mellish*. I agree with the gentlemen on the other side of the House, that every government is originally instituted for the governed; but I must insist, that, when a government is actually formed, it becomes the duty of the governed to submit to the governors. I will however agree, that there is at times a power of constitutional resistance; and that in our own government, if a King's minister oppressed the body of the people by repeated acts of violence, our ancestors had, under the sanction of the two Houses, attempted to remedy the grievance. I will also admit, that if Lords and Commons, at the will of any King or any minister, could so far betray their sacred trust, as to tyrannize over the governed in such a manner that human nature could not submit to the tyranny (which was a case I thought scarcely possible to exist, and my blood run cold at the thoughts of it) I was settled in my principles; if the bulk of the people concurred, and I could not be mistaken, I should oppose the appearance of a constitution which no longer existed, and then I will allow, that any new government is better for the governed: but I call upon gentlemen to consider, if the two Houses of Parliament, supported by the united voice of the people, were cautious in their method of opposing the King alone, how much more ought gentlemen to be cautious in attacking the sacred constitution of King, Lords, and Commons. In order properly to consider whether such a case existed, we must look for its signs. Freedom of debate in Parliament seems to me the great touchstone; and I dare say that every gentleman who hears me will be of my opinion, that at no time this House has ever enjoyed more freedom of debate than at present; it has kept us from our beds till five this morning, and may probably keep us to the same hour this night.

Much had been said in former debates, particularly on an equal representation. Indeed in our own state the representation

tation was formed originally equal, I mean in the time of William the First. It was, indeed, a representation of merely the landed interest. Time has by degrees produced so total an inequality of representation, that now it is a certain fact, that not one third part of England is represented in Parliament. Does it not therefore follow, as a consequence, that America has no more reason to complain for the want of a representation, than two thirds of the people of England?

Here it is that the fiction of law steps in to the relief of the subject; it declares us members for every part of his Majesty's dominions; and consequently for America; it has, therefore, altered the ancient principle of the constitution, which said, that the member was obliged to obey his constituents. Necessity has adopted this fiction of a virtual representation, and it is now become our duty to consult the interest of the kingdom in general, in preference to the advantage of our borough or county.

It is strange that reasonable men should not be contented with the government of the country in which they live. I shall ever maintain that I am bound to support the constitution left me by my ancestors. The term Constitution is indeed vague; it is continually altering; like the human body, new particles are continually flying from it, and new particles are adding to it. We ought from time to time to improve the constitution, or reduce it to its first principles, as the case may require, but not by violent means. I hope and trust we shall never again fall into the fatal errors of the times of Charles the First, when every man thought he had a right to set up his new-fangled ideas, in opposition to the government of his country; and when the people at last discovered the miseries they had drawn on themselves by their folly, they received Charles the Second with that weakness and imbecility of spirit, that they lost much of their liberties.

As to the present question, I think ministry is right in its measures, and am satisfied with their late conduct. America has formerly submitted to the right of taxation. Many are the acts passed by us, submitted to by them. I shall shortly state some of them. We have asserted our rights not only in the navigation acts, and the internal acts of the post office, by 9 Ann. c. 10. but we have annihilated in some cases their own acts of assembly; for by 7 & 8 Will. III. we have declared void all the laws, &c. made in their plantations, which were repugnant to that act, or to *any other law* hereafter to be made in this kingdom.

The

The act of 11 & 12 Will. III. c. 7, made for the suppression of piracy, in its 13th section is express. The words are, if any of the "governors in the said plantation, or any person in authority there, shall refuse to yield obedience to this act, such refusal is hereby declared to be a forfeiture of all and every the charters granted for the government or the propriety of such plantation."

These acts were made in the time of the patron of our liberties, the great King William; even the charter itself, which the inhabitants of the Massachuset's Bay now so eagerly clamour after, is not their original charter, but a charter crammed down their throats by the great King William.

We have carried our legislative power still further over the internal police of America, and America has submitted.

The colonies allow that the Greenwich-hospital act, of 7 & 8 Will. III. c. 21, extends to them.

By 3 & 4 Ann. c. 11, we have forbidden their selling their pitch and tar trees under a certain growth, &c.

By 5 Geo. II. c. 22, not a single hat can be exported from the colonies any where.

And by 7 Geo. II. c. 7, we have altered their common law in the most essential of all points, their property in the teeth of their own acts of assembly; for the more easy recovery of debts, even if due to ourselves, we have made their lands assets.

And to close the whole, by 13 Geo. II. c. 7, we have made foreigners, who inhabit seven years in the colonies, natives of these very countries, of which they deny us the right of legislation.

But the mode of laying the late taxes has been objected to.

Yet by 25 Car. II. c. 7, we have laid port duties on the exportation of sugars, under the express regulation of the commissioners of the customs and treasury; and by 1 Geo. I. c. 12, we have ordered those duties to be paid into the exchequer; yet these duties have never been complained of by America.

But the chief act on which the greatest stress may be laid as to this point, and which I call on the gentlemen on the other side particularly to attend to, is the 6 Geo. II. c. 13.

Here, exactly as in the case of the present tea-duty, we give and grant a duty on foreign rum imported into the colonies; we order an entry, and that the rate shall be paid in money before landing.

Thus then America has submitted to internal taxation and legislation, both as to the right and the mode; and, as America

rica has submitted to the law of Parliament in former instances, I am for enforcing obedience to the present law. Those gentlemen who suspect me of tyranny know little of my disposition.

But it has been said by some gentlemen, that foreign states accuse us of being engaged in a silly measure; all the answer I shall give such foreign state is to mind its own business. If France says so, I should ask, where is the policy of the Corsican expedition? If Spain, what it thought of the coast of Barbary? Each state has enough to do at home; and if each private member of this House would employ himself in assisting the public, instead of stating to the House private grievances, Great Britain would reap the advantage.

Mr *Dunning* insisted, that the Bill of Rights was only declaratory of rights existing prior to that act, that therefore the people were not to confine their claims to the literal words of it, but to recur to the great principles upon which that declaration was made.

Mr. *James Grenville*, with that modesty, ability, and candour, for which he is remarkable, gave his reasons for not going on against America, because the Americans did not mean to render themselves independent of this country, and because he judged it impracticable to reduce them by force. He concluded by shewing, with much feeling propriety, that he did not mean to throw any reflection upon the conduct of his late relation, Mr. *George Grenville*.

Mr. *Adam* answered the arguments of Mr. Grenville. He shewed that the Americans would proceed to independence, if successful, and that it was therefore absolutely necessary to reduce them. He entered into the practicability of the measure, by shewing that no settled form of government being established in America, all must be anarchy and confusion there, and that all ought to be regularity and order at home. He took notice of the comparisons which had been made between our situation and that of Spain, with regard to the revolt of the United Provinces, and said the cases were not parallel. He then attacked the conduct of the opposition, but said at the same time, that he could not approve of that of the ministry. He described the operations of the last year, as very inactive; found fault with the conciliatory propositions, and called upon the noble lord at the head of administration to act with vigour. He praised Lord North in the strongest terms, for his ability and public virtue, but accused him of indolence, the greatest fault a minister could be guilty of at this critical juncture! He told him the time for action

was not yet over, but that it might soon pass away; begged him therefore to rouse himself, and to act with the ability he possessed. He described the inactive campaign of last summer in very strong colours; accused him for allowing the congress to meet; asked if those neglects were like the conduct of a great minister, like the conduct of that man, who had seized the helm in a storm, and was not to quit it, though it should blow a hurricane? He concluded by saying, that from the spirited address of this day, he hoped for a more vigorous conduct, and trusted that the noble Lord would not allow it to go down to posterity, that from his inactivity, and not want of abilities, he had lost Great Britain her American colonies. Then begging pardon of the noble Lord, he assured him and the House, that he had not said these things from any licentious spirit of railing, but from a sincere love for this country, and a desire of preserving its greatness.

Lord *North*. He thanked the honourable gentleman for the ability, candour, and manliness with which he had attacked him; said he was always ready to listen to any stricture upon his conduct, even when it came from malice; but when it flowed from so pure a motive, so sincere a love for his country, as he was sure that hon. gentleman possessed, it could not fail of having the strongest effect. He pledged himself to the House, that he would proceed with vigour and activity. He confessed that indolence of temper, which the hon. gentleman [Mr. Adam] had noticed, and that dislike to business, but declared that he was forced into the post that he now held; that stormy and tempestuous as the ocean is, through which he had to steer, he would never of his own accord abandon it till the storm had subsided. He acknowledged he had been deceived in events, but that he had adapted his measures last sessions to the then state of affairs, not imagining that all America would have armed in the cause. Administration had proceeded upon the information they had received; if gentlemen were in possession of better information, why did they not communicate it? He said, that when he adopted the necessary plan of sending Hanoverians to Gibraltar and Port Mahon, he had not a doubt of the legality of the measure; that if it was dreaded as a precedent, he should have no objection to a bill of indemnity. If he had waited for the meeting of Parliament, our troops in Gibraltar and Port Mahon could not be brought into the field time enough to have admitted of an early and vigorous exertion of our forces against the rebels. That if we suffered by the war, America would suffer much more. He answered Mr. Adam's

objection to his conciliatory plan; said it was the measure that had put us on a proper footing with regard to America; that now they had refused it, their intentions were easily seen, and every exertion of force was justifiable till such time as they should again become obedient to this government; that nothing should be wanting on his part to bring them back to a just subordination; that now it was impossible to treat with them, until once brought back to a due obedience; that there was no intention to oppress them, but to establish in America the most just, mild, and equitable government. He had, he said, as great a veneration for liberty as any man in the House; and he hoped the Americans were too brave and worthy of their ancestors, to hesitate a moment in their choice between slavery or war; but in the present instance there was no question of slavery. Their friends have said that they only wished to be put on the same footing on which they were in 1763. He wished to God, if it were possible, to put the colonies on the same footing they were in 1763. Surely America would not, without money, without trade, without resources, continue to prefer a ruinous war with Great Britain to the blessings of peace, and an happy dependence upon her. He concluded with giving a pathetic description of his own situation, under the weight of government, though surrounded with all the power and pageantry of administration; but said that in spite of all this he should consider himself as infinitely happy, if in the last moments of a life spent in the service of his country, he could say he had done any thing for the support of a constitution he loved and admired, and of the best laws that ever were framed for the happiness of mankind.

Colonel *Barré* observed, that the noble Lord could very calmly bear to hear his faults announced from some quarters; that his Lordship stood the attacks of a certain northern dialect with a very good grace; but he was instantly shot dead with the brogue; and what was acknowledged to be extremely candid on one side the House, was downright malice from the other. He accused him of kissing the rod that had been held by that honourable gentleman, [meaning Mr. Adam] he said that the honourable gentleman, indeed, had held it with much grace and great ability, but he believed that the noble Lord had other reasons; that an honourable friend of his, [meaning Mr. Burk] had often exercised it with great grace and much ability, and yet it was not kissed by the noble Lord when in his hands. The reason, he said, which induced all America to take arms sooner than the noble Lord had expected, was to oppose a com-

mon enemy: the circumstance put him in mind of a speech made by Marshal Schomberg to the British troops, as they were crossing the river Boyne in Ireland, *à le devoir mes enfans, voilà vos ennemis!* He then entered into the Hanoverian measure, and in his usual manner told many pleasant stories of his acquaintance in that country, and some other parts of the globe.

Mr. Serjeant *Adair*. When I perceive, and, indeed, myself most sensibly feel, that the patience of this House and the constitution of its members, are almost as much exhausted in the course of this debate, as the treasures and resources of this country are likely to be by the consequences of our address, I shall certainly take up as little of their time as possible, and fatigue myself and others as little as I can: but, Sir, I cannot rest satisfied in my own mind, without observing upon some things that have fallen in the course of the debate; and submitting to the House a few short reasons for my most hearty and entire dissent from the proposed address.

The first argument, if it can be called so, that I shall take notice of, I mention with much reluctance; because, Sir, if it had not been adopted by so respectable a member as the learned gentleman [the Attorney General] it would have appeared to me unworthy of the wisdom and dignity of this assembly, and an insult on the understanding of every man to whom it was addressed; I mean, Sir, the unaccountable attempt that has been made to persuade us, that the words of this address do not convey any kind of approbation of the measure of transporting the King's Hanoverian troops to the garrisons of Gibraltar and Port Mahon. It is impossible to use any other argument against this, than an appeal to the common sense of mankind. It does not appear to me to be the subject of reasoning or dispute; strip it of sophistry, of the false colouring with which it hath been varnished; read the clause in question to any plain man, and if he does not say that it expresses an approbation, a thankful admiration of this part of the conduct of his Majesty's ministers, I have lost all my ideas of language, all understanding of the import of words. If there is any member of this House who upon barely reading the words of this address, entertains a serious doubt upon the meaning of it, his mind must be so differently constituted from mine, that it is impossible any argument I could use, could make the least impression on him. But why, Sir, are the gentlemen so solicitous upon this point? Why are they so exceedingly afraid,

that these words should be understood in their plain sense? Are they doubtful of their own measures? Do they wish, by deluding our understanding, to steal from us an approbation of what they dare not themselves defend? Do they themselves think the measure in question legal and proper? If they do, why not approve it? Why not avow the approbation? Why do they not speak out? "The measure is right, it is legal, it is beneficial to this country; the address does approve it, and it ought to be approved." Surely, Sir, this would be a more rational and manly ground for supporting their address, than the frivolous attempt to pervert the obvious meaning of words, and sophisticate us out of our senses.

So much has been said of the legality of this measure; the arguments against it have been so fully and ably stated, especially by two honourable gentlemen [Mr. Dunning and Gov. Johnstone] who sit before me; that I think it necessary to trouble the House with very little upon that subject. I shall content myself, at present, with saying, that I entirely concur in the opinion, that the illegality of employing or supporting foreign forces in any part of the dominions of Great Britain, without the consent and authority of Parliament, is deducible from the same principles of law, and the constitution, from whence our ancestors, who declared the rights and liberties of the subject at the Revolution, inferred the illegality of raising or keeping an army within the kingdom in time of peace without the same authority and consent.

The check and controul, which the ancient principles of this happy limited monarchy has with so much wisdom and caution established over the power of the Sovereign, would be vain and nugatory indeed, if that Sovereign had a right, by his own mere authority, to establish an armed force, either of natives, or much more of foreigners, in any part of the dominions of this crown, without the consent of the people, expressed in this great council of the nation.

The negative of this power, Sir, was one of the great privileges which the Bill of Rights declared to be the undoubted right and liberty of the subject. The proposition deduced from the principles of the constitution is general; it was laid down in the terms in which it appears in that law, because, like every thing else that is there declared, it had a reference to the grievances recited in the preamble. Those were the encroachments which the late King James had made on the *constitution* of his country. Those were the mischiefs immediately to be remedied by the Revolution; and accordingly

to every clause of the Bill of Rights, the declaration of the right is adapted to, and co-extensive with the violation complained of. This is the true reason why some of those declarations appear to be limited in their expression; and excludes every inference against the generality of the propositions, which are fairly deducible from the same principles of reason and of law.

But, Sir, though I avoid detaining the House, by entering more particularly into the reasonings on this subject, I cannot dismiss it, without taking some notice of a most novel and dangerous doctrine, which has proceeded from so respectable an authority, that it demands our most serious attention. It has been asserted by the highest law authority in this House, "That the raising or keeping an army even within this kingdom in time of peace, without the authority of Parliament, unconnected with the illegal purposes to which," he admits, "it had been perverted, was not simply, and in itself unlawful, before the passing of the Bill of Rights at the Revolution, and therefore that the clause in that statute, which declares it to be so, created a new law, and did not merely declare an ancient fundamental principle of the constitution." If this be true of that clause, Sir, it may as well be applied to every other in the Bill of Rights: and the consequence of that doctrine will be, that all the privileges there asserted to be the ancient rights of the subject, were not in truth so, but were new acquisitions, or generous gifts at the Revolution: and that the declarations and provisions of that excellent law are not to be extended beyond the words of it, or applied to other cases deducible from the same principles of the constitution, which they certainly should be, in the most liberal manner, if it is merely declaratory of the common law and ancient constitution of the kingdom.

But, independent of all other reasonings, the clear and unambiguous words of the law itself, give the most decisive refutation to so strange a doctrine. If there is any one statute in the whole book which is more clearly and pre-eminently declaratory of the ancient law than all others, it is certainly the Bill of Rights. The preamble recites, "That the late King James, by the assistance of evil counsellors, did endeavour to subvert the laws and liberties of this kingdom," in several particulars, which are there recited; all which are affirmed to be "directly contrary to the known laws and statutes of the realm." Contrary to what laws, Sir? Surely not to those which they were then going to make; but to those ancient, and, in the words of the act, known laws,

which existed at the time, and long before the violations complained of. The act then goes on to say, that the Lords and Commons, "for asserting their ancient rights and liberties do declare," several particulars, and amongst the rest, "that raising or keeping a standing army within the kingdom, in time of peace, unless with consent of Parliament, is against law," and they "claim and insist upon all the premises as their undoubted rights and liberties; and it is declared and enacted, that all the rights and liberties so claimed "are the true, ancient, and indubitable rights and liberties of the people of this kingdom." These words, Sir, are too strong and clear to need a comment; and on them, with confidence, I rest this matter in dispute.

I must trouble the House with a word or two on another very strange argument, indeed, which seemed to be used yesterday with a sort of triumph, [by the Solicitor General, and others] and has been repeated in the course of this day's debate, though with some attempts to soften it a little, and take off from that glaring absurdity which has already been so ably exposed: this, Sir, is the comparison that has been made between this American war and some others in our history, which, though they were blundering and unsuccessful in the beginning, were glorious and prosperous in the event; from whence the strange inference has been drawn, that because this has been at least equally blundering, and unfortunate in its outset, it should therefore be similar in its future glory and success? and the much stronger consequence, that we ought to pursue the same kind of measures that have proved so unfortunate, and continue to place our confidence in the same men who have been guilty of those blunders and mistakes. A right honourable gentleman who spoke early in this day's debate, [Mr. Stanley] endeavoured to state this with more appearance of reason thus—I do not profess, Sir, to repeat his very words, but I believe I can be pretty exact as to the substance: "It is not, said he, so absurd and ridiculous to alledge, that, because we had not last year full information, because we had reason to trust to appearances and probabilities that have deceived us, because trusting to them we had not a force sufficient nor efficaciously employed, we are not therefore to infer, that when we have full information, when those errors we were looked into are rectified, and a sufficient force is efficaciously employed, our measures should not be attended with more prosperous success." I do not contend, Sir, for that inference; on the contrary, I am fully persuaded, that a rectification of our late errors and blunders, and

and total change of our measures, adopted upon full information, would be attended with a prosperous and happy event : but, Sir, I do contend for the inference from these premises, that we are not to trust the same men who have so blundered and been deceived, or pursue, even to a greater extent, the same measures that have nearly undone us.

Let me ask the right honourable gentleman and his friends, why had they not full information in matters of such importance? Why did they trust to uncertain appearances and probabilities that have deceived them, when the fate of the empire was at stake? If they judged force necessary, why had they not a sufficient force? And why was not that force efficaciously employed? Are those men fit for the management of great affairs, who neglect the means of information that are in their power? Are ministers equal to the government of a great empire, who trust the fate of it to deceitful appearances and the chapter of accidents? Or, ought they to be trusted with the direction of fleets and armies, who do not know what force is sufficient for their own plans and designs, or how it should be most effectually employed?

I shall now, Sir, entreat the indulgence of the House, while I state, as shortly as I can, some of the reasons why I am against the whole of this sanguinary address; and why I, for one, cannot consent, to pledge myself for the truth of propositions, respecting which I have no evidence or information before me; and the approbation of measures, which I, from my soul, detest and abhor. I shall not enter into the particulars of the speech or address, which have been so ably observed upon, in the course of two long days debate. I oppose, Sir, the whole principle of the address, because the avowed tendency of it, is to plunge us still deeper in an unhappy civil war, and to pledge us to support a system of measures, which appear to me to threaten ruin and destruction to this devoted country. I am against the present war, Sir, because I think it unjust in its commencement, injurious to both countries in its prosecution, and ruinous in its event. It is staking the fate of a great empire against a shadow. The quarrel which occasioned it, took its rise from the assertion of a right, at best but doubtful in itself; a right, from whence the warmest advocates for it have long been forced to admit, that this country can never derive a single shilling of advantage. In spite of all the sophistry that has been used, and all the declamation we have heard on the dignity of this country and the authority of Parliament, the right of taxation is the only real and original subject of
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the dispute between Great Britain and her colonies. This doubtful and unprofitable right has been attempted to be asserted and enforced by a series of laws, the most oppressive, the most violent, the most arbitrary, unjust and tyrannical, that ever disgraced the annals of any civilized nation upon earth. I will not now, Sir, enter into the particulars of these laws, but I mean the whole system of American legislation, from the Boston Port bill to the present time.

This system of laws, Sir, has produced its natural effect; it has driven your colonies into rebellion, and we are now called upon to concur in exerting the whole power of this nation, in enforcing by blood and destruction that unjust and arbitrary system. The injustice of these measures alone would be sufficient to determine me against giving them approbation or support. But when I consider the inevitable consequences of them, I am still more strongly confirmed in that opinion. The war in which we are engaged is, of all others, in its nature, the most ruinous and destructive. Whatever may be the event, we must be the sufferers; for such is the unhappy nature of the contest, that the losses and mischiefs of both sides must ultimately fall upon us. Whose treasures will be exhausted by the expence? Whose commerce will be ruined and destroyed? The blood of whose subjects will be spilt, but those of the British empire? If such are the present effects of this war, the event must be still more fatal to this kingdom. Let us consider it, Sir, upon either supposition of success or disappointment, of conquest or defeat. The present situation of the colonies, their union, their conduct, their enthusiastic spirit of liberty, and the fatal experience of the last campaign, has fully convinced every man, even the most sanguine, that we cannot expect bloodless laurels, or an easy conquest. We must lay our accounts for the most alarming and dangerous resistance; and if a full exertion of all the powers and resources of this kingdom, which I am far from thinking the most probable event, should at length, after a long and obstinate contest, in which both sides will be almost equally exhausted, prevail over every effort of liberty, reduce the colonies to a forced submission, and compleat the conquest of America; in what respect shall we be gainers by such a conquest? What shall we acquire at such an expence, but the empty assertion of an unprofitable sovereignty over desolated provinces, or a few miserable slaves? Instead of those flourishing dominions, the wealth and commerce of which has rendered us *the greatest nation in the world, we shall find ourselves*
possessed

possessed of a vast territory, which, drained of the sources, from whence that greatness flowed, that communicated itself so plentifully to us, will be not only useless and unprofitable, but burthensome and destructive; acquired by violence and force, it cannot be preserved but by the same means; and our acknowledged revenues, must be still further drained, by the constant expence of fleets and armies, to support our unjust authority, and to defend from foreign invasion those provinces which we shall have deprived of the means of defending themselves: These, Sir, are the happy consequences that we may expect from the most prosperous success.

But suppose for a moment the event should be different; suppose the extent and natural advantages of their country, their distance from us, that union which our measures have produced, and above all that ardour of liberty, that enthusiastic and desperate spirit, which our injustice and oppression have excited, should carry the Americans through the dreadful struggle with success, and enable them in the end to baffle and defeat the utmost exertions of their infatuated and deluded country. In the course and event of such a struggle, is it possible to suppose that America will not follow the dangerous example which we are going to set her, of having recourse to foreign assistance; that in the future establishment of her commerce, she will not give the preference to any nation in Europe, over that which has attempted to enslave and destroy her, and has not desisted from the unnatural attempt, till after the utmost, though ineffectual exertion of all her power and resources? In what situation will Great Britain then find herself? Her colonies will not only be totally lost to her, but, at least as to the benefits of their commerce, thrown into the hands of other powers, most probably her natural enemies. Reduced to her insular dominions; curtailed in her commerce; the principal source of her wealth and naval power transferred into the hands of her enemies; her blood and treasures exhausted; her revenues lessened; oppressed with an enormous debt, and debilitated with unsuccessful exertions; she will lose her power, and consequence in the system of Europe, and be exposed almost a defenceless prey to the first neighbour who shall chuse to invade her.

These, Sir, are the consequences which must ensue from the measures we are now called upon to approve and support. Whether they are followed by defeat or success, they will, almost with equal certainty, destroy the power, the glory, the happiness of this once great and flourishing empire. It is

my opinion that we cannot conquer America; I have not a doubt, that we cannot acquire or maintain a beneficial sovereignty over her by violence and force.

But, shall we give up our colonies without a struggle; without an attempt to preserve our dominion over them? That, Sir, is not my opinion; I think we shall lose that dominion, I am sure we shall lose all benefit from it by oppression, violence, and war; but it may still be preserved by justice, moderation, and peace. The Americans, it is said, will be satisfied with nothing less than absolute independence. They do not say so themselves, Sir; they have said the direct contrary, "Restore the ancient constitution of the empire, under which all parts of it have flourished; place us in the situation we were in the year sixty-three, and we will submit to your regulations of commerce, and return to our obedience, and constitutional subjection." This, Sir, is the language of the Americans.

Is this a claim of absolute independence? Were they independent of this country in the year sixty-three, or at any preceding period? Will any gentleman on the other side of the House rise up and say that they were? If they were not, they do not now claim to be so. If they were then independent, it was in that state, that those advantages of wealth and power flowed from them, which raised us but a few years ago to the greatest height of eminence and glory, and set us at the head of all the nations of the world. But our ministers tell us they will not in truth be content with what they themselves have professed to demand. Have you tried them? Make the experiment. Take them at their word. Repeal the acts that have passed since sixty-three, and put them on the footing of their old system of colonial administration. Surely, Sir, it is a less expensive and dangerous experiment, than that which we are now so strongly urged to make. If it should fail, Sir, how are we injured? Will our blood be spilt by it? Will our treasures be exhausted? Will our strength or our resources be the less? If the Americans should recede from their own proposals; if they will be content with nothing less than an independence equally opposite to the true interest of both countries; you may then have recourse to war, if it should then be thought advisable; and you will do it with the advantage of a united instead of a divided people at home. The colonies will not have a single friend on this side the Atlantic; there will not be a single man who will not think their resistance a most unnatural and unjustifiable rebellion; instead of thinking them, as I

now do, from the bottom of my soul, engaged in a noble and glorious struggle, even if it should be carried on with a mistaken zeal, for what they conceive to be their liberties, and the natural rights of mankind.

I beg pardon, Sir for having trespassed so long on the indulgence of the House; I did not rise from the hope of convincing any one member, much less from an expectation that any thing I could say would be worthy of their attention. I am conscious, Sir, of my own inability to treat so great a subject as it deserves; but I could not be easy in my own mind, without entering the strongest and most public protestations against measures which appear to me to be fraught with the destruction and downfall of this mighty empire. I wash my hands of the blood of my fellow subjects; and shall at least have this satisfaction, amidst the impending calamities of the public, not only to think that I have not contributed to, but that I have done all in my power to oppose and avert the ruin of my country.

Sir *Gilbert Elliot* defended Lord North from the attack made on his indolence and inactivity; and besides arguing in support of his Lordship's conciliatory proposition of last year, said, he would not give his consent to the sending a large armament to America, without sending at the same time terms of accommodation.

Mr *Rigby*. He rallied Colonel Barré upon his numerous acquaintance. He said he was always much pleased and entertained with the stories of that honourable gentleman; nay, he was even entertained with the history that gentleman had given of his own life the day before, though he must own that it came with the fewest graces from a person's own mouth. He then made an avowal of his principles, and declared he voted for the address to his Majesty, merely because it was to sanctify coercive measures. He said he was firmly of opinion that America must be conquered, and that the present rebellion must be crushed ere the dispute would be ended. That there were faults somewhere, but did not know whether they were in the department of the sea or land. That as to reconciliatory plans, he was as much for them as any man; declared he did not wish to fight for a paltry tea duty: but wished to be understood, that in saying so, he did not by any means give up the right of taxation, although it might not be politic to insist on it at present; and he quoted the authority of Lord Chatham, to prove that it was a doctrine held in the House ten years ago, and that the Earl had himself, when minister, declared the Americans should not man-
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manufacture, that they should not make a horse-nail. He concluded with hoping the minister would act with becoming vigour in America, and he doubted not of success: He described the present situation of America in very strong terms, saying, that there now existed in that country a system of tyranny that disgraced usurpation.

Mr. *Dempster*. I do not rise, Sir, to trouble the house on the subject of the question more immediately under its consideration. The noble lord [Lord North] who spoke some time ago, has in my opinion concluded that matter fully and desirably. He has declared his willingness to accept of an indemnity, if the legality of the measure of introducing foreign troops into our distant garrisons and forts shall appear doubtful to the House. The expediency of that measure nobody has disputed, its legality alone is called in question, and in my opinion very justly so; but as this point will be settled by an act of indemnity, what more can be said? What more can we desire? the business is concluded.

But, Sir, I am induced, though at a late hour of the night, to say a few words on something that fell from the same noble Lord, and that has since fallen from other gentlemen of great weight and authority in this House, from what they have said, Sir, a ray of comfort breaks in upon us. That dark and portentous cloud that has hung so long over Great Britain and America, fraught with numberless ills to both, begins to break and clear up. Within this half hour I am induced to entertain a hope, to which I have been long a stranger, that there will be an end to bloodshed, and that peace, harmony, and happiness, may be again restored to this distracted empire.

To forward this most desirable object, as far as lies in my power, is my sole motive for saying a very few words.

The noble Lord has disclaimed any intention of enslaving America. He has gone so far as to say that he would not object to restoring her to the footing on which she stood in the year 1763, was there a probability of America being now satisfied with this concession.

Another right honourable gentleman [Mr. Rigby] of great abilities, and a leader of no inconsiderable party in this House, has just now declared that he will not fight with America for a paltry duty upon tea. And a third right honourable gentleman [Sir Gilbert Elliot] not short of the former in consideration and weight among us, has expressly affirmed, that he will not consent to an armament sailing against

against America, unless the same fleet shall carry reasonable offers of accommodation to that quarter of the globe.

There appears, for the first time, by what has fallen from those three noble and honourable persons, a disposition to relinquish the great bone of contention between our colonies and their parent state; I mean, Sir, the exercise of the right of taxing them, unrepresented as they are, in Parliament. I hope, Sir, the House will revert to our ancient system of governing the colonies; for till we abandon this new-fangled system of taxing them *here*, a system no older than the conclusion of the last war, I will venture to affirm that no coercive measures short of extermination will ever compel the Americans to submit to it.

There is no subject on which I have employed more reflection, than on the grounds of our present dispute with America; the result has been an opinion by which I believe I shall abide as long as I breathe; it is, Sir, that in my conscience I think the claim of the Americans is just and well founded, to be left in the free exercise of the right of taxing themselves in her several provincial assemblies, in the same manner that Ireland now does and always has done. By this beautiful part of our constitution, our wise ancestors have bound together the different and distant parts of this mighty empire; by this single principle, heretofore inviolate, they have diffused in a most unexampled manner the blessings of liberty and good government through our remotest provinces. Look, Sir, into the history of the provinces of other states, of the Roman provinces in ancient time; of the French, Spanish, Dutch and Turkish provinces of more modern date, and you will find every page of it stained with acts of oppressive violence, of cruelty, injustice and peculation: but in the British provinces, the annual meetings of their little assemblies have constantly restrained the despotism, and corrected the follies of their governors; they watch over the administration of justice, and from time to time enact such salutary regulations as tend to promote their happiness and well-being. And what, Sir, I beseech you, could insure the regular meeting of those assemblies, ever troublesome to governors, but their retaining in their own hands, like us at home, the power of granting the funds necessary for defraying the current expence of government. Were your provincial assemblies deprived of this power, I cannot see wherein the government of America would differ from

from that of Indostan. And has our enquiries, in a former session, into the administration of Bengal, made us in love with the eastern species of government? Do we seriously wish to transplant the rapine and cruelties of India to America?

But now, Sir, that this system is given up to our colonies, peace will, I hope, speedily follow the concession.

I cannot, Sir, but commend, in the warmest terms, the intention expressed by our gracious Sovereign in the speech from the throne, of sending a commission to America to empower persons on the spot, to receive submissions, to remove oppressive restrictions, and to grant pardons and other indulgences to our fellow citizens across the Atlantic. There is but one step more necessary to be taken, and peace will, in my humble opinion, be certain and infallible; and in relation to that step alone have I ventured to rise on the present occasion. It has already been touched upon by an honourable gentleman [Mr. James Grenville] who always expresses himself with elegance and propriety. The point I mean, Sir, is that his Majesty's commissioners may be empowered to treat with the congress. I am convinced, Sir, that America will not listen to a treaty through any other medium; it stands to reason and common sense she will not; for the congress is not only the sole existing power at this moment in America, but it is to the union formed by means of the congress, that America owes its strength, and its formidable power of resistance; without such a union twelve wide-spread, far-distant provinces, thinly peopled and individually weak, could never act with effect in defence of what they think their violated rights; nor is it to be supposed they will dissolve this firm bond of union till their grievances are redressed.

May I then be permitted very humbly to join my feeble voice to the honourable gentleman's before alluded to, and entreat the ministry that no false pride, no misplaced idea of dignity and authority may induce them to forbid the commissioners from treating for and seeking peace where alone peace may be found. Let the commissioners be vested with discretionary powers, and left at least without an express prohibition to treat with that body; or let some means be devised of legalizing a congress, by calling one *pro hæ nata* under his Majesty's authority.

The commissioners will, Sir, I hope, be well chosen, will be men of rank and character, men of known attachment to the constitution, and men known and revered for services *done* to their country; and neither too much attached to Bri-

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tain nor America, but, if possible, impartial in their opinion concerning the present contest.

When men such as I have described, giving weight and dignity to the commission they bear, come to treat and to reason with the Americans, much may be urged to quiet their jealousies and apprehensions, and to bring them back to their wonted allegiance to the King, and subordination to this country. They may be told, Sir, and told with truth, that Parliament is not so determinedly obstinate on the measure of taxation as they apprehend. They may be reminded that if Parliament taxed them in the year 1764, the same Parliament, finding this well-meant but injudicious measure offensive to America, repealed the tax in the year 1765. They may be told that on the memorable occasion of repealing the stamp act, their great champion, the Earl of Chatham, laid the claim of America only to an exemption from internal taxation. They may be also told that the seven or eight duties afterwards imposed, were not internal taxes, but external port-duties on foreign commodities. And yet in consequence of those external duties being disagreeable to America, they were all repealed, except this miserable three-penny duty upon tea. And when to those arguments the commissioners can add, that Parliament, even on this last article, is disposed to relax, I can hardly doubt of their success. I already see peace and harmony restored! I see the two countries, like two friends who have quarrelled, returning with eagerness to their ancient habits of friendship, and cementing more closely than before their useful connection and affectionate union! How ardently, Sir, this is my wish, let the trouble I have now ventured to give you this night, bear witness, if the uniformity of my conduct for eleven years that this unhappy contest has subsisted, should not be a sufficient testimony of my sincerity.

Sir *George Yonge* moved, that this House immediately take into their consideration, the measure of introducing foreign troops into any part of the dominions of the crown of Great Britain, without the previous consent of Parliament.*

Mr. *Powys* withdrew his motion of recommitment, and seconded this.

At near one o'clock in the morning the House divided upon Sir *George Yonge's* motion. For it 72, against it 176.

Lord *North* then moved for "Leave to bring in a bill to empower his Majesty to call out a militia when a rebellion

* This motion is not in the votes.

appeared in any part of his dominions ;" which was agreed to.

A petition of the Lord Mayor, Aldermen, and Commons, of the city of London, in Common Council assembled, was presented and read ; setting forth, that the said court, having taken into its most serious consideration the present distressed situation of our fellow subjects in America, are exceedingly alarmed for the consequences of those coercive measures which are pursuing against them, measures that must, notwithstanding the great uncertainty of their success, eventually be productive of new and more burthensome taxes, the increase of an enormous national debt, and finally, we fear, the loss of the most valuable branch of our commerce, on which the existence of an infinite number of industrious manufacturers and mechanics entirely depends ; and that, his Majesty having been graciously pleased, in answer to a late humble and dutiful address and petition to the throne, praying a cessation of hostilities with America, for the purpose of obtaining time, and thereby giving an opportunity for a happy and lasting reconciliation with his Majesty's American colonies, to declare that he shall abide by the sense of his Parliament, the said court conceive it to be their indispensable duty, thus early in the session, in the most respectful manner, to apply to the House, to adopt such measures, for the healing of the present unhappy disputes between the mother country and the colonies, as may be speedy, permanent, and honourable.

Ordered to lie upon the table.

October 28.

Address presented.

The humble Address of the House of Commons to the King.

Most Gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in Parliament assembled, beg leave to return your Majesty the humble thanks of this House, for your most gracious speech from the throne.

Permit us, Sir, to assure your Majesty, that we have long lamented the condition of our unhappy fellow subjects in America ; seduced from their allegiance by the grossest misrepresentations and the most wicked and insidious pretences, they have been made the instruments of the ambition and traitorous designs of those dangerous men, who have led them step by step to the standard of rebellion, and who have now assumed the powers of sovereign authority, which they exercise in the most despotic and arbitrary manner, over the persons and properties of this deluded people.

Your faithful Commons took a sincere part in your Majesty's

jesty's benevolent and paternal desire; rather to reclaim, than to subdue the most refractory of your colonies; and excited by your Majesty's great example, we were anxious to prevent, if it had been possible, the effusion of the blood of our fellow subjects, and the calamities which are inseparable from a state of war; we still hoped that your Majesty's people in America would have discerned the traitorous views of their leaders, would have considered how ruinous even their success must be to themselves, and been convinced that constitutional subjection to Great Britain is the freest and happiest condition of any civil society in the known world: but we now see with indignation, that no other use has been made of the moderation and forbearance of your Majesty and your Parliament, but to strengthen the preparations of this desperate conspiracy; and that the rebellious war now levied is become more general, and manifestly carried on for the purpose of establishing an independent empire.

We beg leave to assure your Majesty of our entire concurrence with your Majesty, in thinking that it is now become the part of wisdom, and (in its effects) of clemency, to put a speedy end to these disorders, by the most decisive exertions; and that we learn with the greatest satisfaction, that, for this purpose, your Majesty has increased your naval establishment, and greatly augmented your land forces, in such a manner as may be the least burthensome to your kingdoms; and we will cheerfully and effectually support your Majesty in such necessary measures, and enable your Majesty, when the occasion shall require it, to avail yourself of the friendly offers, which your Majesty has received, of foreign assistance: We thankfully acknowledge the gracious considerations which induced your Majesty to send a part of your electoral troops to the garrisons of Gibraltar and Port Mahon, in order that a larger number of the established forces of this kingdom might be applied to the maintenance of its authority: and we are bound in duty to return your Majesty our particular thanks, for pointing out to us, from the throne, the constitutional resource of our well-modelled and well-regulated national militia; which, upon every great emergency, cannot fail of affording security to your Majesty's realm, and of giving, at the same time, extent and activity to your military operations.

It is with the highest satisfaction and gratitude, we hear the affectionate declaration of the father of his people, that, when the unhappy and deluded multitude, against whom this force will be directed, shall become sensible of their error, your Majesty will be ready to receive the misled with tenderness

and mercy; and your Majesty's gracious communication of your intention to give authority to certain persons on the spot; to grant general and particular pardons and indemnities, in such manner, and to such persons, as they shall think fit, and to receive the submission of any province or colony which may be disposed to return to its allegiance, demands our warmest acknowledgments; and we shall be ready to give our concurrence to such measures as may best contribute to carry your Majesty's wise and humane intentions into execution.

Every motive, and every interest, that can animate the hearts of loyal subjects, call upon your faithful Commons to grant to your Majesty such supplies as the circumstances and exigency of affairs may require; and, being fully convinced that the security of every benefit and advantage derived to the commerce, the manufactures, and the navigation, of your Majesty's kingdoms, from the American colonies, must ever depend on their being held in that due subordination to the legislature of Great-Britain in which the constitution has placed them, we should be wanting in the duty which we owe to our constituents, ourselves, and our posterity, if we did not engage, with our lives and fortunes, to support this great and important cause, in which the rights of your Majesty's crown, and the interests of your people are so essentially concerned; and we hope, and trust, that we shall, by the blessing of God, put such strength and force into your Majesty's hands, as may soon defeat and suppress this rebellion, and enable your Majesty to accomplish your gracious wish, of re-establishing order, tranquillity, and happiness, through all the parts of your united empire.

His Majesty's answer.

Gentlemen,

I return you my hearty thanks, for this loyal and dutiful address: I promise myself the most happy consequences from the very zealous and affectionate assurances of the support of my faithful Commons at this great and important conjuncture; and I have a firm confidence, that, by the blessing of God on the justice of the cause, and by the assistance of my Parliament, I shall be enabled to suppress this dangerous rebellion, and to attain the most desirable end of restoring my subjects in America to that free and happy condition, and to that peace and prosperity, which they enjoyed, in their constitutional dependance on Great-Britain, before the present unhappy disorders.

October 30.

Lord North presented the bill for enabling his Majesty to call out

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out and assemble the militia, in cases of rebellion in any part of the dominions belonging to the crown of Great Britain. He touched slightly on the general design of the bill, and moved to have it read a second time on Thursday, Nov. 2d.

Mr. *Turner* pointed out a great number of inconveniences arising from the militia law, particularly in manufacturing counties and places of trade and commerce. All the evils of the former act, he insisted, would be multiplied by the new act. He added, that he did not approve of the prodigious power with which this act would necessarily arm the Sovereign, that of calling out the militia, whenever he thought fit. On this ground he contended, that the justifiable occasions for assembling the militia, if they were not particularly specified, would remain at the discretion entirely of the Sovereign. On the whole, he dreaded the worst consequences from taking the militia from under the immediate controul of Parliament, who hitherto had been its guardians and paymasters.

Lord *North* said, it was impossible he could, in this stage of the business, reply to the arguments of the honourable gentleman; the proper time to state his objections would be on Thursday, when it was proposed to give the bill a second reading.

Mr. *J. Johnstone* said, he could not approve of the bill, because it clearly gave the Crown a power to decide what was or was not rebellion, a point upon which the bill depended; and observed, that it was impossible to foresee, to what the operations of such a bill might reach, if a latitude was left in the execution of so extensive and dangerous a power.

Mr. *Sawbridge* desired to defer the second reading a few days longer; but it was refused.

Sir *George Suttie* defended the bill.

The order of the day to go into a committee of supply. Sir *Grey Cooper* moved, that a supply be granted.

Mr. *Sawbridge*, to testify his dissent, and give his reasons; [the gentlemen on the treasury bench talking rather loudly, and paying very little attention,] he insisted on his right to speak, and informed the gentlemen, that if what he was offering was disagreeable or disgusting, they might, if they pleased, withdraw. He contended that the granting the supplies was the only check either the representatives or the people had over the King's servants, to bring them to a proper sense of their duty; that the present ministers were both *weak* and *wicked*, he therefore, for his part, would never consent to trust them with the public money; which they had so repeatedly squandered.

squandered, in effecting the most infamous and corrupt purposes. He added he was convinced of the King's good understanding and disposition; but that unfortunately he saw through a false medium, through a fog and a mist, raised by his ministers, by which he was prevented from seeing objects distinctly, and in the manner they truly appeared.

The question was put, and agreed to, without further opposition.

October 31.

Mr. *F. Montagu* said the resolutions of the House made last session, respecting private bills, having been found inconvenient, he wished they might undergo a revision. He moved that a committee be appointed for that purpose.

Agreed to.

Hon. Mr. *Marsham* said, that as the noble Lord [Lord North] had not given the House any satisfaction relative to introducing the Hanoverian troops into Gibraltar and Port Mahon; and as he had heard nothing in justification, which had yet reconciled him to that measure, he took the opportunity of giving notice to the House, that he meant to move for leave to bring in a bill of indemnity at a short day; unless the minister, meaning to save him the trouble, would rise and assure the House, that he intended to do it himself.

Lord *North* said, as far as his own thoughts went, he was perfectly satisfied of the legality of the measure; yet, as some gentlemen seemed apprehensive that it might be hereafter drawn into precedent, as an individual, he had no objection to concur in any measure which might tend to keep the heads of ministers more securely on their shoulders. He added, he had consulted several, who united in opinion with him, that bills of indemnity were never resorted to, but to defend the advisers of objectionable measures against actions at law; but never against a criminal charge, on which the person offending, or supposed to offend, was liable to be impeached. He said, he had a resolution in his pocket, which he drew out and read; "Resolved, That it is the opinion of this House, that his Majesty having ordered a body of his electoral troops to compose part of the garrison of the fortresses of Gibraltar and Minorca, whereby the greater part of the troops of this kingdom may be employed for the support of his authority, has shewn his attention to the interests of this country, being in the opinion of this House, a measure necessarily demanding more dispatch than was consistent with waiting for the assembling of Parliament.

Hon. Mr. *Marsham* excepted to the resolution; first, as it did

did not by any means come up to his idea on the subject; secondly, though it had, he could never agree to encounter the established law of the land, springing out of the constitution, by a resolution of one House of Parliament.

Governor *Johnstone* said, he disapproved both of the bill and resolution; and he believed it would be difficult to quote a more respectable authority than supported him in his opinion. He remembered well, than in a speech * attributed to Lord Mansfield, universally given him by the public, and believed to be genuine, that noble Lord, who when he rides the horse of liberty, which he wished he would ride oftener, for nobody knew how to ride him better when he mounted him, speaking of the act of indemnity, relative to stopping up the ports to prevent the exportation of corn in 1766, does not treat bills of indemnity, as applying to the paltry consideration of being a bar to private actions; but describes them as favours and indulgences to ministers, as pardons for mere blunders and errors, not proceeding from the intention.

Lord *North* said, his resolution might be made the resolution of both Houses by a conference.

Hon. Mr. *Marsham* still said, that was by no means satisfactory, and gave notice that he should move to-morrow for leave to bring in a bill of indemnity.

November 1.

The House waited some time for Lord *North*, but his Lordship not coming, Lord *Barrington* laid before the House the army estimates, and mentioned the taking them into consideration on Monday next, the 6th.

Col. *Barré* desired to know the number, state, and disposition of the troops in America, according to the last returns

Lord *Barrington* said he could not satisfy the honourable gentleman; but before Monday he would consult some papers which would enable him to answer as much of those particulars as are prudent to be disclosed.

Col. *Barré*. What the noble Lord had now said is in the true spirit of the administration. Give information they will not; but they will call upon Parliament to vote fresh troops, without letting Parliament know the least of what they ought to know concerning those which are already employed. I shall therefore move, That there be laid before the House an account of the last returns of the number of effective men, in the several regiments and corps in his Majesty's service, serving

* See Parliamentary Debates for the year 1766, page 196.

ving in North America, together with a state of the number of sick and wounded; distinguishing the several places where the said troops are stationed.

Mr. *Cornwall* desired the motion might be postponed till Lord *North* came.

Col. *Barré* acquiesced.

Lord *North* came in in about twenty minutes.

Lord *Barrington*. Ever since I have been concerned in the army, I know not of any precedent similar to what is now called for. To call during a war, for the return of an army has indeed been attempted, but was always opposed, as a practice which might prove exceedingly inconvenient. In the present case, I do not know that any evils would flow from it, but if done by a resolution of the House, it will become a most dangerous precedent. As to the information which the gentleman wants, I can give it partly on my legs, in which way it will not be a precedent; and if I am not so correct, from the papers which I have accidentally about me, as might be expected, against to-morrow I will procure those which shall be more accurate.

Colonel *Barré*. The noble Lord gives me the strongest ground, that the thing I demand will be of no evil consequence. Without entering into the matter of precedent, why not give the House an information which can do no harm, and may do much good? But in these matters accuracy is to be wished for; and I see no reason if the noble Lord lets us into the facts in general, why he should refuse the return itself, which is asked for in the motion. As to telling it me, I want not to have a private curiosity gratified—I want not to be paid in private a public debt. The information should be general. The ministers and officers of the crown have admitted that they were deceived—they have deceived Parliament; which would not have been the case, had information been laid before us: my motion demands only information, that before we vote more troops we may know something concerning those we have already. Let the noble Lord be explicit in his information; let us know to what extent future estimates are to go, that when we have voted one number, supposing it to be the total, there may not be after demands. The House must proceed in the dark, as we have hitherto done, if we are not informed what the state of the army in Boston is, and what the distribution is to be. The information I have had, which is that of the public, is only that of the troops being besieged; a light-house burnt under the nose of *the fleet*, and the men sent to repair it carried off by the enemy.

my. Let us know the truth, and we shall then be able to proceed with our eyes open.

Lord *Barrington*. The last return is that of July the 19th, which was received here the 25th of October. By this it appears that the number of men in Boston, exclusive of three regiments going over to join them, was 8550, of which 1482 were sick and wounded, and 354 missing, of which—

Right hon. *Welbore Ellis* interrupted his Lordship, and ironically said, I submit it to the noble Lord, whether it would not be also for the information of the House, to lay before us these particulars of the rebel army?

Col. *Barré*. I give the right honourable gentleman credit for what he says; lay before the House the number and strength of the provincial troops, that we may know whether you can fight them, that we may judge of your demands, and know if the troops you ask will be as competent to the service they are to perform as were those of last year. He expressed his surprize that government had no returns of the army later than the 19th of July.

Right hon. *T. Townshend*. On the point of precedent, I can give the noble Lord one, fully in point. I moved for the return of the regiments employed in the affair of St. Vincent's and it was laid before the House.

Lord *Barrington*. That return was not called for till the affair was over: in the present case the war continues; which makes the difference. [Denied by Mr. Townshend.]

Hon. Mr. *Fox*. It is evident from what has passed that the plea of acting contrary to precedents will not avail the noble Lord. That point is satisfactorily cleared up. What therefore is the true reason for the ministers refusing to lay the information called for before the House? Merely, I assert, to keep Parliament in ignorance. Was the fair truth to be laid before the House, the demands of ministers would be inconsistent with the facts they produced. This was the case last session, and they have kept back all information and imposed on the House in order to get the cry of the people before the extent of the evil was known. But they have taken care to a degree of affection to inform you that it is the rights not of the crown but of Parliament, for which they are fighting, and yet with an inconsistency worthy only of themselves, they will not allow Parliament the least information to know how to fight for those rights which they say are peculiarly its own. This is the conduct, Sir, which has driven from them some of the most manly and respectable characters in the kingdom. They were deceived; they openly tell these men who call them

themselves ministers, you deceived us; you would not let us know the state either of America, or the force you had there to quell the disturbances; acting thus in the dark, we were led into error, but we will not persist in it; we know your intentional deceit, and we leave you. This, Sir, is also the case of Parliament; and the only remedy for the case is Parliament's imitating the conduct of those manly characters, by refusing to vote away the money of their constituents for measures about which they are absolutely in the dark.

Sir Gilbert Elliot. Whether or not the precedent be for or against the information, I shall be equally against the motion. It would make a precedent of the most mischievous tendency. What is the return of an army? Why every particular concerning it given with the utmost accuracy, and perfectly authentic? Can it ever be proper to publish such a state of one, while your enemy is in the field? Would it not be giving him intelligence of the most advantageous nature? Could any ministers carry on the business of the public, if any gentleman in this House had a right to call for such an account? It would be impossible. If ministers act badly they should be turned out of their places: but the public service can never be advanced by calling for accounts which destroys your confidence in them.

Mr. Burke. So, Sir, it is now laid down as a maxim not only to refuse the information, but to take care that such information shall never be given—and this is to be the case, because Parliament, instead of calling for information, should give confidence to ministers. This, Sir, is not only telling us that we must bear our ignorance, but perpetuating it; and making a minister's having forfeited a right to all confidence, the greatest plea for placing the more in them for the future. This is a mode of reasoning I never heard of before. As to the importance of the information now called for, and the danger of producing it, it makes one smile. Can you imagine that this army return of July last, can be conveyed to America, and become better intelligence than General Washington has already? I will not have so poor an opinion of his abilities, who could write that excellent letter, we have all read, to General Gage; but suppose him, and the generals Lee and Putnam, to be more assiduous and attentive. These men know much more of your army than your return can give them. They coop it up, besiege it, destroy it, crush it. Your officers are swept off by the rifles, if they show their noses.

Lord

Lord North said, that before the year 1763, the authority of the British legislature was not denied in America. He said, the repealing thirteen acts of Parliament would not consequently place us in the same situation in which we then were. He wished as ardently as any person to stop the effusion of blood on both sides; but thought it could only be effected by sending over a formidable army early in the spring, and appointing proper persons on the spot to give pardons, as mentioned in the speech: these were the only methods he said, which could, in his opinion, restore matters to that desired footing; and when that period should arrive, he did not doubt but his conciliatory plan would give permanency to the reconciliation by our accepting a *quantum* annually in lieu of taxes. He declared himself against the motion, as it would ground a precedent for future abuses; he said the case of the Caribbs was very different from the present: in that the minister was accused of sending too many men to an unwholesome climate; and, besides, there was no great danger of the Caribbs reading our accounts.

Colonel Barré observed, that the conduct of the minister in withholding every proper information from the House, put him in mind of a King, who perceiving one end of a Lutheran church exceedingly ruinous and all the rest of it very good and elegant, proposed to rebuild that part for them; which he did in a very magnificent manner; but when they came to assemble there, they found that he had taken away all the light; upon which they waited on his Majesty, thanking him for his favours, and also acquainting him with their misfortune, in not being able to see at church; upon which his Majesty replied it was perfectly right so: for it is written in the scriptures, "Blessed are they that believe and do not see."

The question was then put, and the House divided, when the numbers were, for the motion, 63; against it, 170.

Colonel Barré also moved, that there be laid before this House, an account of the artillery, arms, ordnance, and military stores, issued from the office of ordnance, sent to America, from the first of September, 1773, to the first of September, 1775. It passed in the negative.

The House resolved itself into a committee of supply.

Mr. Buller moved, that 28,000 seamen, including 6665 marines, be voted for the service of the year 1776, at the rate of 4l. per month, each man, for maintaining them for thirteen months. He spoke of the stations of the fleet; particularly that the fleet under the command of Admiral Shuldham,

Shuldham, who was to command in North America, was to consist of seventy-eight sail.

Admiral *Keppel* opposed the motion, as inadequate to a war, and too large for a peace establishment. Said no vessels could keep the sea upon the coast of North America in the winter season; arraigned the proceedings of the first lord of the Admiralty in his conduct of the navy, which he represented to have been in a much better situation before the present noble Lord came to the head of that department, than since.

Honourable Captain *Luttrell*. When the address, which, we are told, pledged us to nothing, passed this House, I did suppose ministry would think it politic to vote navy, army, militia, supplies, and every grant they may want, to exhaust the treasure of this country, without giving time for reflection, information, or enquiry; and therefore I am not surprized at the precipitate manner in which the honourable member has brought before us a question of such great national import; but as I suspected it, I was eager to learn from the noble Lord opposite to me, when he mentioned the number of land forces proposed to be employed for the present year, what the naval establishment was to consist of? His Lordship carefully avoided being thus communicative, though he assured us in too general terms, that the most proper oeconomy had been, and would be, observed with respect to the navy. Sir, I do not mean to accuse that noble Lord of an inclination to impose upon this House, or the public, because his ignorance of naval affairs will acquit him with me of any such design. But, Sir, let him beware here how he puts implicit faith in the information of a man, who with little more maritime knowledge, may perhaps have much subtlety, and is wise to rest such assertion as this upon the credit of the noble Lord rather than upon his own; for I believe it will puzzle any man in this House to produce more than one instance where this boasted oeconomy has been observed, and there profusion would have been excusable, if not commendable—I mean, Sir, when his Majesty went to review his fleet at Portsmouth. But, Sir, it would take me till midnight to enumerate the various instances of bad management, ignorance and extravagance that have followed one another since the noble Lord, who now presides at the head of the Admiralty, was appointed to such office; proceeding in part, I am sure, from his not taking the advice of a very able and respectable sea officer, who is a Lord of that board, but obstinately following his own naval ideas, and being unable or unwilling

unwilling to discern, that though a subtle statesman, he is but an ordinary seamen.

Sir, where then is this œconomy to be found? Is it in the summer parade of that noble Lord, sailing from one King's port to the other, and wasting every year some hundred pounds of the public money, by the single expenditure of powder, to notify his arrival? By prostituting the honour of the flag, and claiming distinctions he must know, if he knows any thing of the service, he is no way entitled to, and therefore ought to be ashamed of. Is it by the loss to the public of the artificers labour, while they are doing homage to this mighty Lord? Is it, Sir, in sending a royal yacht with his son to Lisbon, which will cost the public 1000l. when he might have gone in a packet for 50l. Is it, Sir, in the wise regulations he has made in the navy, which we hear of in the news papers, and by his dependants, but no where else? Or is it, Sir, in that careful inspection into the state of the fleet so to prevent abuses, that the best men of war may be sold for a thousand pounds, while the worst appear to have cost forty thousand in repair? And, Sir, as it is the custom to call up the attention of the country gentlemen upon every alarming subject, I will crave that indulgence for a minute to mark one instance out of very many where this œconomy is not to be found.

[He then entered into the abuses and misapplications that had prevailed in the naval œconomy since the year 1770. He shewed, that though in the course of five years upwards of two millions sterling had been granted by Parliament for the repairs of the navy, over and above the sums annually for wear and tear, yet the navy debt had increased in the same five years upwards of five hundred thousand pounds. He proved that the Africa, a ship of seventy guns, had been sold for nine hundred pounds, though she was in better order than two-thirds of the fleet, and could have been made as good as new for 3000l. while it appeared upon the journals of the House, that there had been demanded of Parliament, for the use of the Dragon man of war only, within four years, though she had never been at sea in the time, 32,973l. being extra work over and above what she had cost under the articles of wear and tear, and ordinary; and is now laid up in Fareham Creek unfit for service without further repair. He likewise proved, that the noble Lord at the head of the board was the cause of the late insurrection of the shipwrights, as he had encouraged them to petition the Parliament for an increase of wages, in opposition to the application of the captains of the navy for an increase of their half-pay: he himself having told their committee that

having taxed the Americans, as he did on the other, their mode of resistance. He put the House in mind, that the noble Lord [Lord North] had in the last session given it as his firm opinion, that the forces then voted, and the other measures the House had adopted, would put an end to all our unhappy disputes with America, even without a drop of bloodshed; and that notwithstanding we all felt so seriously the grievous effects of these ill-advised measures; the noble Lord, he said, with fatal experience against him, was determined to seek our total ruin, by persevering in the same wild and extravagant system; instead of which, he added, tender of conciliation on terms suited to the true spirit of the British constitution ought to be preferred and held out to the Americans, which, if found not to prevail, to relinquish all connections with them; or otherwise, if practicable, to harrass them with your fleets, by interrupting their trade, till at length they might perhaps be brought to sue for protection. Contended that measures of this nature would save the nation from impending ruin and destruction, which must otherwise be attendant on the system of coercion and conquest; that our finances might thus be kept unimpaired; that we should have no occasion for foreign troops, for the vast exercise of our army establishment, or for calling forth the militia to the prejudice of trade and of the cultivation of our lands, and that we should preserve to ourselves what it was to be feared might be too soon wanted, security at home against foreign or domestic insults; and that in the worst event, the loss of America could never be adequate to the blood and treasure of which this country must be exhausted in the endeavours to recover it, and to preserve it, if in the end victorious.

The motion was agreed to without a division, and Mr. Speaker resumed the chair.

Lord North said, although his own particular sentiments continued to be, that the measure of sending part of his Majesty's electoral troops, to form a part of the garrisons of Gibraltar and Minorca was perfectly legal and constitutional, under the circumstances in which it was done, yet as several gentlemen did not see the matter in the same light, to whom he would wish to give every satisfaction in his power, he would move for leave to bring in a bill of indemnity. His Lordship accordingly moved the House for leave to bring in a bill to indemnify such persons as have advised his Majesty to send to the garrisons of Gibraltar and Port Mahon, a part
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so artfully discretionary, that if your ships should be wrecked upon that frozen coast; or any misfortune attend them, the blame may be laid on the Admiral, and his reputation as an officer be sacrificed to shelter the wicked proceedings of these ministers.

Sir, an honourable member told us, we need not be dispirited with our misfortunes in America, for that our fleets were unsuccessful at the beginning of the late war, but afterwards proved victorious. Sir, this is a position similar to that of the naval œconomy, which I think can hardly be marked in above one instance, I mean the loss of Minorca. Where else did ill-success await our naval arms? Was it in Europe, Asia, South or North America, where from the commencement to the conclusion of the war we were making captures? How then, Sir, was the ill-success, misfortunes, or calamities that attended this country in any foreign war, to be compared to the sea of trouble we are now embarked in, but which I hope to God may calm sooner than I fear the minds of those men will do, who can tell us, in a language that is shocking to hear, they are riveted to coercion against our fellow-subjects in America.

Lord *Hinchinbroke* said, his brother was in such a situation, the noble Lord [his father] had no other means of sending him.

Lord *North* said, the ships built at the end of the war, were built of green wood, which not being so durable as the seasoned wood, were very bad, had lately proved very rotten, and that this circumstance had been the cause of the great expence.

Sir *J. G. Griffin*, said, he did not get up to oppose the number of seamen, because he thought if any operations were to be continued against the Americans, they ought to be confined to that service only. He then declared that he had hitherto supported government on principles, without regard to men; thinking it his duty as an honest man so to do, as long as the true interest of the country appeared to be consulted, and the public affairs conducted to the credit or honour of the nation; denied that to be the case at present, and called on any of the minister's best friends to contradict him; adding, he should ill deserve to sit there any longer, if he continued to afford his support to men, the effects of whose mistaken and pernicious measures had reduced us to so shameful and dishonourable a situation. Professed himself an advocate for the supreme legislative authority of this country over its colonies; disclaimed however on the one hand vindicating the rash and indiscreet measure of
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having taxed the Americans, as he did on the other, their mode of resistance. He put the House in mind, that the noble Lord [Lord North] had in the last session given it as his firm opinion, that the forces then voted, and the other measures the House had adopted, would put an end to all our unhappy disputes with America, even without a drop of bloodshed; and that notwithstanding we all felt so seriously the grievous effects of these ill-advised measures, the noble Lord, he said, with fatal experience against him, was determined to seek our total ruin, by persevering in the same wild and extravagant system; instead of which, he added, tender of conciliation on terms suited to the true spirit of the British constitution ought to be preferred and held out to the Americans, which, if found not to prevail, to relinquish all connections with them; or otherwise, if practicable, to harass them with your fleets, by interrupting their trade, till at length they might perhaps be brought to sue for protection. Contended that measures of this nature would save the nation from impending ruin and destruction, which must otherwise be attendant on the system of coercion and conquest; that our finances might thus be kept unimpaired; that we should have no occasion for foreign troops, for the vast exercise of our army establishment, or for calling forth the militia to the prejudice of trade and of the cultivation of our lands, and that we should preserve to ourselves what it was to be feared might be too soon wanted, security at home against foreign or domestic insults; and that in the worst event, the loss of America could never be adequate to the blood and treasure of which this country must be exhausted in the endeavours to recover it, and to preserve it, if in the end victorious.

The motion was agreed to without a division, and Mr. Speaker resumed the chair.

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of the electoral troops of Hanover, during the recess of Parliament.

Agreed to.

November 22.

A petition of the merchants and traders of the town and county of Poole was presented to the House, and read ; setting forth, that it has been represented to the petitioners, that the West India merchants intend to apply to parliament for leave to export provisions and other necessaries from Great-Britain to the West India islands ; and therefore the petitioners pray, that they may also be permitted to export, from Great-Britain, provisions and other necessaries, for the use of the British fishery carried on at Newfoundland and the places adjacent, as the American sources are stopped, and to give them such other indulgencies, for the benefit of that trade, as to the House shall seem meet.

Ordered to lie upon the table.

A petition from the merchants of Dartmouth, in the county of Devon, engaged in, and carrying on, a trade and fishery to, and at the island of Newfoundland, was presented to the House, and read ; setting forth, that the unhappy differences now subsisting between Great-Britain and her American colonies having occasioned the latter to withhold the usual supplies of bread, flour, and other provisions, which they have hitherto afforded to the inhabitants of Newfoundland, and to the great numbers of seamen and fishermen annually engaged in catching and curing fish at that island, and on the banks, the prices of those necessaries of life have been enhanced this season near three times their usual rate, to the ruin of many, and the great loss of all those who are obliged to purchase such articles in Newfoundland ; and that the quantities of bread, flour, and pease, allowed by law to be exported from the port of Dartmouth for Newfoundland being very inadequate to the necessary consumption of those articles, it will be impossible for the petitioners to carry on any trade and fishery to that island the ensuing season, unless they have power for exporting such quantities of those articles as may be sufficient for supporting not only the people immediately employed by them in their respective trades, but also great numbers of inhabitants of that island, and others who annually resort thither to carry on the fishery ; and that the petitioners cannot, with any degree of precision, ascertain what quantity of each of the said articles may be necessary for these purposes, but they conceive great disadvantages may possibly arise from their being stinted, and no inconveniences likely to accrue from their having liberty

to export to the said island such quantities as their future advice therefrom may make them judge necessary; and therefore praying, that they may have liberty to export, from the port of Dartmouth for the island of Newfoundland, any quantities of bread, flour and pease, without stint, or to give the petitioners such other relief in the premises as may be judged necessary.

Ordered to lie upon the table.

Lord *Barrington* presented the army estimates. His Lordship said, that the accounts of the army returns, which he had read yesterday, were not the latest; that the army at Boston consisted of 7415 men.

Colonel *Barré* (after asking some questions, which Lord *Barrington* answered) said, that the army in America consisted of twenty battalions and a half; and these battalions, according to his Lordship, did not contain above half their proper number of men.

Lord *Barrington* declined going into any arguments upon the subject.

The order of the day for reading a second time the bill for embodying the militia.

Mr. *Hartley*. I shall beg leave upon the present occasion to take a scope wide of the immediate business, and offer an observation or two upon the necessity of having some measure of a conciliatory nature to attend those coercive ones which are brought forward against America with so much haste. I would propose that there should be some test of submission held out, by which the colonies may prove their submission to the legislative power of this country. I think the best would be the recognition of an act of Parliament, to be registered in the assembly of such colony willing to submit. And I think the best should be one which exercises a controlling power over the colony; for instance, suppose it was to enact that all the slaves in America should have the trial by jury. The recognition of this and the submission to its operation would yield the requisite proof of duty. When this actual recognition of an act of Parliament shall have replaced the legislative authority of this country without question or diminution, as it was before the commencement of these troubles, then, as an act of merited justice to such colonies as shall have given this proof of their return to their allegiance, let their grievances be redressed; let the operation of all the acts complained of, cease, *ipso facto*, in each colony respectively where the required recognition shall have been complied with. This proposition seems to me to be equitable in itself; I

hope it will be thought by all parties to be definite, satisfactory, and practicable.

Mr. *Charles Turner*. I am against the present bill upon every account, as I am against militias in general: The proper men to recruit and supply your troops are the scum and outcast of cities and manufactures, fellows who voluntarily submit to be slaves by an apprenticeship of seven years are the proper persons to be military ones. But to take the honest, sober, industrious fellow from the plough, is doing an essential mischief to the community, and laying a double tax. The militia is likewise more expensive than the regulars, and therefore the more improper at present.

Lord *Mountstewart*. I do not rise to oppose the present bill, because I am clear that the force of a militia is the true constitutional force to be relied on by this or any kingdom; but, Sir, I wish to see no longer a partial militia—I wish to see an end of a line of distinction drawn between countries, which in nature and in land are the same: I wish to see a militia in North Britain. What reason can be assigned against it? The stain of rebellion is wiped out; it is done away forever, by the loyalty of the people, and the uncommon exertions they made for the crown in the last war. I do not mean now to bring this matter under consideration, but give notice that I shall take an early open day to propose it.

Mr. *Dunning*. He condemned the bill. Instead of the ostensible motives held out by this bill, the militia may be employed in the most alarming and unconstitutional manner. It throws a power into the hands of the King, hitherto unknown to the constitution. He took a retrospective view of measures in general; and introduced some strictures on addresses; particularly that from the first battalion of the militia of the county of Devon. The very honourable and worthy gentleman [Mr. Ackland] who helped to procure that address, and presented it, he supposed, consulted the noble Lord [Lord North] upon it; and he had good ground to believe the noble Lord corrected it. The address speaks its origin fully; it makes a tender of their services with their swords drawn, not to use them against the common enemy, any of the branches of the house of Bourbon, not even against the Americans, for they could not act against either out of the kingdom, but against his Majesty's internal enemies, that is, such who in this House, or elsewhere, dare to hold a contrary opinion with the framer and author of it. He said, the tendency of the present bill is exceedingly different from the old militia law, and therefore demands an explanation.

tion, that the House may know how different the situation of the gentlemen now in the militia will be, when the bill is passed, from what it is at present. They and the men entered into that engagement with their country, under the express circumstances that they were never to be called out but in time of invasion or rebellion in England, or imminent danger of one or the other. This condition secured them from being at the beckon of a minister, to be called out under pretences of a distant or imaginary danger. They knew the nature of the very cause in which they were to draw their swords; but what will be their situation if this bill passes? it will be in the power of the minister to embody the militia, and put them under the mutiny act, if a rebellion is only apprehended in Bengal, in St. Helena, in the most distant and insignificant dependency of the crown. To draw their swords in defence of their king and country, is what they entered expressly and cheerfully to do; but to be made soldiers in spite of themselves, to serve not their country in great and fearful exigencies, but to second the apprehensions or evil designs of a minister, is being in a situation so totally different, that no arguments can convince me they will endure it. I am a friend to the old militia, because it can only be drawn out in cases prescribed by the constitution, but I am an enemy to this new scheme, because it in fact annihilates that meritorious militia, and gives you a monster in its stead.

A noble lord has touched upon another militia—a militia to be composed of a set of people of a complexion which has not, it seems, been thought by the legislature to recommend them to possess it: a northern militia! From the manner in which the intimation is given I take it for granted the plan is determined, and that we may consider it as one of the measures which are at present so rapidly combined; and it leads me naturally to the great question of America, to shew how these measures are united in order to be effectual; and I shall the reader undertake it, as next week I shall be otherwise employed.

It is curious to observe what are the auxiliaries which the present administration call to the assistance of the British constitution; Catholics from Canada, if they can be induced to act; Irish Papists; a new militia in England, composed of a description of men exceedingly different from those who composed the old one; a Scotch militia, of a description that I will not name; Hanoverian mercenaries to garrison the two great fortresses of the Mediterranean; and, to crown the whole, 20,000 Russians, to protect the legislative authority of this

this country. It has been declared in another house, that the Russians are not to be sent to America, therefore they are, we may presume, to be brought here. He wished to know what object we were now contending for with America. It was not for taxes, as we might easily perceive, by General Burgoyne's letter to General Lee; for a gentleman of his good sense, and who held so high a post under government, would not venture to assert so much without some authority. It could not be said that we were contending for the general unlimited power of parliament over every part of the empire; for the secretary of a neighbouring kingdom had contradicted that idea, by asserting, "that expressions of that kind which had been made in that House by a gentleman in an high office, were no more than the rash inconsiderate opinion of an hasty individual."—He wished to be fairly understood with regard to his ideas of Rebellion: he said he never had considered it as a genus which might be divided into several distinct species; yet he was apt to imagine, that there might be one sort of rebellion less deserving our hatred than another; that there might be a provoked and an unprovoked rebellion, of which each merited different degrees of censure. He then proceeded to ridicule the motley complexion of our intended forces, which were to consist of Hanoverians, Russians, savage Canadians, and Irish Roman Catholics. He said he had heard, that a single regiment could march from one end of North America to the other; but he desired to know, if it was not more probable than 26,000 Russians could march from Johnny Grott's house to the Land's End. On the whole, he declared that he was against this, as well as most of the other measures of government; that he stood alone, unconnected with any party; that he despised any man, who, at such a critical juncture as the present, could be swayed by any personal motive whatever; that, for his part, he spoke *ex animo*, and he hoped the House would give him credit for his assertion. He concluded by observing, that although he might not, perhaps, be able to give that close attendance to the business of the House which he could wish, yet he would uniformly oppose the ministry in every step they should take to enforce measures which he heartily condemned.

Sir *George Yonge* informed the House of the manner in which the Devonshire address was obtained, without the knowledge or concurrence of the gentlemen of property in the county.

Mr. *Rigby*. I should not have risen to the present question, had not the learned gentleman brought me into a con-

spicuous light, from what an Irish secretary is said to have mentioned in another place. I have a great opinion of that gentleman's abilities; and it is very plain he has a very good opinion of me, from the way he treats me. Because the Irish secretary says I am a rash and inconsiderate individual, therefore administration says I am so, for such and such sentiments. As to the right of taxing Ireland, I assert it upon the solid authority of an act of Parliament; if this Parliament has a right to deprive the House of Lords of Ireland of their judicial right, in the dernier resort, it has a right to do every thing else. But the learned gentleman has taken a longer field; he has given us a rueful catalogue of troops, which are to execute the measures, and among the rest 20,000 Russians. This is the first time that I ever heard a syllable of Russians coming here. It is true, I am not of the cabinet; I never was there in my life: but from the connections I have, and from all my information, I know of no such design. But whenever a war has been opened, which demands foreign auxiliaries, various are those that have been hired. The last war saw Wolfenbuttlers, Hessians, Hanoverians, and I know not what, in our service; and there was a Britannic legion, which consisted of all the thieves in Europe: the learned member, if disposed to ridicule, might call them and the Marattas of the east, allies of the King of England. The learned member enters very logically into the distinctions of rebellion, and from attending minutely to them, all I can learn is, that there are two sorts of rebellion; one which the gentleman likes very well, and one which he likes not at all. He detests the rebellion of 1745, but likes the present passing well. Now, for my part, although I think there is but one kind of rebellion, I cannot carry my sentiments so far back as the honourable gentleman; for, whenever the Americans shall return to their duty, and behave as loyally as the people of Manchester, I shall not, by any means, consider them as deserving my hatred; but shall readily give up the point of taxation for honourable terms of accommodation with them.

Colonel *Barré* observed, though he was informed his honourable and learned friend could not stay long the present evening, yet he did not believe, however extensive and profitable the practice of his learned friend might be, that he would neglect to attend his duty in that House on any affair of national importance, where his advice or assistance might be serviceable to his country. He observed, that he had lately heard many gentlemen in administration speak very moderately of American affairs, and he exhorted them to throw

some

some kind of a conciliatory proposition together, as a step towards an accommodation. He requested the friends of ministry not to be so very fond of war, as to overlook an easy and honourable peace, which lay so immediately in their way, that they could not but see it, if they would but give themselves the trouble to look for it, and concluded by reminding the House, " that Philip lost the United Provinces by being too tenacious of one single post."

Mr. *Ackland*. As I understand by what dropt from the honourable gentleman who spoke last, [Colonel Barré] that the honourable and learned gentleman [Mr. Dunning] may probably soon leave the House, and as I do not intend that some aspersions the honourable and learned gentleman has thrown out on me shall go unnoticed, I rise now to give the learned gentleman an opportunity of replying if he chuses it. The learned gentleman began by calling me his honourable friend, and immediately proceeded to give me the most unequivocal proofs of his friendship, by throwing out assertions as detrimental to an independent character as they were unfounded in fact. The learned gentleman has said, that the address of the first regiment of Devonshire militia, which I had the honour of presenting, was corrected by the noble Lord. If I was to give way to the just dictates of my resentment, no expression the English language contained would be strong enough to mark in its true colours such an unwarranted assertion; but I will content myself with declaring to this House, this full gallery, and the whole world, that it is untrue. The address, which has had the misfortune of drawing down the weight of that gentleman's resentment upon it, and which I, it seems, in an unfortunate hour presented to his Majesty, if its containing strong sentiments of loyalty to the King, and attachment to the constitution, be a crime, is, I confess, most criminal. But, Sir, sorry am I to find, that expressions of loyalty to the King and attachment to the constitution should appear so criminal to that learned gentleman. This address, at which the gentleman is so much displeas'd, expresses, Sir, a just abhorrence of every attempt to alienate the minds of his Majesty's subjects, and a readiness, when properly called on, to endeavour to suppress any internal enemies of the King and this constitution. It is necessary that I should inform this House, that about the time that this and many inflammatory papers, breathing a spirit adverse to all order and tranquillity, had been, with an assiduity hitherto unknown, dispersed through the west, amongst others, letters inviting to associate

had been sent to many of the principal magistrates and first gentlemen of property; these associations were recommended on the principle that associations of the same nature had been entered into previous to the Revolution. Now, Sir, we unfortunate country gentlemen, who are not blessed with those abilities which teach us to understand black when we read white, did conclude, that if these letters of association, so recommended, did imply any thing, they did imply the necessity of another revolution. Under such circumstances, Sir, in such times, were we not justified? Did we not act the part of good citizens and good subjects, publicly to declare to the whole world our just abhorrence of every attempt to alienate the minds of his Majesty's subjects, and to express our readiness, when properly called upon, to exert our utmost endeavours to suppress any internal enemies of the King and this constitution; for, Sir, such inflammatory papers and such circular letters of association, are attempts to alienate the minds of his Majesty's subjects, and those men, I care not who they are, by whom such papers and such letters were circulated, are enemies to the King and this constitution. An honourable gentleman observed, that not above sixty or seventy people had signed the Devonshire address; I must tell that gentleman that he has been egregiously misinformed, for I can assure this House, that nineteen out of twenty of the principal resident representatives of the property of the county signed that address. I must here beg the patience of this House, as I am on my legs, to answer a question which has been often thrown out from the other side of the House. It is perpetually asked, how country gentlemen, whom it seems it is the fashion of some gentlemen in this House to ridicule, though I believe they would be very glad of their support, can again trust an administration that has so often deceived them? For one, Sir, I answer, that they never deceived me; but if I had been deceived, I had been deceived under the sanction of the gravest and most respectable authorities of this House, under the sanction of that honourable and learned gentleman himself, who during the last session of Parliament, when administration applied to Parliament to strengthen the hands of government, compared the disturbances then existing in the province of the Massachusetts Bay to the riots that had often happened at different times in different parts of England, which had been suppressed with a very trifling, if not without any assistance of a military force. Would not therefore that gentleman and his

his friends have treated it as the most ridiculous, the most absurd, the most extravagant, the wildest of all wild doctrines, if administration had proposed to Parliament to send out a force adequate to the conquest of a whole continent, to do what? Why, to suppress a few insignificant riots in the Massachuset's province, such as the honourable gentleman told you that you have had fifty times in this country, and which have been suppressed without any military aid at all. I again repeat, I have not been deceived by administration, for I did not think the force competent; but because a competent force was not sent out last year, I do not think it good sense or good argument to oppose the sending out a competent one this year; nor should I think, if at this time I withdrew my weak support from administration, I should the next year have a right to accuse administration for the ill success of measures, if they should succeed ill, when I had done every thing in my power by my opposition to prevent their execution.

Mr. *Dunning* apologized for the mistake he had been under respecting the address from the Devonshire militia.

Right honourable *T. Townshend* called on the ministers to know where the Russian troops were to be sent, as it was asserted in the other House not to America; and now, by Mr. Rigby, not to England. He supposed to Ireland. Said that innovations in the militia were dangerous, because every standing oppressive force in Europe began with a harmless militia. He detested the politics of administration, while he compassionated the unhappy Americans, who had been provoked to resistance by the late acts. He declared, that in his opinion the necessity of embodying the militia of any part of the kingdom could only be justified by local causes; that if there was a rebellion in Scotland, or in Wales, he should vote for the embodying of the Scotch or Welch militia, but not otherwise; and that he differed in opinion from an honourable member [Mr. Rigby] who had asserted he knew but of one kind of rebellion. Mr. Townshend in support of his dissent from Mr. Rigby, instanced the rebellion of 1745, when the town of Manchester (who had now sent up an address, flattering the ministry, and abusing the gentlemen in opposition) took an ostensible part against the present family.

Sir *Thomas Egerton*, defended the town of Manchester; said he had signed their address, which did not contain any abuse upon the gentlemen in opposition.

Right honourable *T. Townshend* cited the passage.

Mr.

Mr. *Burke* observed, that the Manchester address was not singular in the indecency of its language, but that all the ministerial addresses spoke of those who had endeavoured to prevent the civil war in which this country was unhappily now plunged, through the ruinous and destructive measures pursued by administration, in the most scurrilous and illiberal manner. That the gentleman who defended Manchester stood in the same predicament with many others who had signed what they never read, and therefore were astonished when they afterwards heard the language of the addresses; language, he said, which disgraced the name of Britons; in which the good-nature of Englishmen and the manners of gentlemen were totally forgot; and which, though procured by courtiers, contained nothing characteristic of them but the most ignoble servility, and the most unmerciful encouragement of barbarous, blood-thirsty measures. There were two other addresses, he declared, which called loudly for the censure of that House; the address from the first battalion of the Devonshire militia, and the address from the University of Oxford. These he termed the addresses, military and ecclesiastic; addresses from persons who, at all times, and on all occasions, were debarred constitutionally from meddling with the politics of the country. He descanted largely on the first, shewing the impropriety of the militia, or any armed body's soliciting to be employed against their fellow-subjects. With regard to the latter, he almost charged Lord North with having not only seen it before it was presented to the King, but with having altered the composition of it; and if Lord North avowed the propriety of the University of Oxford (a body of learned and religious men) interfering with politics, advising a civil war, and calling those that opposed it rebels and traitors, the freedom of this country was dead, her liberty was no more. He painted in strong colours the situation of the heads of an University, who he declared ought by no means to instil political principles into the minds of those who were not sufficiently matured, who knew too little of the world to be able to judge of their propriety, and to distinguish between sound policy and destructive expedients. Every man, he observed, must feel the violent error of such a conduct; he had himself a son at the University, and he could not approve of his son's being told by grave men, that his father was an abettor of rebels. He concluded with declaring that Lord North ought not only to have abstained from taking part in the formation of that address, but that he ought to have re-
jected

jected it when it was sent to him, and prevented it from being presented.

Sir *William Bagot* related the origin of the Stafford address, declaring that he had seen the address from London to the electors of Great Britain, and as he was not willing that the gentlemen of the county should be seduced by it, he supported at the sessions an address, containing sentiments very different from the London address, only one person, whom the House well knew, [Mr. Wooldridge] objecting to it.

Hon. Capt. *Luttrell*. When the last votes in favour of the address (which I considered to be destructive to the liberties of America) passed this House, I thought we might take leave of every ray of hope, that peace and good fellowship would again subsist between our colonies and this country; I, however, felt this consolation, that, uninfluenced by selfish views, or by the political interests of any man, or set of men whatsoever, I had discharged my duty agreeable to my conscience, and the best of my abilities; and as I could not prevent, I had only to lament the future progress of this unnatural war. But, Sir, in consequence of what fell from the noble Lord on the opposite bench, I hold it a duty incumbent on me, to offer to the House such intelligence as I have received from America, that I may not be comprehended among the number of those gentlemen the noble Lord supposes to be inclined to conceal from *him*, or *the public*, what they have reason to believe is the true and general sentiments of the Americans.

Sir, a noble Lord has communicated to us the private information *he* has received from a general officer at Boston; a right honourable member in my eye acknowledged the receipt of a letter from an ever memorable colonel, the substance of which amounted to little more than this, that he lamented *they* had been mistaken in their ideas of the provincial army. Sir, my information comes not from a military man, but from a friend of mine, whose family remains in this country, and who went to America for the recovery of his health. Sir, he is of a nation that will *hardly* be suspected of taking part in *this* rebellion; he is a man of good sense, sound judgment, quick discernment, some philosophy, and much candour; he is known to many members of this House, having been a candidate for a seat in Parliament. I value his information, because I believe it authentic; and that I may not be supposed to state it partially, as what he says of America is comprised in a few lines, I will, with leave of this House, read them. [Here Captain *Luttrell* read a letter from New York, dated the

the beginning of September, which affirms, " That the people there aim not at independence, but are generally determined to die, rather than submit to the arbitrary claim of taxation, though they are informed the French, their natural enemies, have offered assistance against them."]

Now, Sir, if the information conveyed to America be true, France is the *foreign power* that has offered us assistance. What, Sir, is likely to be the state of your army then? 30,000 British troops, perhaps one half that number French, some thousands of your Canadian subjects and Irish Roman catholic marines. Then, Sir, when America is conquered, and the flower of your army cut off, your *new allies will be prepared to dispute the conquest with you.* Is there a man, Sir, in this House, that doubts but *every Roman catholic of either army, or in that country, of any name, description, or situation, will not be ready again to assert the right of France to the colonies of America, in opposition to the protestant army; or that they will not be supported by the northern Indians, who are bigots to the Roman catholic religion, and immediately under the influence of the popish priests and jesuits which abound in that country.* Still, Sir, I am at a loss to tell, whether I should prefer an alliance with France or Russia. It is time we should look to the enterprising genius rising in that empire; to a people eager in the pursuit of fresh possessions, in climes less inhospitable than those they now inhabit, already become (thanks to Great Britain for it) the first maritime power in the north, the third great maritime power in the world, extending her manufactures and commerce.

I fear the balance of trade is already against us; but it must inevitably be so soon; and then you will send your specie to Russia, to purchase the vast quantity of hemp, turpentine, tar, and other naval stores, necessary to supply the present great naval establishments. Sir, should Russia insist upon sending *these* naval stores to *your arsenals* in America in *her own* bottoms, dare you refuse it? What may be matter of necessity now, was ignorance, or something worse, ten years ago. Sir, it was for these reasons, I requested the honourable member who moved the address, would adopt the motion, "previously to enquire into the real state of Great Britain and her American colonies;" that upon mature consideration we might present a dutiful and loyal address to his Majesty, fully as respectful to the King as the present: but perhaps less conclusive on the part of Parliament. Sir, those that *bought they pledged themselves to nothing, did well to give*

it their assent. I, conscious I knew but little, and believing I pledged myself to every thing, hope I did *as well* to vote against it; for I considered it to imply a thorough knowledge of both countries, whereas it appears, by the language of administration, that they are totally ignorant of the real state of either. One noble Lord tells us, we cannot raise an army of Britons sufficient to subdue the present rebellion in America; but must call in the aid of foreign troops, which we must purchase with our wealth, in like manner with any other commodity. Some gentlemen of great abilities and equal authority, hold the direct contrary doctrines, calling up to our recollection the numerous army of British troops supplied in the late war. From some of these benches we learn, that great part of America is still in our possession; from others, that we have not a foot of it. One minute it is asserted, the Americans are still ready to submit; the next, that they unite the men with their measures, and execrate both. Some say they contend only for taxation; others for independence: with a variety of different accounts, as to the numbers, situation, and opposition of the provincial army. And the most material question of the whole still remains undecided, whether this country (England I mean) is, or is not, desirous of pursuing coercive measures against the Americans? Sir, his Majesty can certainly do no wrong; but are his ministers therefore above reprehension? And if the King has been deceived by their misrepresentations, is it not more dutiful and loyal, humbly to point them out, than to let the people ascribe a share of blame to him, while they take shelter under the sacred name of Majesty. *The King* wishes for peace and reconciliation with America, and I believe the noble Lord opposite, and a part of his associates, do so too, as well as the generality of the people of England; and that these blood-thirsty measures can *only* be pleasing to such slaves to a part of government, who the very last year told us, they shuddered at the plan of operations, and would not support them, because they thought them cruel; yet now they can adopt them because they are ten times more so; and to a set of unprincipled, arbitrary, and avaricious men, who I wish to God were transferred to a government like New Zealand (where they devour their fellow-creatures) from that of a civilized nation.

Hon Mr. *Fox* observed, it had been said that the addresses would cause ill blood here, but that he would add something more; they would cause much ill blood in America. The address from the Devonshire militia he reprobated

as one of the most unconstitutional acts that ever had fallen within his knowledge. After which he declared he did not think so meanly of the understandings of the present ministry, as to suppose they would leave this country without an army of some kind; that he approved of a militia as a *succedaneum* to an army, but that by the present bill they were evidently to serve as a part of the army itself. He then entered into a definition of the original meaning and intention of the English militia, and laid it down as a doctrine, that formerly a militia-man was merely armed and disciplined, that he might, when danger was at his door and pressed upon him, defend himself. He said he should certainly be against the introduction of foreign troops, and he was also against a standing army; that the purpose of the present bill was to create a standing army, and to increase the power of the crown; that he saw no difference between a standing army of regulars, and a standing army of militia, whom the King could call out when he pleased; for that in this country, and every other extensive dominion, there would always, in some part or other, be a riot, which the minister might call a rebellion. There might be a disturbance among the negroes in Jamaica, in Bengal, or any other distant place, which might serve as a pretext for embodying the militia. That many gentlemen would frequently be embarrassed who served in it, by being put upon disagreeable duty; and that at present, if he was a militia officer, he would resign. He concluded with declaring that administration were taking advantage of the present situation of affairs, to put the people under martial law, and to add that law to the prerogative. That all the late American acts tended to increase the power of the crown, and to demolish the rights of the people; and that as the present bill evidently would do so, he should oppose it.

Lord North observed, that although there were so many different opinions held, and so many different objections thrown out in the present debate, that it was impossible for him to reply to all of them, yet he thought it incumbent on him to speak to two matters which had been urged by the gentlemen in opposition: one was, the charge made against him respecting the Oxford address; and the other, the idea which had been alledged to prevail with administration of introducing foreign troops into this kingdom; with regard to the latter, he declared there was no such idea entertained, and he appealed to the bill before the House as a confirmation of what he said; for that it is obvious, if ministry had such an intention they never would

would have introduced the bill, but moved for the introduction of foreign troops, on the plea of the insufficiency of the present militia act. He declared he was himself averse to the employment of foreign troops, but that where a great constitutional point was to be carried, and which could not be carried without them, he saw no objection to their being made use of; he thought they might be applied to as a resource, though it would be impolitic to use them in the first instance: that as we had more money than men, it was a natural and a justifiable resource in cases of necessity; but that at present administration meant to leave the defence of this country to the gentlemen of it, which was surely the measure most likely to prove agreeable to every Englishman; and that so far was he from wishing to embarrass any gentlemen in the militia, that he had no objection to the insertion of a clause, giving them power to resign if they disliked the service. His Lordship treated what had fallen from Mr. Fox, respecting the dangerous use that might be made, at any future period, of the power granted by this act, as a chimera, never likely to be realized; observing upon the hazard a minister would run in making a riot in the Indies, or a disturbance in any distant quarter of the King's dominions, a pretext for calling out the militia of England; and adding, that if any minister should be so hardy, he sincerely hoped he would be impeached at the bar of the House of Lords. With regard to the Oxford address, his Lordship declared, that it came to him as a part of the university, as one of the firm of it; in fact, it was sent as a compliment to their chancellor; that he did not alter the language; that he both then and now thought it contained such sentiments as were proper to come from the university; that it did not encourage the plunging this country into a civil war; that it only expressed a disgust at rebellion, and teemed with professions of loyalty which were an honour to those from whom it came; and that therefore he did not prevent it from being presented: but he solemnly protested that he saw no other address in its way to the throne, and he defied the gentlemen on the other side of the House, after the most exact enquiry, to prove that administration interfered in procuring any.

Lord John Cavendish made a short reply; after which the House divided upon the question. For reading the bill 259; against it 50.

Bill committed.

November 3.

A petition of the merchants of London trading to the West Indies, was presented and read; setting forth, that the inhabitants of the sugar colonies in the West Indies have hitherto been supplied with very large quantities of flour, bread, rice, and Indian corn, from the continent of America, from which supply they are now cut off by reason of the present interruption of commerce with America; and that the quantity of wheat and meal flour, bread, and biscuit, now allowed by law to be exported to the said colonies from the port of London, will be greatly insufficient for the sustenance and use of the inhabitants of the sugar colonies during the continuation of such interruption; and therefore praying the House will take the premises into consideration, and grant such relief as to them shall seem meet.

Ordered to lie upon the table.

Sir *James Lowther* moved, that the introducing the Hanoverian troops into any part of the dominions belonging to the crown of Great-Britain, without the consent of Parliament first had and obtained, is contrary to law. He said, he would not take up much of the time of the House in entering into the great question of law which this resolution led to, that doubtless would be spoken to by more able gentlemen than himself. The measure appeared to him to be doubly improper, both as being in direct opposition to the bill of rights, the act of settlement, and the established law of the land; and also that it is at present highly inexpedient in the present state of the dispute with America. Why are we, said he, to have recourse to foreign mercenaries instead of our own troops? Why place a dependence upon those who cannot feel the same call for defending the liberty of this country as the natives of it? There is no good reason for this; and if we may judge from the uniform tenor of administration in all their conduct, we ought to consider it as a most dangerous weapon in the worst hands which any weapon can be lodged in. But the noble Lord on the other side the House will tell us that he is the able pilot that is to conduct us into port. I should be glad to ask that able pilot what are the provisions he has made on the continent of America for the employment of those numerous forces to be voted? Where are his transports and victualers to go? Where are his magazines to be formed? What security will he give us that they are not to roll about the Atlantic by way of a harbour? But one question ought to include a thousand others. Why have we not peace with a people, who it is evident desire peace with us, and who are ready

ready to submit to the legislative authority of this country? [He then read, as a part of his speech, the last address of the Congress, to the people of England.]

Governor *Johnstone* moved to read that part in his Majesty's speech, which says, "and I have, in testimony of my affection for my people, who can have no cause in which I am not equally interested, sent to the garrison of Gibraltar and Port Mahon, a part of my selected troops." He then acquainted the House, that he rose to second the motion of his honourable friend. Nothing, Mr. Speaker, requires such watchful attention in this admirable system of government as the due poize of the sword between the King and the people. His Majesty has the entire command of the troops after they are raised or introduced into his dominions, that military operations may be conducted with that secrecy and dispatch, which is necessary to give them their full effect; but the people, on the other hand, must be first consulted on the occasion of raising or introducing such troops, lest, under the pretence of defending us against our enemies, an overwhelming force may be turned against our dearest rights. This rule I take to be a corner stone in the British constitution, which once removed, leaves every privilege we enjoy at the mercy of the King. The words the clerk has just read, I consider as the most wanton violation of this principle, and the most avowed declaration, that it does not exist in the law or spirit of our government. It is to meet such dangerous doctrines, and to vindicate the wisdom of our ancestors, who have not left the rights and privileges for which they bled on so precarious a footing, that I now presume to trouble the House; nor does the bill of indemnity, laid on your table by the minister so early this day, slacken my ardour on the occasion. In the preamble to this bill, which I have just read, it is declared, "that doubts have arisen" on this great constitutional question; I say then it is fit the legislature should determine those doubts. If so palpable a defect remains in this government, let us boldly declare the fact, and correct it without delay. If (as I apprehend) it is free from so glaring an absurdity, as that of supposing his Majesty can introduce any number of foreign troops into his dominions without the consent of Parliament, let us, with equal willingness, assert the right of the people throughout his Majesty's dominions; and censure, or pardon, those who have offended, as their conduct, when duly considered, may

deserve. But in tenderness to them, do not let this great assembly forget what we owe to our country: do not let us forget what we owe to our own dignity as legislators by leaving so great and essential a point undecided, merely in compliance with the humours of some gentlemen, who want to balance between their former professions and their present conduct.

It was happily observed by a noble earl, whose superior wisdom was so long revered in this House, that you might intrench yourself with parchment up to the teeth, as defences against the power of arms put into the hands of other men: but the real security consisted in never admitting of such numbers as could effect any evil purpose; for wherever such power had been entrusted, distinct from the guardians of liberty, the sword had always found a passage to the vitals of the constitution. This principle ever directed our peace establishments, till the reign of his present Majesty. This had governed the conduct of our ancestors till this hour. This jealousy is evident in every clause of the mutiny bill, whereby a military establishment is interwoven into our government. But in case his prudent generous jealousy is commendable against our own countrymen and fellow-citizens when they became soldiers, they who have equal privileges to lose and to defend; they who have all the ties of friendship, relation; and education, to restrain them from destroying the liberties of their country; how much more watchful and attentive ought we to be, when this intoxicating power is delivered up to foreign mercenaries, who have no object but the pleasure of a prince; who have been accustomed to consider the rights of a freeman as an insult on their profession? Shall neither argument or experience stop this House in the madness of her American career. Must every principle of our government be dissolved in the contest? Shall the first barriers of our freedom be levelled with the dust, to favour our ministers in their absurd management? Shall we despise the history of all those nations, from Carthage downwards, who have lost their liberty by employing foreign troops, and recur to those weak silly arguments which have always been used as the reason for first introducing them. How different is the spirit which prevails now, to that which inspired our ancestors after the Revolution? That the House may judge on this point, I desire the message from king William, of the 18th of March, 1698, and the answer of the Commons of England may be read. [*Read the message and*

and an answer as under.*] Here you find a King to whom the very Parliament he addressed, owed the freedom of their resolves,

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* Journals of the House, 18th March, 1698.

William R.

His Majesty is pleased to let the House know that the necessary preparations are made for transporting the guards, who came with him into England; and that he intends to send them away immediately, unless, out of consideration to him, the House be disposed to find a way for continuing them longer in his service, which his Majesty would take very kindly.

Upon which a question being proposed, that a day be appointed to consider of his Majesty's said message, the question was put, that that question be now put, and it passed in the negative.

20th of March, 1698.

The lord Norris reported from the committee, appointed on Saturday last, to draw up an humble address, to be presented to his Majesty; that they had drawn up an address accordingly, which he read in his place, and afterwards delivered in at the clerk's table, where the same was read, and is as followeth:

Most gracious Sovereign,

We your Majesty's most dutiful and loyal subjects, the commons in this present Parliament assembled, do, with unfeigned zeal to your Majesty's person and government, (which God long preserve) most humbly represent,

That the passing the late act for disbanding the army gave great satisfaction to your subjects; and the punctual execution thereof will prevent all occasion of distrust or jealousy between your Majesty and your people.

It is, Sir, to your loyal Commons, an unspeakable grief, that any thing should be asked by your Majesty's message, to which they cannot consent, *without doing violence to that constitution your Majesty came over to restore and preserve*, and did at that time, in your gracious declaration promise, that all those foreign forces which came over with you should be sent back. In duty, therefore, to your Majesty, and to discharge the trust reposed in us, we crave leave to lay before you, that nothing conduceth more to the happiness and welfare of this kingdom than an entire confidence between your Majesty and your people; which can no way be so firmly established, as by entrusting your sacred person with your own subjects, who have so eminently signalized themselves on all occasions during the late long and expensive war,

resolves, supplicating with a degree of eagerness, humility, and affection, that might have melted a Roman father, in behalf of troops, who had been active in his service; who had been the companions of all his glory, and all his toils, whose numbers could be no object of jealousy; but those real patriots knew the nature of courtly precedents, and they saw the consequences of this. They refused the common formality of appointing a day to take his Majesty's message into consideration; they waved those trifling respects, when the constitution of their country was at stake; they instantly named a committee to draw up an answer, and the House most solemnly and truly declared, as you have heard, "that they could not consent to his Majesty's request, without doing violence to that constitution his Majesty came over to preserve." While I commend this glorious spirit in our forefathers, I hope there is no person who hears me, that can believe it springs from any of those ignoble prejudices, which sometimes prevail against the inhabitants of other countries. Singly and individually, I believe a Frenchman as good as an Englishman, and a Spaniard equal to either, if they are protected by a free government. All I maintain is, that their misfortune having placed them under despotic governments, they are more fit to destroy, and not so fit to preserve, the privileges of freemen. That the happy predilection every man feels for his native soil, is a principle established by God, and ought to be strictly attended to by statesmen in the formation of armies, and that no intelligent statesman ever despised this natural affection, or would wish to have recourse to foreigners in the wanton degree the instance before us exhibits. It is said, we have plenty of money, but are scarce of men—If money is so plenty, it were well to consider from whence this superabundance comes, before we kill the hen that lays the golden egg. It is strange, in one breath to declare our plenty, and in the next to plead our poverty, as a reason for altering our ancient system of colony government; to get money to support us! As to the scarcity of men, I maintain, if any country wants men for its necessary purposes, there are some defects in the system of government. Every country under a good government will breed up to the numbers wanted, and the means of subsistence. If population falls off, there is some radical defect—I perceive some gentlemen seem to laugh at this doctrine—I laugh at their ignorance. Will any man alledge there is no radical defect in our government, where, by impolitic impositions in your revenue laws, 1000 men are annually lost to the kingdom, and 4000

are tempted to work against its interest; 3000 are annually lost in gaol, or as fugitives driven abroad by the severity of your laws respecting private debts; 1000 by criminal punishments; 1000 soldiers die annually out of the course of nature, by the manner of shifting our troops from station to station, to pick up the diseases of all climates; some millions are lost to national defence, by the oppressive laws about religion in Ireland. Is it possible to consider these facts, and assert there is no defect in the government under which they happen? The introduction of foreigners by bills of naturalization, or stretches of prerogative, to remedy such waste, can only render the disease more incurable. Administration place this war to account of the dignity of the nation; for they acknowledge no other profit, or advantage, can be reaped from it in the end. But is there any step that can reduce the reputation of this country so low, as that of depending on the electorate of Hanover for the interior government of its own subjects? What a confession at the outset in this business? that Great Britain is unequal to the contest! How are the mighty fallen since the peace of 1763? What a spectacle for Europe! Can it be supposed that the force of the empire is really so diminished, or must we impute it to the injustice of the cause, and the madness of our rulers, who, without exterior cause, have rent the empire asunder in so deplorable a degree. So far I have reasoned on the bad policy of this measure, supposing it had been permitted by the law of the constitution. I shall now consider it upon the *spirit*, and then upon the *letter* of the law.

The *spirit* of the constitution is fully declared by the bill of rights, and annually by the mutiny bill. "That the raising, or keeping up a standing army, *within the kingdom*, unless it be with the consent of Parliament, *is against law*." Is there any man so narrowed in his ideas of government, as to think, in a sentence declaratory of the first essential principles of the constitution, that the words *within the kingdom*, meant merely the territory of England. The bill of rights is not an enacting law, but declaratory of the old rights of the subject by the common law: in this case we must look for the principle that governs the rule; wherever this principle extends, the law applies. The principle is plain, that the King may never be able to assemble any military forces for unjustifiable purposes, so as to overawe the Parliament to enact, or the people to acquiesce in measures, which may be destructive of their freedom. Let us try the construction contended for by the

friends of administration by this rule: to what purpose prohibit the King from exercising this power in England, if he can raise or introduce into Ireland or Guernsey, or the plantations, whatever number of armed men he pleases? The reasoning is so weak and absurd, that I am well informed, the first law officer * of the kingdom has abandoned it in another assembly; besides, if this doctrine takes place, what security have the people in the colonies for any of their privileges, if his Majesty can order what number of forces he pleases into the different colonies, without the consent of Parliament? How does this accord with the doctrines of virtual representation? If their members here have no vote in the most material of all other concerns in a free state, *the power of the sword*—the feeble protection from withholding their pay and subsistence is of little avail: the elector of Hanover may pay them; men in arms will ever find money for themselves. Nor can there be any reason alledged for resigning this power to the crown: foreigners never can be employed without leaving sufficient time for calling the Parliament; whenever it is necessary to employ them, the occasion must be so momentous as to demand the advice of the great counsel of the nation. To alledge, as in the present case, that the members of this House would rather submit that the crown should possess the power of butchering half the inhabitants of the empire, than be disturbed in their diversion of killing a partridge, is the severest satire that could be pronounced upon us. It may be true of the majority. But in that case I ask, if there can be so strong a proof of a declining empire? I ask, if such dispositions prevail, if the people of America have not just grounds of jealousy against submitting the protection of their dearest rights to such guardians? I maintain there was full and sufficient time, without retarding the measure, to call the Parliament; the transports, with the Hanoverians, are not even yet sailed from Stade. The manner of mentioning the fact in the King's speech, (more as a piece of news than as a measure on which we could deliberate) sufficiently shows that the prerogative of sending foreign troops to every part of his Majesty's dominions beyond the kingdom of Great Britain, is claimed by his Majesty's ministers as an undoubted power in the crown: and though the bill of indemnity, now introduced, shews they are under much difficulty in main-

* The lord high chancellor.

taining this doctrine by argument, yet every man of sense must see this business is merely to amuse the country gentlemen, that they might retire with decency on this day; for I defy them, under all the shifts of parliamentary doublings, to negative this motion, consistent with their former principles. Another objection to this measure occurs very strongly to me. His Majesty has declared, that any treaty which may be made for the employment of foreign assistance, shall be laid before the House. Now I maintain, some treaty for mutual contract (which is here the same thing) must have been made with the elector of Hanover, and registered in his council for the employing those troops. They are corps as distinct from the troops of this country as the Russians. His Majesty, and the elector of Hanover, are, in their political capacity, as distinct as the empress and the king of Great Britain. Does any one suppose, so perfect a despotism prevails in Hanover, that the elector has ordered the troops of that state without some formal capitulation? If there has been a capitulation, we have a right to see it. The ministers have engaged his Majesty's word, that every treaty for that purpose shall be laid on the table, and in case it is withheld, or denied, they are responsible for the breach of so sacred a declaration. But after sporting with the royal proclamation, under all the seals and solemnities of the state, in the Quebec bill; after despising charters of government granted by his Majesty's predecessors, and acquiesced under for hundreds of years, as the proper executive form of binding the nation, I am not surprised they mock and ridicule a speech to Parliament of their own drawing.

I come now to consider the *letter* of the law. The act of settlement 12 W. III. c. 2. enacts, "that no person born out of the kingdoms of England, Scotland, or Ireland, or the dominions thereto belonging, (although he be naturalized, or made a denizen) except such as are born of English parents, shall be capable to enjoy any office, or place of trust, civil or military." Now I ask, if possession of the fortress of Gibraltar, or Port Mahon, is not a great military trust? I ask, if the King could commit this trust to the officers of Spain, or France? I desire to know where the distinction in point of law is to be found, which renders it more legal to commit those great national bulwarks to Hanoverians than Spaniards. The ministry, under the duke of Newcastle, by advice of the late duke of Cumberland, had made the same mistake as to the prerogative of the crown in a capitulation they had made

with colonel (now general) Prevost, for employing foreigners in America, without the previous consent of Parliament. I heard Mr. Pitt, in his place, tell the then ministers, if they should dare to employ such troops, he should consider the act of settlement as broken, and that he would impeach the advisers of such illegal measures; this was at the commencement of a war with France, yet no apprehension of danger could induce that great man to yield any constitutional point to the expediency of the moment, which might establish a precedent that might ruin his country. These ministers, though in possession of full as great a majority as generally follow the voice of the noble lord in my eye, were too wise to persevere. They brought in the act of the 29 Geo. II. c. 5. to enable his Majesty to grant commissions to foreign Protestants in America, *only* with the several limitations in the bill, which every officer knows. If his Majesty had possessed the power of employing foreign troops, where was the necessity of such a bill? The distinction that is taken by the noble lord in the war department, is trifling to the last degree. He says the difference is obvious, because in the one case, they hold commissions from the King; in the other, from the elector of Hanover. Are they less to be feared, because they do not hold their commissions from the state? Are they not equally under the order of his Majesty, when they enter his dominions? The law does not say, they shall not hold any commissions, but any office, or place of trust, civil or military. Our ancestors did not guard against the shadow, and submit to the pressure of the substance. What further confirms me in this opinion is, the words of the mutiny bill. It declares, as a principle in the constitution, "that no man can be forejudged of life, or limb, or suffer any punishment, but by the judgment of his peers." It makes the exception as to the army, to be employed under that bill. Gibraltar and Minorca are expressly mentioned as places within the purview of the act. Every one is now convinced, from the case of Fabrigas, after all the chicane to avoid the decision, that subjects in Gibraltar, or Minorca, are equally liable to the protection of the common law, against oppressions, as in other parts of his Majesty's dominions. The mutiny act declares, as the only authority under which courts martial can be held, "That his Majesty may grant his warrant to the lord lieutenant of Ireland, or other chief governor or governors there, for the time being, or the governor or governors of Minorca, Gibraltar, and any of his Majesty's dominions beyond

beyond the seas respectively, or the person or persons there commanding, in chief, his Majesty's forces, from time to time, to appoint courts martial in the kingdom of Ireland, and other places and dominions respectively: in which courts martial, all the offences above mentioned, and all other offences herein after specified, shall be tried and proceeded against in such manner, as by this act shall be hereafter directed." The subsequent part of the act declares, "That every member, assisting at such trial, before any proceedings can be had thereupon, shall swear, that he will administer justice according to the rules and articles, for the better government of his Majesty's forces, and according to the act of parliament, now in force, for the punishment of mutiny and desertion, and other crimes therein mentioned." All these regulations, it is impossible for any Hanoverian officer to comply with. Men who will not carry their ideas on the spot; who will not attend to the precision of criminal proceedings by the English law, which leaves nothing to discretion, find no difficulty in any thing; "Do the best you can," solves every difficulty, and forms every instruction from them. But to men of more accurate discernment, I will ask a few questions. Can any court martial be held in Minorca, or Gibraltar, without warrant from the governor? Can his warrant order any court martial, otherwise than as described by the mutiny bill? Can German officers, without knowing our language, swear they will administer justice according to a law they do not understand? In case the sentence is death, who is to approve such sentence, or who is to sign the warrant to execute? If it is alledged, the Hanoverians carry their own military law with them into our dominions, I shall put a case: suppose an Hanoverian punished by Hanoverian law in Minorca, should bring this action for damages against the governor, or in case of punishment by death, an indictment is found, would such a plea, in justification that it was done according to the laws of Hanover, be allowed? I maintain that it would not. I assert, the moment any man enters into the dominions of the crown of Britain, he owes a local allegiance, and is liable to the punishments and the protection of the laws of this realm only, and that no foreign potentate hath, or can exercise any jurisdiction, ecclesiastical, civil, or military, within the same. If these positions are true, I demand then, under what law are the Hanoverians to be tried? If they can neither be tried by our martial law, or their own, I ask, in what state of security are those garrisons left, when entrusted to men under

no regular martial discipline? All these things prove not only the necessity of the previous consent of parliament, before foreign troops can be introduced into the King's dominions, but the necessity of an act of parliament to accommodate the law to their situation. Some men, from approving the measure, may think this opposition springs from captious motives: I think I have said enough, and quoted respectable authority sufficient to vindicate the movers from such reproach. Numbers in this House, conceiving themselves happy under various lucrative employments and bounties from the crown, do not perceive the progressive steps the prerogative is making. Besides the daily increase of influence by additional places and pensions, when I consider the weight thrown into that preponderating scale by the royal marriage bill; the violent attempt, to raise money on the subject by proclamation, in the case of the four and a half *per cent.* which was at last condemned in the courts of law, notwithstanding every obstruction that could be devised; the great, inordinate, and iniquitous power given to the crown by a violation of all the rights of the members of the East-India company; the further breaches in the old form of government, by the unusual powers yielded to his Majesty by the Quebec act, and Boston port bill; I say, when I consider these strides, since the short period of his Majesty's accession; the great increase of our peace establishment in the fleet and army, I cannot help expressing the alarms I feel, that a despotic government is actually intended, that the proceedings in America are only the forerunner of what is preparing for ourselves at home, and that nothing can insure the success of those schemes so effectually, as establishing the principle which is now contended for, that the King may overawe us with foreign troops; if we are not disposed to receive the chains that his ministers are forging for us.

Before I sit down, I beg leave to say a word or two, on the subject of the different addresses to the crown, which have been so often mentioned in this House, and given to the public with such affected parade in the Gazette; even descending to the meanest Scotch Burgh, while petitions from the first counties in England have been denied that honour; making the Gazette, which should be a paper of authentic intelligence, a vehicle of false information, more shameless than that of Bruxells during the last war. First, it is asserted, to inflame the nation, that the provincials had exercised great cruelties, and had scalped our soldiers. This I assert to be a notorious falsehood; that one man who was killed

was

was afterwards scalped at Concord, I believe to be true; but the treatment given to the King's troops in general, who were then made prisoners, was humane and generous. Another false fact, asserted in the Gazette, was, that Mr. Sayer had been taken up for high treason. The story of a scheme to seize his Majesty's person, when going to the Parliament House, was circulated with the utmost industry; but when the warrant was produced before a judge, not remarkable for leaning to the cause of liberty, it appeared the commitment was for *treasonable practices*; and the whole story appeared so futile and ridiculous, that this magistrate shewed his utmost contempt of the whole proceeding. Yet these truths never reach the country: men read of the cruelty of the Americans abroad, and the indignant treason of their abettors at home; what good subject, under such belief, would not offer his life and fortune in defence of his Majesty's person? If I could have believed any design against his Majesty, I should have been among the foremost to offer my life in his service. Knowing the whole to be a wicked contrivance of the ministers to deceive the King, and delude his people, my indignation turns against the contrivers of such shameful plots. What can be said in vindication of such proceedings? Is the protection of the personal liberty of the subject no part of the business of this House? The president Montesquieu says, that the spirit of liberty sees with the eye of a jealous mother the injury that is done to every individual? What man is safe under such machinations? The ministerial paragraphs in the news-papers, had long teemed with accounts of intercepted letters. At length a contrivance is devised to search the private papers of a suspected individual. Will the advisers of those measures tell us, what they have now found, or formerly possessed? Will they produce some of this intercepted correspondence, that the world may judge between us? Let us see upon what ground bail was denied to this oppressed gentleman? Why he was sent close prisoner to the Tower? Why his counsel was denied admittance? If there are no grounds for such cruel severity, mankind must perceive the motive for propagating such falsities. The tide of addressing may turn; when the people see how grossly they have been imposed on by false accounts, and false intelligence, from every quarter; when they find that all true information has been purposely denied at home and abroad. I say, when the people become sensible of those truths, their vengeance may recoil with redoubled fury. Richard Cromwell, and

James

James the Second, had their coffers filled with addresses, three or four months before they were dispossessed of all authority. These should be examples what little reliance can be placed on empty words? The good sense of this country is often deceived at first, but they generally return to the principles of freedom at last. The American contest is complicated in its nature; it demands much information, and a process of reasoning, on the great principles of society to understand the subject; every art is used to mislead and misrepresent, by men reaping the harvest of our troubles. When the nation shall feel the great loss, and the ruinous expence attending the measures of administration; when America, is lost, I am in no doubt, they will investigate the subject and call those to severe account, who are leading them hoodwinked in this will career, which cannot be justified on any of those principles of liberty, or sound policy, by which the fame of this country has been renowned among the nations of the earth; by which it has hitherto invigorated every part of its dominions throughout the globe; by which it has raised, and by which alone it can maintain, this mighty empire.

Mr. *Walter Stanhope*, in support of the motion, recapitulated what he called the errors and blunders of administration; and prophesied the worst consequences if the affairs of this country were permitted to remain much longer in the hands of the present ministers.

Lord *Barrington*. Upon this question, I shall, from the attention which I have given the subject, from being in office, endeavour to shew the House wherein I think the present motion is against truth; and that there is nothing illegal in the present case. The bill of rights declares, that to introduce foreign troops within the kingdom in time of peace, and without the consent of Parliament, is illegal; and that declaration I take to be founded upon the common law of the land; but I think it has, as the bill expresses it, reference only to the kingdom itself, and not to the dependencies of it, of which our history will give us the clearest proof. Go so far back as the case of Calais; there was a garrison kept in that fortress regularly, without any consent of Parliament, or without its ever coming before Parliament. Then there were Dunkirk and Tangier, the garrisons of which were kept up without having the least recourse to Parliament; nor was it ever dreamt of, that the sovereigns of this country were acting illegally in keeping up such garrisons. As to the expediency
of

of the measure, it is justifiable, because the foreign troops are easier and readier to be had in due time, and at the same time cheaper than our own troops. I know from the experience of last year's recruiting, that it would have been difficult to have procured new levies in that time. He declared the measure to be legal, and said he should pity and condemn the minister who should ask for a bill of indemnity; for his part he wanted none, though he had had a principal share in advising the measure.

Right honourable *T. Townshend*. The dangers that must arise from the introduction of foreign troops into the dependencies of the realm, if not illegal, might be very great; for it might easily be in the power of an ill-designing prince to fill all the exterior parts of the dominions with foreign mercenaries, and take opportunities to make them the means of overturning the constitution. No man should forget the natural tendency of standing foreign troops; they cannot esteem your laws; they know not your constitution; they cannot respect it. Recollect the case of the Hanoverian soldier at Maidstone, where the commanding officer told the civil officer, "Release the man, or I have eight thousand men here, and I will beat down your goal, and take him by force." Sir, that will be the language of commanders of foreign troops. They know not the laws, they cannot respect them. Disputes will arise in quarters, and they must be terminated in this manner. But let us turn our eyes to the other countries of Europe; and see what miserable work the soldiery have made. Sir, they have overturned Europe from its basis. Look at Sweden, where the king, merely by the means of an army, has cut the throat of Swedish liberty, and rules by the sword; and I might here observe, *a-propos*, that this administration in England was accessory to the mischief, or at least attempted to prevent a reparation. I do not assert this upon my own knowledge, but I have been told it on pretty good authority, when the empress of Russia was about to stir in favour of the old government of Sweden, we interposed, and threatened her with the fleet of England, if she made any such attempt. He was zealous in vindication of the character and reputation of king William the Third, whom he called our immortal deliverer, which had been assassinated in print, and the work encouraged, [alluding to Dalrymple's book.]

Mr. Serjeant *Adair*, spoke in support of the motion, he said, he should not enter at large into the subject of American affairs, but confine himself strictly to the question before the House. He first observed on the arguments that had been

own martial law, he insisted that no man could be put to death in the dominions of this country by any other authority than the mutiny act, or the law of the land. He put it to the crown lawyers, to say, by what law disputes arising between the British troops, or inhabitants, and the Hanoverians, were to be decided.

He contended, that the proposition contained in the motion, was not only strictly warranted by the principles of law and the constitution, but that it was highly necessary that the House should come to such a declaration, to avert the danger arising from the precedent; more especially after the approbation expressed in their address. It had indeed been alledged, that the approbation went no further than the gracious motives which had induced his Majesty to the measure in question. That he had always looked upon this distinction as illusory and absurd; but at all events the only way to demonstrate that the approbation went only to the motives and not to the measure itself, was to come to the resolution now proposed to the House.

He concluded with saying, that he thought the expediency of the measure would come more properly before the House, when they proceeded on the bill of indemnity, which had been read. That, however, the evidence of history and the experience of all nations, evinced the extreme danger of calling in the assistance of foreign troops; and that the Saxons, who had been called into this island to support the British government, had themselves most effectually conquered and overturned it.

But of all foreign troops, said he, the most dangerous are those who are the subjects of the King and not of the crown and Parliament. Should any future prince of the illustrious house that now sits upon the throne, perfectly unlike his present most gracious Majesty, assisted by ministers not very unlike the advisers of this measure; should, I say, such a prince, deluded by such advisers, entertain the mad and nefarious design of overturning the constitution of this country; of destroying that liberty which was the glory and strength of his government, and reducing his kingdom to the same abject state with those of the most of his neighbours, what means could be so proper to effectuate so wicked a purpose, as filling all parts of our dominions beyond sea, with foreign mercenaries, and putting our strongest garrisons, and half our empire, into the hands of officers and soldiers, the devoted subjects of the King, but totally independent on the crown or Parliament of the kingdom?

Mr.

Mr. *Stanley* explained, that foreign soldiers serving in England were under the laws of England: and in respect of the expediency of the measure relative to the want of men, he observed, that we had more men than the King of Prussia, who kept 200,000 men on foot, and as many as the House of Austria; but as our men were employed in arts and manufactures, it was more expedient to take foreign troops into our pay, which had been the uniform practice of the kingdom, from the battle of Newcastle upon Tyne to this day; of which very many instances were to be met with in Rymer and Froisard.

Mr. *Gordon* asserted, that the measure was certainly illegal; that a recruiting serjeant could not enlist a single foreigner, much less could you march five battalions to Gibraltar; but condemned the motion for being an abstract proposition, without any connected question, it might carry too severe a censure upon an act, which he was convinced was well meant, and very expedient; he trusted, that its illegality might be established by an alteration in the preamble of the bill of indemnity; and therefore moved the previous question.

The *Solicitor General* [Mr. Wedderburne] entered very fully upon the subject; and stated to the House the different periods of time when, and the occasions for which, foreign troops had been introduced into this kingdom without the consent of Parliament; observing that there were so many precedents for such a practice, that he wondered any objections should now be so seriously started against it. He therefore put his negative upon it.

He embraced a great variety of circumstances and arguments against the motion, and in favour of the previous question. Having established, in his own opinion, he said, the legality of the measure, he went to the propriety of it, and took occasion to remark, that if the militia laws were duly enforced, enlarged and extended, there would never more be any occasion for them to debate on questions concerning foreign troops, as such would be totally unnecessary.

Mr. *Burke* observed, that one honourable gentleman was against the motion, because it was not an abstract proposition; another was against it, because it was an abstract proposition. He said, it was not kind of Mr. Gordon to fight opposition with a weapon which he knew they could not make use of. He observed, that the honourable member knew the measure was illegal, yet he would vote in favour of it. Now, says Mr. *Burke*, if I, or any of the gentlemen on this side of the House, were to argue in this manner, it would cause a horse-

used on the other side of the question, particularly by Lord Barrington. He said, the noble Lord had affirmed that there was no statute law which limited the number of forces, or the power of the crown in that respect, before the Revolution; yet he admitted that Charles the Second keeping a standing army without consent of Parliament, was contrary to law; it must therefore be contrary to the ancient principles of the constitution, which the Serjeant contended, equally applied to the present case.

With regard to the instances mentioned, of keeping troops in Calais, Dunkirk, and Tangier, without authority of Parliament, he said, that the ill-consequences of the two latter instances, had already been sufficiently pointed out, * and the noble Lord himself had, with great candor, given an answer in the very next sentence, by observing that the same King who kept troops in those two garrisons, kept them also in England without consent of Parliament, so that no inference could be drawn as to the legality of the one more than of the other, which the noble Lord had admitted to be illegal. As to Calais, it was the last remnant of those extensive territories formerly held in France, by our kings, who claimed also the crown of that kingdom; and no consent of the Parliament of England could be necessary to enable the King to keep troops in his French dominions.

He then argued from the principles of the constitution, that the King never had a power to keep up a standing army of mercenary soldiers, in any part of the dominions of the crown of England, in time of peace, without authority of Parliament. Nor to introduce foreign troops at any time, without parliamentary consent. The ancient armies of the crown, were composed of those who served by virtue of their tenure, for a limited time, and for particular services; which the King was intitled to in common with other inferior lords in right of property and tenure. That from the abolition of those military tenures, the crown had no constitutional military force whatever, any where, except what should be granted by Parliament. That the bill of rights being declaratory of the ancient laws and constitution, should be construed as extensively as the principles from whence it was derived; and not narrowed or confined to the mere words of the declaration, which had a reference to the mischief recited in the preamble, but should be applied to all mischiefs that came

* By Mr. Townshend.

within the same principles. That it had been held in another house, by the highest law authority in the kingdom;* that this clause of the bill of rights, by the spirit and fair construction of it, applied to all the dominions of the crown. That this construction was confirmed by the mutiny act; which after reciting the very words of the bill of rights, goes on to say, that it is necessary that a body of forces should be kept up for the safety of the kingdom, and for the *defence of the possessions of the crown of Great Britain, &c.* From whence he inferred, that it was the opinion of the legislature, that forces could not be kept up for any of these purposes, without consent of Parliament. That it was no answer, to say that, in fact, the number of troops mentioned in that act, are only those kept up in Great Britain, exclusive of those employed in the garrisons abroad; because estimates were every year laid before Parliament, and supplies granted for the express purpose of supporting the troops kept in those garrisons, as well as in Great Britain, and therefore the one had the consent of Parliament as well as the other.

He argued further; that the employing foreign officers was unlawful, from the act of settlement, by which no person born out of the dominions of Great Britain, though naturalized, could enjoy any *office or place of trust civil or military.* And that the command of a body of troops at Gibraltar or Minorca, was certainly *an office or place of military trust.*

That this extended not only to the kingdom of Great Britain but to all its dominions, he said, was still further confirmed by the act of 29 Geo. II. c. 5, by which the King was enabled to grant military commissions to foreign protestants in America, which would have been altogether unnecessary, if the King by his own authority could have employed foreigners in any part of his dominions. And he pointed out to the attention of the House the precautions taken in that act, by limiting the number of such foreign officers, obliging them to take the oaths, and declaring that the colonel should be a natural born subject; none of which were or could be taken in the present instance of the Hanoverian troops, without the authority of Parliament.

After enlarging upon these topics, he stated to the House the doubts and difficulties that must arise, by what law those foreign troops should be governed, or their discipline maintained. For notwithstanding all that had been said of their
own

* The Lord Chancellor.

laugh in the House. This is not an argument *a fortiori*, but *a majori*: it is the argument of a majority. He said the learned gentleman [Mr. Wedderburne] had ransacked history, statutes and journals, and had taken a very large journey, as was usual with him, through which he did not wish to follow him, but he was always glad to meet him at his return home.

Let us, says he, strip off all this learned foilage entirely from his argument; let us unswathe this Egyptian corpse, and strip it of its salt, gum and mummy, and see what sort of a dry skeleton is underneath.—Nothing but a single point of law.—The gentleman, said he, asserts that nothing but a bill can declare the consent of parliament, not an address, not a resolution of the House; yet he thinks a resolution of the House would in this case be better than a bill of indemnity: so that we find a bill is nothing, an address is nothing, a resolution is nothing, nay I fear our liberty is nothing, and that, ere long, our rights, freedom, and spirit, nay the House itself, will vanish, in a previous question.

Lord *North* desired to know whence the proofs and authorities of a point of law could be better drawn than from history, statutes, and journals; he did not think it was from wit, flowers, and eloquence, that they should be deduced. He said, he admired the hon. gentleman's method of proving a resolution to be nothing; an address, nothing; a bill, nothing; and by the same mode of reasoning he was inclined, he said, to conclude, that a long witty speech was, nothing.

General *Conway* was very sorry to see such learned gentlemen as Mr. Serjeant Adair and Mr. Solicitor General differ so widely in their opinions on so important a point. He said, that for his part he did not understand the laws to a practical nicety; but his experience in that House had given him so much knowledge of the constitution, that he felt the measure illegal and dangerous. He said, he could not conceive with what propriety a bill of indemnity could be proposed for a measure that was legal; the ideas of criminality and indemnity were, he asserted, inseparable. He condemned the conduct of those who advised his Majesty to bring foreigners into this kingdom, without the previous consent of parliament, but said he would vote for the previous question, because the motion was too general, and passed a censure on a measure, which, so far as his Majesty was concerned, he was sure proceeded from the best motives.

Sir *William Lemon* said he approved of the American measures; but such was his high disapprobation of that paragraph

in his Majesty's speech, which informed his Parliament, that he had sent his Hanoverian troops to garrison Gibraltar and Minorca, that he was compelled to withhold his approbation of measures, which in every other instance he approved, and consequently, on that account alone, voted against the address.

The previous question being put, that the main question be put, the House divided; Ayes 81, Noes 203.

Adjourned to November 6.

November 6.

Mr. *Sawbridge* said, the bill for embodying the militia being committed for the 9th, and that day being Lord Mayor's day in London, the city members wished the bill might be postponed. Agreed to, and the 13th appointed.

No debate.

November 7.

Hon. *T. Luttrell*. At this time, in the heat of a most unnatural civil war, I hold it incumbent upon every member of Parliament, inconsiderable as he may be in his private character, not only to speak out with firmness and decision, but to exert his utmost endeavour, to restore peace and commercial prosperity to the mother country and her colonies.

The wisest writers on politics lay down for a rule, that those governments are the most perfect which are oftenest brought back to their first principles. Now, Sir, the history and perfection of the government of the British empire will elucidate the truth of such maxim; for there is not any other country on the face of the globe, in which the government has so often been brought back to its first principle; and that not by kings with their parliaments, but by *extra formal* assemblies of the people, in a *convention* or *congress*, which conveyed a purer and more positive sense of the community at large, than the estates of the land, assembled according to ordinary forms, could possibly do; and, Sir, in every contest, during the last eight hundred years, between the people and their trustees for executive power, the former have come off with victory; fully establishing this plain proposition, that all partial institutions of policy, must, when the national welfare is in question, be lost in the more extensive laws of reason and of nature; with whatever levity or sallies of wit such plea may lately have been treated by some gentlemen within these walls. The happiness of mankind first dictated the necessity and ends of government, as the intermediate power between the individual and the people. All government was created by the people, who by their original com-

part reserved to themselves a paramount right, to which they might revert in cases of public danger; to supply essential defects, to reform abuses, and to take the most effectual measures for the lasting peace and safeguard of society. The subjects of the British empire, in an especial manner, claim liberty and property, according to their ancient laws and customs, not as a charter-gift or indulgence, but as an inherent right never to be alienated, and at no time transferred to their monarch or proxy in Parliament.

I shall not trouble the House with a research into the nature and efficacy of the British constitution; but there are some facts requisite to sustain the arguments in favour of the motion I am going to make, which I must beg leave to call up to your recollection.

The popular form of government of the Saxons (it is well known) was in very remote times transplanted into this island from Germany; their national conventions were continual, and according to the lunar periods. After the accession of Alfred the Great, they were regulated by the festivals of the christian calendar.

The lower we descend in history, the less regular we find these assemblies. Property increased. The body of freemen became more diffuse and numerous. What was every man's business seemed of trifling interest to the individual, and many concurring causes rendered their meetings little frequented, till at length they seldom concerned themselves with this duty, unless some edict or precept, issued by the immediate executive branch of government, should demand their judgment and suffrages, to provide for the support of the state. But, Sir, the policy of courts gradually encroached, and at length brought the modelling of these assemblies to depend, in fact, upon the royal will and pleasure; hence arose corruptions and intolerable grievances to the people; but whenever the disease reached its full paroxism, they wisely esteemed the public good as the supreme object of all civilized governments; and when sober counsels, reiterated admonitions, and processes of subordinate judicature had failed, they, by virtue of that original power, which I insist had at no time departed from them, did appeal to the transcendent, primeval law of conscience and common-sense; and when the acts of ministers begun in oppression, led on to a general calamity, they considered *disobedience* to be the duty of every good citizen, and cheerfully bore the burthen and sufferings of a civil war, rather than become slaves themselves, and entail beggary and bondage on *ir posterity*.

I shall

I shall now illustrate this doctrine, which I take to be the fundamental basis of our genuine Whig doctrine, by some striking passages selected from your annals; first, observing that of thirty-three sovereigns of England, since William the Conqueror, thirteen only have ascended the throne by *divine* hereditary right; the rest owe their royalty to the zeal and vigour of the people in the maintenance of constitutional freedom.

The will of the people of England, superseding an hereditary claim to succession, at the commencement of the twelfth century, placed Henry the First on the throne of this kingdom, with condition that he would abrogate the vigorous laws made since the Norman invasion, restore the government as in the days of Edward the Confessor, and abolish all unjust and arbitrary taxes.

King Stephen obtained the crown, and Henry the Second kept it, on the same express terms; yet, Sir, in the days of King John, it was judged expedient no longer to trust or mere oral declarations, which state chicane and sophistry had of late years occasionally explained away, but to compel that prince solemnly to register an affirmation of the antient rights of the people in a formal charter; and this necessary work was accomplished by the congress at Runemede, in the year 1155: an assembly which ought never to be spoken of by the representatives of the Commons of England but with profound veneration.

An honourable and learned member over the way mentioned, a few evenings ago, the introduction of foreign troops into this island in the reign of Henry the Third, as a precedent to warrant the present stretch of regal prerogative in the case of the Hanoverian mercenaries: as that member is not now in the House, I shall be more concise in treating of the events he alluded to, than I otherwise intended. Sir, in the reign of Henry the Third (about the year 1233) the barons, clergy and freeholders, refused two distinct summonses to Parliament; and understanding that the King as Earl of Poictou, had landed some of his continental troops in the western ports of England, with a design to strengthen a most odious and arbitrary set of ministers, they assembled in a *convention* or *congress*, from whence they dispatched deputies to King Henry, declaring that if he did not immediately send back those Poictouvians, and remove from his person and counsels evil advisers, they would place on the throne a prince who should better observe the laws of the land. Sir, the King not only hearkened to that congress, but shortly after complied with

every article of their demands, and publicly notified his reformation. Now, Sir, what are we to call that assembly which dethroned Edward the Second, when the Archbishop of Canterbury preached a sermon on this text, *The voice of the people is the voice of God*. And when a learned judge, in the character of procurator for the mass of the freemen, surrendered the homage and fealty of the people of England, alleging that the original compact, through which they were bound to allegiance, was dissolved, by the use and aggrandisement of ill counsellors; by the administration of government, which agreed not with the ancient laws of the land, and by a total disregard to the advice and supplications of his Majesty's faithful but afflicted subjects. Richard the Second (like the unhappy Edward) fell a victim to despotic obstinacy and favoritism; and to this King, in the same manner, was surrendered by commissioners (or proctors) the allegiance of his subjects, and a prince of the house of Lancaster (founder of our present most gracious sovereign's royal line) was invited over from banishment, and elected by the people to the throne. But, Sir, before I dismiss this reign, it may be proper to observe that Richard entirely subverted the constitution of the Upper House of Parliament, for he made it an appendage to the crown, introducing peers by creation, in prejudice to the territorial baronies; and with respect to the other House, he sent orders to the sheriffs of the several counties throughout England, to return only such representatives to Parliament as should on every occasion implicitly obey the royal mandate. Nay, Sir, both Houses conjointly went at last so far as to commit their whole parliamentary power into the hands of a cabinet junto of ministers, having, however, first obtained the Pope's leave for so doing. I wish gentlemen who contend for supreme sovereignty in the crown and parliament, denying any rights of the people in pre-eminence to their joint authority, would apply such argument to the state of King, Lords and Commons, at that æra. I shall next proceed to the general convention or congress, which in 1461 enthroned the Earl of March in Westminster-hall, by the name of Edward IV; the Primate of all England collecting the suffrages of the people; and at that period even the Lancastrian historians date the commencement of his reign.

But to come to modern occurrences: in 1659 a convention or congress restored legal monarchy in the person of King Charles the Second, who was then no farther distant from this island than the town of Breda, and being pressed by many

many of the royal partisans to issue his writs for a lawful Parliament; he made answer, that he would rather be indebted for his restoration to the uninfluenced sense of the people of England, taken in a free assembly.

On the 26th of December, 1688, was held a *convention* or *congress* at St. James's, where the Prince of Orange presided; and there were present most of the surviving members who had served in any one of the Parliaments of king Charles the Second, the Lord Mayor of London, the aldermen, and about fifty of the common-council, &c. and on the 22d of January, following, by virtue of notices issued on the aforesaid 26th of December of St. James's, the memorable convention-parliament assembled in this House, and perfected the glorious work of the Revolution.

I mean, Sir, from these examples and arguments, to deduce for an incontrovertible truth, that all the subjects of the British empire have a right to be governed according to the spirit of our ancient constitution, by which no freeman could be taxed without his consent, either in person or by his substitute; and notwithstanding the infringement of this right under some of our Norman kings and their successors, yet we find William the Conqueror himself confirming it, in his code of laws, the year before his decease. And the same explicit declaration in its favour from our English Justinian, King Edward the First, in the charter of the 25th and statutes of the 34th of his reign, admitted to be among the earliest authentic records of Parliament extant, according to the present mode of summons.

I have, I think, shewn that our kings in former days have not scrupled to treat with a *congress*; that many of the best of them owe their crowns to such national meetings; and that this nation has, on the one hand, been saved from despotism, and, on the other hand, from anarchy, by a *convention* or *congress*; which surely possesses some advantages over a parliament; for being free from ministerial management, having neither placemen, pensioners, nor dependent retainers on their list, are more likely to hear the sincere dictates of conscience, and the unpolluted sense of those they represent. But, Sir, however inadmissible the voice of a *congress* might be deemed as acts of legislation, yet I conceive that their plea in the character of *advocates* for the constituent body by whom they are commissioned, ought in justice, as well as sound policy, to be listened to. A punctilious delicacy now in fashion, which we stile the dignity of the crown and Parliament, will, if madly persisted in, cost at least half the

blood and substance of Great Britain. The most haughty and powerful monarch of his time, Lewis the Fourteenth, when there was a formidable commotion in the *Cevennes*, condescended to depute two marshals of France to enter into a treaty with the malecontents: peace was accordingly made and the terms of it were afterwards faithfully fulfilled.

Look, Sir, into the history of the proudest as well as most renowned people that ever existed, the Romans; observe the conclusion of *their social war*, and you will see they were not above negotiating a peace with those very insurgents whom they had before, individually by name, proscribed as rebels. Rome found herself at that day reduced to the same critical predicament which, I apprehend, we now stand in; there was no other possible means of restoring concord, or saving the commonwealth from ruin: but, Sir, above all, I would wish the House to give, on this occasion, due weight to a conclusive remark of the excellent author of the *Commentaries on the Laws of England*, where he is descanting on the revolution of 1688, which placed the sceptre in the hands of King William, and eventually brought in the illustrious house of Hanover to be guardians of the protestant religion, and assertors of the ancient constitutional rights of all the subjects throughout the British monarchy. "No practical systems of law, say he, are so perfect as to point out before hand those *eccentric* remedies which national emergency will dictate and will justify."

I now, Sir, beg leave to offer to the House the following motion.

"That a committee be appointed to draw up an address to his Majesty, humbly requesting that he will authorize the commissioners nominated to act in America, (for the gracious purposes expressed in his Majesty's speech from the throne) to receive proposals for conciliation from any general convention, congress, or other collective body, that shall be found to convey the sentiments of one or more of the several continental colonies, suspending all enquiry into the *legal* or *illegal* forms under which such colony or colonies may be disposed to treat; as the most effectual means to prevent the effusion of blood, and to reconcile the honour and permanent interest of Great Britain with the requisitions of his Majesty's American subjects.

The motion was seconded by Captain *Wolsely*, who said he had served some years on the coast of America, and had at this time the best intelligence possible from that part of the world,

world, and was sure a peace could never be effected but through the general congress.

Mr. *Rice* said, that not having been in the House while the honourable gentleman spoke in support of his motion, he should not reply to his speech; but only observe, that no man in the House could be more desirous of peace with America than himself; but would not treat with the congress, because it would be admitting that to be a legal assembly, which must of course determine the question at once in favour of America. If that meeting was legal, all our conduct was injustice. Thought it more becoming the dignity of Parliament to find some other way; to wait a little; could but take this at last.

Mr. *J. Stonstone* for the motion, as the only means of treating with America.

Sir *George Yonge* also for the motion.

Sir *George Suttie* called upon the ministers to inform the House whether they had any plan, or to inform the House what they intended to do.

No answer.

The motion passed in the negative.

November 8.

The House in a committee of supply. Lord *Barrington* stated the army estimate for the service of the year 1776. He said that the whole of the force intended to be raised and maintained was 55,000 men, the ordinary expence of which would be 1,300,000*l.* and a fraction; that the expence of last year was something above 1,000,000*l.* consequently that the increase would be 300,000*l.* He then enumerated the different services, and shewed that except the force intended to serve in America and Great Britain, the troops stationed elsewhere would be nearly the same. In the latter there were at present seven battalions, and ten returning from Minorca, Gibraltar, and America, which would make seventeen in the whole, four of which would return with officers only; of these four the 18th and 59th regiments, which had suffered most, would be two. He next informed the committee that the garrisons of Gibraltar and Minorca would be garrisoned by five battalions of Hanoverians, consisting of 475 men each, and four of English; the two serving at Gibraltar to consist of 477 men each, the usual establishment; and the two at Minorca of 677 men each; so that by this increase of men, which was effected chiefly by the invalids which were sent from hence, another battalion could be spared from Minorca. He observed, that in the West Indies

there

there would be one battalion less; for instead of five there would be but four battalions, which was meant to be composed of his Majesty's royal American regiment, to be commanded by General Prevost. He said that the force to be employed for guards, garrisons, and invalids within Great Britain would be twenty thousand men, and those in America, including the force in the West Indies, Gibraltar, Minorca, and the coast of Africa, thirty-four thousand, and that the actual force in America alone would be 34 battalions, at 811 men to a battalion, including two regiments of light horse, one sent some time since from Ireland, and Burgoyne's, intended for that service, which would in the whole amount to upwards of 25,000 men. This, he said, was the army intended to carry on the operations in America, part of which was borrowed from Ireland, and must accordingly be paid by Great Britain. He said, this was the general outline of his arrangements on paper, but he was sorry to say it was but on paper, for none of the corps but those in Gibraltar and Minorca were completed to their full complement, particularly those in, or going to America, besides the four regiments returning from that country to Great Britain; which were to return with officers only. That this was a matter, in the present situation of things, much to be lamented, yet nothing was left untried in order to remedy it, hitherto to very little purpose, for the recruiting service proceeded but slowly; that attempts were made to enlist Irish Catholics, which is what he would not have advised, had it not been for the extreme necessity, though he did not look upon the measure to be contrary to law. Foreigners were tried as single men, to be incorporated in British regiments, neither did that answer; the bounty was raised and the standard lowered, still the men could not be obtained. Such being the true state of the case, he would, he said, take the liberty to obviate a popular objection that would probably be made to the present plan of hostile operations against America upon this very ground, that recruits could not be had, because the service they were to be employed in was odious to the people in general. But his Lordship insisted that was not the true cause, for it might be traced, and found in several concurrent causes; nor could there be a stronger instance on which to found his reasonings than that at the time of the armaments by sea and land, relative to Falkland's Island, the same difficulty of obtaining recruits was felt, and no person would say, that a war designed to be carried on against France and Spain is not a popular war. Those causes were in the
first

first place to be attributed, he said, to the great influx of real or nominal wealth of late years; to the consequent and natural luxury of the times; to the encreased employment this furnished to the lower orders of the people; to the very flourishing state of our manufactures and commerce; but above all to the true and natural cause, a want of men. This want of men he imputed to the following reason: he said, at the breaking out of the late war our military force every where did not exceed, (including those in the East Indies) above 40,000 men; whereas our last peace establishment consisted of 31,000 paid by Great Britain, 15,000 by Ireland, 10,000 in the East Indies, 4000 marines, which in former times were never a permanent corps, and 27,000 militia, which last description of men were as much cut off from the recruiting service, as if they had been actually enlisted; summing up then those respective numbers, they formed the monstrous amount of 89,000 or about an increase of 49,000, most of whom, on an emergency like the present, could have been called into actual service. He said, he understood that the idea of taxing America was entirely given up; that being the case, the next consideration, nay, indeed the only one, was how to secure the constitutional dependency of that country. This, in his opinion, was not to be effected without Great Britain declaring a resolution to maintain her constitutional rights, and putting herself into a situation to enforce them, should America continue to resist or refuse obedience to her just rights. This, though he did not pretend to speak from authority, was the general plan adopted by administration, first to arm, and then send out commissioners; and he said, that he had heard that a very great military officer, high in the esteem of his Sovereign and the nation, and who is perfectly well acquainted with America, was the person intended to be sent out as first commissioner. In the course of the detail, his Lordship observed, that of the last five regiments which left Ireland, two of them had been driven by stress of weather into Milford Haven, but as soon as the transports were refitted, they would proceed with those troops to the place of their destination.

His Lordship moved, that 20,752 men be employed for land service, for the year 1776, and that 659,200l. 2s. 10½d. be allowed for maintaining them for 365 days, from the 25th of December 1775, to the 25th of December 1776.

That 723,432l. 11s. 7½d. be granted for maintaining the forces in the plantations and Africa, for the year 1776.

That

That 42,530l. 19s. 4d. be granted for the charge of paying, and the difference of pay between the British and Irish establishment for the troops of that country now serving in America.

That 11,503l. 7s. 3d. be granted for the pay of general and staff officers for the service of the current year.

That 104,136l. 6s. be granted for levy money, for the augmentation of the British and Irish forces for 1776.*

That 15,072l. 12s. out of savings of grants of last sessions for the charge of an augmentation to the forces, and for levy money for the augmentation to Major General Preston's regiment of light dragoons towards defraying the charge of levy money for the augmentation of the British and Irish forces for the year 1776.

That 26,783l. 15s. 2½d. be granted for defraying the charge of five Hanoverian battalions of foot at Gibraltar and Minorca, from the 1st of December 1775, to the 24th of December following.

That 46,838l. 1s. 9d. be granted for defraying the charge of five Hanoverian battalions, serving as above, for the service of the year 1776.

That 249,651l. 18s. 6d. be granted for the office of ordnance, land service, for the year 1776. And,

That 223,171l. 11s. 11d. be granted for defraying the expence of services performed by the office of ordnance for land service and not provided for by Parliament in 1775.

Colonel *Barré* made some remarks on the noble Lord's estimate; and particularly on some of his reasonings and deductions. He observed, that his Lordship stated the establishment of the English battalions, at Gibraltar, at 477 men; those at Minorca, at 677; the Hanoverians serving at both places, at 475 men each; and those in America, at 811 men: Why not at 677 at Gibraltar and Minorca both? Why not the Hanoverians at the same number? And why not those in America at 850 men, which was the usual number during the late war, with the same number of officers? He objected against the additional companies proposed by the noble Lord, and insisted in the present state of the army, they were so much additional expence, without the least use. He said, he should not range the wide field the noble Lord travelled over, but to whatever motives he attributed the present dis-

* This resolution was amended on the report, and the sums made 89,063l. 14s.

turbances in America, he was satisfied, that the great source was the ruinous consequences of patronage. Several great interests and connexions were to be gratified, and a heavy peace establishment was formed to get rid of the army at home; it was sent to America, where it was not wanted, the weight of maintaining it was soon felt, and that shortly gave birth to the absurd idea of making America pay for it. This, he insisted, was the genuine fountain from which the disputes originally flowed, and would ever continue to flow, till the cause was removed. He observed, that the account was fallacious, as the estimate now on the table would amount to full two millions; one third of which, he ventured to contend, might be saved, if the battalions were made complete; that is, if in proportion there were a fewer number of officers, and more men. He next turned to the ordnance and levy money, the former of which, he said, exceeded some of the years of the late war, in which our arms were triumphant in every quarter of the globe. He lamented the little information there was ever to be obtained from that board; for several of the greatest ministers and ablest men in this country, to his knowledge, had made the attempt, but in vain, every thing in that department being in darkness and obscurity. The expence of the ordnance service for this year was above 470,000*l.* and no man could tell to what the account might be swelled. On the whole, he contended, that the estimates were much short of the real expence, and insisted that nothing but the most urgent necessity, and the fullest information to justify that necessity, could warrant the representatives of the people to load themselves and their constituents with such heavy burthens. It had been all imposition from beginning to end, or some persons imagined they had an interest in pretending to be deceived. He quoted one instance out of a hundred in his memory, the rank ignorance of sending troops to Canada in the month of October. [Here he was proceeding to relate some matter, when the gentlemen on the treasury bench began to smile.] He said, he despised the spleen which created the silly observations on his story telling; it was beneath his contempt almost to take notice of them. However he was astonished that administration could fall into so gross an error; for though the pride of the navy was on this side the House, they had one officer [Palliser] to direct them, if they had thought proper to consult him; but to rectify this error, the noble Lord says, that they are to pursue their voyage as soon as the transports are ready to proceed to sea.

Mr. *Powys* said he had hitherto voted with the minister on American affairs in general, particularly for the militia and augmentation of the navy; but that when he did so, he understood, and several other gentlemen understood the same, that before all the supplies were voted, the minister would lay before the House his plan. From the beginning, he said, he understood the minister so intended: if he had not thought so he would not have given his support to measures of which he was not to be acquainted. But, now not seeing in the noble Lord any disposition to give the information and satisfaction he desired; and had promised himself he was to receive, he supposed it was meant to vote the estimates first and hear the reasons afterwards, that is, that the House should begin with a division and end with a debate. He therefore moved that the chairman do now leave the chair.

This motion was seconded by Sir *Robert Smyth*, who not considering it as a motion hostile to administration, with whom he had uniformly acted in this business, nor in any ways tending to retard those military preparations which he deemed so necessary to be made at this crisis; not wishing to relax the nerves of government, when, in his opinion, they ought to be stretched to their utmost tone, but considering it as a motion proper to produce that pause to our proceedings until due information shall be brought before us; when he mentions information he does not mean a few scraps of garbled and mutilated papers, but that verbal official information which he thought it the minister's duty to impart to Parliament; perhaps the noble Lord will say, that this is one of those *arcana* of state which properly belongs to the cabinet, and which it would be imprudent to impart to a numerous popular assembly; he allowed the objection to have some weight if the dispute lay between sovereign powers of equal authority, where the complicated interests of other states might be in some measure involved, but where the question lay between fellow subjects equally interested in terminating it, he did not see the necessity of so much mystery and secrecy; it might be highly improper in him to ask, as well as impolitic in them to discover, the detail of their plan, but he only wanted to know whether they had any plan at all.

With respect to commissioners intended to be sent to America, he thought, that not only the persons, but the nature and extent of the commission, should be made known, that Parliament might judge whether they were men proper to be intrusted

intrusted with so important a negotiation, and whether the terms they carried out were consistent with the dignity of Great Britain to offer, and the interest of the Americans to receive; he had heard certain governors mentioned, but could not help thinking them very improper men; he did not mean to cast any reflections upon a governor, a very worthy member of this House, who, from his thorough knowledge of American affairs, is very well qualified for such an important trust; but governors, as such, were obnoxious men to the Americans; he did not mean in an extensive sense arising from their attachment and partiality to a popular government; but, that for many years past, there have been continual struggles between the governors and the assemblies, which have been hastily called, and as abruptly dissolved; and the people ever consider governors, from the nature of their appointment, more interested in asserting the prerogatives of the crown, than in maintaining the liberties of the people; besides, they are fully persuaded, that most of their misfortunes have arisen from the misrepresentations of governors on this side the water. However the noble Lord may affect to treat this proposition of his honourable friend, he only begged leave to observe that this was not the rash and hasty opinion of an inconsiderate individual, but the deliberate wishes and desires of many gentlemen of a most respectable description within the House, who expect to be called upon in a short time, almost personally, to contribute a large supply towards carrying on these measures.

Lord *North* did not give a direct answer, though he admitted the propriety of the gentleman's reasonings who spoke last. He said a commission would be sent according to the intimation given at the opening of the session from the throne; that the gentleman need not be uneasy that any treaty of concession would be agreed to without the approbation of parliament; but it would be necessary to know upon what ground the Americans would treat before the powers sufficient to ratify what the commissioners might think expedient were derived from Parliament. When the terms that America is willing to submit to were in a state proper to be laid before that House, that, in his opinion, would be the proper time to take the sense of Parliament on previous communications, and leave it to judge of the alternative, whether the offers of America could be accepted with honour, or whether Britain ought to reduce them to a state of obedience, however hazardous the undertaking.

Right

Right Hon. *T. Townshend* said, the noble lord [Lord *Barrington*] had given him a strong lesson against great establishments, when his Lordship said, that the keeping up 89,000 men in peace had crippled us. But, said Mr. *Townshend*, there is a great difference between the present division of the empire and a war with its natural enemies; those enemies are quiet, but are ready to attack us on, a sudden whenever they see an opportunity.

Mr. *Innes*. The present state of our American affairs flows from natural causes. The prosperity of a people depends on a form of government suited to their situations and circumstances; that which was calculated for the infant state of our colonies, is evidently defective now that they are grown great and populous. In every civilized nation in the known world, at this period of time, whether monarchy or republic, you will not find the subjects governed merely by the love and affection which they bear to their rulers. A well regulated government maintains its authority by a proper force, to restrain and correct the bad humours of discontented individuals. Is it possible in the nature of things, that amongst a numerous race of people, all of them can be sober and sensible? In every large society, there is a restless and turbulent set of men, fond of power, and envious of those in rank and station above them. Have you hitherto kept a force sufficient to maintain the authority of this country, over even a few individuals in North America? No, Sir, you have not. You laid on the stamp act, without power to enforce it: you were so weak to repeal it, without giving time to try what effect it might have in the ordinary course of things; owing to your own unsteady and factious pursuits at home.

What has been the real cause of discontent in America? It has arisen chiefly from a thirst after independency, and from the great encouragement which the colonists found on this side the water. A seditious spirit soon spreads its contagion; and, in the present case, has grown to an enormous height. Is this to be wondered at, when you consider, that both here and in America, there are to be found men of abandoned principles, ready to engage in any outrage? The more sensible, who are disposed to peace, will not interfere in proper time, thinking it is the business of government, under whose protection they live, to defend them from insult.

You are told, with confidence, that the North Americans are all of them united. It is not true. I have letters, on the veracity of which I can depend, informing me of the contrary. Ask the gentlemen lately come from North America, they will tell you they have been forced away, be-
cause

cause they would not join in the general riot and disturbance.

On the great question of the natural rights of mankind, and the right of taxation, I beg leave to make a few observations. When the first settlers went out, they were content to go under certain restrictions and regulations. What were those regulations? Were not the colonists confined within certain bounds, and subjected to certain terms by charter grants? Were they not then satisfied and happy to accept the terms granted them, and to be under the protection of the mother-country? Did the first settlers in the colonies, to whom the charters were granted, presume to say to the mother-country, we will abide by your laws and regulations so long as we shall think fit, but no longer? Have not the colonists all along enjoyed every encouragement and support which the first settlers could possibly have expected? Was it not then understood, that they were to be subject to the laws of this country? Will any man say, that either the original, or any of the late emigrants, ever went out with any other views than those of interest? Did the original settlers presume to talk about representatives in Parliament, and of a refusal to be taxed without their own consent? Has a man, whom I have indulged to possess a share of my house at an easy rate, but subject to my rules, a right, when I am grown old, thinking he is stronger than me, to say, I will submit to your rules no longer, the house is mine, and I will turn you out? Is it because the colonies have arrived to a flourishing condition, under the wing of the parent state, that they have a right to rebel? It has been asserted, that the colonists are the offspring of Englishmen, and as such, entitled to the privileges of Britons. Sir, I am bold to deny it, for it is well known that they not only consist of English, Scots, and Irish, but also of French, Dutch, Germans innumerable, Indians, Africans, and a multitude of felons from this country. Is it possible to tell which are the most turbulent amongst such a mixture of people? To which of them is England to give up her original right over an estate belonging to herself? I leave it to the learned and ingenious honourable gentlemen to define the true sense and meaning of the different charters granted to the colonies; but I am afraid their nice distinctions and definitions will throw little light upon the subject, and serve only to perplex and confound men of ordinary understanding.

The grand claim of the Americans is liberty; but it appears to me absurd to say, that a people who import slaves, and are despotic over them, nay, many of whom draw the

sustenance from the very bosom of slavery, have a right to the freedom which the inhabitants of this country enjoy. The North American spirit and practice in this respect, have surely nothing in them similar to what prevails in Great Britain. Would it not then be a strange piece of policy, if not a subversion of all order in the mother-country, to countenance this dangerous spirit, which evidently aims at independency, and might speedily degenerate into tyranny, over their present constitutional superiors? What claim can those persons have to an increase of liberty, who do not grant the smallest exercise of it to their neighbours? or, if their claim were to be admitted, in what manner is such liberty to be dispensed? Partially, or impartially? Is the grandchild to be free, and the grandfather to remain a slave? Is the brother to enjoy liberty, and the sister to be excluded from it?

The question concerning the natural rights of mankind cannot with propriety come under consideration in the present dispute between us and our colonies; liberty, genuine liberty, if it exist at all, is confined to this and our sister kingdom.

If our forefathers have been so negligent as not to give stability to the authority of this country over her colonies, it is high time that we should do it.

I cannot reconcile it to the duty I owe to my country in general, and to my constituents in particular, to be silent on this great occasion; things are got to such a height, that it behoves every man to give all the assistance in his power.

The method hitherto pursued to quell the rebellion in North America has proved ineffectual, because it was mild and gentle. We are not however to despair; more vigorous and better planned measures will have a different effect. Your troops received a severe check on the 19th of April; what else could be expected? The provincials were provoked at being represented as cowards; they were determined to convince you of the contrary; they fought, indeed, but how did they fight? They attacked your troops from windows of houses, and from behind walls, at a time the soldiers were fatigued with a long march; neither has the lamentable affair of Bunker's Hill, on the 17th of June, any thing surprising in it: the provincials were strongly entrenched on an eminence, a situation which inspired courage, in confidence of safety; yet our troops fought and conquered under the greatest disadvantages. Boston is a place badly situated for defence, surrounded by hills, and liable to be attacked in various ways; it is therefore entirely improper to keep an army at a place so circumstanced, and for this reason your troops ought to be removed from thence.

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There has not as yet been any regular engagement, nor a fair trial of military skill and courage between his Majesty's forces and the rebels; the numbers of the latter are undoubtedly great, and it will be difficult, if not impossible, to conquer them, if attacked when so securely entrenched.

The people of the Massachuset's Bay appear to be both obstinate and enthusiastic to the last degree; they ought therefore to be treated like madmen, whom it were folly to contend with; I would on this consideration advise to shut them up with frigates and sloops of war, and leave them.

A noble Lord may remember, I took the liberty to propose this measure to him in the month of February last, before the reinforcement went out, and from a full persuasion of the propriety of it, recommended to his Lordship to send all the army to New York and Philadelphia. I wish that plan had been adopted, it would have prevented much bloodshed and other ill consequences; but it must be admitted, that no human foresight can determine in what manner the best concerted plans will operate. You are losing, to all appearance, a complete year by your army being kept at Boston: the enemies of administration exult, and reproach you with the ignominious situation of British soldiers, cooped up in a state of inaction. But let not this discourage us; if it were not for the real loss of so many brave men, who have unhappily fallen, every other consideration is immaterial; you are not, however, without some advantage; time, which brings all things to an issue, seems to be working favourably for you.

I presume, with all deference, still to offer my poor opinion; it is, that the army should be sent to one of the southern colonies, to make one strong post. If there is to be more fighting, let the provincials make the attack, if they please.

I take it for granted you are to have an army of twenty or twenty-five thousand men in North America next spring; although I mean they should be entrenched and act on the defensive, yet they may act offensively as opportunity offers. Your army posted in a secure situation, will give loyal subjects encouragement to declare themselves; they only want protection.

I think there can be little doubt, that the force intended is sufficient to subdue the colonies to the southward of Delaware River, and that sloops of war may easily obstruct the passage of an army from the northern provinces, should an attempt be made to cross that extensive river to join the insurgents on the other side.

Your success against one half of North America will pave the way to the conquest of the whole, and it is more than probable

you may find men to recruit your army in America; money will engage them to enlist. Such of those deluded people as are determined to continue in rebellion, may be allowed to carry on their military designs and operations in the interior parts of the country, as long as they can keep together; they ought not to be followed; let your army still maintain one firm post. In time the rebels will be tired out; they will be perplexed if you do not follow them; their guilt, folly, and expence, must breed intestine dissensions; the common men must soon be convinced of the fraud of being paid in paper currency; the foolish and wicked resolves of the congress with regard to non-importation and non-exportation, will soon recoil on themselves and prove their destruction. The congress, by their ridiculous and presumptuous scheme of a bar to all trade with Britain and her islands, have exposed themselves to contempt, and, by this time, must be feeling the ruinous effects of it. They vainly imagined, that all the merchants and manufacturers of Britain would have taken the alarm, and, through fear of the loss of trade, have yielded to their views; but the good sense of the people of this country has shewn them and the world, that they are not to be deceived by such artifice.

Another of the ingenious devices of the North Americans, was, to lay in a stock of goods, which they thought sufficient to cloath them for an extraordinary time; but by authentic advices, they are already in great want of all sorts of necessaries: as one instance within my own knowledge, a letter I have received within these few days from a correspondent in North America, inclosing an order for goods to be sent next spring if possible, contains this paragraph, "My negroes will suffer much next year, if matters are not speedily accommodated; what the poorer sort of planters will do, I know not, for there is not a piece of linen of any sort to be got in any of the stores."

I hope the friends of the colonies will not be so bold to assert, that they are such a supernatural race, as to live without cloaths, any more than they can exist without meat, drink, and sleep.

After your army has fortified one strong place, detachments may be sent to other sea-port towns to erect forts under the cover of ships of war; it will soon appear how far settlements may be extended in the southern provinces.

If your sloops are vigilant, which doubtless they will be, it is next to an impossibility that cargoes of goods can be smuggled into North America to any extent, even in the *three winter months*, which are only severe to the northward, trading

trading vessels can scarcely escape sloops of war, properly stationed on the coast, and within the great rivers. In this situation the colonists will be driven to the last extremity for want of cloaths and other necessary articles, particularly those of the woollen kind. It is scarce possible they can subsist with any degree of comfort without British and Irish goods; if they are supplied with the manufactures of this country by any indirect means, yet the pretext of the decline of trade may be kept up by designing men, although in fact it be flourishing.

I have read the petitions and addresses from some of the manufacturing towns, giving a dreadful representation of their fears and apprehensions of a total decay of trade, "should that be interrupted which we derive from a friendly intercourse with North America, and by which alone our rank in Europe can be supported." In these petitions they artfully insinuate, that the present flourishing state of commerce throughout the kingdom, is owing to accidental and temporary causes, such as "the peace of Poland, the Spanish flota," &c. Sir, these petitions are calculated merely for the purpose of imposing on weak minds; this country furnishes many articles of commerce, from natural growth, and by the dexterity of our artists, which no other part of the globe can produce; it is impossible therefore that we can be deprived of our usual share of trade with every part of the world; North America in particular cannot be supplied with several of her commodities, except from Great Britain. If a survey were taken of the state of the manufactures over all Europe, it will not be found, that one nation with another possesses above one year's superfluous stock of goods, any more than an extraordinary quantity of provisions; on the supposition therefore that the American trade should be diverted into a foreign channel, the nation which supplies them, must of course be itself speedily exhausted, and forced to apply to Britain for a recruit.

Sir, I declare myself averse to any further concession towards the colonies, than what was offered by the conciliatory plan, namely, "that the colonies should furnish an adequate sum, to be raised amongst themselves towards the general expence."

The defence of North America has cost this nation many millions; and it is but equitable now, that the colonists should contribute to the alleviation of that burden. Administration, in my opinion, betrayed the dignity of this country in making even that proposition, and after what has since happened, the rebels are unworthy of such mild treatment. From whom ought proposals of accommodation to come?

Have they not been the aggressors? Have they not grossly insulted the constitutional authority of this empire? The North Americans in general, indeed, are objects of compassion, rather than of resentment; they have been led on, and insensibly made the tools of factious and discontented men in this and their own country. It is more than probable the stamp act would have been submitted to, had not the opposition to it been countenanced here.

As affairs are now situated, some new and uncommon expedients ought to be devised, to rectify them. One of our great objects at present should be to succour our innocent and peaceable subjects in this their time of distress; for this reason, I cannot altogether approve of all the acts passed for the punishment of the delinquents, because they involve the innocent with the guilty; the former, as well as the latter, are in great want of all sorts of cloaths.

It being unsafe for merchants to send out goods, it is submitted, whether it would not be good policy in government to give orders for, and export, a quantity of such commodities as our loyal American subjects are known to want most, and particularly cloathing for women and children; this would be an act of great benevolence, as well as sound policy. Such goods might be under the care of supercargoes, protected by the army; they would be ready to supply our friends, and also such of the disaffected as might be disposed to submit; this, under good management would prove beneficial, not detrimental to the public; nor would it require a very large sum for this purpose; the goods might be bartered for flour, and other provisions for the army. Merchants would, after some time, be induced to send cargoes to the places where the army was securely posted, which would relieve government of that trouble. Sugars, rum, molasses, and even tea, articles all of them much wanted, would find purchasers, and be very acceptable, they would be the means of procuring bread, flour, Indian corn, staves, shingles, &c. for the West India islands; the sloops of war would protect trading vessels to different towns and creeks on the rivers; detachments of soldiers might be sent to assist the landing of goods; trade would thus be at least in the choice of foes as well as friends, and their necessitous situation would constrain them cheerfully to embrace it; for who can suppose that the naked would refuse to be cloathed, or the miserable to be relieved! and thus the olive-branch would be held out to them in one hand, while the sword is kept in the other: let them make their *option*; if they are determined to remain obstinate, we have
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only to continue firm; and I trust the contest will be decided without much further bloodshed. It cannot be doubted that those who are loyally disposed, of whom there are many, wait but a pretence to shake off their obedience to the resolutions of the congress, to which they now submit through compulsion.

As to the West-India islands, one of the capital objects of attention, your effecting the conquest of even only two or three of the principal towns on the continent, would, in a great measure, furnish them with necessaries; this should be done with all the dispatch possible.

With regard to our manufactures at home, a no less important object, if the proposed exportation should take place, they would be kept in employment, and thereby much uneasiness prevented; it is surely of the last consequence, that the distresses of the industrious part of the nation should be alleviated to the utmost, and their affections to government preserved. How is this to be affected, if no goods are to be sent to America? The manufactures ought, nevertheless, to be purchased at the risque of the public, and the goods laid up in store till a demand for them should offer. This is a common cause, and should be supported at the general expence, if any should be incurred.

Sir, I must beg leave also to mention the situation of another class of men suffering great hardship; I mean the merchants and traders to North America, whose fortunes are locked up whilst the present disputes subsist; not owing to the want of inclination in their principal correspondents abroad to remit, for there are men of as great honour in North America as any where, and who have sent all the payments they could; but in the present general confusion, which obstructs the administration of justice, a stagnation of payments follows of course.

It is impossible for the merchant, under these circumstances, to discharge his debts to the shopkeeper and mechanic, and this brings on a general distress. To remedy this evil, a committee of merchants, not in the American trade, might be appointed to examine into the difficulties which the North American merchants labour under. What they want is money, or a credit for it, to answer their present exigencies; and, I presume, they would be well satisfied with a sum equivalent to one half of what they are disappointed in. To effect this valuable purpose, I am persuaded, a less sum than one million would be sufficient. Government, for this end,

might issue bills under the sanction of Parliament, bearing four per cent. interest, to be lent to such merchants as may be found intitled to this aid, under the stipulation of their paying the interest on the bills so lent, half yearly, to the possessor of them. It being further understood, that the borrower shall, besides his own security, find two sufficient bondsmen to be answerable, by indorsing the bills, for the repayment of the loan at the end of two years after peace is re-established with America, or with the particular colony where any individual's effects may be detained. Still further, in order to give full satisfaction, both to the holders of said bills and to the public, they must be so qualified as to return on the merchant and his two securities, and be no longer passable after the two years are elapsed, from the time public notice has been given that peace is restored, and courts of law open for the recovery of debts. In this, or some such mode, a very necessary piece of business might be transacted, without much, if any loss, to the public; and, indeed, no loss can happen, unless not only the merchant, but likewise both his bondsmen, should become insolvent. My own concerns in North America are too small to induce me to propose this plan from selfish motives; I hope, therefore, this House will do me the justice to believe I am only pleading a general cause, from the satisfaction it would give me, to be in the smallest degree instrumental towards promoting the happiness of the British merchants. This is no new thing in the commercial world, for within these few years, the Empress of Russia, at a time of general distress, ordered a considerable sum of money to be lent to the merchants in her dominions, which prevented the ruin of several of them.

The manufacturers and traders, who are afraid of the loss of their business, are much mistaken if they think it is to be preserved by a repeal of the acts complained of, or by a submission to the Americans; to rely on their affection to this country would indeed be to build on a sandy foundation. It is notorious to every merchant in the American trade, that the most northern of the colonies, have long been in the practice of smuggling every article of goods they could from Holland and Germany; and all the colonies, without exception, have discovered great partiality to the French islands, in preference to the British. If you give up your authority over the colonies, it is losing the substance for the sake of the shadow; it is sacrificing a lasting trade for a momentary, ill-judged tranquillity,

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You have been told, with apparent gravity, that "peace is in your power; that you have only to embrace her to possess her; but consider what kind of peace is meant, and from whose mouths the voice of peace proceeds. Does it come from the lips of bosom friends? Does it flow from those you have reason to believe sincere? Is it not rather the language of mockers, revilers, and deceivers, of men who wish your destruction?"

Peace is recommended by some right honourable gentlemen who tell you the declaratory act (an act passed while they themselves were in office) means nothing. That act certainly meant something at the time it was made; the intention of it must at least have been a deception on this country, to palliate the disgrace of repealing the stamp act.

Those advocates for a paltry and inglorious peace, seem to depend too much on their rhetorical abilities; they wantonly sport with the constitution of this great nation, merely with the view to overturn the present ministry, under the pretence of rescuing their country from imminent danger.

Supposing those mighty patriots were to prevail in the present struggle for power, and to have settled with the Americans upon their own terms, these honourable gentlemen, when in office, may again change their language, and tell the provincials, as they have told you, that they meant nothing. Let the Americans trust them, if they will; but as you have been already deceived by their dissimulation, it would be the height of folly in this country to put confidence in such men a second time.

You are upbraided with insolence, cruelty, and bloodshed. Ridiculous, false, unjust! Did not the rebels first begin the attack on the King's troops in both the engagements? Admitting the tea act was wrong, does that justify the audacious steps their lawless mobs took, to shew their resentment against it? Can any act of government, even a mistaken zeal for the authority of this country over her colonists, justify the raising of armies, the concerting and conducting every other device of war, to resist the legislature of this country? Have they not exercised such cruelties over our loyal subjects as our most inveterate enemies would shudder at? Will you not resent such inhuman acts, committed on your defenceless friends and subjects, who have been (men, women, and children) driven from their peaceful habitations? Did not the congress first, by their resolves, endeavour to starve your West-India islands, and also to deprive your industrious manufacturers

manufacturers of employment? Have they not, by every art, endeavoured to throw this kingdom into the utmost consternation and confusion? Can you bear such repeated insults? Can you, after so many and deliberate indignities offered you, treat with them, but as with revolted, rebellious subjects, who ought thankfully to submit to such conditions as you may think proper to give them?

I hope, and trust, the ministry will continue firm, and that after ages shall not be able to say, that in the days of our most gracious sovereign, George the Third, America was lost to England. Let us be steady in pursuing the interests of this country, but at the same time merciful and forgiving. It is more than probable that the ringleaders in this mischief are but few in number; if they can be laid hold of, they deserve no mercy; convince the lower class of those infatuated people, that the imaginary liberty they are so eagerly pursuing, is not by any means to be compared to that which the constitution of this happy country already permits them to enjoy.

Patience and perseverance in this great work are absolutely necessary, the time does not yet seem to have arrived for the Americans to acknowledge their error. The natural course of things will do more for you than great armies.

Where is the necessity of haste? It is even better to risque a war also with your real enemies, than to end the present contest in a dishonourable, pitiful and disgraceful way. Some things require great dispatch, others mature deliberation; the more time you take to settle these controversies, you will obtain the better terms: negotiations for peace resemble transactions in trade; he who is the most eager to buy or sell, usually makes the worst bargain.

This country, when united, which it certainly must be in cases of necessity, where the well-being of the nation is at stake, is always able to defend herself against the whole world; consequently powerful enough to reduce her revolted colonies to obedience. Let the colonists know, that the longer they resist, the heavier burden they will incur, as in justice they must be made to defray the expences of subduing the present rebellion. They have given you the opportunity, and now is the time, to insist on terms, safe and honourable for this country; inform them, in plain language, that you are determined to erect forts, and in future to keep up a sufficient force amongst them to maintain peace. Your naval power is great; your resources for military men, while you have riches, are immense;

mense; but above all, your cause is just: be not afraid; Heaven will support you.

General Conway. If Administration meant any thing, they should have prosecuted the operations by sea. He condemned the whole of the arrangements now proposed. He was certain the force, now going to be voted, would not be sufficient. He was certain no force they could, with their utmost exertions, raise or maintain, would be adequate to the task: it was not only his own opinion, but that of several general officers, men of rank and eminence in their profession; nay, it was the opinion of one of the first general officers in Europe, whose name, if insisted on, he was ready to mention. But supposing the force to be adequate, suppose you could carry every thing according to your own expectations, what would it amount to? Do you think the other powers of Europe will sit silent and inactive at such a season? Do you think, though they should not take an open part, they will not encourage and spirit up these people? They will not give that kind of assistance which America wants, and they can best spare? It is true, Holland has prohibited any communication with the British colonies. Has France or Spain issued any such public order? Or if they did, ought it to be depended on? I am sure it ought not. I have the strongest reason to believe, by information from persons well acquainted with the matter, that none of them are to be relied on; and I have heard, from no mean authority, that at least one of the former powers has given, and will continue to give them every secret aid, till they no longer shall have an interest in concealing their real sentiments. For my part, I disapprove of the whole proceedings from the beginning to the end; the principles, the measures, the system, all claim my warmest disapprobation; I am therefore determined to set my face openly against them. The noble Lord who has the direction of the affairs of this country tells you, that the Americans aim at independence. I defy the noble Lord, or any other member of this House, to adduce one solid proof of this charge. He says, the æra of 1763, is the time they wish to recur to, because such a concession on our part would be, in effect, giving up their dependence on this country. I deny the conclusion too. I would ask the noble Lord, did the people of America set up this claim of independence previous to the year 1763? No, they were then peaceable and dutiful subjects: they are still dutiful and obedient.—[Here a murmur of disapprobation] I repeat my words; I think them so in-

inclined; I am certain they would be so, if they were permitted. The acts they have committed arise from no want of either; they have been forced into them. Taxes have been attempted to be levied on them; their charters have been violated, nay taken away; administration have attempted to coerce them by the most cruel and oppressive laws. What will men not attempt in such a situation? What will not freemen feel under such a complication of misery and distress? How does any man in this House think men should act, when overwhelmed with a train of calamities? How ought freemen and Englishmen to act under such circumstances? I will not say that the assertion may be strictly legal, but I am sure it is founded in the fundamental principles of this constitution, and the natural rights of mankind, to affirm they are fully justified in their resistance; and, I hope, that that principle is deeply engraven in the heart of every Englishman. I would ask, is there one of you that would tamely or basely submit to such a manifest injustice? I say it is injustice in the most aggravated sense, to take money from people against their consent, nay their express disapprobation, without a single information relative to their abilities or means of payment. The noble Lord says, the contest is not now about taxation, but whether the people of America are to form a dependent part of this empire, or are not. But I beg leave to say that the dispute this moment existing, is about taxation; for but once give up the claim, and every single step you have taken throughout this business has been no less mad and ridiculous, than violent and unjust. You sought a revenue, to which you had not a single fair pretension, because they fully contributed to the proportion of the public burdens by acquiescing in the monopoly of their trade. In fine, though measures of coercion were constitutional, were equitable, I am perfectly satisfied they are totally impracticable. I am sure there is not a gentleman of the profession, however sanguine, will rise and tell the House, that he believes the force to be voted this day is by any means proportioned to the extent of the necessary operations, though the regiments were effective and every way complete. If this be then the case, it is plain some other plan is in contemplation. Let then the noble Lord in the blue ribbon rise and give us some information. I do not desire the detail, let us have the general outline, to be able to judge of the probability of its success. It is indecent not to lay before the House some plan, or the outlines of a plan. He demanded repeatedly,
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what did the noble Lord mean? How did he intend to act? If his plan is conciliation, let us see it, that we may form some opinion upon it; if it be hostility and coercion, I do repeat again, that we have no cause for a minute's consideration, for I can with confidence pronounce, that the present military armament will never succeed.

Mr. *Jenkinson* contended, that several of the acts desired by the Americans to be repealed, did not directly relate to the present contest. He said, he was afraid that all attempts to conciliate would be fruitless. A noble Lord [Lord Chatham] in the other House, had formed a plan of conciliation; another originated in that House; but what was the reception they met with? They were both treated with every possible mark of disrespect and contempt; nay, so determined were the continental congress to reject any pacific overture, that they refused so much as to receive the latter as a basis for treaty or negotiation. He said, if there was the least prospect of success, it would be the accompanying our terms of conciliation with a considerable force. There were several terms to be made before conciliation could be obtained. He could mention many, but at present would only mention one; that security should be given to all those who had adhered to the government of this country over America; and had, in consequence, been driven from America. Terms of force were the measures chalked out by his Majesty, in his speech from the throne; a formidable armament, conditions of conciliation, and gracious offers of forgiveness and protection. On this foundation the present vote was proposed: if, therefore, premature explanations were desired; if the gentlemen, who pledged themselves to support those measures, had altered their minds in one event, or had withdrawn their confidence from the King's servants, he saw *no* possible way to remedy matters but by a change of administration; observing, that at this very time, after going such lengths, how cowardly it would be to decline the contest almost at the very outset.

Lord *John Cavendish* said this was treating Parliament with every possible degree of disrespect. Measures are concerted in the cabinet; the King is made by his ministers to express his general intentions; the House of Commons is desired to support those measures by voting an enormous war establishment; and when questions are asked, and explanations are desired, even by the very friends of administration, the gentlemen who call for a plan are very laconically referred to the King's speech. The speech holds out generals, and refers,
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varied from that line either in his conduct or opinion. Was it now in the power of the House to have a choice, and was it now the question whether we should pursue this civil quarrel under modes of policy or by measure of force, he should now, as he did in 1769, give his opinion and his vote against force. But that was not the ground on which we stood; our debates were not whether or no we should go to war; we were at war. The Americans, (by a miserable fatality become our enemies) "had closed with us in an appeal from reason to arms," "were determined to use the power which their Beneficent Creator had put into their hands, and to persevere with the utmost energy in the cause in which they were fatally involved. That they had great internal resources, and every reasonable and well-grounded assurance of foreign aid." That while they thought that we expected of them an *unconditional submission*, their *ultimatum*, held out to us, was the laying down our arms, and a confession and relinquishing of our errors in opinion and conduct. That so going back to 1763, a period in which these errors were realized by practice, they might then treat with us as to what remained. He said the winter of course gave a natural respite to military force. He wished any ground might be found to give an actual suspension of arms; but he could not as a Briton, and in a British House of Commons, entertain the idea, in the face of the enemy under arms, of our laying down our arms, and surrendering at discretion. He wished for peace; he thought peace might be had; but as the Americans were in all events prepared for war, they set us the example; we should also be prepared, if peace could not be had this winter. The Americans meditated, and were able to establish, and would establish, as an independent state, a republic: "but necessity," to use their own words, "had not yet driven them to that *desperate measure*. They still wish to remain united to the nation, subordinate to the mother-country, obedient to its sovereignty. They still lamented, as the last and worst of all evils, (slavery only excepted) the breach with us, and most sincerely and ardently wished a reconciliation." He said, he was of opinion, that peace might be had on safe and honourable terms. He ventured very peremptorily to affirm it; he said, you may, if you will, have peace on terms which will save the honour of government; which will establish the sovereignty of this country, a constitutional sovereignty; and restore the union of the empire in all its commercial felicity.

mother-country, not to tax them unrepresented, nor condemn them unheard; they had a right to rule them like Englishmen, not to oppress them like slaves.

Governor *Johnstone* was not surprized administration were unwilling to give information; for he believed they had none. A remarkable proof of it, he said, was, that Mr. Penn has not, since his arrival from the very city where the congress has twice assembled and deliberated, been asked a single question; not even when he presented the petition from the American Congress to the noble Lord who is secretary of state for that department.

Governor *Fownall*, (who had been up several times before, but the chairman pointed to others) began with observing that still persevering, he arose to speak under every disadvantage and ill impression that a man could offer himself. He appeared, he said, like one determined to force his impertinencies on the House, and to obtrude opinions which the committee were unwilling to hear, yet, that was not his turn of character; he very seldom troubled them, but at present, besides the desire he had to speak his mind, he had particular reasons respecting himself and his conduct in this business, which he wished to give, in explanation of what might be otherwise much misunderstood and much misrepresented. He said, he had been invariably an advocate for peace; was so at this hour, and ever should be; and yet, circumstanced as affairs now were between this country and America, he should give his vote against our laying down our arms, and for the continuance and strengthening our force. If ever, said he, I had misrepresented the state of facts; if ever I had used the informations of which I was possessed, either to trumpet up a false alarm, or to give false hopes; if ever I gave or supported an opinion to serve any party whatever; if ever in any instance I treated these matters as party matters, I should be ashamed to rise in this House, I should not dare to open my mouth on the subject now, in this horrid period of events. Now that I am going to speak to facts, and give my opinion on those facts, if there is any person, who can fix upon any one article in which I ever misinformed the House, either as to a single fact, or as to the effects of things, I beg he may not only disbelieve me now, but mark the fact. He said, that in the wretched commencement of this sad business, in the year 1769, he had given his opinion against measures of force, and by stating the evil and destructive consequences of such measures, had endeavoured to turn the mind of our leaders from *measures of force to modes of policy*; he had never varied

varied from that line either in his conduct or opinion. Was it now in the power of the House to have a choice, and was it now the question whether we should pursue this civil quarrel under modes of policy or by measure of force, he should now, as he did in 1769, give his opinion and his vote against force. But that was not the ground on which we stood; our debates were not whether or no we should go to war; we were at war. The Americans, (by a miserable fatality become our enemies) "had closed with us in an appeal from reason to arms," "were determined to use the power which their Beneficent Creator had put into their hands, and to persevere with the utmost energy in the cause in which they were fatally involved. That they had great internal resources, and every reasonable and well-grounded assurance of foreign aid." That while they thought that we expected of them an *unconditional submission*, their *ultimatum*, held out to us, was the laying down our arms, and a confession and relinquishing of our errors in opinion and conduct. That so going back to 1763, a period in which these errors were realized by practice, they might then treat with us as to what remained. He said the winter of course gave a natural respite to military force. He wished any ground might be found to give an actual suspension of arms; but he could not as a Briton, and in a British House of Commons, entertain the idea, in the face of the enemy under arms, of our laying down our arms, and surrendering at discretion. He wished for peace; he thought peace might be had; but as the Americans were in all events prepared for war, they set us the example; we should also be prepared, if peace could not be had this winter. The Americans meditated, and were able to establish, and would establish, as an independent state, a republic: "but necessity," to use their own words, "had not yet driven them to that *desperate measure*. They still wish to remain united to the nation, subordinate to the mother-country, obedient to its sovereignty. They still lamented, as the last and worst of all evils, (save only excepted) the breach with us, and most sincerely and ardently wished a reconciliation." He said, he was of opinion, that peace might be had on safe and honourable terms. He ventured very peremptorily to affirm it; he said, you may, if you will, have peace on terms which will save the honour of government; which will establish the sovereignty of this country, a constitutional sovereignty; and restore the union of the empire in all its commercial felicity.

felicity; and, those matters settled, you may have a revenue by compact. But this peace is not to be obtained by dishonourable concessions and repeals; repeals of statutes back to the year 1763 would give them the advantage-ground, while concessions would cut the ground from under your own feet. You would concede, by such preliminaries, *data* from whence conclusions, which you could not resist, would be drawn to the giving much more than is now asked. And yet every justice might be done to the rights and claims of the Americans, and even your own rights and sovereignty confirmed and established without these direct concessions and repeals. By a revision and reforming of your whole system in the true spirit of the establishment of your colonies, in the true spirit of your act of navigation and the laws of trade, as first formed in Lord Clarendon's time, who understood the affairs of the colonies better than ever they have been understood since.

This being, he said, his full persuasion, and having assured himself from his Majesty's speech, that however necessary it had been thought, and really was, to prepare for war at all events; yet his Majesty's ministers had engaged themselves to some plan of pacification. This, he said, he thought was a matter so much to be wished, and which was truly so much wished, that as far as in him lay, he should give his aid and assistance to it. That he wished as anxiously, and as ardently, as the gentlemen who called upon ministers to produce their plan, to see it come forward; and did hope they would produce it: He hoped that every line that might lead to peace would be tried before the opening the next campaign; but yet thought, that by a respectable and even formidable armament, we ought to be prepared for that campaign, if necessity obliged us to open it. But setting his foot firm on this ground of peace, he thought that those whom his Majesty entrusted with his powers of government could alone make it; that therefore, under the same idea by which he objected to the present motion, he should object to the bringing forward any other propositions, by any person whatsoever which was meant to anticipate, or to frustrate those measures of peace, which he hoped he should see put by his Majesty into the hands of his ministers. That until we saw how far these were practicable and honourable, or otherwise, he should be against any other persons taking the business out of their hands; that as we heard last year the conciliatory proposition explained into an auction, at which

the Americans were to bid up for their rights, so now he found we were to have, (by a competition of propositions to be brought forward by some gentlemen) a *Dutch auction*; at which parties were to bid downwards for the good will and favour of the Americans; those to be best entitled to it who could offer the lowest terms; he thought this, he said, so unfitting, that he would put the previous question upon any such propositions, even upon those which an honourable gentleman [Mr. Burke] had given notice he would propose and move.

He then went to the explaining some matters of fact which had been asserted. First, in answer to an idea of his being intended to be one of the commissioners mentioned in the speech; he totally disavowed any communication about it, or the least knowledge of it. He said, if it were offered, he should wish to know, first, whether the powers to be granted were such as could be of any use; he said these commissioners could not treat with the present self-created congress, and on the other hand, that no provincial assembly would treat with them; he said there must be other means found to obtain even preliminaries whereon to treat. In answer to a charge made against ministry for sending the transports so late to America, and to Quebec especially, he said, single ships might and did go all the year round to some part or other of America; that they might even get up to Quebec so late as Christmas; that until the river was shut by being frozen up, the northwesterners and monsoons, on the latter season, were not against but for them when once in the river; that though there might be bad weather before, yet winter did not usually set in, so as to shut up the river, till Christmas.

A gentleman had said that the French exclaimed against our conduct at the breaking out of last war, in seizing their ships without a previous declaration of war, as a breach of the law of nations. He explained this, and shewed that the French were the aggressors, and that they broke the law of nations, by seizing our Indian-traders, carrying them prisoners in irons to Canada, confiscating their goods to a great amount, destroying their habitations and settlements, and taking the King's forts by force. That he had the accounts of these losses made out in an authentic way, had sent them to the minister at the time, and had now duplicates of them by him; that he hoped therefore we should hear no more of this reproach.

Mr. *Burke* was witty on the notice now given of putting the previous question on his motion; pointing out the wonders

ders that were daily enacted through that means. He congratulated administration upon it; and observed, that they had already given up the idea of taxation, and seemed rather doubtful of recovering America on any terms; but in such a state of political despair, the honourable gentleman tells them, that not only peace and America may be recovered and restored, but that a revenue may be yet obtained; and as a proof of the efficacy and probability of this plan, every proposition that came short of that, nay every proposition but that of the minister, should be smothered in embryo by the previous question. He admitted, that the honourable gentleman had knowledge—But now, he said, (looking at Mr. Jenkinson) let me turn from knowledge to authority, which has always more weight in this House. I shall now speak of the real minister. From his speech it is obvious what is intended. An army is to do the business; since that is the case he should rest satisfied without further enquiry: but just to beg leave to know if there was one gentleman of the military profession in the House, (and, blind as he was, he could discern several red coats) who would rise and tell the House, that from his conscience he was satisfied the estimate on the table, and the arrangements in consequence of it, would answer the ends proposed.

Mr. *Powys*, in reply to Mr. Jenkinson, said also, that now he found it was war that was intended.

[An altercation arose, whether the board of trade had not neglected to apply to governor Tryon, when in England, for information on American affairs. It was said by a member, [Sir John Wrottesley] that the New York petition, presented last session, was written in England. It was warmly contradicted by another member [Mr. Burk] who offered to bring three evidences to disprove the assertion, and challenged the honourable gentleman to bring his informer.]

The question was put at near eleven o'clock, on the first of these resolutions, and the committee divided,—Ayes 227, Noes, 73. Adjourned to the 10th.

November 10, private business. Adjourned to the 13th.

November 13.

The House in a committee of supply.

Lord *North*, after briefly stating some of the public accounts, spoke of the necessity of quelling the disturbances in America, remarked on the expence of this measure, and then on the propriety and expediency of applying to the landed gentlemen for their support, at a time, he said, when the other resources of the state were incompetent to the pur-

pose. He therefore moved that the land-tax for 1776 be *four* shillings in the pound.

Sir *Joseph Marubey* said the American war was unnecessary and wanton; and it was difficult to determine whether it was most founded in folly or injustice.

Mr. *J. Johnstone* said, that however unacquainted he might be with parliamentary proceedings, he had observed, since the commencement of the present session, it was expected by the friends of administration, that no proposition of theirs, however wild, extravagant, or novel, should be questioned. This to him was a most extraordinary procedure, nor could he see to what end Parliament assembled, if they only assembled to vote, not to deliberate. He hoped, however, for the sake of appearances, that the minister would stand forth, when he came to demand the public money, and tell the House to what purposes he really meant to apply it.

Sir *George Yonge* moved an amendment, that it should be *three* shillings instead of *four*.

The *Lord Mayor* [Mr. Sawbridge] said, though the land-tax was a tax the easiest collected, and gave the minister the least influence in its mode of collection; yet no consideration of convenience could balance, what he felt on the present occasion, when not only the treasure and blood, but the honour of the nation were sacrificed, to the traitorous and despotic designs of a junto, carried into execution by the most unprincipled prostitute tools that ever disgraced this country.

Mr. *Vyner* said, he had hitherto supported the measures of the minister respecting America, though he condemned the introducing foreigners into any part of the dominions of Great Britain, without the previous consent of parliament. Standing thus affected, when the motion for the recommitment of the address was made, as he approved of the great line sketched out in the speech, he found himself under a necessity of voting for that measure. The vote, however, he gave on that occasion, was a conditional one; it was on the supposition that a bill of indemnity was to be brought in and passed, in order to legalize that unconstitutional manner of introducing those troops. In a few days after, a bill of indemnity was brought in, and read a first time, and ordered to be read a second time; but a fortnight has since passed, and he never heard a syllable more concerning it. His reason for rising on the present occasion was, to assure the minister of his support, and cheerfully to agree to the proposed resolution, provided his Lordship kept his word with *his best friends*. He begged his Lordship to tell him whether

the

the indemnity bill was in being, or whether it had been starved or stifled, or had its throat cut in the cradle, which in his opinion, would be cruel, as he had understood since it came to be first mentioned, that he was pleased to own it for one of his own children.

Lord *North* replied, that the child he seemed to be so solicitous about, was safe from all the accidents he affected to dread so much; and to drop the simile, he would move tomorrow to have the bill read a second time.

Sir *William Wake* observed, the minister comes with a bill in one hand, and tells you very seriously that he has framed it, he has presented it, but when it is past, it will signify no more than so much waste paper; for it is granting a pardon for no crime; and indemnifying a man against his inclination and his judgment.

Lord *North* said he never sought to shield his public conduct by an act of Parliament; and the more so on the present occasion, because he entirely relied on the purity of his intentions. Other gentlemen, however, happened to be of contrary sentiments, to whose opinions he wished to pay every reasonable degree of respect and attention. It was to meet the ideas of those gentlemen he took upon him to frame and support such a bill; it was to give them perfect content, that he was resolved to do all in his power to carry their ideas into execution.

Mr. *Byng* congratulated the country gentlemen on the additional shilling land-tax, as the first happy fruits of American measures.

Mr. *Hartley* said, That it required but little foresight last year, to prophesy as he had done, that if the ruinous system of American measures continued, our land tax must be raised to four shillings. He wished that his present fears might prove in the event less well-founded, but that he saw no probability of the land-tax being ever reduced below four shillings. Instead of the promised revenue from America, we shall find a perpetual mortgage on our land, to pay for unjust and ill-executed measures. It requires but a very slight accumulation of debt, a very trifling loss upon the revenue, to make a three shilling land-tax with the sinking-fund insufficient for the ordinary peace establishment. The land-tax at three shillings, added to the annual malt-tax, produce net about 1,900,000*l*. The sinking-fund, upon an average of seven years, about 2,500,000*l*. The profit upon an annual lottery 150,000*l*; altogether making about 4,550,000*l*. The annual rate of expenses from 1768 to 1774, upon

upon an average, including the annual increase of the navy debt, has been about 4,150,000l. As soon as the difference between the annual income and our annual expences, which is but about 400,000l, is lost by falling off of the revenue, or swallowed up to pay the interest of the enormous debts which are now contracting, it follows unquestionably, that we must require the additional shilling upon land, to support even the peace establishments which we have hitherto mentioned. As a foretaste of the losses to be expected in the revenue, one branch is gone; the revenue on tobacco. The produce of that is nearly 300,000l, besides all the profit of the trade and commission. This cuts deep into the 400,000l. surplus just now stated. How many times 300,000l. may be cut off from the revenue, when the fatal influence of these measures come to be felt, in every branch, and throughout the whole circuit of our commerce, should be matter of the most alarming apprehension. In the next place, for the debts that we are so blindly contracting, that they will probably be kept out of the public sight as long as possible, but they must come out at last. The navy debt immense. The transport service perhaps greater than at any period in the late war. And for the army extraordinaries, if we are to maintain an immense army, at the distance of 3000 miles, to be supported with every necessary and contingency from hence, who can say what proportion they may bear to any case hitherto experienced? The case itself is certainly without example. However vague the premises are, yet we may be sure that these expences are enormous: There is no specifying, who can give us assurance, that the total of the navy debt, the transport service, the army extraordinaries, the exchequer bills, the civil list debt, all deficiencies, &c. &c. not only now existing, but what shall be added in the course of the year for which we are now providing, shall be so little as five or six millions, perhaps more. Over and above all these losses upon the revenue, all debts contracted, and to be contracted, which must be supplied with the perpetuity of the four shillings upon land. Another annual charge has been announced by the noble Lord at the treasury, viz. a proposed augmentation of the civil list. If any weight were wanting to turn the scale, and to put the perpetuity of the four shillings past hope, this must decide. Why are ministers so obstinately bent to plunge this nation into inextricable perplexities and boundless expence. Even upon the ground of the interested views of administration, if the considerations of *humanity* and justice have lost all influence with them;

let them chuse deliberately, whether they prefer the waste and ruin of the public revenue to procure the destruction of their fellow subjects; or, whether they will cultivate the good-will of the people of England, by providing those proper resources, by which, without oppressive burthens or the prospect of bankruptcy, they might be enabled, upon suitable occasions to be ready to testify their affections to a gracious Sovereign. The continuance of the American war, and its consequences (perhaps European wars) must defeat the possibility of any perpetual augmentation of the civil list. Independent of the consideration of grants to the civil list, being suspected as affording the means of corruption, who could hesitate at the option, whether to grant his money for the destruction of his fellow subjects in America, or to support his Sovereign in dignity and splendour? It is in the discretion of ministers to harmonize the interests of the crown with justice and mercy to their fellow subjects.

Mr. *Baldwin* said, he had always understood, the dispute with America was for a revenue to be raised there, to relieve the country gentlemen; but having since heard, that the idea of taxation was given up, that the object was abandoned, he thought, if so, it was improper to expend any more money in the contest, and therefore he should, in that case, be against the noble Lord's motion.

Lord *North* said, he was sure the honourable gentleman, [Mr. *Hartley*] who supposed the sinking-fund would in the course of the year 1776, be anticipated 700,000l, was egregiously mistaken, according to the present estimates, and it was impossible to provide against every exigency, or to foresee or prevent accidents. He said, the honourable gentleman had pointed out how much more meritorious it would be to pay his Majesty's debts, than to squander away the national treasure in acts of such a nature as would make the most obdurate feel and tremble. He suspected the honourable gentleman was as ignorant of the true disposition of the gracious Prince, who for so long a time has filled the throne of these kingdoms, as he was of the nature of the dispute, which he called a wanton effusion of blood. I will tell him then, [continued his Lordship,] that his Majesty, like the true father of his people, more zealous and anxious for their interests, their reputation, and their honour, than his own, has foregone every private consideration; he has kept back his own wants, in order to make room for those of his country. Instead, therefore, of speaking about his own af-

fairs, instead of reminding Parliament of his very urgent necessities, he has only desired it to take care of the general interests of his subjects, and their own honour; carefully avoiding so much as to hint at his own wants till the great national objects shall be first adjusted. The hon. gentleman seems to affirm, with great confidence, that the Virginians are determined to turn their tobacco plantations into corn grounds. I beg leave to differ from the hon. gentleman, and that from authority on which I can depend. They are not so infatuated to forego the very singular advantages they enjoy from this very beneficial trade. He says, the mother country reaps much the larger part of the gross proceeds. In this, he is equally mistaken; for, from the best intelligence I have been able to gain, I find, that the profits are divided in the proportion of seven to America, and three to England. He likewise exaggerates the duties upon tobacco, much beyond their true estimate; for by the latest return come to my hands, I perceive, that the duty in *England* amounts to 240,000*l. per ann.* and in Scotland, to 20,000*l. per ann.* Another honourable gentleman [Mr. Baldwin] is afraid the idea of taxing America is given up. It is true taxation was the original question with America, but now the dispute is much higher. Still he had not a doubt but some mode would be adopted by which a contribution would be obtained from America and brought into the public treasury here; when his Majesty's ministers said, that the idea of taxation was abandoned, they never intended by that expression more, than that it was abandoned for the present; that is, that taxation was but a matter of secondary consideration, when the supremacy and legislative authority of this country was at stake. When, therefore, his Majesty's ministers spoke in the general terms above alluded to, I would have my honourable friend perfectly understand, that taxation is not nor ever was *out of their view*. It is necessary that taxation should be insisted on, and enforced; because to ensure your legislative authority and commercial advantages, it will be actually necessary you should combine it with a tax, otherwise you would never be able to carry one into effectual execution without still exercising the other, though no kind of advantage should arise from it.

Mr. Baldwin said he was satisfied with this explanation.

Governor *Johnstone* was for Lord North's motion, because, having voted the services, there must be money for their support, and the land-tax he thought the best, it was the only

only increased tax that was ever remitted, whereas raising money in any other mode had been found to be a perpetual tax.

Right honourable *T. Townshend* was for Lord North's motion, for the same reason; that as the army and navy were voted they must not be starved; and observed that the present encrease to four shillings would never be reduced; for the American war would involve the ministry in so many debts the additional shilling would never be taken off.

Sir H. Houghton spoke for Lord North's motion.

Sir George Savile said, he was astonished to hear such ministerial language, for the first time, as had this night fallen from the noble Lord at the head of the treasury; that a vote upon one occasion should bind in every possible instance that might arise. Such a language, he insisted, was unparliamentary. For instance, there were many gentlemen, who at the first blush of a business, might have hastily agreed to measures of coercion, who, when they came to consider the consequences, and weigh the manifest certain inconveniences against the probability of success, might be very ready to retract, and be well known; he abhorred the idea of robbing the Americans of their liberty; but supposing he had first been of a different way of thinking, when he came to support measures with his purse, when he came to give the only true test of his sentiments, he might probably alter his opinion; and whatever the current language might be of a disinclination to burden their constituents, he believed it was one of the most wholesome and constitutional checks on the representative, that when he bound the represented, he at the same time bound and taxed himself. He said besides, that this method of voting money for services unknown to the House, or at least on which they had no substantial controul, furnished ministers with opportunities of bribery and corruption, which were to the last degree fatal and ruinous in their consequences.

Lord *North* rose to contradict what he termed a most ridiculous and absurd assertion; the King had his revenue, the several departments had theirs; and though it was impossible in the nature of things, to check them immediately, yet the ensuing session, when the several accounts of the preceding one were made up, any gentleman was at liberty to examine them, to detect errors if there were any, and to call the ministerial officers in their several departments to account, and if proved

proved guilty of malversation in office, to bring them to condign punishment.

Mr. *Innes* said, he was for the four shillings in the pound land-tax, as it did not affect him.

Sir *Joseph Marobey*, thought what fell from the last honourable gentleman deserved the attention of the House. If he was not affected by the land-tax, he should be glad to know where his qualification was?

The House divided upon the amendment. For it 47, against it 182. The main question was then put, and agreed to.

November 13.

Nothing done (not members sufficient for a ballot, to try a contested election, and therefore obliged to adjourn.)

November 15.

Mr. *Frederick Montagu* reported from the committee, who were appointed to take into consideration the standing orders of this House, relating to private bills, which were made in the last session of the last Parliament, and to report the same, with their opinion thereupon, to the House; that the committee had considered the same accordingly, and had come to several resolutions, which they had directed him to report to the House; and he read the report in his place, and afterwards delivered it in at the table, where the same was read; and the resolutions of the committee are as followeth; viz.

Resolved, That it is the opinion of this committee, that the standing order of the House, of the 25th day of *April*, 1774, "That, after this session of Parliament, before any petition is presented to this House, for inclosing, draining, or improving, any lands, fens, or commons, a printed or written notice of such intended application to Parliament be affixed on the church-door of the parish or parishes, in which such lands, fens, and commons, do lie, for three Sundays in the months of August and September, or either of them, immediately preceding the session of Parliament in which such petition is to be presented," be adhered to.

Resolved, That it is the opinion of this committee, that the standing order of the House, of the said 25th day of *April*, 1774, "That, after this session of Parliament, in all bills for inclosing lands or commons, the names of the commissioners proposed to be appointed, and the compensations intended for the lord of the manor and the owners of tithes, in lieu of their respective rights, where any bargains or agreements have been made for such compensations, be inserted in the

copy of the bill presented to the House; and that all copies of such bills, whether printed or written, which shall be sent to any of the persons interested in the said manor, tithes, lands, or commons, for their consent, do contain the names of such proposed commissioners, and also such intended compensation," be adhered to.

Resolved, That it is the opinion of this committee, that the standing order of the House of the said 25th day of April, 1774, "That, after this session of Parliament, before any petition is presented to the House, for making a turnpike road, or for the renewal or alteration of any act of Parliament passed for that purpose, notice of such intended application to Parliament be given, at the general quarter session of the peace, which shall be held for every and each county or district, through which such road passes, or is intended to pass, at the Michaelmas immediately preceding the session of Parliament in which such petition is to be presented," be adhered to.

Resolved, That it is the opinion of this committee, that the standing order of the House, of the said 25th day of April, 1774, "That this notice be given, by affixing to the door of the sessions house, where such general quarter sessions are held, a printed or written paper, describing the parishes through which the said road passes, or is intended to pass; and that such notice be also printed in some one news-paper of the county, or, if there is no such paper printed for that county, then in the news-paper of some near or adjoining county, three times at least, in the months of August and September, or either of them, immediately preceding the session of Parliament in which such petition is to be presented," be adhered to.

Resolved, That it is the opinion of this committee, that the standing order of the House, of the said 25th day of April, 1774, "That after this session of Parliament, when any petition is presented to this House, for making a navigable canal, or for making or improving the navigation of a river, or for altering any act of Parliament passed for either of those purposes, there be presented with such petition, a plan describing the line of such intended canal or navigation, and the lands through which the same is to be carried; and that previous application be made to the owners and occupiers of such lands, for their assent to the proposed canal or navigation; and that separate lists of the names of such owners and occupiers be presented also with the said petition, distinguishing which of them, on such application, have assented to, or dissented from,

from, the said proposed canal or navigation, or are neuter in respect thereto," be adhered to."

Resolved, That it is the opinion of this committee, That the standing order of the House of the said 25th day of April 1774, "That after this session of Parliament, when any petition is presented to this House, for making a navigable canal, or for making or improving the navigation of a river, or for making a new turnpike road, or for raising any further sum of money for any of those purposes, there be annexed to the said petition an estimate of the proposed expence of such undertaking, signed by the person or persons making the same, together with an account of the money subscribed for carrying the said work into execution, and the names of the subscribers, with the sums respectively subscribed by them," be adhered to.

Resolved, That it is the opinion of this committee, That the standing order of the House, of the said 25th day of April, "That after this session of Parliament, in all bills for making a navigable canal, or for making or improving the navigation of a river, or for making a new turnpike-road, there be inserted a clause, compelling the subscribers for carrying any such work into execution to make payment of the sums severally subscribed by them," be adhered to.

Resolved, That it is the opinion of this committee, That the standing order of the House of the said 25th day of April, "That after this session of Parliament, when any petition for a canal, navigation, or turnpike-road, or for renewing or altering any act of Parliament passed for any of those purposes, or for inclosing, draining, or improving, any lands, fens, or commons, hath been presented to this House, the committee to whom the said petition shall be referred, or, in case such petition shall not be referred to a committee, then the committee to whom the bill for those purposes shall be committed, do examine, in the first place, how far the orders contained in the six resolutions first reported from the committee, as agreed to by this House, have been complied with; and the chairman of such committee shall report the evidence, upon such examination, to the House, on the report of such petition or bill," be repealed.

Resolved, That it is the opinion of this committee, That after this session of Parliament, when any petition for a canal, navigation, or turnpike-road, or for renewing or altering any act of Parliament passed for any of those purposes, or for inclosing, draining, or improving any lands, fens, or commons, hath

hath been presented to this House, the committee to whom the said petition shall be referred, or in case such petition shall not be referred to a committee, then the committee to whom the bill for those purposes shall be committed, do examine, in the first place, how far the orders contained in the six resolutions first reported from the committee, as agreed to by this House, have been complied with; and the chairman of such committee shall report the same to the House, on the report of such petition or bill.

Resolved, That it is the opinion of this committee, That the standing order of the House of the said 25th day of April, "That, after this session of Parliament, in all bills for inclosures, there be inserted a clause, compelling the commissioners to account for all monies by them laid out and assessed on the parties concerned in the said inclosures," be adhered to.

The bill to indemnify such persons as have advised his Majesty to send to the garrisons of Gibraltar and Port Mahon a part of the electoral troops of Hanover, during the recess of Parliament, was read a second time, and committed.

The House in committee on the bill for empowering his Majesty to assemble the militia in cases of rebellion in any of the dominions of the crown of Great Britain: a motion was made to amend the preamble with these words, "that the said power should not extend beyond the continuance of the present rebellion."

The Lord Mayor [Mr. *Sawbridge*] contended that this bill would throw an additional weight into the hands of the crown, already become too powerful, which might and probably would be productive of very dangerous consequences.

Lord *John Cavendish* said, if the friends of administration opposed the amendment, it would convince him that his suspicions were well-founded, which were, that the present bill was no more than a mere colourable pretext for arming the crown with power hitherto unknown to the constitution.

Sir *George Savile* said the very point meant to be covertly carried by this bill, was what no king of England, even the most despotic, was ever able to gain; that on this was grounded the leading contest between Charles I. and his Parliament, long before that assembly was charged with any views of faction, or of overthrowing the constitution. Hitherto, he said, no man in this country could be armed without the consent of Parliament; the army were armed by Parliament; so were the militia: but if this bill should pass, the military would be, or at least might be, armed by the King, without the consent

sent of Parliament. Many things might be urged on the ground that the militia were the great constitutional force of the kingdom; that nothing of course can be feared from them, for they will act in a double capacity, of defenders of their country and its constitution. The argument is plausible, and therefore the better calculated to deceive; but he begged leave to draw a very different conclusion. There were always two parties in this country; no matter as to their principles: the Prince would have it in his power, by this bill, to put the militia into the hands and under the command of which of those he thought fit, and to call them out into actual service when he pleased; for as to the condition of a rebellion being within the dominions of the crown of Great Britain, he looked upon that as nothing; as means might be easily devised to furnish a pretence sufficient to justify the embodying the militia. What then may be the consequence, but that an ambitious or weak prince, supporting or urged by a revengeful persecuting faction, may create a civil war in some distant part of the empire, in order at length to give them an opportunity of exterminating or triumphing over their adversaries at home, and destroying the liberties of their country.

Mr. *Hobart* said, the liberties of no free country could be preserved, on the supposition that the people were in a state like that described by the honourable gentleman; that the Parliament must pay the militia, consequently the ministry would be cautious to assemble them without a just cause; and while the present constitution continued, it would be absurd to guard against Parliament, in whom we must continue to repose a confidence.

Mr. Serjeant *Adair* entered into several legal definitions of treason and rebellion. He adverted to a law passed in the reign of Edward I. in order to shew the true ancient ground on which the militia of this kingdom rested, and so traced the subject down to the present times. He insisted that if the friends of the bill meant what they asserted, they would be amply content to have a temporary one. That when they said the bill meant no more than it expressed, why did they not define and specify the sort of rebellion, the extent of it, and its locality? No; any thing the governing powers thought proper to call rebellion, would soon be deemed so. He instanced the various cases, or acts of violence, which in law are deemed levying war, such as levelling enclosures, pulling down meeting-houses, bawdy-houses, &c. He mentioned particularly the cases of the Oxford rioters, and the pulling down
bawdy-

bawdy-houses in the reign of Charles II. and the pulling down Burgess's meeting-house, in the reign of Queen Ann, when some persons were tried and condemned for high-treason, for being concerned in that riot. He observed finally, that the British empire extends to the four quarters of the globe; that if any illegal or riotous act, of the nature now alluded to, should happen, no matter whether at Patna, Senegambia, or Boston, the minister might construe it into rebellion, and call out the militia.

Sir *Grey Cooper* contended, that the minister could not call out the militia, without assigning his reasons for so doing, and submitting them to Parliament for their approbation, whenever they met, if not sitting at the time.

The right honourable *T. Townshend* did not much approve of the bill, but would give his assent to its passing, because if it should not pass, Germans would certainly be brought over; yet he hoped the bill would be properly limited. He never knew or read of a standing army which did not originate in a militia. Several free governments had been overturned by a militia; particularly one near home. It was well known that Louis XI. of France overturned, and completely destroyed the liberties of his country by a militia.

Mr. *Cator* against the amendment; he did not know whom people could trust, if they dare not trust themselves.

Mr. *Dempster* for the bill; observed that the right honourable gentleman [Mr. Townshend] who said that all the free governments of Europe had been destroyed by a militia, was mistaken, for history would furnish many more instances in which they had been overthrown by standing armies; and he hoped that a militia would be established in the north part as well as the south part of the island, for the defence of the nation in general.

The right honourable *T. Townshend* objected to the smallness of the qualifications of officers who were to serve, and said they ought to be raised.

Lord *North*, after paying great encomiums on this constitutional mode of defence, replied to the last objection, by observing, that qualifications were higher in the militia than for the members to sit in that house to make laws.

Governor *Johnstone* insisted that the old act, as it now stood, wanted no amendment, unless in case of rebellion being in Ireland; for the King, in case of rebellion or invasion in this kingdom, is already empowered to call the militia out in fourteen days.

Sir,

Sir *George Yonge*, for the amendment; that the House had always a right to be jealous and suspicious, when no reason was offered to be assigned.

Lord *North* said, he saw no occasion, if the law was a good law, it ought not to be restrained to the continuance of the present disturbances in America. The question being put on the amendment, the committee divided: Ayes 55: Noes 140.

Mr. *Adair* proposed another amendment, "that the militia should not be called out of their respective counties, unless in case of actual invasion." It passed in the negative.

Mr. *Hartley* offered a clause "to empower the King to call the Parliament together in fourteen days." It was agreed to without a division.

The House then went into a committee to consider of the petition from Nova Scotia, when they came to the following resolution, which was moved by lord *North* :

That the propositions contained in the address, petition, and memorial of the council and house of assembly of the province of Nova Scotia, of granting to his Majesty in perpetuity, a duty of poundage *ad valorem*, upon all commodities imported into the said province, not being the produce of the British dominions in Europe and America (bay salt excepted); the said duty to be under the disposition of Parliament; is fit to be accepted; and that the amount of the said duty shall be eight pounds *per cent.* upon all such commodities.

Indemnity bill read a second time; and committed; upon which there was no debate.

November 16.

A petition of the gentlemen, clergy, clothiers, manufacturers, and others, inhabitants of the several towns of Westbury, Warminster, and Trowbridge, and the neighbourhood thereof, in the county of Wilts, whose names are thereunder written, was presented to the House, and read; setting forth, That the petitioners are greatly alarmed and surprized, at finding certain persons, styling themselves the gentlemen, clergy, clothiers, and other tradesmen, of the towns and neighbourhood of Bradford, Trowbridge, and Melksham, in the county of Wilts, approach the Throne of our most gracious Sovereign, and, under the pretence of testifying their loyalty and affection to his Majesty, boldly assert, in regard to the American prohibition of all commerce with his Majesty's European dominions, "that they the petitioners find no melancholy effects arising therefrom, or any unusual failure of demand for their manufactures, or of employment for their poor; and, at this important and alarming crisis,

when

when so much depends on the deliberations and resolutions of Parliament, not less than the lives, liberties, and properties of thousands of their fellow subjects, the petitioners, apprehending that the like misrepresentations may be conveyed to the House, should hold themselves unjust to their own dearest interests, and that of their posterity, if they did not publicly express their entire disapprobation of that malignant and uncandid spirit which can carry falshood to the throne; for the petitioners assure the House, that the trade of that part of the kingdom has most sensibly declined ever since the commencement of the present unfortunate and unnatural contest with America; and that employment for the poor has proportionably decreased in like manner, insomuch that it appears, by authentic and undeniable evidence, that the poor rates of the said towns have, during the last ten years, grown to an enormous degree, and are now become an almost insupportable burthen to the inhabitants thereof; and that the petitioners do not presume to arraign the wisdom or justice of Parliament, in the measures which have hitherto been adopted and pursued towards America, but, as intercession on behalf of their afflicted brethren in the colonies, and in extenuation of the criminality with which they have been charged, they beg leave to offer, that their resistance to the right of taxation in the British parliament (from the claim to which, the present unhappy differences have originated) has not, as they conceive, proceeded from an impatience of subordination to that high constitutional supremacy necessarily vested in the mother-country, but in support of an usage, which an uniform and uninterrupted enjoyment of more than 150 years had given them reason to believe themselves entitled unto, and which Great Britain herself had frequently called upon them to exercise in their own provincial assemblies; and the petitioners therefore, considering that the vital principle of trade is peace and confidence, not war and distraction; and compassionating the tumultuous and irregular exertion of that rude yet manly spirit, whose features plainly mark its origin of British ancestry, and which, though misguided in them, was, through our common ancestors, productive of those blessings which make the peculiar boast of our happy constitution, and to which we owe the distinguished happiness that the present august family are at this day on the throne of these kingdoms; and deprecating also the horrors of a civil war, the event of which, being in the hands of the Almighty, may terminate in the dismemberment of our empire, or in a barren and ruinous conquest; and therefore praying the

House, to take the premises into their consideration, and, for the sake of peace, for the sake of trade and commerce, and for the general safety, concord, and prosperity of the whole empire, for the sake of our holy religion, and the glory of Almighty God, who dwells in peace, to adopt such lenient measures as may restore to this great kingdom and her colonies that affectionate intercourse with each other, which alone can prevent the manifold evils with which they are now threatened, and establish the national greatness on the broad foundation of equal rule, and the general happiness of a free, loyal, and united people. Ordered to lie upon the table.

Mr. *Burke*, who presented this petition, said, that the signers were all men who manufactured for themselves; and he was authorized to say that they possessed more than 500,000. of English property.

He wished the prayer of that petition to be considered as the exordium of what he had to say to the House. He complained of the difficulties which in civil wars lay upon moderate men, who advised lenient measures; that their moderation was attributed to a want of zeal, and their fears for the public safety, to a want of spirit; that on this particular occasion whatever they said to incline the House to lenity, was construed into a countenance of rebellion; and so many arts, and so many menaces had been used, that if they had not been opposed with a good share of firmness by the friends to the peace of their country, all freedom of debate, and indeed all public deliberation, would have been put an end to.

He said, that for his part he was no way intimidated by all these machinations from doing his duty; and that nothing that could be threatened by those whose measures had brought this country into so deplorable a situation, should hinder him from using his best endeavours to deliver it from its distresses.

The first step for this purpose, was to get out of general discourses, and vague sentiments, which he said had been one of the main causes of our present troubles; and to appreciate the value of the several plans that were, or might be proposed, by an exact detail of particulars.

He stated, that there were three plans afloat. First, simple war, in order to a perfect conquest. Second, a mixture of war and treaty. And thirdly, peace grounded on concession.

As to the first plan, that of mere war, he observed, that it was proposed in two ways; the one *direct* by conquest, the other *indirect* by distress. In either of these ways he thought it his duty before he voted for a war, to know distinctly

tically that the means of carrying it on were adequate to the end. It did not satisfy his conscience to say, that the resources of this nation were great; he must see them. That before he could trust to those resources, on the credit of what had been formerly done, he must find the situation of the country to be what it formerly was.

He then examined what the ministers had laid before the House as the means of carrying on the ensuing campaign. That as to the forces which they had made the House expect from his Majesty's allies, all discourse of them had, for some time, entirely subsided: he could, therefore, take credit for nothing more on that account, than a handful of Hanoverians, which only answered the purpose of an imperfect security to some of our foreign garrisons. That our national forces to be employed in America, by the account on the table, amounted to no more than 26,000 men. In this, credit was taken for the army now in America at full numbers. He could not allow that estimate; as supposing that if the reduction of the troops in future was to be estimated by the past, they must be reduced to little or nothing, by the beginning of next campaign. That the troops here are only upon paper, and the difficulty of recruiting was acknowledged. On the whole, he saw reason to apprehend that we should not be very materially stronger at the beginning of the next year, than we were at the beginning of the last. He said, the probable number of troops, whether national or foreign, weighed very little in his judgment; as he thought the circumstances of the country were such, as would disable them from effecting any thing like a conquest of it.

That as to the *predatory*, or war by distress (on the nature of which he greatly enlarged) he observed, that it might irritate a people in the highest degree; but such a war had never yet induced any one people to receive the government of another. That it was a kind of war adapted to distress an independent people, and not to coerce disobedient subjects.

But his great objection to it was, that it did not lead to a speedy decision. The longer our distractions continued, the greater chance there was for the interference of the Bourbon powers, which in a long protracted war, he considered not only as probable, but in a manner certain. That he was very sure this country was utterly incapable of carrying on a war with America and these powers acting in conjunction. He entered into a long and particular enu-

tion of all the dangers and difficulties which must attend such a war.

He stated the condition of France at the beginning of this century, and even within a few years; and compared it with her present situation. He observed, that from being the *first*, she was, with regard to effective military power, only the *fifth* state in Europe. That she was fallen below her former rank, solely from the advantages we had obtained over her; and that if *she* could humble *us*, she would certainly recover her situation. There was now an opportunity for her making herself, with very little hazard or difficulty, the first maritime power in the world; and to invest herself with every branch of trade, necessary to secure her in that pre-eminence. He admitted, that at present there were circumstances (which he mentioned) that *might* prevent her from availing herself of this opportunity. But, he said, we must be mad to trust such an interest as ours to such a chance; and that they who presumptuously trust to the *extraordinary* Providence of God, by acting without prudence or foresight, deserve to be abandoned by his *ordinary* protection.

He then observed that, as he saw no probability of success in the *detail* of any of the arrangements that were proposed, neither did he see any thing of *authority* to induce him to believe that they would succeed; not one military or naval officer having given an opinion in its favour; and many of the greatest in both services, having given their opinion directly against it.

That as no man of *military experience* had vouched for the *sufficiency* of the force, so no man in the *commissariate* would answer for its *subsistence* from the moment it left the sea coast; that therefore its subsistence and its operation were become incompatible.

To the objection, that at this rate the Americans might always bring us to unreasonable terms, by the supposed impossibility of reducing them by force, he said that he could not help the difficulties which arose from nature and the constitution of things; that he could not make America nearer to us than it is; or a country of another nature than what God has made it. That people who cannot contrive to reconcile their quarrels, must suffer the evils that happen to a divided nation. That he was of opinion, there was no dishonour at all in any kind of amicable adjustment of domestic quarrels; and he would rather yield an hundred *points*, when it was Englishmen that gave and received, than
a single

a single point to a foreign nation; and we were in such circumstances that we must yield to either one or the other.

After an examination of the merits of the first plan, that of reducing the colonies to obedience by *simple war*, in order to a *perfect conquest*, he entered into a discussion of the second, viz. *That of the mixture of war and treaty*.

Among the great and manifest diversity of sentiments which prevailed on the treasury-bench, he thought he could discern that this plan had been the most generally adopted by ministers, or by those who acted as such. That no light, however, had been let in upon the *particulars* of the scheme, except in the speech from the throne. It was indeed very little, and that little very fallacious. One would be inclined to think from that speech, that nothing had retarded the restoration of peace, but a doubt, whether those in arms might, upon laying them down, obtain a speedy pardon. However, the fact was, no pardon had been ever applied for. If nothing had been wanting to conclude the peace but such a power, the commander in chief might be authorised to hold out mercy to all those who should submit; and then there would be no need of the laborious, expensive, uncertain, and dilatory process of a commission.

It was impossible to pass by the very exceptionable manner in which this power of pardoning was to be delegated: "they shall have authority (says the speech from the throne) to grant general or *particular* pardons or indemnities, in *such manner*, and to *such persons*, as they shall think fit." A shocking, arbitrary power, not to be trusted to any persons, as giving encouragement to *dangerous partialities*, and tending rather to distract than to quiet the country. That the rule of pardon, when delegated to subjects, ought not to be their *pleasure* or *displeasure*, but the compliance or non-compliance of the guilty, with certain *fixed conditions*. That some such discretionary power as that mentioned in the speech, seems to be given already, and to have produced the mischiefs which might be expected from it. For that General Gage had already, whether by himself, or by order from ministers, made a very indiscreet use of it, by offering mercy to those who were openly in arms, and actually besieging him in his station, and excluding from mercy those who were five hundred miles from him,* and then sitting

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* Messrs. Hancock and Adams, who were excepted in the general pardon offered by general Gage on submission, whilst Ward, Putnam, &c. besieging him, were not excepted.

ting in an assembly never declared by authority to be illegal; an assembly, from which the ministers in the House of Commons had at one-time declared they were not without hopes of proposals, which might lead to accommodation. On this part of the speech from the throne he animadverted with great severity.

He said he understood, that instead of the Americans waiting for pardons, they were to be persuaded by negotiation to accept them. Therefore it would be necessary to examine what *body* of men it was that administration proposed to negotiate with, and what the *objects* of the negotiation were to be.

That if he did not mistake the discourses of ministers, they did not now propose to negotiate with the present, or with any other *General Congress* or meeting, but with the *several assemblies* distinctly. In this scheme, he said, they knew that they could not succeed. Because there was one principal province, that of Massachuset's bay, whose assembly, under their charter, was destroyed by act of Parliament. That no assembly would sit in that province under the new constitution; because if it should, the inhabitants must, as a preliminary, yield the principal object for which they had taken up arms; and thus turn the negotiation against themselves, even before it should be opened. That this province was the actual seat of war, as its sufferings had been the cause of the war itself. Treaty must therefore stumble upon the threshold.

That besides this objection, (which was fundamental) a negotiation with so many provinces, of such different constitutions, tempers, and opinions, never could come to an end. In the mean time our hostile operations with their whole train of disasters, accidents, and ruinous expences, would be continued, to the destruction of this country and of that. That the hope of *dividing* the colonies, on which this part of the plan was founded, and which was even avowed as a reason for adopting it, would be the most unfortunate thing that could happen; as it would protract the war, and complicate its horrors and miseries, without a possibility of ending it. It was, he said, a vain imagination, that any of the colonies would take up arms in favour of ministry, for the execution of any of their plans; and that a *part* of the colonies was sufficient, at least to keep this war alive, until the interference of foreign powers should render it utterly destructive.

That with regard to the *objects* of the treaty,—they must be *concessions* on the side of the colonies; or upon ours; or
upon

upon both. That upon their side they must be either *speculative* recognitions of rights upon *as large a scale as we had claimed them*; and this it was absolutely certain they never would submit to; or upon a *lesser, excluding taxation*, and its *consequences*, and this they had submitted to already; so that there seemed to be no object of the speculative kind, which made it necessary to postpone peace by a protracted negotiation.

That the other object of treaty might be a *practical* recognition of our right of taxing for a revenue; that this revenue was to be either nominal or beneficial; if only *nominal*, it amounted to nothing more than that speculative acknowledgment of right, which we knew they would for ever refuse to make. If *beneficial* and productive, it was to be either by submitting to lord North's proposition, namely, that of forcing them to furnish a *contingent* by authority of Parliament; or according to their ancient mode, by a *voluntary grant* of their own assemblies.

If the former, we know, said he, they have already rejected that proposition; and never can submit to it, without abandoning that point, for the maintenance of which they have risked their all. If it only requires, that they should resort to their ancient mode of granting by their assemblies, they have declared again and again, from the beginning of this contest to the end, that they were willing to contribute according to their ability, *as estimated by themselves*, who were the best judges of what their ability was. That ability would be lessened, if not totally be destroyed, by the continuance of those troubles. This armed negotiation for taxes would therefore inevitably defeat its own purposes; and prevent for ever the possibility of raising any revenue, either by our authority, or by that of their own assemblies.

That if the ministers treated for a revenue, or for any other purpose, they had but two securities for the performance of the terms: either the same force which compelled these terms; or the honour, sincerity, and good inclination of the people. If they could trust the people to *keep* the terms without force, they might trust them to *make* them without force. If nothing but force could hold them, and that they meant nothing but *independency*, as the speech from the throne asserted, then the House was to consider how a standing army of 26,000 men, and 70 ships of war, could be constantly kept up in America. A people meaning independency, will not mean it the less, because they have, to avoid a present inconvenience, submitted to treaty. That after all our struggles,

our hold on America, is, and must be, her good inclination. If this fails, all fails; and we had better trust to the honesty of the colonies, before we had ruined ourselves, than after; before we had irritated them, than after we had alienated their affections for ever.

That the troops sent for the purpose of *forwarding*, would certainly *impede* the negociation. That it was impossible the provincials could be mad enough to lay down their arms, whilst a great adverse military power remained in their country, without any assurance whatsoever of their obtaining any one of the points for which they had contended. This would not be to negotiate, but to surrender at discretion. All the grievances they had complained of, were contained in acts of Parliament. Lord North had declared very truly, that nobody could have power to negotiate for the repeal of an act of Parliament.

But if the colonies should incline to put any confidence in the *certain* influence of ministry over Parliament, even that grand confidence must fail them; as they cannot tell whether the same ministers will continue in power; and that even at this very time no two persons upon the treasury-bench were of the same opinion, on the conduct to be held towards America. Which of those opinions would finally prevail, no man living could divine. That this uncertainty might continue the armed negociation for several years, to the utter ruin of both countries.

He gave many other equally strong reasons against the scheme; and concluded this part of his speech, by observing, that although the mixed plan of war and negociation could answer no good end in *future*, it might have a *retrospective* operation,—to justify the ministers in the use of their forcible proceedings. For *force* and *concession* going out together, if peace should be the result, ministers would attribute the success, not to the *concession*, but to the *force*. So that all this delay, bloodshed, and expence, was incurred merely to furnish ministers with an excuse in debate.

After going through the two first plans, he spoke to the third (his own) that of a *concession previous to treaty*.

He observed, that as he put no great trust in any negociation, and none at all in an *armed* negociation, his idea was, to have very little treaty; and that little as short as possible. The House was therefore at that time to judge, whether it was necessary to make any concession to the colonies: if it should appear to them that such concession was necessary, he *clearly* of opinion, that they ought to make it immediately,

diately, and of their own free grace. This he thought of more dignity with regard to themselves, and of much more efficacy with regard to the quiet of the colonies, than the *concession upon treaty* which had been proposed.

He said, that the first ground of treaty must be *confidence*; and that the colonies never could confide for the effect of any concession (as he had shewn in examining the foregoing plan) in a less assurance than that of Parliament itself.

He then shewed, by a variety of instances, collected from the public proceedings during the last ten years, how necessary it was that government should be aided by Parliament in re-establishing that confidence which had been shaken by those proceedings, and that some firm ground should be laid as a foundation for future peace.

He was of opinion, that this foundation of confidence was become the more necessary, from the constitution of the present ministry. That in no time or country, or under any form of government, was the power of ministers suffered to survive the success of their counsels; or the same men permitted to inflame a dependent people to arms, and then to appease them by successions. That the duke of Alva would be a strange plenipotentiary to have sent, for making the concessions which king Philip the Second proposed to the Netherlands. In concession, the credit of a state is saved by the disgrace of a minister; because it is his *counsel* alone that is discredited. But when the same ministers do and undo, in consequence of the resistance they meet, it is the *nation* itself that submits. Besides, he alledged that all treaty is more easy, and fewer concessions are required by all men, when they have a confidence in those they treat with.

He was convinced, that the mere removal of the offensive acts would have given satisfaction in former times, and from amicable hands. But now things are on another footing; and if more concession is required, it is because injudicious coercion has made it necessary. That he had always wished to preserve the legislative power of this kingdom entire in every thing; and that it was with great grief he saw, that even an odious and scarcely ever to be exercised part of it, was to be abandoned. But when the maxims of public councils are not steady, it is necessary that laws should supply the want of prudence. That it was thus, and for this reason, that limits had been set to absolute power in all countries; and that power (though not absolute) had been preserved, not destroyed by such limitations.

That

That we are now in a *quarrel*; and in putting an end to any quarrel, it is necessary to look to its *origin*; that the origin of this present difference had evidently been upon the subject of *taxation*. That an arrangement of this question, either by enforcement or concession, was a preliminary essential to peace. That the house ought to estimate the full value of the object to be conceded, before they agree to give it up. If they were of opinion, that the taxation of America could repay them their expences, or compensate their risks, they ought to pursue it. If, on the contrary, it was evident beyond all contradiction, and so evident as to enforce reiterated acknowledgments, that they never could enjoy a moment's quiet as long as that matter of contention continued—it was then altogether as essential to the preservation of their own authority, in all other points, as to the liberty of America and quiet of the whole empire, to give it up, with such limitations in the concessions, as the rights of sovereignty required.

That the Parliament of Great Britain were not the *representative*, but (as Lord John Cavendish had said, some days before, with great truth and propriety) the *sovereign* of America. That the sovereignty was not in its nature an abstract idea of unity, but was capable of great complexity and infinite modifications, according to the temper of those who are to be governed, and to the circumstances of things; which being infinitely diversified, government ought to be adapted to them, and to conform itself to the nature of things, and not to endeavour to force them. That although taxation was inherent in the *supreme power* of society, taken as an *aggregate*, it did not follow that it must reside in any *particular* power in that society. That in the society of England, for instance, the King is the sovereign; but the power of the purse is not in his hands; and this does not derogate from his power in those things, in which our constitution has attributed power to him. If Parliament be the sovereign power of America, Parliament may, by its own act, for wise purposes, put the local power of the purse into other hands than its own, without disclaiming its just prerogative in other particulars.

That formerly, whatever their right might be to it, the Kings of England were in the practice of levying taxes by their own authority, upon the people of England; they contended that the crown, being charged with the public defence, must be furnished also with the means of providing for it. That it would be absurd to commit a trust into the hands of one person, and to leave the power of executing it to depend upon

upon the will of another. They therefore held, that this power was inseparable from the crown; and in general they made use of the very arguments in favour of the King's indefeasible right to tax the people of England, that are now used by the Parliament of England, to tax the people of America. Notwithstanding all these arguments, one of the greatest of our Kings, by an express and positive act, cut off from the sovereign power this right of taxing.

This act which has been the foundation of the unity and happiness of England since that time; that is, the stat. 35 Edward I. called *Statutum de tallagio non concedendo*, Mr. Burke made his pattern; and from thence (if his plan should be adopted) he hoped the same good effects in future. That this pattern statute was absolutely *silent about the right*; but confined itself to giving satisfaction in future; and that it laid down no *general principles* which might tend to affect the royal prerogative in *other* particulars. That in all human probability the preservation of the other branches of the prerogative was owing to the clear and absolute surrender of this.

("He then moved that the statute *de tallagio non concedendo* might be read.")

He observed, that this statute consisted of three capital parts; a renunciation of taxing,—a repeal of all statutes which had been made upon a contrary principle,—and a general pardon.—*He then read his own bill*, and shewed its conformity to the spirit of that act, supposing Great-Britain to stand in the place of the Sovereign, and America in that of the subject. That the circumstances are not indeed in every respect *exactly* parallel, but that they are sufficiently so to justify his following an example that gave satisfaction and security on the subject of *taxes*, and left all *other* rights and powers whatsoever exactly upon the bottom on which they stood before that arrangement had been made.

He then gave his reasons for not adopting the methods which (though not proposed in the House) had been frequently suggested in conversation by several friends and well wishers to America.

And first he mentioned the proposal for repealing the *declaratory act* of 1766. On this occasion he entered into the history of that act, the reasons for making of it; and the perfect acquiescence of the colonies under it; until by the renewal of the scheme of actual taxation their apprehensions were roused, and they were taught to look with suspicion and terror upon the unlimited powers of the British legislature. That the

the repeal of a declaratory act was a thing impossible; for it was nothing less, than to make the legislature accuse itself of uttering propositions that were false, and making claims that were groundless. That the disgrace of an English Parliament could add nothing to the security of American liberty.—That on the contrary our inconstancy would become a bad ground of trust.—That the declaratory act had been misrepresented, as if it had been the cause of the taxation; whereas the grand scheme of taxation had *preceded* the declaratory act, and not been the *consequence* of it.—That the act has said nothing in *particular* of taxation, but is an affirmation of the *universality* of the legislative power of Great Britain over the colonies.—That if this act were repealed, it would be a *denial* of legislative power, as *extensive* as the *affirmation* of it in the act so repealed.—That he was averse to doing any thing upon speculations of right. Because when Parliament made a *positive* concession, the bounds of it were clear and precise; but when they made a concession founded in *theory and abstract principles*, the consequences of those principles were things out of the power of any legislature to limit. That this bill gave as effectual a security against future taxation as any declaration of right could possibly do; and that it put American liberty in that point upon just as good a footing as English liberty itself.

He next considered the proposition for repealing all the acts since 1763. This he shewed to be impossible, without ruining the whole system of the trade laws, and some of those laws also, which are extremely beneficial to America. That all the laws which leaned upon the colonies, and were the cause or consequence of the quarrel, were to be repealed in this bill, which made provision likewise for authorising such a negotiation as might tend to the settlement of all those *lesser* matters to the mutual advantage of the parties. That the congress did not require this sweeping repeal as a preliminary to peace; but that even if it had, he was for treating of peace with and making concession to the colonies, and not receiving laws from them. That he did not conceive, that when men come to treat of peace they must of course persevere in demanding every thing which they claimed in the height of the quarrel. That the cause of the quarrel was taxation; that being removed, the rest would not be difficult. For he denied that the desire of absolute independency was or could be general in the colonies. It was so contrary to their clearest interests, provided their liberties were preserved, that so far
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from disbelieving them, when they denied such a design, he could scarcely credit them if they should assert it. He then stated five or six capital facts, to prove that independency neither was or could be their object.

He said he was confident, both from the nature of the thing, and from information which did not use to fail him, that this bill would restore immediate peace; and as much obedience as could be expected after so rude a shock had been given to government, and after so long a continuance of public disturbances. That in this bill, a basis was laid for such satisfaction in the minds of all sober people in America, as would enable government to fix and settle, if common prudence were employed in its future construction and management. That in the first operation it would be the *true* means of *dividing* America. Not the dangerous and fallacious method of dividing which had been proposed, and from which nothing but confusion could grow; not the division of province from province, or the rich from the poor; or the landed from the trading interest; but the division of the peaceable from the factious; the quiet from the ambitious; the friends to the unity of the empire, from the projectors of independence. That this would put the standard of American liberty into the hands of the friends to British government; and when this was done, there was no doubt, but that a sense of interest, natural affection, the dread of the horrors of war, and even the love of freedom itself, better secured by such an act than by any schemes of hazardous speculation, would leave the really factious very few followers or companions.

He then strongly urged the necessity of granting peace to our colonies on terms of freedom; dilated largely on the uncertainty (to say no worse) of obtaining it upon any other; and the utter impossibility of preserving it in future, without setting the minds of the people at rest. He dwelt largely on the mischiefs which we must suffer by the continuance of this quarrel. He rested little on the consideration of trade and revenue; he put that out of the question, as a matter that would require a large discussion by itself; but chiefly aimed at shewing, that in the progress of this business new powers must be daily added to the crown; so that in seeking to destroy the freedom of others we may fail to obtain what we pursue, and in the pursuit may lose our own liberty. On this head he dwelt very largely, and concluded the whole with a warm and earnest address to the consciences of the members, and an exhortation not to trust to general good
intention,

mine on — — — — — if not further continued by Parliament.

And whereas, in consequence of the late troubles several acts of Parliament have been made for the purpose of coercing and restraining the colonies, of which an advantage has been taken to represent the same, as if a design had been formed to deprive the people of the said colonies of several rights, benefits, and advantages of nature, and of the British constitution, which hath greatly encreased the discontents of the colonies, and fomented the troubles in America. In order, therefore, to quiet the minds of his Majesty's subjects in America, and to reclaim the disobedient by that lenity, which ought to have the strongest operation on the minds of free subjects, be it enacted, that an act made in the seventh year of his present Majesty, intituled "An act for granting certain duties in the British colonies and plantations in America, for allowing a drawback of the duties of customs upon the exportation from this kingdom, of coffee and cocoa nuts, of the produce of the said colonies or plantations; for discontinuing the drawbacks, payable on China earthen ware, exported to America; and for more effectually preventing the clandestine running of goods in said colonies and plantations." Also one other act, made in the fourteenth year of the reign of his present Majesty, intituled "An act to discontinue in such manner, and for such time, as are therein mentioned, the landing and discharging, lading or shipping, of goods, wares, and merchandize, at the town, and within the harbour of Boston, in the province of Massachuset's Bay, in North America." Also one other act, made in the fourteenth year of his present Majesty, intituled "An act for the impartial administration of justice in cases of persons questioned for any acts done by them in the execution of the law, or for the suppression of riots and tumults in the province of Massachuset's Bay, in New England." Also, one other act made in the fourteenth year of the reign of his present Majesty, intituled "An act for the better regulating the government of the province of the Massachuset's Bay, in New England," be hereby severally and respectively repealed.

And the King's most excellent Majesty taking into his gracious consideration the great troubles, discords, and wars, that have of late been in some of his Majesty's colonies in America, and that divers of his subjects are, by occasion thereof, and otherwise, fallen into, and become obnoxious to great pains and penalties, out of a hearty and pious desire to put an end to all *suits and controversies*, that by occasion of the late distractions

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in America, have arisen, or may arise, between his subjects; and to the intent, that no crime whatsoever, committed against his Majesty, shall hereafter rise in judgment, or be brought in question, against any of them, to the least endamage- ment of them, either in their lives, liberties, or estates, or to the prejudice of their reputations; and to bury all seeds of future discords and remembrance of the former, as well in his own breast, as in the breasts of his subjects, one towards another; is graciously pleased, that it may be enacted, and be it enacted, &c. &c.

That all and all manner of treasons, misprisions of treasons, murders, felonies, offences, crimes, contempts, and misdemeanors, counselled, commanded, acted or done since the _____ by any person or persons in America, before the _____ by virtue, or colour of any command, power, authority, commission, warrant or instruction from his Majesty, or from any other person or persons, deriving or pretending to derive authority, mediately or immediately, from his Majesty, or of or from any assembly, council, general court, convention, congress, or meeting, in any of his Majesty's colonies in America, called or reputed, or taking on them the name of the assembly, council, or general court, of any of his Majesty's colonies in America, or of a general congress, or provincial congress; or any other name or style whatsoever, or by virtue or colour of any writ, commission, or instruction of or from any person or persons, reputed, or taken to be, or claiming or exercising the power of commander in chief of the continental army in America, or of any provincial army, or commander of any army, or body of troops whatsoever, within any of his Majesty's colonies in America, by sea or land, or of any magistrate or officer, within any of the said colonies, or by any pretence, warrant, or command whatsoever, from them, or any of them, or their, or any of their respective counsel or counsels, or any member of such counsel or counsels, or from any person or persons whatsoever, deriving, or pretending to derive authority from them, or any of them, be pardoned, released, indemnified, discharged, and put in utter oblivion.

And that all and every the person and persons, acting, advising assisting, abetting, and counselling the same, they, their heirs, executors, and administrators, be, and are hereby pardoned, released, acquitted, indemnified, and discharged from the same; and of and from all pains of death, and other pains, judgments, indictments, informations, convictions, attainders, outlawries, penalties, escheats, and forfeitures,

position, which waving that question, was moved solely on the ground of *expediency*. The gentleman who moved it had studiously avoided touching upon the right, and yet the House had been now near seven hours talking upon a subject, which had nothing to do with the question of the day. He was sorry to find, that this discussion had been carried on with mutual reproaches of parties, one against another. So long, said he, as the House will dwell upon this point, and so long as parties shall be, as they always are on this point, more solicitous to discriminate their own principles, to defend the rectitude and consistency of their particular line of conduct, in reprobation of that of others, we never can come to any real settlement of this matter.

It seems now, at length, high time to say something to the matter proposed, and to the real question before you. He said if he had risen earlier in the day to speak, he should have followed the honourable gentleman through the whole of his reasoning, as well as examined the proposition with which he concluded: but now, after so long a debate, and at so late an hour, he should confine himself simply to the proposition.

In the stating of it, he begged the attention of the gentleman, that if he mis-stated it, he might be corrected.

The honourable gentleman has stated this business as lying in three lines of consideration, or three plans, on which it might be taken up. The first was direct war; the second, a mixture of war and negotiation; and, thirdly, his plan of concession, *previous to all treaty*; that is, concessions made as preliminaries to peace. The first part of his speech endeavours to prove, that war was impracticable; his second part was taken up to shew, that the mixt plan, as he calls it, must be a series of fruitless perplexities. He says, it was necessary to dispose of, as he expressed it, these two ideas first, that he might make way for the third, his own plan. In his manner of doing, he has justified the propriety of moving the previous question; because, Sir, if his plan cannot be considered till the next plan, which he supposes to be the minister's plan, is disposed of, we ought to know, *first*, what that plan is, and not be satisfied with his disposing of a phantom of his own raising, which he supposes to be that plan. The speech from the throne informs us, that there is some plan of pacification: we may take assurance, that the ministers must lay that before us; according therefore to the honourable gentleman's own method prescribed, we must

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dispose of that before we can come to the consideration of his plan. But if there was not that reason, from his own idea of the method of proceeding, I cannot, but think it decent to consider, first, that plan, of which the speech from the throne has given the first notice, and not to suffer it to be anticipated by the intervention of any previous plan. If that gentleman had on any occasion given notice that he would offer to the House propositions on any particular subject, and if after such notice, any other gentlemen should endeavour to anticipate him, by getting a previous day, I would certainly, in such case, move the previous question on that gentleman's motion, as I shall on this of the honourable gentleman to-day.

He says, Sir, such is the state of this American business, that we must either change their sentiments by negotiation, or subdue the rising spirit; that we cannot subdue the spirit which is up, by war; that we cannot change it by any negotiation, which, while war lasts, we can enter into; we must therefore previously make concessions; we must disavow our declaration; repeal our acts; sue for peace, and the Americans will give it to us, on his plan; we must previously regain their confidence, "by removing the ground of the difference:" on the plan he proposes, we shall restore the former unsuspecting confidence of the colonies. This, Sir, is the very question now before you. Let us then consider the concessions which he proposes, and examine, by the best rule and only judge in this case, experience, what effect these concessions will have? He says, that as the Americans did, on the repeal of the stamp act, resign themselves to their unsuspecting confidence, and were perfectly satisfied, so will they now, if his plan is adopted; and he has read from the journals of the congress, their words as his authority: but as he has not read *all their words*, not all the sentence, let us see how the whole stands. "*After the repeal of the stamp act*, say they, having again resigned ourselves to our ancient unsuspecting affections for the parent state, and anxious to avoid any controversy with her, *in hopes of a favourable alteration in sentiments and measures towards us, we did not press* OUR OBJECTIONS, against the above mentioned statutes, made *subsequent* to that repeal." So far then it appears from having no suspicions, they had objections; objections to acts passed *subsequent* to the repeal; and these acts are specified in their resolves and proceedings to be acts of 1766; the declaratory act, and the act for *granting duties* in lieu of others repealed.

When, Sir, instead of alterations of sentiments and measures towards them, one law was made, proposed by this gentleman's friends, declaring a power to bind them *in all cases whatsoever*; and one other, reciting, that although it was proper to repeal certain rates and duties *on account of their inexpediency*, yet it was necessary to grant others in lieu of them, to his Majesty, his heirs and successors, to be paid into the exchequer and reserved for the future disposal of Parliament; their content vanished, they relapsed into their suspicions, they began to come forward with their objections, and the New-York petition was the first symptom of this. But, Sir, they not only were not, in fact, but they could not, on the principles from which they opposed our system, be content. They objected to all laws laying duties for the express purpose of a revenue. The 6th Geo. III. c. 52, granted duties to his Majesty, his heirs and successors, to be paid as a revenue into the exchequer, and to be there at the disposal of Parliament. Many laws prior to this period, gave and granted duties, and appropriated them to the purpose of revenue. We have heard much of the act of navigation, and by some mistake, gentlemen under that idea refer to the act of trade of the 25th Car. II. The act of navigation directs that all the commerce of the colonies shall be carried on in British shipping, and enumerates a certain number of articles of the produce of the plantations which are to be brought to England only. The act of trade says, that there shall be answered and paid to your Majesty, if bond shall not be first given to bring such commodities to England, the rates there specified. Here we find the precise idea of duties laid as a regulation of trade. But in the year 1696, in king William's reign, we find, for the first time, these duties converted into a revenue; they are directed to be paid whether bond be given or not. Revenue officers, under the direction of the Lord High Treasurer, are established. If therefore we are to repeal all acts which grant duties as revenue, in 1696, not in 1764, was the system changed. If therefore on that principle we go back to 1763, we must of necessity go back to 1672. But lest gentlemen should doubt whether duties granted to his Majesty were ever before 1764 appropriated to revenue, let them refer to the civil list act, of the first of Geo. I. there they will find that the plantation duties, which by the 25th Car. II. "were granted to his Majesty, his heirs and successors for ever, shall be brought and paid into
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nto the receipt of the exchequer, *for the purposes* in this act expressed," namely, the forming a fund for the civil list.

But, Sir, before this time the tax of six pence a month laid upon all American seamen, and always paid by them, was laid in King William's time, for the purpose of *augmenting the revenues of Greenwich Hospital*.

The Americans require the repeal of the post-office act, of the 5th Geo. III; that act, Sir, laid no new duties, it made new regulations; but it was the post-office act of the 10th of Ann, which granted duties in America for the purpose of enabling her Majesty to carry on the war.

It appears therefore, as they were not, so they could not, be content with what was done in 1766.

But to come to the precise proposition of this day. It is a proposal of a bill formed on the resolutions which he moved last year; and that proposition, although grounded first, on the complaint which the Americans make of their grievances; second, on the declaration of their rights; and third on the plan of the preliminaries which they throw out; although they require, as such preliminary, that we should go back to 1763, the proposition does not extend to a full remedy of their grievances, and to their idea of their rights; it does not go even to 1763, it goes only back to 1766. It is very ready to repeal every act, except the acts of the administration of that gentleman's friends. The declaratory act is not to be repealed. The revenue act of the 6th Geo. III. is not to be repealed. Let us first see what the effect of this plan of concessions made last year, was: it came last year in resolutions, it is now formed into a bill. Why, Sir, since this plan was proposed, the congress, reiterating their demand of the repeal of all the acts of revenue and restriction since 1763; specify particularly the declaratory law, and the revenue act of 1766. After having recited fifteen heads of grievances, hear what they say in their own words: "But why should we enumerate our injuries in detail? By one statute it is declared that Parliament of right bind us in all cases whatsoever. What is to defend us against so enormous, so unlimited a power?"

Upon the effect which this plan has had last year, we may fairly put the issue of the effect that may be expected from it this year, especially when this year we find in the preliminaries of the congress, the removal of the troops as well as concessions; which does not make part of this gentleman's plan. Whatever expectations that gentleman may have of confidence

dence from the Americans, in consequence of this plan, he may be assured, that while the Americans are very willing to avail themselves of the assistance of him and his friends, other persons will have their confidence. The gentleman and his friends bid as low as they can in conscience go; but others have bid lower: some are ready to go back to 1763; others think you should still go further. The Americans expect that we should go further; for see on what ground they put themselves, when they ask only the repeal of the revenue and restrictive laws passed since 1763. Take it in their own words. "Resolved, That the congress do *confine themselves at present* to the consideration of such rights as have been infringed since the year 1763, *postponing the further consideration of the general state of American rights to a future day.*"

From the first spring of this sad business, having been for *modes of policy* in preference to *measures of force*; I have always thought, and invariably said, that your system called for revision and amendment, I have been against all partial concession and repeals. I think it should be laid on some basis, which is solid and may be permanent; on such whereon the liberties of America being fixed, the sovereignty of the empire might be established. Repeals upon every partial complaint, and concessions upon every clamour, is not the way; this would produce nothing but endless succession of quarrels, and patching up of those quarrels. *Inducia, bellum, pax rursum.* It should be taken up on some great and general system. And such I now expect, and shall therefore, although I give no negative, move the previous question on any parts of a scheme moved on partial grounds, that of previous concessions.

But to consider the purport of the bill itself. Although it is grounded on the complaints of the American grievances, and of the violation of their rights, it does not go to the redress and remedy. They complain of laws, laying duties, and granting them for the express purpose of revenue; yet it goes only back to the year 1766. You have seen the remedy to be real and efficient must carry us back to 1672. They complain of the admiralty jurisdiction: now that, Sir, is as old as the act of navigation. By that act, ships navigated contrary to law were to be seized, might be brought to the court of admiralty in England, on the express principle, *that there should be no party juries.* For the ease, and not the ag-grieving of the subject, courts of admiralty were afterwards established

established in the colonies, and all this system stood established before the period of 1764. To my argument it is nothing how far this is right or wrong, grievous or otherwise: but the Americans complain of it as a grievance; and if the bill which is to redress their grievance, and to concede to their complaints, must go to the bottom; if it means or hopes to gain their confidence—this bill does not go far enough—there are others who are willing to go further.

On this ground, he said, that the present proposition would not produce the effect it proposed; that it was but a part of a system proposed as an expedient, or rather an experiment to a partial purpose. On the assurance that this business of America would be now taken up on some great and general system in the whole, and the speech had announced some plan, which from the method adopted by the honourable gentleman should be *disposed of first*, he moved the previous question.

Lord *George Germaine* said, as he had held but one conduct in this American business; as he had been direct and explicit in that conduct, he now entered into office on the same principles, on the same line of conduct, and he hoped he should be always found decisive, direct, and firm in it.

On the point of the legislative authority of this country, he should always maintain that sovereignty which was established and founded on the constitution. On the point of taxation, although he should never concede the right, he should never object to the withholding the exercise of it, if other modes could be adopted. But if we are to have no peace, unless we give up the right, the contest is brought to a fair issue; we are equal to the contest; our internal resources are great; and we can never despair of that assistance which we may want.

Gentlemen call for answers to several questions; I stand forth, as far as my judgment can, and my advice goes, to give an answer. Are we, say some gentlemen, to give up taxation? Are we to have no American revenue? I do hope we shall; I trust we shall draw a revenue from America. Whether that shall be by the exercise of our right of taxation, or whether by any other mode, I do not think material. If the Americans, willing to join their aid to the common supply, and willing to share our common burthens with us, can propose any mode which will make them easy, which will remove their fears and jealousies, I shall be ready to adopt it. I wish they were in the situation of the year 1763, if the government of this country was so likewise. If our present
system

system is wrong, let us avow it; consider and rectify it. They have a right to every liberty which they can enjoy, consistent with the sovereignty and supremacy of this country. Let them be happy. Nobody can wish them more so than I do. But I have never changed my opinion as to the legislative supremacy of this country. What I have always held, I now stand in office to maintain.

To the questions; What force is necessary? What do you mean to send? I answer, that the officers serving on the spot, those especially commanding, are the proper judges. What they, upon a full state of the service, think necessary, as far as my advice can go, shall be sent; not to be insulted. Such forces as are necessary to restore, maintain, and establish the power of this country in America, will not be wanting.

Much has been said about the plan of sending commissioners. My idea of that measure is, that they should not only have powers to pardon, but to inquire into grievances; and if the Americans, returning to a sense of their duty, should offer terms (not with arms in their hands) they should be empowered to consider, and on their submission, to take off those penal restrictions under which, from the nature of their conduct, the Americans now lie. If, by opening a door to retreat, the crown tries to induce them to lay down their arms, what can it do more. If they persist in their appeal to force, the force of the country must be exerted. The spirit of this country will go along with me in that idea, to suppress, to crush such rebellious resistance.

As to the gentleman's proposition, I think it has been fully proved, that it would not answer the expectation of those in America, whose confidence he meant to gain; that it does not go so far as they expected; nor so far as some here would go; and previous concessions, as gratuitous preliminaries, whether accepted or not, without any thing offered on their part, would put us on worse ground, and remove the matter still further from the conciliation he proposes. I am therefore ready to give my negative to it, or rather, to join in the previous question.

Mr. Fox for the motion, and very severe upon administration. It was here this gentleman, with infinite wit and readiness, gave a description of the treasury-bench, beginning with Mr. Ellis, and ending with Mr. Cornwall, by a single epithet, happily marking the characters of each of them, with fine satire, and without the least breach of decorum.

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The *Solicitor General* [Mr. Wedderburne] in answer to Mr. Fox, defended administration in a fine vein of oratory. And in answer to an observation of Mr. Burke upon the conduct of Demosthenes, he entered upon classical ground, and with consummate eloquence and accuracy of recollection, descanted upon the history of that period, with allusion to the present times. His speech was a restoration to the House; and though it was three o'clock in the morning, awakened the attention of every man in it.

General *Conway* replied to Mr. Wedderburne.

Mr. *Graves* seconded the motion for the previous question.

Lord *North*. I declare, that if I thought the motion would procure that conciliation which the honourable gentleman who made it has held out, I should be staggered. But it has appeared that this line of concession will not procure it; and it has been clearly marked to you, that this line is not sufficient. Therefore were I of opinion with the honourable gentleman [Mr. Burke] as to repealing all the acts he mentions, as I am as to some of them, these concessions would not procure the end he proposes, but put us upon still worse ground, and remove us farther from any conciliation this country can agree to. I think, for instance, that those penal and restrictive acts which have been indefinite as to the term of their operation should be repealed, and the matter and purport of them thrown into one general act, framed to be enforced during the continuance of the war. The honourable gentleman [Mr. Burke] has in his bill proposed to empower the King to call a congress in America. He has that power; has done it before, and may do it at any time. Besides, the proposed bill confines the power of the crown to treat only with the congress, therefore his Majesty can treat with nobody else, if there were any persons disposed to offer terms of submission.

A little before four o'clock in the morning the previous question was put "that the question be now put." The House divided, ayes 105; noes 210.

November 17.

Nothing material.

Adjourned to the 20th.

November 20.

Lord *North* moved, that leave be given to bring in a bill, to prohibit all trade and intercourse with the colonies of New Hampshire, Massachuset's Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three lower countries

tics on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, during the continuance of the present rebellion within the said colonies respectively; for repealing an act, * made in the 14th year of the reign of his present Majesty, to discontinue the landing and discharging, lading or shipping, of goods, wares, and merchandize, at the town and within the harbour and Boston, in the province of Massachuset's Bay; and also two acts, † made in the last session of Parliament, for restraining the trade and commerce of the colonies in the said acts respectively mentioned; and to enable his Majesty to appoint commissioners, and to issue proclamations, in the cases, and for the purposes, therein to be mentioned. He explained the necessity of restraining the Americans from all trade during the present rebellion, and the justice there would be in immediately taking off the restraint from such colony wherein it might cease; that the Boston port act, and the acts passed last year, being framed upon other grounds and for other purposes, would stand in the way of this operation; that the restraining bills were civil coercions against civil crimes; but we being now at war, the provisions were incapable, and other provisions were now necessary: those provisions he now proposed were such as would be made use of in case of war with any country in the world; but they were framed under such provisos as might open the door of peace upon its first approach. That if we were ready also to repeal the charter bills, yet he could not do it while they denied the right that we had to make them; that as to the bill for the administration of justice there was no need to repeal that, because the country being in actual war, martial law took place, and there were no courts of justice in which it could operate: it was a temporary bill for three years, two of which are expired; and it would cease of itself. That he should also be ready to repeal the tea duty on the same grounds, that he would suspend every exercise of the right of taxation, if the colonies themselves would point out any mode by which they would bear their share of the burden and give their aid to the common defence. The purport of the clause respecting the commissions, had been very well explained the other day by a noble lord [Lord George Germaine] that it meant besides the granting of pardons, that

* The Boston port act.

† The fishery and restraining acts.

they should enquire into any matter of change of circumstances in which the colonies were now, from the time they were when the laws were made; if there were any matter of real grievance or oppression that could be remedied to their benefit or to the common interest, that they were to have the power of judging whether any part or a whole colony were returned to that state of obedience, that they might declare that colony or part to be in peace, upon which the restrictions in the present bill were so formed as to cease. He acquainted the House, he found from what he said the other night, under a state of fatigue and indisposition, had led people to conceive he was so far tired out with this business, that his administration was drawing to a period; he therefore begged to repeat what he always had said, how happy he should be to decline the arduous task to which he might, perhaps, in point of abilities, be unequal; yet in point of good intentions he had no other end in view, no not for a moment in any time, but the public service; meaning at all times to conduct it with the least burden to the public; on those occasions where severity was necessary, to alleviate that, as much as the common safety would permit; and to withhold it, whenever the public safety did not absolutely require it. That there were two grounds, upon which every minister ought to stand: the first was, that the King had an undoubted right of naming his own servants: the second was, which formed the happiness of this country, that if the people by their representatives did really disapprove the measures of any minister, to that degree that they would not go along with him, the King, however he might approve such minister, could not carry on his business by him, and must part with him. That this business of quarrel with the colonies about taxation, was began and prepared for him before he engaged in it as a minister; that he took it up, not when it was a question whether it was right to tax the colonies or not, but when they disputed our having any such right, and at a time when this country was determined not to give it up: as he engaged when this dispute was actually begun, he was bound to see it through: and if the colonies, by appealing to arms had made war the medium, although peace was the only point he ever retained in his view, he must pursue it through that medium: being thus engaged, he did declare, that unless the King dismissed him, or a majority of the House, disapproving his conduct, desired his dismission, he would not give up the conduct of this business to any body else. As to the means of conducting the

war,

war, he declared there never was any idea of raising or employing the negroes or the Indians, until the Americans themselves had first applied to them: that general Carleton did then apply to them; and even then, it was only for the defence of his own province. As to the events of the war, things wore a much better aspect at present, than a little while ago: that now Halifax was absolutely safe; that there were indeed two expeditions against Canada, but he did hope that Canada would not fall into the hands of the rebels. He would almost venture to say that Quebec was safe; but he begged the House would not understand him as promising that: his own opinion was, that it would not fall into the hands of the rebels.

Mr. Fox. This proposition is cutting off and destroying all trade with America. If the noble Lord's other measures had not done it, this would effectually. Though they had not at present the manufacturers at their door, he would prophesy, they would have them at their door next year. The true intention of this bill is, to break up the manufacturers, who, through want of subsistence, will be obliged to enlist, and thus the noble Lord thinks he shall recruit that army which would not otherwise be recruited. That as the noble Lord had now proposed repealing three oppressive acts, he begged to ask him, as a man of honour and as a gentleman, whether he did not now wish that he had adopted the opinion of the noble duke [the Duke of Grafton] who was first lord of the treasury, when the repeal of the tea duty was moved in that House, and supported it? He repeated, there were differences of opinions amongst persons high in office at that time? and he asked the noble lord [Lord North] whether he did not now wish he had been of opinion with those who were for repealing that duty, because they saw and therefore wished to avoid that chain of misfortunes, which the continuance of it has drawn after it?—This proposition of peace he said, like that of last year, was meant to lead on this country under a delusion of flattering hopes of peace; and to endeavour to deceive, which it would not do, the Americans, that this country wished for a peace of the description which the noble Lord held out, or were unanimously determined to prosecute the war, if such peace could not be had. The whole was insidious, and therefore could have no other effect upon the Americans than to destroy their confidence in government, if any yet remained. If the Americans should believe the spirit of this country was unanimous against their rights,

rights, they had nothing to do but prepare immediately for war, as their only defence against a system of despotism. That this proposition therefore was a declaration of perpetual war; and if he gave his vote for it, he must consider himself as giving his vote for a declaration of war. However, as he had always said that he would support any measure of reconciliation, he should go so far with the noble Lord, as the repeal of the three acts he mentioned. Therefore he moved the following amendment. To leave out the words "To prohibit all trade and intercourse with the colonies, &c." to the word "respectively: and to leave out the words, "And to enable his Majesty to appoint commissioners, &c." to the end.

Sir *George Hay*. The question was not now, either of a declaration of war, or of the mode of conducting it, but how to get out of the war. This was the first bill of vigour that had been offered, therefore he should be heartily for it. He then said many things upon doctrines of resistance, according to the principles of the Revolution; in particular, that if any unlawful power was exerted, or even any lawful power exerted in an arbitrary manner, against the constitution, those who had a right to defend and maintain that constitution, had a right to resist it; but that there had been in this case, no violation of the constitution, either by the exercise of an unlawful power, or by the exertion of any lawful power in an arbitrary way. He owned that many of the laws, formed for the state of the colonies in their infancy, might be burdensome, and the occasion of grievances, by being inapplicable to their present state; that those laws ought to be revised: that even the acts of trade might be somewhat relaxed. If the monopoly of trade cannot be maintained or secured, the colonies might be encouraged in all manufactures not injurious to this country, and they might be obliged or compelled to take from us our manufactures: but these were matters for a time of peace, not for the present, when we are engaged in a question of power; until that was settled, it was nonsense to talk of our making regulations, the right of making which was disputed, and the power of carrying them into execution opposed by arms. His idea, therefore, was, that at present the Americans are in actual rebellion; but if other gentlemen are of opinion that they are in a state of resistance which they justify, they are called upon to take up their defence, not by speeches in this House, but by
arms:

arms : Why don't they go and join them? that would be the true mode.

Lord *Howe*. He did not know any struggle an officer could have, serving on the present occasion, so painful as that between his duty as an officer and his duty as a man. However he suffered, if commanded, his decided duty was to serve. He did apprehend that all this an honourable relation of his had felt : it was what he himself felt very sensibly ; and if it was left to his choice, he certainly should decline to serve.

Mr. *Fox* got up, to fix his Lordship to the point, with precision.

Lord *Howe* to explain. Should certainly decline to serve, from the sense he had of the right and importance of such a trust : but if he was commanded, it was his duty to obey, and he could not refuse to serve.

Lord *Frederick Campbell*. When those gentlemen who repealed the stamp-act came into that measure, they did not venture to do it without bringing in the declaratory bill, to mark the sovereignty of this country, and to shew that they did not give it up. No man or party now in the kingdom dared to repeal the declaratory act ; even a great minister, whose measure the repeal was, when he quoted Prior—

Be to her faults a little blind,

Be to her virtues very kind ;

every body knows the next line, which he did not quote,

Let all her ways be unconfin'd.

If that great minister did not venture to hold that language, he might assert, no other man in this country would.

General *Conway*. Thinking as he did, that the interest of this country depended upon an union with America, and that the union would remain so long as that interest was rightly pursued, he did not see the necessity of the declaratory law : he thought it right that the supremacy of this country should be established to all points which were necessary, but not to taxation : he had hoped and flattered himself, that the idea of taxation had been wholly given up by every body ; but since a noble Lord had come into office, it seemed as if the dispute on that question was revived. He thought the fire had been smothered, but since that noble Lord came into office, he had uncovered the ashes and blown the flame afresh. Our supremacy, he said, over the colonies, is of the essence of our relation to them : but, may I not make an exception? There is no law without an exception.

tion. The House of Lords and the House of Commons have each of them their rights, which are generally understood: but if we were to go into disputes, with all the prejudices of each House respecting power, we could do no business, and there would be an end of Parliament. For argument's sake, therefore, I may allow, that our right of taxation is a clear and distinct right, which in my conscience I believe to be no right; yet, would it be for the interest and good of this country to go to war about exerting it? As to the forces of the two countries; speaking of our own, however high our discipline might be supposed to be, yet compared with many other countries, it would be found very inferior; but yet that the courage and spirit of our people supplied that defect. That the forces of America, though certainly inferior to ours in discipline, yet they were already much beyond any thing we had any idea of, and would in the course of war be trained and as well disciplined as ours. In point of courage, he could make no distinction wherever a Briton dwelt: but this every body must remark, that there was a certain spring and zeal, which an animation for liberty always gave, beyond any other cause. Supposing each party to have an army of 50,000 men, he thought the Americans would prove a match for the British troops, as they contended upon principle for liberty, which he thought would render them superior to our advantage from discipline. As to that part of the proposed bill which related to the commissioners, he could say little, as nothing had been explained; only that so far as his opinion and vote went, he would never trust any power to any commissioners whatsoever, without a distinct and direct line laid down in Parliament. The subject of military obedience having been started, it might, in the eyes of some, look like an unworthy shrinking from the question, if he did not say a few words to it. He did not imagine there could be any struggle in the mind of a military man so dreadful, as any doubts of this kind. There was a great difference between a foreign war, where the whole community was involved, and a domestic war on point of civil contention, wherein the community was divided. In the first case, no officer ought to call in question the justice of his country: in the latter, a military man, before he drew his sword against his fellow-subjects, ought to ask himself, whether the cause was just or no? He quoted the story of the massacre of St. Bartholomew, and the answer of the Count de Torden, and concluded with, that if he thought of this case as de Torden did of that, all

emoluments, nay the sacrifice of what people in his situation held dearest, their honour, all this would be nothing in the scale with his conscience: he never could draw his sword in the cause.

The *Attorney General* [Mr. Thurlow.] Let the honourable gentleman justify his conscience to himself, but not hold it out as a point of doctrine to be taken up in a certain quarter and line of service, where his opinions might be supposed to have very great influence; for if those opinions were once established as matter of doctrine, they must necessarily go to a dissolution of all government. Turning to Mr. Burke's late proposition, he said, however amusing and ingenious it was, it drew to no conclusion, and though called a proposition, ended in no proposition at all: it talked of conciliation and union between Great Britain and her colonies, without stating, in any one instance, the relation in which they do or ought to stand. He gave an account of what he called the general spirit of opposition, in which he said, the opposition having got beyond all line of reasoning, they did nothing but scold at arguments which they could not refute. He now clearly understood the noble Lord's [Lord North] proposition, and he approved of it, because it retained the habitual exercise of taxation, and left an opening to America, of a permission to raise her share of supply towards the common defence, by granting it in her own assemblies, and giving it in her own way. On this ground he was willing to coincide, not only in a plan, but in any thing that might give a ground for a conciliation with America; yet he thought, the only sure and permanent ground would be to define the relation between the mother country and her colonies. He added, that as Attorney General, he had a right, by writ of *scire facias*, to set aside every charter in America: but that in our present situation such a process would be justly the object of ridicule, for the conduct of America was not a matter for judicial but Parliamentary animadversion.

Mr. *Burke*. The plan of this year is to enforce the conciliatory motion of last year by military execution. To the charge of not having defined the relation between Great Britain and her colonies, he replied, that the silly, wicked attempt to define it, had been the first and continued cause of their present disunion.

General *Conway*, to explain; on points wherein his character, his duty to his Majesty, and the interest of the public.

lic might be involved, he hoped the House would indulge him to explain himself. He very seldom recollected the words he had used in the heat of argument, and could not therefore recollect what might have been his words on this occasion: it was a peculiar part of his character, upon any point in which he was warm and interested, as he always was on this business of America. He might probably use strong expressions, which went beyond the line of his deliberate opinion; if he said any thing which carried a sense such as that which had been imputed to him by the learned gentleman, [the Attorney General] he did not mean it; and what he meant to say, was, that if he thought the cause positively and directly unjust, it might so press upon his conscience, that he might decline serving in it.

Governor *Johnstone* said, he would not make any apology to the House for the late hour of the night; for let the hour be what it would, the subject was of that importance, no hour could be too late for the mature and deliberate consideration of it. I will now tell you as a sailor, that you will destroy the West India trade by this barring up of the ports of North America; and if you should not do that, you will at least double the insurance on that commerce and navigation; you will starve the islands, and uniting them in the same cause with North America, drive them to revolt also. In answer to Sir George Hay, he said, that administration had both used unlawful power, and lawful power, arbitrarily. Great Britain is the only government in the world which has found out the art of carrying power to the distant parts of the empire, by satisfying the people that they are in security against oppression. You cannot govern the colonies without carrying this power to the spot; that instead of sending it with the necessary and constitutional checks, you are going to send out a commission to exercise, not the constitutional, but the dictatorial power of the crown.

The House divided upon the amendment. For it 64; against it 192.

November 21.

No business. Not members sufficient to ballot for a committee to try a controverted election.

November 22.

Mr. *Fox* moved, that there be laid before this House an account of the expences of the staff, hospitals, extraordinaries, and all military contingencies whatsoever, of the army in America, from August 1773 to August 1775, inclusive. He had drawn up the motion in these words, because it

would lay open an astonishing scene of ministerial delusion held out by the pretended estimate laid before the House a few days ago. It would bring the staff into the full glare of day, which has been hitherto artfully held back; it would shew, that the expence of the ordnance this year had exceeded any one of the duke of Marlborough's campaigns, while in the midst of repeated victories, he was immortalizing the British name; and it would convince the greatest court infidels of the temerity of the minister, who, to the very last day of the session, insisted and declared, that the military service, in every branch, and under every description, was amply provided for; that all his arrangements were made; and who thus dust, in the bare article of the ordnance alone, incur a debt of upwards of 240,000*l*. He said it would be a farce to sit any longer in that house, if accounts of this nature were refused; that the motion was parliamentary; that it would convey no secret to the enemy; and within his own knowledge or reading, he never heard of an instance where such informations were denied, unless in instances where it was impossible to comply with them; such as the accounts desired not having been received, or officially made up. Aware of this, he would be perfectly satisfied with copies of those already come to hand, or of gross computations made by estimate, and wait with pleasure for the remainder, till the ministry could venture to face the public, and an ensured majority, with the disgraceful contents.

Lord *North* said, that part of the accounts were on the table; and that the honourable gentleman would have them all regularly at the proper season.

Mr. *Jenkinson* said, part of the accounts now called for, come in under the head of services incurred and not provided for by Parliament; and that the other part of the account would come when the returns were received from America.

Rt. hon. *T. Townshend* said, it was very difficult to collect the true meaning of what had fallen from the noble lord on the treasury-bench, and his confidential friend and powerful supporter who spoke last. He thought the honourable gentleman who made the motion had, by his candour and previous explanation, precluded them from resorting to such pitiful evasions, and manifest imposition. The honourable gentleman desired no more intelligence than what might be easily obtained, than what they had in their actual possession. But they very logically, at least very humourously, tell him,

“We

“ We have not all the information you want in our power, therefore we are resolved you shall have none.”

Mr. *Hartley* shewed the propriety of the measure on the ground of parliamentary usage, and predicted that administration would suffer more in the eyes of the public by withholding the information than by disclosing it. It was impossible but the nation, at last, must be convinced that their works could not bear the light, when they kept every thing in profound darkness.

Mr. *Burke* pressed the necessity of the motion, as it might be the means of informing the House of the probable expences of the next campaign, formed on the comparative scale, of the proportionate expence of an army of 8500 and 25600 men, which would be the respective military armaments of the years 1775 and 1776.

Sir *George Savile* observed, he had sat in some very compliant dutiful Parliaments; but if the minister was able, by his magic influence; to put a negative upon this motion, the present would be one of the most polite and well-bred, he would not say slavish, sordid, and corrupt, he had ever the honour to sit in. However, he did not think that either the managers or the managed acted with sufficient dexterity and address, for they both had already a salvo for every thing. America is to be conquered; America is to be taxed; the expence will be great; but what of that? We shall not only conquer these rebels, but we shall likewise compel them to pay our debts, and bear our burdens. What occasion then for concealing an expence, which will be rapid, at the rate of 1000 per cent.? What occasion to send the poor country gentlemen, with their fingers in their mouths, or tongue-tied, down to their counties or boroughs, when they might at once be permitted to tell the truth. The last campaign cost one million and a half; this will cost five; but then we shall, in the end, be able to make America pay fifty. This would be acting like wise and firm ministers. It would be arming the country gentlemen with facts; they love good, round, strong, uncontradicted assertions; and if by next November our affairs should grow worse, and that we should be obliged to tell our constituents that the army and the land-tax must be doubled—What of that again? Why, let the ministers, as they rise in their demands, improve in their wisdom and firmness, and instruct the country gentlemen to tell their constituents at Christmas 1776, as they must tell them at Christmas 1775, that administration was deceived.

The question was put, and it passed in the negative, without a division.

Mr. *Burke* moved, that an humble address be presented to his Majesty, that he will be graciously pleased to give directions to the proper officers to lay before this House copies of all acts of assembly passed in any of his Majesty's islands in the West-Indies, by which the duties commonly called the four and a half per cent. duties have been granted to his Majesty. Agreed to.

He then moved, that an humble address be presented to his Majesty, that he will be graciously pleased to give directions that there be laid before this House an account of the amount of his Majesty's quit-rents in the several provinces of North-America.

Mr. *Solicitor General* opposed the motion, as disrespectful to his Majesty, the disposal of these duties being entirely within his own power.

Lord *North* said, that the money thus granted was appropriated to the maintenance of the dignity of the crown, and therefore could not come properly before Parliament, which, it was well known, had no controul over it.

Governor *Pownall* said, the motion, if agreed to, would create another dispute with America. So far as this was the private revenue of the crown, every body must know Parliament never meant to intermeddle with it, not even to audit it. If the mover had any view to audit and controul the revenues raised by the American assemblies, that was what they had always entertained the highest jealousy of, and would open another very serious dispute. Passed in the negative.

The House, in a committee of supply, having voted 47,400*l.* 12*s.* for the raising and pay of a Highland regiment of two battalions, Sir *John Wrottesley* desired to know, if the officers appointed to those two battalions were to be taken from the half-pay list, or were to be new ones; because, if the latter, he should certainly give his vote against agreeing with the committee in the proposed resolution.

Lord *Barrington* replied, that he did not believe there could be Highland officers sufficient procured from the half-pay list; but as General *Frazer*, who is to be their colonel, was in the House, he could probably give the committee better information on that head.

General *Frazer* confirmed what Lord *Barrington* said respecting the want of a sufficient number of Highland officers being on the half-pay list; and said, that he had himself recom-

recommended an officer who was a young man of fortune, family, and great abilities. He thought all the officers ought to be of North-Britain. This mode of raising the men, he insisted, would be a public saving of two-fifths of the levy-money; for the levy-money of the two battalions would not be more than three pounds or guineas a man, while that of the other regiments is five pounds or guineas a man.

General *Harvey* disapproved of raising new corps, and expressly of this.

Lord *North* said, troops could not be raised in the ordinary way, therefore he had adopted this. This mode had been taken before, and with success; though he did not quite approve of it, yet he believed there was no other.

Lord *Barrington* said, he never approved of new levies; they were a hurt to the service in general, mischievous in their consequences, and expensive to the state; but if men were not to be had in any other manner, we must submit to the necessity of the measure.

The House next went into a committee on the indemnity bill, and ordered it to be read a third time on the 24th.

Hon. Mr. *Marsham* gave notice, that he would, on that day, propose an amendment to the preamble; for in its present form it was an insult upon the House, and a mockery upon the nation.

The militia bill was then read a third time. Sir George *Savile* offered a rider, to limit its duration to seven years. Agreed to.

Mr. *Fox* attacked the bill, the framers, the advisers, and, in short, every single object which it held out, particularly as it would be the means of encreasing and extending the prerogative of the crown. In the course of his speech he mentioned the address from the first battalion of the Devonshire militia. He supposed they wanted to alienate the King from the people, to imbrue their hands in the blood of their fellow subjects; such men, he thought, ought not to be trusted with arms. The Attorney General may be ordered to prosecute the persons complained of in the address, and, if wanted, they might come in to assist the law; that was their station.

Mr. *Ackland* (who presented the address) said, he thought the honourable gentleman pointed at him. He was no adventurer or place-hunter; he was a gentleman of independent fortune, who voted purely in conformity with his sentiments, without any sinister views whatever. Men of property,

perty, who had much at stake, who could have no interest but the public interest, were surely the fittest persons to be trusted with arms, not those of reduced fortunes, &c. [*Interrupted by Mr. Burke.*]

Mr. Fox replied, he had a qualification which was sufficient, and that it was the first time he ever heard any man take any liberties in that House on account of his fortune, whether real or ideal; said, standing as he did, he supposed he had as good a right to speak as any man in that House, and would not be interrupted. [*Here the House interposed, and the altercation went no further*]

Lord North vindicated Mr. Ackland. Said, the militia, being a constitutional body, might with great propriety, as a military body, at any time, address the throne upon the state of public affairs, to express their loyal dispositions to his Majesty, and promise any exertions in support of the crown.

Mr. Burke said, he was glad the noble Lord had spoke out, because he had now, by this declaration, given a clear insight into his system and principles of administration. If this were constitutional and justifiable, there was an end of the liberties of this country; and that however nominally we were free, we were from this instant, in fact, subject to military government; for if the crown can at any time draw forth the suffrages and support of the militia (all officers appointed by the crown) that it had all the disadvantages of a standing army, and more danger attending it from the prepossessions in favour of a militia, and that unguarded confidence which their fellow-citizens placed in them preferable to the army. He had hitherto been a friend to the militia, but from this time he must look upon them with a jealous eye; and he thought it as safe for the guards to address the King in a body, as any provincial corps of the militia.

Mr. Moyses opposed the bill, as an unnecessary extension of the prerogative. He stated the law as it stood, independent of the proposed alteration, and argued that every reasonable purpose of a militia establishment being merely local, was already amply provided for by the laws in being.

The question being put, that the bill do pass, the House divided. Ayes 162; noes 26.

November 23.

The resolution the committee of supply came to yesterday (relative to a new corps of Highlanders) was reported, and opposed by Mr. Burke and Mr. Fox. They contended, that

that it would be saddling the half-pay list with a heavy expence in future, and for the present, would have the effect of loading the public, to the amount of the half-pay of as many officers as might be incorporated into the new levies.

Lord *Barrington* said, that new levies were very disagreeable; and, in fact, he did not like the measure, though it was thought right by those in office, that were better judges, and better informed than he was. Yet he looked upon himself as accountable as if he had actually advised the measure.

Lord *North* said, he had been often told he was no more than the ostensible minister; he therefore might excuse himself by saying, he was not prepared with his answer till he had got his instructions. He would not say he directly advised the measure, but was willing to declare, that, in conjunction with the rest of the King's servants, he had maturely considered it, and thought it the most eligible method of raising men on the present emergency; for he was sorry to be obliged to acquaint the House, that the recruiting service was very far from being successful; and by the plan of operations already agreed on, it was necessary that the forces should be ready for embarkation early in the spring.

The resolution agreed to.

The order of the day being read, for going into a committee on the Nova Scotia petition, and the Speaker being about to leave the chair, Mr. *Burke* objected to it; as did also Mr. *Dempster* and Mr. *Fox*. They contended, that the Nova Scotia petition had been brought into the House by surprize, late at night; and that the authenticity of the signatures of the petitioners, styling themselves the speaker and assembly of the province, had not been proved; they insisted, that Mr. *Cumberland*, the agent for Nova Scotia, should be called in and examined while the Speaker was in the chair.

This was opposed by Lord *North*, Sir *Gilbert Elliot*, &c. It was agreed to go into the committee, and Mr. *Cumberland* was called in. He was asked if he knew any thing of the petition then before the committee; he said he knew nothing of it. He was shewn the signature of the speaker of the assembly of Nova Scotia, and asked if he knew it; he replied, that he knew the gentleman's hand-writing, having received several letters from him, but he did not know that he was speaker of the assembly till he was now informed of it. [*Withdrew.*]

Lord *North* moved the following resolutions:

Resolved,

Resolved, That it is the opinion of this committee that the proposition contained in the address, petition, and memorial of the house of assembly of the province of Nova Scotia, of granting to his Majesty, in perpetuity, a duty of poundage, *ad valorem*, upon all commodities imported into the province of Nova Scotia, not being the produce of the British dominions in Europe and America, (bay salt excepted) the said duty to be disposed of by Parliament; is fit to be accepted, and that the amount of the said duty should be eight pounds *per centum* upon all such commodities.

Resolved, That it is the opinion of this committee, that when and as soon as any act or acts shall have been passed by the general assembly of the said province of Nova Scotia, conformable to the foregoing resolution, and his Majesty shall have given his royal approbation to such act or acts, all and every duty, tax, and assessment, upon any goods, wares, or merchandize, imported into the said province, and which duty, tax, and assessment, hath been imposed and levied within the said province, by any act or acts of Parliament now in force, ought to cease and be discontinued; and that, for so long as the act or acts of assembly for granting to his Majesty the said poundage duty shall continue in force, no other or further duties, taxes, or assessments, ought to be imposed or levied by act of Parliament, within the said province, except such duties only as it may be expedient to continue to levy, or to impose, for the regulation of commerce, the nett produce of the duties last mentioned to be carried to the account of the said province.

Resolved, That it is the opinion of this committee, that it will be adviseable to admit a direct importation into the province of Nova Scotia by his Majesty's subjects, in ships and vessels, qualified by law, of all wines, oranges, lemons, currants and raisins, the growth and produce of any foreign country whatsoever, provided such wines, oranges, lemons, currants and raisins, be imported directly from the place of their growth and produce; and provided also, that the said commodities be not imported into any other port or place within the said province, except the port of Halifax.

Sir George Yonge said, he would mention a matter which did not seem to occur to the House; which was, that this favourite petition from Nova Scotia contained the same doctrine, held the same language, and claimed the same right as the general congress did; namely, of granting their *own money*. The House were struck with this observation.

He

He desired the petition might be read, when it appeared in *totidem verbis*; upon which he moved the following amendment to the first resolution.

“ That when the exigencies of the state may require any further supplies from Nova Scotia, requisitions shall be made in the usual manner formerly practised in North America, whereby the said provinces may have an opportunity of shewing their duty and attachment to their Sovereign, and their sense of the cause for which such requisition was made, by which means only his Majesty can be made acquainted with the true sense of his people in that distant country.”

Mr. Burke seconded it; and General Conway supported it; but a negative was put upon it.

A petition of the merchants of London, subscribers thereunto, in behalf of themselves and others concerned in the commerce and fisheries at Newfoundland, Nova Scotia, Island of St. John's, River St. Lawrence, Coast of Labrador, and places adjacent, from the several ports of London, Liverpool, Weymouth, Topsham, Limplestone, Exmouth, and Tinnmouth.

And the said petition was read; setting forth, that the petitioners, during the present year, have suffered very great inconvenience and loss, in carrying on their trade and fisheries at Newfoundland, and places adjacent, by their usual resource of bread, flour, and other necessaries, being totally interrupted, by the unhappy differences between Great Britain and her American colonies; and that, although the present price of corn leaves the exportation of bread and flour entirely open, and seems to make this application unnecessary, yet as the price of both may advance, so that the prohibition may again take place, the petitioners may thereby sustain much loss and disappointment in their business, unless a timely and proper relief is provided by the House, in case of such exigency; and that, as the quantity of bread, flour, pease, and other provisions, allowed to be exported from certain ports in this kingdom to Newfoundland, under the act of the 14th of his present Majesty, will not be a sufficient supply to carry on the trade and fisheries while an interruption continues in their supply from America, the petitioners cannot pursue their business, unless they have liberty to export, under certain limitations and restrictions, a sufficient quantity of bread, flour, pease, grout, oatmeal, and other necessaries; and as confining the export to particular persons and districts has been found injurious in a general commercial

mercial view, the petitioners hope that the House will think it expedient to allow the exportation of the necessary articles to be extended to any port or ports in Great Britain, where they may be able to obtain them upon the most reasonable and convenient terms; and therefore praying the House to take the premises into consideration, and grant such relief therein as to the House shall seem meet.

November 24.

The order for the third reading of the indemnity bill.

The Hon. Mr. *Marshall* moved an amendment to the preamble of the bill. He observed, that the words as they stood at present, declaring that, "doubts having been entertained of the legality of the measure," were an insult upon the good sense of the House; for by what construction of law or reason, was it possible to presume a necessity of indemnifying the advisers of such measures, while the whole of the offence imputed to the supposed offenders, was, that the measure was substantially legal, but that doubts had arisen in some men's minds relative to its legality? This was a mockery, he contended, too gross to be endured. He hoped, therefore, for the dignity of Parliament, and the particular respect due to that House, that the noble Lord who brought in the bill, [Lord North] would consent to amend the preamble, and insert, "That the measure (viz. of sending the Hanoverian troops to Gibraltar and Minorca) was not warranted by law and against the spirit of this constitution."

Mr. *Filmer Honeywood* seconded the motion. He insisted, how dangerous soever the introducing foreign troops into the dominions of the crown of Great Britain, without the consent of Parliament, might be, the precedent to be established by the present bill would be infinitely more so; because it was plain it could not be intended to indemnify the minister, but to give the measure itself the sanction of Parliament.

Mr. *Ambler* opposed the motion. He said, let the bill pass as it is, it can do no harm, for it left the matter just as it found it; but for his part, he could not possibly discern the least occasion for a bill of indemnity, as where there was no crime committed, there no indemnification could be required.

Mr. *De Grey* contended, that his Majesty's advisers were perfectly justified in the advice they had given. That the measure was necessary; and the necessity was a full justification

cation of it. If the amendment was pressed, he thought the bill ought to be withdrawn.

Mr. Serjeant *Adair* said, it was plain beyond question, that if his Majesty, by his royal prerogative, could introduce foreign troops into any part of the dominions of the British crown, he might introduce them in any number he pleased, and into every place he thought proper, in time of peace as well as war. He observed, that whether we considered the law as it stood anterior to the Revolution, or as it was then declared, it was evident, that even keeping a standing army of natives was contrary to law, much more foreigners, when the spirit of the constitution was considered.

Mr. *Moyton* affirmed the measure was legal, because it was taken in a time of war.

Mr. *Moysey* protested against the absurdity of declaring the law doubtful in a great constitutional point, and leaving those doubts to embroil posterity; he then entered into a discussion of the legality of the measure, which he argued was in direct violation of the bill of rights. He insisted, from both the letter and spirit of it, that the provision against standing armies was co-extensive with this empire, and dwelt much upon the distinction between foreign war and rebellion.

Solicitor General, [Mr. Wedderburne] insisted upon the distinction between garrisons and troops at large, alledged many passages in the conduct of the legislature to warrant such distinction, even in the frontier forts within this island. He said the check which Parliament had upon the crown in regard to the army, was the payment of the troops; and, he said, if the measure in question was fit and beneficial to the public, it should be ratified, tho' it were against law; but, if unfit and inexpedient, should be condemned, tho' the letter of the law were with it.

Mr. *Adam* declared his opinion against the legality of the measure.

Sir *Adam Fergusson* insisted, that though this were admitted to be a time of war, yet the calling in a foreign army would always have wanted an indemnity; that both the literal and substantial meaning of the bill of rights clearly imported, that no military force whatever had a right to be kept on foot without the consent of Parliament. The matter was indeed self-evident, for it fairly amounted to this, that if either the letter could be evaded, or the spirit explained away, it would follow that the law enacted nothing, and
that

that the King of Great Britain might keep any number of forces he pleased on foot, without the consent, nay, against the declared sense of Parliament. He made several remarks on the question, and some observations upon the mutiny act.

Right Hon. *T. Townshend* was very severe on the minister; said he came before the House in a situation no minister ever before ventured. He had violated the laws of his country, and had the effrontery to come to Parliament, not to be indemnified, but to make Parliament testify that he had done nothing but what was perfectly justifiable.

Mr. *Burke* said he had heard of angelic Parliaments, healing Parliaments, diabolical Parliaments, wonder-working Parliaments, but never till now of a doubting Parliament. He asked, did the gentlemen of the long robe, those of the treasury-bench, or the very worshipful corps calling themselves the King's friends, doubt? because, if they did, he was certain there was not a single person in the House besides, who doubted that the measure was directly against law, and subversive of the constitution.

Attorney General, [Mr. *Thurlow*] replied to Mr. *Serjeant Adair*, to explain the doctrine of non-resistance, he had on a former occasion delivered, in which he made his doctrine more palatable than it was before.

Lord *North* concluded the debate. He treated the arguments on the other side with some pleasantries, but did not answer them; and observed, that as the gentlemen on the one side were positive for the legality; and the gentlemen on the other side as positive for the illegality; he thought there could be no impropriety in stating the law to be doubtful.

The House divided upon the amendment.—For it 58; against it 130.

Adjourned to November 27.

November 27.

Mr. *Alderman Oliver* made a motion for an address to his Majesty. He introduced it by saying, That the motion which he had then to make, relating to the advising and counselling the King in matters of great national concern; an object of no small importance; it had ever been considered as such in this nation, and in all monarchies where the interest of the whole employed the attention of the individual; and must especially be considered so by those (amongst whom, *he said, he ranked himself*) who were most warmly attached to the rights and dignity of the crown, and most personally affectionate to the present Monarch.

The

The wisdom of our constitution, he said, had never at any moment, from its first establishment, neglected this most important province.

The great council of the nation, the hereditary counsellors of the crown, the privy council, were all names, he said, with which we were constitutionally acquainted; and that the oath appointed for the last made any arguments from him unnecessary to shew the superlative importance of the office.

To these, Mr. Oliver said, his motion had not any reference.

Modern times, he said, had presented us with novel institutions, and that we now talk familiarly of a cabinet council. Very modern times, he said, had brought us acquainted with something farther; and the present House of Commons would know (which preceding Houses would not have known) what was meant by the name of an efficient cabinet council.

Whether these were blemishes or improvements in our system of government, he said, it belonged not to him to pronounce; for to these likewise his motion had not any reference.

His motion, he said, went to those, who, not as members of any of the councils he had mentioned, but as something still more efficient, have the undoubted merit or demerit of counselling and advising to his Majesty the late measures concerning America, before those measures were brought forward in Parliament.

That there were such counsellors and advisers, he said, he took to be an undoubted fact; and that he must be permitted to entertain his own private opinion of the veracity and integrity of any intelligent person who should seriously and solemnly declare that he believed there were none of this description.

He said, he presumed it would not be denied that the unanimous opinion of an ostensible prime minister, a chancellor, and a responsible secretary of state, composing even this cabinet efficient council, had been over-ruled by this something still more efficient.

There was one measure, he said, and a measure which he conceived to be the most important and uncommon that ever was produced in an English Parliament; the establishment of absolute despotism in Canada; the author and adviser of which remains to this moment unknown. Though approved, and admired, adopted, as it had been, by Parli-
liament.

liament; yet no privy counsellor, no cabinet, no efficient cabinet counsellor, had ever yet assumed its merit; but all to whom it had been imputed had invariably disavowed it.

The unanimous complaint, he said, of all those who had been in administration during the present reign, as well as the frequent mortification and distressing embarrassment, self-contradiction, tergiversation, apparent inconsistency, and seemingly intended imposition on Parliament, of those who are now in administration, all prove the existence of these unknown counsellors.

He said, he did not mean to charge the present administration with any real inconsistency in their opinions, or with any intention themselves of imposing on Parliament; he entirely acquitted them of both. He believed them innocent of these charges, for they were obliged to give way to an efficiency they could not counteract, and in which they had not the smallest share.

Now these super-efficient counsellors, he said, for he knew not what other name to give them, were the sole objects of his present inquiry. Upon these, he said, the attention of the House should fix; as that of the nation has long been fixed. These, he said, he desired to have declared to that House authentically; and he desired it now, when they would enjoy the full popularity to which those measures entitle them, which the sense of the nation was said to approve. And therefore he moved,

That an humble address be presented by the House to his Majesty, humbly requesting that his Majesty would be graciously pleased to impart to the House who were the original authors and advisers to his Majesty of the following measures, before they were proposed in Parliament, viz.

For taxing America without the consent of its assemblies, for the purpose of a revenue.

For extending the jurisdiction of the courts of admiralty and vice-admiralty.

For taking away the charter of the province of Massachusetts Bay.

For restraining the American fishery.

For exempting murderers from trial in America.

For transporting accused colonists to England for trial.

And most especially, For establishing popery and despotism in Canada.

Mr. *Sawbridge* seconded Mr. *Oliver's* motion, which, he said, he did in compliance with the instructions of his constituents. He said, it was his opinion, that resistance was justifiable,

justifiable even to acts of Parliament, if they were unjust and oppressive. He said, he had himself once been in danger, together with the late Mr. Beckford and Mr. Townsend, of suffering unjustly by an act of Parliament; for that one gentleman in the House [Mr. Ellis] had come prepared with a string of motions, on which to ground a bill of pains and penalties, although the only crime of himself and his colleagues was that of petitioning the King for a redress of grievances; but that this intended punishment had been over-ruled by one person in the cabinet, who had sense enough to foresee that if they went on with persecution, instead of having one Wilkes to deal with, they should have five.

Mr. *Storer* rose to oppose the motion. He said, the motion might be very well intended; for that some people were apt to suspect too much, and some might think they knew too little; but he thought it proceeded from a very unnecessary curiosity. That as to the planner and original contriver of the measures, no doubt the noble Lord at the head of the treasury must be the person; and that he could not see why all the other most excellent measures which his Lordship had carried through, were not likewise inquired after, as well as those mentioned in the motion; that indeed there was no occasion to inquire after the author of any of them, for that the noble Lord had himself avowed them without any inquiry.

Mr. *Wilkes*. The address to his Majesty, which the honourable gentleman has moved this day, is so essentially different from all other late addresses to the throne, that I own it meets with my hearty concurrence. I think it, Sir, of the utmost consequence to know the original authors and advisers of this pernicious and calamitous war, which has already deluged with blood a part of America, and spread horror and devastation through that whole northern continent. When so many provinces of the empire are lost, and the rest actually engaged in a cruel, civil war, we ought not to sit down in a criminal supineness. It becomes our duty, as the grand inquest of the nation, to find out and punish the delinquents, by whose fatal counsels such evils have been brought upon this convulsed, and almost ruined, state. We owe it to the people at large, and several of us have it in express charge from our constituents.

We are, I fear, Sir, on the eve of an eternal, political separation from the western world, unless a very speedy reconciliation should take place. If the present motion meets

with success, I am sure it will do more towards a sincere, lasting and hearty union with America, than all the captious and fallacious proposals of administration. The Americans will then believe we indeed desire a reconciliation with them, and they will at length begin to have confidence in our counsels, when they see the vengeance of Parliament fall on the authors of our common calamities. The principles of violence and injustice, which have hitherto prevailed, they will see (if the House is really in earnest to treat) yield to equity and moderation; a negotiation on fair, equal, and just terms, may ensue, and a general tranquillity be re-established in an empire, which is now shaken to its very foundations.

I really think, Sir, this is almost the only method now left of extricating ourselves with honour and dignity from our present alarming difficulties. You have voted fleets and armies, and your forces figure greatly in the expensive estimates on your table. But the minister knows very well they are not equal to the mad project of subjugating the vast continent of America; nor do I believe the whole strength of this kingdom adequate to such an attempt. After a very bloody campaign you have conquered only one hill of less than a mile's circumference, for you were suffered to land as friends in the only sea-port town which you possess. Would the noble lord, whom his Majesty has so lately raised to one of the highest civil offices, if he were sent on a military service there, would he venture, even at the head of the whole British cavalry, to advance ten miles into the country? He would not, I am persuaded, be so rash as to make the attempt. And is any minister weak enough to flatter himself with the conquest of all North America? The Americans will dispute every inch of territory with you; a train of most unfortunate events will probably ensue, and the power of recruiting, perhaps subsisting your forces, at such a distance, be lost. After an unavailing struggle of a very few years, when the ruined merchant and manufacturer besiege your doors, you will perhaps think of naming ambassadors to the general congress, instead of your present wild and expensive job, and face, of thirty commissioners, with a salary of four thousand pounds each, to cry Peace, when there is no peace.

Yet, Sir, I think peace absolutely necessary between Great Britain and America, and therefore I approve the present motion, as holding out the olive branch. The Americans are rapidly encreasing in population, and in the knowledge of all the useful arts of life, even in the fashionable art of murdering our own species. The late worthy governor of Pennsylvania

vania declared at the bar of the other House, that the province now grew more corn than was sufficient for the supply of its inhabitants; that they perfectly understood the art of making gunpowder, and had effected it; that mills and other instruments for saltpetre had been erected with success; that the art of casting cannon had been carried to great perfection, as well as that of fabricating small arms; and that they were expert in ship-building beyond the Europeans. He declared, likewise, that single province had actually enrolled 20,000 men, and had 4000 minute men ready on the first notice of any real danger. The authentic accounts of the preparations for the forming, training, and disciplining troops in the Massachusets's Bay and in Virginia are equally formidable, nor are they inconsiderable in the other united provinces. Every idea of force, therefore, on our side must appear insatiation.

All wise legislators, Sir, have calculated the strength of a nation from the number of its inhabitants, the laborious, strong, and active. The population in most parts of America is doubled in the course of nineteen or twenty years, while that of this island is known rather to have decreased since the year 1692. The emigrations of late from the three kingdoms have been amazing and alarming. Our own people have fled in multitudes from a government under which they starved. It appears, from the nicest calculations, that many more of our fellow-subjects have left this kingdom for America, never to return—than I believe administration has hitherto sent in their pay both of our fleets and armies, never to return; in any considerable proportion I mean of the force sent. The Americans, Sir, are a pious and religious people. With much ardour and success they follow the first great command of Heaven, Be fruitful and multiply. While they are fervent in these devout exercises, while the men continue enterprising and healthy, the women kind and prolific, all your attempts to subdue them by force will be ridiculous and unavailing, and be regarded by them with scorn and abhorrence. They are daily strengthening, and if you lose the present moment of reconciliation, to which this motion tends, you lose all. America may now be reclaimed or regained, but cannot be subdued.

Gentlemen, Sir, do not seem to have considered the astonishing disadvantages, under which we engage in this contest against the combined powers of America, not only from the distance and natural strength of the country, but the peculiar and fortunate circumstances of a young, rising empire. The

congress, Sir, have not the monstrous load of a debt of above one hundred and forty millions, like our Parliament, to struggle with, the very interest of which would swallow up all their taxes; nor a numerous and hungry band of useless placemen and pensioners to provide for; nor has luxury yet enervated their minds or bodies. Every shilling they raise, will go to the man who fights the battles of his country. They set out like a young heir with a noble landed estate, unincumbered with enormous family debts, while we appear the poor, old, feeble, exhausted, and ruined parent; but exhausted and ruined by our own wickedness and profligacy.

Sir, I daily hear the Americans, who glow with a divine zeal for liberty in all its branches, misrepresented in this House, and the ostensible minister diligent in propagating the most unjust calumnies against them. The noble lord with the blue ribbon told us, the liberty of the press was lost throughout America. The noble Lord deceives us in this, as in many other things. His intelligence can never be relied upon. The liberty of the press, the bulwark of all our liberties, is lost only in Boston, for his Lordship's ministerial troops govern there only. The press is free at Water-Town, but seven miles distant from Boston, at Philadelphia, Newport, Williamsburgh, and in the rest of North America. I will give the House the demonstration. General Gage's foolish and contemptible proclamation against Samuel Adams and John Hancock, two worthy gentlemen, and, I dare to add, true patriots, declaring them rebels and traitors, while the generals Washington, Putnam and Lee, with the naval commanders in arms, remained by him unnoticed, was reprinted in all the American papers. His letters likewise to Governor Turnbull and others, in which he most heroically apologized for his inert conduct, as necessary for the protection of the army, which we were taught to believe would look all opposition into submission, awe the factious, and give security to the well affected, these letters too were faithfully copied, and I believe all the curious orders he has issued, will be found as exact in the Pennsylvania, Water-Town, and other news-papers, as in the gazette, published by his authority at Boston, which is as partial and false as that of Paris.

The honourable gentleman, Sir, who spoke last, says, the present address is trifling, for we already know the author and adviser of all the late measures against America; that the noble Lord with the blue ribband will avow them, and has
done

done it. I wish to hear such a declaration. Will the noble Lord avow himself the adviser of only one of the late flagitious measures, that of establishing Popery and despotic power in Canada? The father of that monstrous birth I thought had prudently hitherto chosen to remain concealed. He likewise tells us, the motion now before us is coupled with nothing, and leads to nothing. I will tell him what it ought to lead to, and be coupled with. I mean an impeachment, Sir, which I trust will follow, as the next motion of the honourable gentleman who spoke first in this debate. Whoever did advise the measures lately pursued, which have lost half of our empire, I consider as a criminal of so deep a dye, that his head would be a just sacrifice to the honour of England and the peace of America. The word Impeachment, I hope, will still strike terror to the ear and heart of a wicked and arbitrary minister, and that the noblest and most important prerogative of this free people, secured to us by our great deliverer, King William, in the act for the further limitation of the crown, and better securing the rights and liberties of the subject, will shortly have its full effect, that no pardon under the great seal of England be pleadable to an impeachment by the Commons in Parliament.

Lord *North* thanked Mr. Storer for the compliments he had paid him; but said, the honourable member who made the motion, had not considered him as the responsible author of the measures he had mentioned. He allowed that the cabinet and efficient cabinet councils were no parts of the constitution; but said that the King might consult any part of the privy counsellors he pleased. He said the present motion was a very strange one: that there were several acts of Parliament concerned in it, of which he did not know the author: he did not know who was the author of the act of Henry the VIIIth, which he supposed was alluded to; that some of the other acts had been made in different administrations. As for Popery, he said, that was established in Canada before, and despotism was not now established; for that the present act might possibly be repealed when Canada should be in a situation fit to have assemblies; but that at present a legislative council at the will of the crown was the fittest form of government for them. That however the Canada bill came to them from the House of Lords; that he was very willing to take upon himself the guilt of supporting it in the House of Commons. But he said, he hardly thought any person would propose the calling members to account for proposing or supporting any measures in Parliament. The gentleman who made the present motion

motion was certainly a great stickler for freedom of debate, and freedom of opinion, and to complain therefore to another tribunal of what happened in this House, in consequence of using that freedom, he could not think suitable to the general tenor of his conduct; he was sure it was not constitutional; that he was the more surpris'd at this motion, as the gentlemen who had moved and supported it, had always professed themselves disregardless of men, and concerned only about measures; but that this motion was calculated merely for personal chastisement, and rebuke. He said, he agreed intirely in opinion with the counsellor, whoever he was, that might think one Wilkes sufficient; for indeed he thought that it was one too much in any well-regulated government; though, he said, to do him justice, it was not easy to find many such. Upon the whole, he said, he could not think it proper to carry up a complaint to the King of measures which had received the sanction of Parliament; but for Parliament itself to do it would be ridiculous.

Hon. *Temple Luttrell*. I rise to give my thanks to the worthy magistrate who has offered to the House this motion, because I think it (as to spirit, however incorrect its form) replete with duty and true affection to his Sovereign, and promises the most effectual relief to the subject throughout every part of the British Empire, at a time of imminent peril to our constitution, our trade, and our liberties.

I own myself to be one of those persons, who, from an unalterable and inmost conviction of mind, subscribe to the doctrine of the great Mr. Locke, that "the legislature changed from that which was originally constituted by general consent, and fundamental acts of society, such change, however effected, is at once an intire dissolution of the bands of government, and the people are at liberty to constitute to themselves a new legislative power." Now, Sir, that the legislature has been materially changed with respect to your American colonists, from what was in the original and fundamental constitutions of society, there can be no doubt; by disposing of their property contrary to their consent, and by the hostile and savage acts consequent thereto, the bands between the British government and the American colonies are of course dissolved; whether or not they will constitute themselves a new legislative power, time only can shew. I very much apprehend, that, unless a speedy and equitable plan of conciliation be held out to them by us, who are the aggressors, such will be the baleful end of our quarrel. But, Sir, we are now come at the prime authors and promoters of this mischief. Shew us the men, that, betraying the in-
terests

terests of their fellow-citizens, and confidence of their Sovereign, first carried rapine, famine, and assassination, thro' that devoted continent. We know that (to speak parliamentary language, and as becomes every well-affected subject) the King *can do no wrong*; we know that his Majesty, from moral principle, *will do no wrong*. He is, perhaps, the last man in these dominions who would commit an act of cruelty or injustice against any individual, much less against a whole community; but, Sir, we likewise know, that integrity and a guardless temper of heart have subjected *good Kings* to a misguidance, which has proved fatal to them in the end. The five dethroned monarchs to be met with at different æras of the English history were distinguished severally in their day for conjugal and paternal affection. They were exemplary models of virtue in domestic life. * Three of them, precipitated from a throne, were secretly put to death. † One ignominiously suffered upon a public scaffold; and the ‡ fifth, having forfeited his crown, was sent into exile. Yet, not many hours preceding the fatal, expiative sentence, each of these deluded potentates was assured, by his ministers and sycophants, he could *do no wrong*. It may be decent, it may be proper, though I have ever regarded such assurance as the syren canticle which has led many of our best princes, with a full-swelled canvass, on those quicksands they would otherwise have steered clear of. Sir, it is only by protecting the guilty that kings *can do wrong*; the people of England owe much to forbearance, and are slow to commotion; but when once in arms, and under the standard of constitutional freedom, however they may have been sometimes baffled in partial onsets, they have, at the day of decisive battle, proved themselves invincible. Neither has such their laudable enthusiasm been confined to the re-establishing of original laws for the security of their possessions and franchises, but has operated with no less vigour in bringing to condign punishment those traitorous persons who had presumed to infringe them; nay, of this we have striking proofs, without recurring to the moment of actual revolt, and when the executive power was compelled to pay due regard to popular discontent. In the reign of Richard II. the weakest and worst of our kings, (who, at one time, declared he would not turn out the meanest scullion in his kitchen to please his Parliament)

* Edward II. Richard II. Henry VI.

† Charles I.

‡ James II.

some great men, who had abused the royal confidence, by carrying into execution schemes subversive of public liberty, suffered as being guilty of high treason*; and, at the request of his people, this king, in the tenth year of his reign, appointed commissioners to scrutinize and reform his cabinet and household. Henry VI. (impotent of mind, and obstinate of disposition as he was) in his twenty-ninth year, at the suit of the Commons, banished between twenty and thirty of his counsellors and minions from his presence, not to be seen for a year within twelve miles of the court; their sentence says “that they may be duly improved.” It was their Master’s sad mishap, who recalled many of them at the expiration of the term mentioned, that they were found incorrigible. Under Henry VIII. the greatest tyrant of the most tyrannic race that ever grasped the sceptre of this realm, others suffered for being the chief promoters of very iniquitous extortions during the preceding reign †. Did not a Lord High Chancellor ‡ experience, in the time of the first Stuart, that neither personal endowments, nor elevated station, could shield him from the punishment due to his corrupt practices? Sir, in the reign of Charles I. certain Judges § met the severest reprehension for attempting to deliver opinions which were deemed subversive of the rights of the people; and, in the subsequent reign (that of Charles II.) we likewise see instances when great men || were impeached before Parliament for high misdemeanors in carrying on the administration of justice. These, and other innumerable examples to be found in your annals and codes of Parliament, sufficiently evince that no official influence, no honorary dignity, could, in the days of our ancestors, screen the infractors on the lawful tranquillity of the subject from punishment, tho’ they were the nearest servants of the crown, and illumined with the brightest rays of kingly favour. Sir, I am well aware that the malversations of government have, in the detail, been usually brought as a heavy charge upon the minister only, keeping clear of the monarch: that they have been

* Earl of Suffolk, Lord Chancellor, Duke of Ireland, archbishop of York, and others.

† Sir Thomas Empson and Edmund Dudley.

‡ Bacon Lord Verulam.

§ Lord Keeper Finch, Judges—Davenport, Crawley, Berkley, &c.

|| Chief Justice Scrogs, Sir Francis North, Sir Richard Weston, Sir Thomas Jones.

imputed to a De Vere ; a Le De Spencer ; a Bishop Laud ; to a Father Peters ; and had such incendiaries, with their base adherents, been timely and voluntarily given up for a sacrifice, atonement might have stopped there ; but the Prince on the throne, fascinated by a false glare of prerogative, and plumed with towering notions of his divine vicegerency, could not be prevailed upon to withdraw his auspices from the proper authors of public calamity, till an injured and enraged people were driven to the necessity of bringing home the sum total of grievances to the account of Majesty itself. Hence followed social warfare, rivers of blood, and dethronements.

Is there an unprejudiced person in this House, endued with a tolerable share of discernment, who, dark as the political horizon around us now is, cannot discover further mischief to be complotted on the basis of these transatlantic piracies ? Are we, Sir, to remain silent and passive till an army of civilized Britons, in compact with the barbarians of Russia, shall have enforced and perpetuated slavery in all our American colonies ? Till your popish brigades have taken good account of the liberties of Ireland ? Till a mountaineer-militia pours in upon us from the northern confines of this island ? Till the mercenaries of a German electorate shall have assumed the guardianship of Portsmouth, Plymouth, and the rest of our sea-port towns, (for they may lawfully do so, according to a very learned gentleman of the long robe on the other side of the floor*) till, I say, all these motley legions shall have united, to accomplish the hopeful purposes of such zealous addressers as appeared in the London Gazette of last week ? † Then shall the uplifted hand of vengeance and outlawry fall upon the scattered, helpless *corps* of petitioners throughout the several counties of England ; those *unreasonable* petitioners to a Prince of the Brunswick family, in behalf of Revolution principles and lawful freedom ! Then shall the provinces of America, like many of those in Asia and Africa, be governed by Bashaws ; by a knout, or a bow-string, and a Parliament here at home, dastardly and dependent as the Ottoman Divan, maintaining Janissary law, shall establish the sway of an arbitrary Sultan on the ruins of limited monarchy, and of the best constitution that the wisdom and spirit of mankind ever framed for the happiness and glory of their fellow creatures. Sir, the

* Mr. Wedderburne.

† The Scotch addressers in the Gazette of 25th of November.

honourable gentleman who made this motion before you is for tracing this torrent of iniquity to its source, and it is our duty so to do. If there are *efficient* or *super-efficient* ministers behind the curtain, let them no longer remain latent, but be dragged forth to public execration and to public justice. Certain I am, that the only fabricators of the American war are in this island; they are in this metropolis; they are most of them in this House. Several oblique hints and insinuations have at different times been cast to these benches near me from over the way. Some * of the persons I allude to must own it their duty in a *double* capacity; their duty within these walls, and their duty elsewhere, if they have substantial grounds for such charge, to produce and bring home evidence to the criminal persons. Are they naturally backward at employing spies, or filing informations; or have they not such correct alertness in composing warrants of commitment? Where then are these enemies to their country on *our* side of the House? Are they to be found among those gentlemen opposing your present measures, who withdrew from the sunshine of a court, and relinquished offices of great honour and profit, rather than sanctify such projects as their consciences revolted against? Are they among those opulent commoners † who have a landed property, and hereditary consequence at stake, equal to the best subjects in Europe? Are they to be found in those heroic commanders ‡ who fought at the head of your fleets in the last war with a prowess beyond the idea of the most romantic ages of antiquity? Or must we look for them in those intrepid magistrates, whose public conduct has gained them the confidence and affection of their fellow subjects in the greatest city of the whole commercial world, and who are justly revered throughout the most respectable trading communities in all parts of the British empire: those magistrates, to whose talents, vigilance, and stability, we now turn an eye of expiring hope, as to our sheet-anchor, which can alone preserve the labouring vessel of the state from the dreadful rocks by which it is encompassed? Sir, there are no *Catlines* § on this side of the House. Far be it from me to charge any gentleman on the *other* side with meriting altogether that appella-

* The Attorney and Solicitor General.

† Sir George Savile, Sir James Lowther, &c.

‡ Sir Charles Saunders, Admiral Keppel, &c.

§ Alluding to an expression from the ministerial side of the House a few evenings before.

tion. Many, very many, there are facing me, who act (I am sure) from such principles as they persuade themselves are principles of wisdom and rectitude; but, Sir, I will say, that in the line of ministers; in that sanguinary phalanx, at least, which, during all the evolutions and revolutions of government for several years past, has remained unshaken and impregnable; in *them*, and in the composition of their principles, I see many *Catilinarian* ingredients; an insatiate thirst of riches; a licentious pursuit after power; dominion to be acquired by the most desperate hazards, and the most savage enterprizes; by the burning of whole towns, the habitations of men, the temples of the Divinity; innocent families to be butchered, and the entire demolition of the commonwealth at her halcyon zenith of peace, harmony, and abundance. Whether or not amidst the arcana of their *cabinet*, they, like the Catiline junto, pass from lip to lip the chalice filled with human blood, as a pledge of secrecy and co-operative zeal, and to "*river them to coercion*," is best known among themselves; but if one may judge by the diabolical creeds which they have not scrupled to avow, such may well be the cup of their sacrament. Men of affluent incomes they have among them, yet, chiefly from the stipends of office, not a patrimonial inheritance, nor the fruits of an honest industry; we may, it is true, give them the credit for a few renegado-converts of note, taken in upon the Sherwood-forest system of policy in the days of Robin Hood, who recruited his troops, from time to time, with such needy stragglers as could stand a tough buffeting with the arch-contrabandist himself, hand to fist.

Let us now look for their *military* coadjutors. Those few they could claim of high reputation, and to whose abilities and spirit we might, on a *future* foreign war, venture to give *in custodium* the inestimable glories of the *last*, these ministers have grouped in a triumvirate, and transported to America upon a worse than buccaneering expedition. We know that they were, last session, among the deceived at home, and have this year been already disgraced abroad; at this hour I am speaking are, perhaps, in ignominious durance, or dead; if dead, be it for their best reputation, and the repose of their departed spirits, that they achieved *no* part of the errand they were sent upon. This, Sir, puts me in mind of another *martialist*. (looking at Lord Geo. Germaine), not unsignalized in former campaigns, who being now exalted to a place of the greatest public importance; if no
other

other members better qualified than myself shall undertake the task, I perhaps may, on a future occasion, hold it my duty to give him that distinct and copious eulogium which is his just due. Yet, before I sit down, I can by no means omit mentioning the person in office who, with little better pretensions, in my humble opinion, than the daily runner of a faction, (looking at Mr. Jenkinson) having climbed into a post of high financial trust, the first duty of which is to be provident of the treasure of his sovereign and his country, measuring his claims by his own presumption and rapaciousness, not by desert, exacted from the crown a more liberal gratuity than has heretofore been given for eminent and splendid national services; more than was asked by a Burleigh, a Godolphin, or an Earl of Chatham; and more than deemed sufficient, by a munificent and grateful nation, for an illustrious naval conqueror*, who is now passing the evening of his life in humble frugality. Tell *this*, Sir, to the people of America; and tell them, that a secretary of state †, retiring from, or rather *deserting* the public duty, at a conjuncture of some embarrassment, either through indolence, apprehension, or conscious insufficiency, is to be pensioned on the state to the amount of 3000*l.* *per annum*. I say, Sir, relate these recent marks, how admirably we Britons appropriate our own money, and the colonists can no longer hesitate to make us trustees for the disposal of theirs; especially if it be to pass through the same hands, and for the like hallowed purposes.

However, I shall still flatter myself, as a consequence of the motion made by the honourable magistrate, (though I could have wished it in a better mode) that our gracious Sovereign will, from the transcendent goodness of his heart, and reflective wisdom, at length give ear to the supplications of his afflicted people; and, notwithstanding he may, from an impulse of lenity, preserve the guilty ministers from the punishment their offences demand, he will, for the sake of humanity, and for his own safety, remove them from his council and presence for ever.

Mr. *Hayley* said, that instructed as he was by his constituents, he could not give a silent vote on the occasion; and he thought, that as all the petitions presented to the King had

* *Sir Edward Hawke,*

† *Lord R—lf—rd.*

been rejected with disdain and contempt, the present method of an address to the King from the House was a proper measure.

Lord *Folkestone* highly complimented the member who made the motion, both as a public and a private man, and said, that he held a seat in that House on the most honourable terms; that, for his own part, he condemned all the measures which had been taken against America; because they were adopted in defiance, and by reprobating every principle on which we support our own liberties; that particularly the act for establishing despotism and Popery in Canada, was most obnoxious; for not to mention the annihilation of every species of civil liberty which it establishes, it plainly declares, that in the opinion of Parliament, all religions are equal; and that the only foundation of preference of any, is, its being the more easily converted into an engine of state. But as the motion was directed against acts of Parliament, it was impossible to agree to it. The movers of them are, said he, sufficiently known. We do not want to be informed of that. It is sufficient at present, that Parliament has adopted them: time may come, he hoped, would come, when we shall know who concealed that information; who suppressed that evidence, which if Parliament had received, it would not have adopted them. That he should reserve himself till that time, and therefore at present moved the previous question on the motion of the alderman, as on one which ought never to have been made.

Mr. *Hussey* seconded this motion.

Mr. *Thurlow* said, that an application to the crown concerning any measures which had once passed the Parliament, was highly improper, unconstitutional, and derogatory to their honour; but that he was against the previous question, as he should chuse to give the motion itself a flat negative.

Mr. *Charles Fox* said that he should be against the motion, because it seemed to excuse administration, and to throw the whole guilt on some other persons; whereas he thought administration equally guilty; but he did not think that any punishment could at any time be constitutionally and legally inflicted for any thing whatever, which should be done in Parliament; this conduct there, will always be followed by the loss of reputation; and that he should therefore move for the order of the day, as the best method of getting rid of the motion.

Governor *Johnstone* disliked Mr. Fox's doctrine, that ministers were only punishable by loss of reputation. He quoted

Sir Edward Coke's authority, that acts of parliament, obtained by undue influence, or by misinformation, were neither a constitutional excuse, nor by precedent could be made a shelter for the misconduct of ministers. He said, that he disliked the frequent use of the word *impeachment*; that impeachment was a great power of the state, seldom to be exerted, but never to be mentioned without a probability of carrying it into effect against some great criminal. That he objected to the motion, because he thought an inquiry should begin by proving some fact. And said, he hoped, that from the variety of opinions in the House, and the treatment this motion met with, that gentlemen would be taught how necessary it was to act in concert, and consult and act with a number of other persons in their motions and measures.

Mr. *Rigby* took this occasion, afforded by Governor *Johnstone*, to ridicule most strongly the conduct of opposition. He remarked their distraction; and the abject state to which every independent gentleman in the House must reduce himself, as a member of opposition; that he must follow a leader much more slavishly and implicitly than in any administration; for that if any unconnected member should make the very motion which opposition had itself determined, yet if he did it without their previous consent and permission, they would themselves turn round upon the honest gentleman as a rebel, and treat him with more indignity and insolence, than any of which they complained in behalf of the Americans. He reminded the city members, that as they professed that they acted in consequence of the instruction of their constituents, they ought to obey them universally, that there were particular points which they had overlooked; that they ought to rub up their memories, before they professed such obedience; that he wished them to obey them universally; that he might have an opportunity of negating them universally.

The question was then put for the order of the day, which passed in the negative, without a division.

The previous question was then put, that this question be now put. Aye, 156; noes 16.

The main question was then put. Ayes 10; noes 163.

The House went into a committee of supply.

Resolved. That 426,904l. 19s. 6d. be granted for the ordinary of the navy, for the service of the year 1776.

That 339,151l. be granted to his Majesty for buildings, repairs, and repairs of ships for the service of the year 1776.

November 28.

The resolutions of the committee of supply were reported; and after a short conversation between Captain Luttrell and Mr. Buller, agreed to.

Captain *Luttrell* observed, that large sums were annually granted for rebuildings and repairs of ships of war, which he was well satisfied were never expended. He instanced in particular, the *Dragon*, which had been charged in the estimate for three successive years, and still remained in her former condition.

Mr. *Buller* said, that it was impossible to tell exactly what the repairing or rebuilding a ship might come to; for in some instances repairs and rebuildings came as high as building a new ship.

Captain *Luttrell* answered, he supposed it must come higher; for the ship just mentioned might be built for 30,000*l.* complete, whereas it appeared by the estimates alluded to, that she had cost the public 32,000*l.* though she still remained useless, and for aught he could learn, would ever continue so.

Mr. *Buller* replied, that as to the comparative cheapness of rebuilding, it was not now the question. It might be sometimes better to repair, at others better to rebuild, and on other occasions still better to condemn entirely, and lay a new vessel on the stocks. And as to what the honourable gentleman urged, relative to the estimates, that ships were included in them year after year, it was nothing uncommon, and might be easily accounted for. For instance, a vessel might be put on the estimate this year, and when she came to be repaired, &c. it might be found expedient to lay out the money voted, upon some other ship, and so a second and a third year; but still, that did not go to impeach either the propriety of the estimate or the reality of the expenditure of the gross sum voted, though the application of the several items should be directed to services of a kind different from what it was first destined.

November 29.

Resolutions on the Nova Scotia petition reported.

When the first resolution was read, there was some general conversation on a point of order between Lord North, Sir George Yonge, and Mr. Burke, as to the time of moving some propositions which each intended. The Speaker interposed.

Lord

Lord *North* said, in explanation of the resolution that it might be proper the committee who would be appointed to bring in a bill upon the resolutions, should be instructed to explain that nothing was meant to interfere with the old mode of requisition. That he had heard in the committee the idea of the honourable gentleman [Sir George Yonge] as also the idea of the honourable gentleman [Governor Pownall] behind him. And he owned he thought the idea of the honourable gentleman behind him, of a proviso making it clear that nothing was meant to restrain the crown from making requisitions, nor the people from making grants upon them, might be very proper. However the House would be the best judge of it, when the matter came into discussion at its proper time. He had always considered the petition as an answer to the conciliatory proposition he made last year.

Sir *George Yonge* said, it was too ridiculous to suppose that. It was no answer to the noble Lord's conciliatory proposition; for that proposition was addressed to those colonies with whom we had differences, but we had no differences with Nova Scotia. In the next place he said, this colony acknowledges the Parliament of Great Britain to be the supreme legislature, and so did the general congress; that the petitioners acknowledge it to be their duty to contribute to the empire, and so did the congress. But that they likewise claimed the right which the congress claimed: namely, the giving and granting their own money, and not being taxed by Parliament; that they claimed this as their own right, as well as all America, to which they desire to be held out as a pattern; and they desire it on the footing of preserving to themselves, as well as all America, the rights of mankind in civil society. He was convinced they claimed the exercise of this right, as the condition upon which they consented to grant that tribute to the empire, and of their duty and allegiance to their mother country. He added, that being by this petition convinced that these were the genuine sentiments of all the colonies, as well those with whom we had differences as those with whom we had not; and that if the exercise of this right was granted by an explicit declaration, which was the only road to peace, there would be an end to the war; that he therefore, for the sake of peace, should conclude with the offer of his proposition, wishing the ministry to accept of it, that they themselves might make that peace, which he should thank them for, as well as every man in England; which he was satisfied

satisfied was in their power, if it was but in their inclination ; but was only in their power, or in any body's, by means of a declaration of that kind. " That when the exigencies of the state may require any further supplies from the province of Nova Scotia, then, according to the prayer of said petition of said province, such requisitions should be made, as have been formerly practised in North America, whereby the said province may have an opportunity of shewing their duty and attachment to their Sovereign, and their true sense of the cause for which such requisitions were made, by means of which alone his Majesty can be made acquainted with the true sense of his people in that distant province."

Mr. *Fielde* seconded the motion. He entirely agreed in the whole of the honourable gentleman's argument ; and added, that the matter was of too much consequence to be left in ambiguity.

Governor *Pownall* moved the previous question ; in order, he said, to introduce a motion he had given notice of before.

The House divided. For the previous question, 89 ; against it, 12.

Governor *Pownall*. He was somewhat experienced in this matter, as to the grounds on which the people of America give and grant their monies. He knew, he said, their jealousies on this subject, and how necessary it is to obviate all such. That he had therefore on this occasion, where the House are calling upon them to contribute, by their own grants, to the common burdens of the empire and to the common defence, very attentively watched the mode in which (in this particular case) the House would frame this business. That there may be nothing, not only to give real grounds of objection, but not even grounds of jealousy. He was, he said, very apprehensive lest, when the House came to frame that part of the bill which requires the approbation of Parliament to the just proportion of the quota offered, it should act as referring to any principle which even seemed to imply, that no laws whereby grants of money are made to the crown, were compleat, and had legal effect until the King and Parliament consented to them. All laws, unless such as are contrary to the laws of England, made by the assemblies, are compleat, and have legal effect, unless *disallowed* by the King. But in grants of money, as a quota, towards the common defence ; which grants, like all others, are made to the King, the King's acceptance, accompanied

by his thanks, is the true mode of approbation, and I hope that the bill will be framed accordingly.

There was a second point in which he thought he could discern the seeds of jealousy; that was, the fixing the quantum or amount of the duty. To avoid all doubts and jealousies on this head, and to hold it out to the other colonies as an indisputable truth, that the House do not mean that the *amount* of any grant made by any house of representatives in America, must originate in the British House of Commons; it will, he hoped, be discriminately marked, by reciting in the bill that the naming the amount or rate of the duty, in this case is done, at and in consequence of the express reference and special desire of the house of representatives of Nova Scotia.

A third point will also require a scrupulous attention. He said, he had watched it with a jealous attention: and that is, that although the money granted for the common defence must lie at the disposal of the Supreme Power which hath the direction of the common defence; yet the *application of it to that defence only*, so as that it may never be perverted to other purposes, should lie with the grantors. If there be left the least doubt on this head, if this matter be not made clear in the tenor of the bill, whatever Great Britain may get from Nova Scotia, it will never have a grant from any other province.

If these matters should ever be settled, there will still remain a doubt which must be cleared up. The people of America have got rooted in their hearts a jealousy, that when the Parliament have once carried the point of a fixed and permanent revenue for the support of the colony government, and a perpetual revenue for the common defence, assemblies will become useless, and that all intercourse between them and the crown will be cut off. The house of representatives of Nova Scotia express this fear and jealousy, and it is the universal apprehension of the whole continent of America. A motion arising from a very accurate and proper attention, was made in the committee by an honourable friend of his, [Sir George Yonge] and had it been placed on such ground as suited the constitution both of the colonies and of Parliament, he would, as he then said, have seconded and supported it. It was not so framed. That something on that idea ought to be done, he was fully persuaded. He had therefore drawn up, under the form of an instruction

instruction to such committee as shall be ordered to prepare and bring in the intended bill, the idea which he meant to propose to the House when that committee is appointed. "That they do by a proviso take care that nothing in that bill doth extend or be such as may be construed to extend in any manner to restrain the crown, when the exigencies of the state may require any further aids from the said province, from making requisitions thereto in the usual manner, as formerly practised; nor to restrain the people of the said province from giving and granting to his Majesty, by their representatives in assembly met, further aids on such requisition so made;" by which, as they properly say, they may have an opportunity of shewing their duty and attachment to his Majesty, and their sense of the service for which such requisition is made.

The first resolution being agreed to when the second came to be reported, Sir *George Yonge* moved the following amendment. "That it appears to this House, that the granting the powers to the colony of Nova Scotia, of providing for the supply of the future exigencies of government, by the mode of requisition formerly used in America, was the condition on which the said colony did make the offer of granting the revenue in their petition expressed."

Mr. *Burke* seconded this motion. He said it was almost in vain to contend, for the country gentlemen had abandoned their duty, and placed an implicit confidence in the minister. But that should neither now nor hereafter prevent him from performing his duty; for, let the noble Lord be in or out of office, when the measures which he was hurrying the nation wildly and inconsiderately into, were fatally proved to be ruinous and destructive in their consequences to the most important interests of this country, his Lordship might depend on it, that he would be made responsible for measures he had carried into execution, under the sanction of such a confidence.

Mr. *Fox* spoke in favour of the amendment. He said, an opposition to it by administration appeared to him scandalous and disgraceful. He was astonished how the House could follow and agree to such a solemn mockery of all Parliamentary order and decorum.

Sir *Grey Cooper* said, he was surpris'd that the gentlemen on the other side, when they were objecting to the resolutions, never said a syllable relative to the very dutiful expressions contained in the petition, in which they acknowledge the supremacy of the legislature of this country.

Mr. *Anthony Bacon* said, he could venture to speak with some confidence, as the matter concerned trade; and he was convinced a bill brought in pursuant to the resolutions now reported, would have the most salutary effects, both in point of revenue and commerce.

It passed in the negative.

The second resolution being agreed to, Mr. *Burke* proposed the following amendment to the third resolution: "That although the terms of the resolution of this House, of the 27th of February 1775, relative to America, seem literally to require, that the offer therein mentioned should be made by the governor, council, and assembly, or general court of any province, the true intent and meaning of the same does not require any thing more, in order to be accepted by this House, than that the said offer be made by the house of representatives of such province; and also, though the said resolution seems to require, that the said offer should bear a proportion, according to the condition, circumstances, and situation of such province, yet that the true meaning of the said resolution doth purport, that any duties which this House shall approve, will be accepted as a compliance with the said resolution, although no grounds for determining said proportion, be laid before this House; and also, though the said resolution does seem literally to require, that the said provinces do make provision for the support of civil government, and the administration of justice in such province, the same doth not require, that any other provision for civil government should be made, than what such province hath been accustomed to make."

It passed in the negative.

Adjourned to December 1.

December 1.

Lord *North* moved for the second reading of the American prohibitory bill. He said, if there was any thing which carried an air of severity in the bill, it would be in the power of America herself to prevent its operation; for all that the people of any colony had to do, was, in any one instance, to own the legislative supremacy of Great Britain, as the parent and controlling state; or if unwilling to accede to any general declaration of that kind, to contribute of their own accord towards the support of government, as one of the parts of the empire entitled to the protection of the whole.

Hon.

Hon. *Thomas Walpole*. My sentiments have been so rarely delivered in this House, that some gentlemen consider me as one of those who have lately changed their opinions respecting America. Had I indeed formerly approved the measures of government towards the colonies, the ill success which has resulted and which is likely to result from them, would now convince me of the expediency of changing the system of our conduct. My sentiments, however, have been *confirmed, not altered*, by our late unsuccessful experiments in America; as I have constantly disapproved every act for imposing taxes on the colonies.

Respecting the bill now under consideration, I must oppose it, because of all our proceedings, this appears to me the most violent and impolitic. It begins with a formal indiscriminate declaration of war, against the inhabitants of thirteen colonies, and after authorizing a general seizure and confiscation of their effects, it concludes with a fallacious nugatory provision respecting the attainment of peace. Concerning the first of these objects, I must observe, that were it both justifiable and expedient to seize and confiscate the property of the colonists without discrimination, the time for doing it is *past*, and the measure become impracticable, by that total suspension of commerce which has now taken place in America. Twelve months ago, indeed, an attempt of this kind might have succeeded, but its success would have been ruinous to multitudes of British merchants, who were either immediately or remotely interested in the cargoes of all American vessels wherever dispersed, and especially of those laden with corn, which the Americans were honourably sending us in discharge of their debts, and which was necessary to preserve Europe from famine. The attempt was therefore wisely suspended, as indeed every other hostile measure ought to have been; since it is impossible for us to injure the colonies without suffering by the distress which we may occasion them. But if it was expedient to delay the seizure of American ships while they were in our power, it must be absurd to attempt it when the measure is no longer practicable, or at least when our only captures will be *privateers*, which a knowledge of this act will provoke the colonists to fit out, in order to distress our West-India trade, and make reprisals for those depredations which we are now going to authorize; unless, indeed, the severe penalties of this bill should (as I think they will) in-

duce the Americans to open their ports to the ships of other maritime powers, and invite foreigners to supply their wants; a proceeding which would compel us to seize the effects of the subjects of other states, and eventually involve us in a disastrous European war.

Respecting the concluding part of this bill, I cannot but think the provision which it makes for peace is very unsuitable and inadequate to the attainment of it. For the provision consists only of a power in certain circumstances, to grant particular pardons and exemptions from the penalties of this act. But will the offer of pardon satisfy men who acknowledge no crime, and who are conscious, not of *doing* but of *suffering wrong*? Or will the prospect of an exemption from commercial seizures, without the redress of any grievance, disarm those who have deliberately refused all commerce until their grievances shall be redressed? A noble Lord, who is now become the minister for America, has indeed told us, that nothing should be granted to the colonists until they shall have laid down their arms and made an unconditional submission to our claims. Very little however must his Lordship know of human nature, or of the people annexed to his department, if he thinks the motives which have induced them to associate, arm and fight in the defence of their supposed rights, will not for ever prevent the return of peace, unless more adequate and just provisions be made for obtaining it.

The only benefit which has resulted from our unhappy contest with America, is, that by it we have been led to revert to the first principles of civil polity. After numerous struggles between the powers and opinions of contending parties, we all now agree in this fundamental truth; that civil government was instituted to benefit the *many* who are governed and not the *few* who govern; or, in other words, that its proper end is the preservation of *life, freedom, and property*; and of these, the latter has, under our constitution, been the object of peculiar care. Indeed the very nature of property, as it is constantly defined, requires that the proprietor alone should have a right to dispose of his *property*, and therefore it is that by the most solemn provisions of our government, the consent of those from whom money is wanted for national services, is made indispensably necessary. I have attentively considered the peculiar rights of this House respecting the imposition of taxes, and also the usual words, forms, and circumstances of our pecuniary grants.

grants, which of themselves sufficiently prove, that a right of granting away the property of our constituents is totally distinct and different from a right of making laws to govern them. We are the only branch of the legislature that represents the people and property of Great Britain (the peers sitting by titles derived from the crown) and therefore a grant of this House in its *representative* capacity necessarily precedes the imposition of any tax on the people. This appears from the tenor of all the acts for raising supplies, which begin with reciting that "the Commons" alone, separately and distinctly, have first granted the rates, duties, and impositions, intended to be levied, and afterwards proceed to *enact*, by the joint authority of King, Lords, and Commons, that the sums which have been thus distinctly granted by the latter shall be collected according to the intention of their several grants; and in the very same manner the legislative assent of Parliament was always required to authorize a collection of the subsidies formerly granted by the clergy in convocation; though yet, without a previous grant from the clergy, no taxes were collected from them by authority of Parliament until the reign of Charles the Second, when they obtained a share in the national representation. And, excepting the perplexity, which late sophistical fallacies may have occasioned on this subject, no privilege of our constitution was ever better ascertained, more generally understood, or more confidently believed, than the privilege which Englishmen for a long succession of ages have enjoyed, of being taxed only with their own consent, or that of their representatives. In virtue of this privilege it was, that the unrepresented people of America refused to pay the taxes we have lately imposed on them; a refusal which has been followed by a series of intemperate and violent acts on our part, and by a loss of our former dominion over thirteen of the colonies on that continent. To recover the affection, the commerce, and the allegiance of the people of these colonies, should be the end of all our endeavours. The measures which we have hitherto pursued for this end have produced none but the most pernicious consequences; it is time therefore to profit by experience, to grow wise by misfortunes, and to try the effects of a different system of conduct. Enough, and I fear too much, has been already attempted by irritation, by menace, and by violence; let these give way to milder proceedings; let us seek for peace, not by carrying war and desolation over the countries we would govern, not by destroying the sources

of that commerce we would regain, not by exciting irreconcilable hatred in those whose affections we should reconcile, but by pursuing the dictates of reason, humanity, and justice, which are all repugnant to every part of the bill under consideration.

Mr. *Cornwall* did not see how the dispute with America would be productive of a war with any European power. He imagined the reverse, because Spain in particular, feeling a similarity of situation and interest, instead of encouraging America in acts of disobedience to the parent state, would rather contribute every thing in her power to suppress a revolt, which, in example, might be fatal to her own interests in the new world. He observed, that great stress, he foresaw, would be laid on that part of the bill, which subjected all ships, merchandize, &c. which belonged to the people of America, or any persons whatever found trading to that country, to forfeiture and confiscation; but, he supposed, if the present state of that country were only considered for an instant, the propriety of that part of the bill must be self-evident; for as the non exportation and non-importation agreement had unconditionally taken place the 10th of September last, the inevitable consequence would be, that all trade being at an end between both countries, a communication would be open between America and the several maritime and commercial nations of Europe, particularly France and the United Provinces. He said, in the present state of things, however great our native strength and resources might be, such was the nature of a land war to be carried on in that distant part of the world, that we could never expect to succeed; therefore the present bill was necessary, as, by restraining their maritime intercourse with other nations, it would completely cut off all their resources, and give Great Britain the advantage of exerting her strength on that element, where she never found an equal. He concluded with asserting, that the government of this empire was placed in the British Parliament; that of course, whatever the British Parliament, in its wisdom and justice, decreed, was, to all intents, constructions, and purposes, binding upon every other part of the whole empire.

Mr. *Dunning*. Whatever doubts prevailed on the first day of the session, whether the speech from the throne predicted war or peace, no one could now be at a loss to know its genuine import. He was one who looked upon it, from the very beginning, to be a formal declaration of war against all
America.

America. He was every day more and more satisfied that his suspicions were well founded; but now he had nothing to prevent him from pronouncing with certainty, that he was fully justified in his opinion, that war, and a war of the most unrelenting and bloody complexion, was meant to be made on those devoted people. He was tolerably versed in history, nor was he ignorant of the laws of his country; but never, within the compass of his reading or knowledge, did he hear of such a rebellion as the present. Who, says he, are the rebels? What are the principles they controvert? Who is the Prince to whom they profess obedience? But, turning from those matters, which are only a fit subject for ridicule, do not the consequences promise to be serious? Let us think only a minute of the manner we have been treated. How is it possible we can proceed an inch with any, or the least degree of propriety, without the necessary information? This, it is possible, may be a good bill; it may be the only measure left us to adopt, which may be the means of bringing that country back to a proper sense of her duty; but is there one gentleman in this House, even one honourable member on the treasury bench, who will rise and tell me, that his support to the present bill arises from his information, or will take upon himself to stake his general support of the bill upon information had, but not proper to be communicated to this House? I am certain, bold and enterprising, as many of them are, there is not one. I cannot sit down without saying a word or two relative to the manifest partiality administration has lately shewn to a neighbouring kingdom (Ireland) which used not to be in very high esteem. No longer tyrannized over and oppressed, she has suddenly become a favourite; she has been lately told by the minister there, that she might have Hessians or Brunswickers, or she might have none; and that they should be paid by this country on the present occasion. This sure is a happy change. Ireland may have foreigners; she may have them for nothing; and she is fairly told, she shall not have one without the consent of Parliament, and even if she should consent, she shall not pay a single shilling towards their maintenance or support. Great Britain shall have foreigners, whether she will or not; Ireland may have them if she pleases; but even then Britain shall pay them.

Hon. Mr. *Fitzpatrick* complained of the conduct of administration, in keeping every thing secret; it was very probable, if administration could have kept it a secret, that the King's troops were defeated at Lexington in April, or that

that they suffered worse than a defeat at Bunker's Hill, we should have never heard of those two very mortifying occurrences; nor that an army of 10,000 men, with a most formidable train of artillery, and commanded by four generals of reputation, have been blocked up during the whole summer by a body of people, who have been described in this House, ever since their names have been first mentioned, as a mere cowardly rabble. He was extremely sorry to find that the very framers of the bill either understood so little about it, or chose to affect the grossest ignorance as to its true meaning, he could easily discern that the bill breathed nothing but war, and that not of an ordinary nature; for it was not a war that might be sifted or compromised by a mixture of assertion or concession, but made upon a principle of ruin to one of the parties, if not to both; in short, it was a war of mere revenge, not a war of justice.

Mr. *Fox* enumerated the several contradictions and evasions of the minister since the commencement of the present session, and contrasted these with his Lordship's declarations the preceding session. He observed, on the doctrine of unconditional supremacy, that it went to this: Tax America to any amount, or in any manner you please; if she complains, punish her with pains and penalties of the most cruel and unrelenting nature; and if she resists such tyranny and barbarity, then sit down, day after day, in merciful deliberation on the most potent and expeditious way of starving or massacring the devoted victims.

Attorney General [Mr. Thurlow] insisted no troops had been offered to Ireland, as asserted by his learned friend [Mr. Dunning] who, he feared, laid too much stress upon newspaper information. Even if the fact was so, this was not the proper time to debate it, nor could he perceive what kind of relation there was between the supposed offer made to Ireland and the bill under consideration.

Mr. *Burke* observed, that the present was a retrospective bill, for it inflicted punishments for acts thought innocent at the time they were committed, and legalized others which were acts of atrocious plunder and robbery. Our Saviour sent his apostles to teach and proclaim peace to all nations; but the political apostles, to be sent out by this bill, would be the harbingers of civil war, in all its most horrid and hideous forms, accompanied by fire, sword, and famine.

Right Hon. T. Townshend was severe on the ostensible minister, who said he was but a mere shadow of authority,
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all real power being lodged in the person of the honourable gentleman who sat next him [Mr. Jenkinson.]

Mr. *Jenkinson* said, he did not understand what such insinuations led to, if not to mislead the House; that he had always acted conformably to the spirit of the constitution, and desired his accusers to point out a single instance to the contrary. [Here some altercation happened.]

Mr. *Rigby* to order. If gentlemen thought proper to rise to explain, it was always understood that they were to confine themselves to bare explanation, and not, after speaking to the question, again enter into debate. He therefore appealed to the chair. He knew those kind of appeals were very disagreeable to the chair, and would hurt the Speaker to exercise a power so very contrary to his gentle disposition. [*a laugh.*]

Lord John Cavendish and Governor Johnstone spoke likewise to order.

Lord *George Cavendish* said, the manufactures were daily declining in almost every part of the kingdom, and the consequences of this bill must be dreadful, as he supposed, before the end of the year, it would throw above 40,000 hands out of employment.

Lord *Stanley*. He could not contradict the noble Lord's general information, but he could venture to affirm, it was not the case in Lancashire.

Honourable *Temple Luttrell*. When the noble Lord, at the head of the treasury, first gave notice to the House of the bill now under consideration, he told us, it was his intention to repeal the three several acts restrictive on the trade of New England, and certain other colonies, as insufficient to the purpose he had in view. Now, if I have comprehended the noble Lord aright (and I have followed him with some attention throughout the whole of this unfortunate business) he has at different times professed to have in view two very distinct and contradictory purposes; the one to accelerate a peace, the other to continue the war with energy, and a profuse effusion of blood. If the noble Lord would repeal these iniquitous acts, and suspend all other hostile proceedings for the present, he may probably lay the ground-work of peace; but, if the noble Lord proceeds to a more diffuse and rigorous severity, he will put an end to every ray of hope that could be entertained of sincere or effectual conciliation. One hope; Sir, I will however still entertain, and which I am neither afraid nor ashamed to avow; it is, that the Americans may prove successful in the maintenance of their

their just rights. Sir, I heartily wish them success, for *their* sakes who have been grossly injured, and I wish it for *our own*. We have now before us a dreadful alternative: if the colonists gain the victory, we bid farewell to the most valuable branch of the commerce of Great Britain, and we no longer hold that pre-eminent distinction, which the triumphs of the last war, and our superior form of government, gave us a just title to among the powers of Europe: if, on the other hand, the ministerial army should come off with conquest, to judge by your northern addresses; by the accommodating temper of the military (so different from former times); and, above all, to judge by the complexion of our present rulers; the liberties of England must inevitably fall a sacrifice on the American continent. But, Sir, I trust, the eyes of Great Britain will open, ere it be too late, and that she will discover the dangerous precipice, on the brink of which she at this day stands. Sir, without any extraordinary talent of prophecy, I do venture to foretel, that if these violent measures of coercion be further persevered in, you will involve every district of the British dominions throughout the four quarters of the globe in the various calamities and horrors of your unnatural civil war. Surely, Sir, the country gentlemen, who are so frequently called upon from all sides of the House, now they are retiring into the country, must ponder, during the Christmas recess, on the mischiefs they have been accessory to, and will return to Parliament with sentiments of contrition, and such sentiments as have usually actuated that valuable body of Englishmen. Neither will I despair of seeing this Parliament, which has borrowed the name of the memorable *Coventry* parliament, and copied so many of its misdeeds, take from it the only *good* precedent it can afford (for I am not quite clear as to the measure of excluding lawyers). The *Coventry* parliament, in the fifth year of King Henry IV. (about the month of January) having granted to the crown very exorbitant and unjustifiable taxes, a very few weeks after, caused the record, containing that grant, to be committed to the flames, hoping, by such expedient, to prevent their offence from being discovered to future generations. Let us, Sir, follow that bright example, and have all the American acts passed since 1763, whether relative to *unlimited* sovereignty, to famine, or to taxation, selected from your rolls, and put into the fire; and when you send commissioners over to Boston, with the olive branch of peace in *one hand*, I would have them, instead of the exterminating sword of war, carry in the other a cinerary vase, filled with
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the ashes of those defunct parchments; to be a sacrifice at the tree of liberty, where they should be buried, and with them our mutual animosities, and every idea that might hereafter grow up to malice, reproach, or mistrust. Such a legation, and such credentials, would be worthy the wisdom and justice of the British legislature, and restore your empire to its former splendor and prosperity: but if the character of Herald be to predominate in this commission, there is not one leaf of the olive-branch will be accepted of in America, till you have riveted fetters on the last hand that has nerves able to resist you. I know, Sir, that, for a subject to resist the executive power of the government over that society of which he is a member, must be deemed an act of rebellion, unless such executive power shall have committed a prior act of rebellion against its creators—*the people*; for then it virtually lays itself under an interdict, and resistance is not only pardonable, but praiseworthy; it becomes the duty of every good citizen; therefore the glorious founders of the Revolution in 1688 were patriots, not rebels; and the foreign princes they brought over, and seated on the throne of England, in preference to all hereditary claims of succession, were legal sovereigns, and not usurpers. Sir, I shall repeatedly affirm, that the administrators of government in this country, were guilty of an heinous act of rebellion, when they sent fleets on fleets, and armies on armies, to America, to compel the colonists to admit of taxation. Three millions of people, three thousand miles distant, without one delegate in your legislative body, and so eccentric with respect to this island, as not to be possibly comprehended in virtual representation; occupying a territory of such magnitude, that were you to take from the map of it, the extent of the British isles, the defect would scarcely be visible to the most accurate eye. I say, Sir, *this* was rebellion against the fundamental constitution of Great Britain, established on reason and the natural rights of mankind, from the earliest ages, confirmed century after century, and reign after reign; it was rebellion in the fullest sense of the word, against the unalienable rights of such an imperial mass of British freemen.

Such is my law; such I hold to be the law of common sense, and (with all due deference to some gentlemen in very authoritative raiment over the way) such I understand to be the efficient law of the land.

As I mentioned the ineligibility of lawyers into the Coventry parliament, and expressed my doubts upon the expediency of their exclusion, it may not be amiss, if I state to the
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House, before I sit down, on what arguments that doubt was founded. Sir, I know there are many good and wise men of the respectable profession of the law among us, yet I see *two** very distinguished and leading characters of the long-robe, who, from what has fallen under my observation, since I have had the honour of a seat here, want frequently to be put in mind, that they are elected into the House of Commons as representatives of the subject, not as retainers of the crown; it may perhaps be their duty in a neighbouring hall, on every occasion, to advance the regal prerogative; but, Sir, when they enter these doors, would it not well besit them to act as unbiassed judges of the true interests of the people, and jealous guardians over their liberties? For, however, they may gain much professional applause in the inferior courts of law, by the dexterity with which they can make their tongues recede from their reason, and delude their hearers; to prostitute the enlightened faculties of the mind, and use the like arts to mislead the grand inquest of the nation (upon points too that affect the vital principles of all good government) is both highly dangerous and highly criminal. Sir, I shall certainly give my vote to reject this bill; without entering into any of the articles. I abominate every principle on which the bill is founded.

Mr. *Bayley* said, he must tell those vociferous gentlemen, who were calling out in such a hurry for the question,† that he must first call on the noble lord [Lord North] for his estate which was going to be taken from him by this bill. He said, if all trade and intercourse were stopped between the West Indies and North America, the plantations were at once ruined, as it was impossible to make either sugar or rum, or send it to this country without American supplies. That as soon as it was made lawful to take American vessels, he did not doubt but all the sugar ships would be made prizes of; for as they were obliged to come home by the coast of America, it would be easy for a petty officer of a man of war to say those ships were found hovering upon that coast, and that they had arms and gunpowder on board (which no merchant ship is without) and were going to supply the rebels with them: this pretence is sufficient to condemn them, so that every planter's property would be confiscated and shared amongst the favourites of the minister. He said, that proof had been given to the House, that the annual exports to North America,

* The attorney and solicitor-general.

† Several members had called for the question.

rica, before this fatal war broke out, amounted to three millions and a half, of which more than three-fourths were of our own manufactories, and that we got great profit from the other fourth, but that the whole of this exportation was lost, as also of 600,000*l.* exported in the same manner from Scotland. That the West Indies took more than one million one hundred thousand pounds annually of British manufactory, and four hundred and seventy thousand pounds worth of goods were annually exported to Africa, to carry on the West India trade; all this added together, amounted to the amazing sum of near six millions sterling; and if this bill passed, the whole of this immense export would be stopped, and thereby so great a national benefit would be lost, besides the infinite advantages we reaped on our trade and imports from thence, and a million of nett money annually paid into the Exchequer. Therefore he begged and implored gentlemen would consider whether it was not madness in administration to risque so great a loss, and put the nation to so immense an expence of blood and treasure, in order to establish an arbitrary and an unjust right in America, as taxing them without their own consent, and which the minister confessed he never meant to make use of. Besides this, he would advise gentlemen to reflect, whether, as soon as commissions were given to one cruizer to take and make prizes of all vessels which were found on the coast of America with arms and ammunition on board, if this would not inevitably involve us in a war with France and Spain, as their ships and galleons all came home from their American colonies by the coast of America, and were well provided with arms and ammunition, which would give just the same pretence for seizing them as our own vessels; even the stopping and searching them may as reasonably be supposed to give as much offence to them as the Spaniards gave to us, when the war before the last was actually declared against the Spaniards, for no other reason than their stopping and searching our vessels in the West Indies.

The bill being read a second time, agreeable to Lord North's motion, it was moved to commit the bill for Tuesday the 5th. Upon which several gentlemen begged Lord North to postpone it a few days, to give the West India merchants and planters, who had advertised a meeting of their body on this bill for Wednesday the 6th, an opportunity of laying before the House any information or evidence they might judge necessary; it was moved therefore to amend the motion to Tuesday se'night, the 12th. The House divided; for the amend-
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ment, 55; against it, 207. The main question was then put; the House divided again; for it, 155; against it, 24.

Adjourned to December 4.

December 4.

No debate.

December 5.

A petition of the merchants of Lancaster, was presented to the House, and read; setting forth, that the petitioners carry on a considerable trade to the British sugar colonies on their own accounts; whereby the manufactures of this kingdom are encouraged, and the revenue augmented; and that the petitioners are alarmed at the consequences which must happen to the said colonies, should the non-exportation agreement in North America be adhered to; from whence those colonies have hitherto been supplied with very large quantities of bread, flour, rice, Indian corn, live stock, and other provisions, also lumber and various other articles absolutely necessary and requisite for their sustenance and support; and that the petitioners are very apprehensive the present interruption of such supplies will greatly distress the said colonies, and be very prejudicial to their commerce with them; and therefore praying the House to take into consideration the unhappy situation the sugar colonies must be in, while such supplies are withheld from them, and wherein their commerce may be involved, and grant such relief in the premises as to the House shall seem meet. Ordered to lie upon the table.

Lord *North* moved for the order of the day, to go into a committee on the bill for prohibiting all trade and intercourse with America.

Lord *Folkestone*, in a short speech, observed, that the bill, in its present form, was the strangest heterogeneous mixture of war and conciliation imaginable. He said, that the disparity of numbers in the House of those inclined to war, and those who wished for peace, was very great, but nothing like the disparity in the clauses of the bill; that there were thirty-five clauses that aimed at desolation, and one only, a single one, that pretended to be pacific; that this mixture of hostility, and conciliation, in the same bill, could proceed from no motive, but a desire, either of confounding the attention, by the variety of the objects, and diverting it from observing the disparity of the various parts, or of precluding debate, by continuing the subject matter of two bills in one; that both these reasons were indecent, and unparliamentary. He animadverted on the immense powers conveyed by the bill, on
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it did not know whom, or it did not know how many or how few commissioners, or whether more than one, and observed, that they were left to act upon discretion: nay, without any rule to judge by, had power to suspend the act. That if he had no other reason for wishing the House to agree to the motion in this way, there at least would be a bill of peace to balance one that prescribes nothing but war, horror, and confiscation. His Lordship on these principles moved, that the bill be divided into two separate bills.

Mr. Dempster seconded him.

Mr. Rice opposed the motion, on the ground that the matter of the bill, and its substantial operation, would answer the ideas of the noble Lord as well in one bill as two.

Mr. Dempster then enlarged upon the bill itself, and said, he wished much for the motion, which he knew nothing of till it was made, not quite for the same reasons as had been given by the noble Lord, for he approved of that part which treated of the commissioners; for though he thought the powers too great, yet that great powers were undoubtedly necessary to the success of the commission; that it greatly distressed him in his vote, when he wished well to one part of a bill, and looked upon the other part with horror; and earnestly begged the motion might pass, as it would relieve him from great difficulties.

Mr. Byng observed, that the bringing in a bill of such importance as the present, looked as if administration brought the bill in at this season of the year, in order to avoid the opposition it would probably meet from the country gentlemen. The minister was well aware, he said, that the country gentlemen could not be kept in town this season of the year. He said, he begged to be understood what he meant by that description. What he meant by the description country gentlemen, was persons of landed property, of constitutional notions of independency, men who come into this House to do their duty; and he was sure a majority of these could never be prevailed on to countenance a measure of so despotic a complexion as this.

Sir George Yonge objected particularly to the dispensing power given to the commissioners, which he considered as lowering Parliament, and making it appear contemptible in the eyes of those upon the continent, who already entertained no very high idea of its free agency, and who must be satisfied, that it would not voluntarily submit to such an indignity, and therefore was brought to submit to it by indirect means.

Lord *North* said, some were against the warlike part of the bill, others against the pacific or conciliatory part, but that the most extraordinary reason, with those who wished for peace, and supported this motion, was the dispensing power given by the pacific clause; for, said he, if the motion passes, the power of dispensing, will be of dispensing with the pacific, and not with the hostile bill. He thought it fairer to declare against the bill *in toto*; that, he was sure, was the ultimate wish of those who wanted to divide it in two; and as such, he should strenuously oppose any motion of that tendency, and of course, would give his vote for having the bill remain in its present form.

Lord *George Cavendish* spoke for the motion, as incapable of doing any harm, and gratifying some persons who disliked only part of the bill.

At five o'clock the question was put on Lord *Folkestone's* motion; and the House divided; ayes, 34; noes, 76.

The House then went into the committee.

Sir *George Hay* supported the first clause with great earnestness. He said, no man in his senses could doubt but that America was in rebellion; nor no man could doubt, that the present bill was to all intents and purposes perfectly justifiable and necessary. He entered into a comparative state of the nature of a war carried on against rebels and alien enemies, to shew that the latter should be treated with much greater lenity than the former. The latter owned no obedience, no duty, no gratitude, while the former, turning their back upon every moral as well as civil tie, to violence and lawless rapine added moral guilt, and the blackest of all earthly crimes.

Lord *John Cavendish* said it was improbable, that the honourable gentleman had drawn up that part of the bill which measured out into such exact portions the several parts each admiral, captain, &c. was to share in the common spoils. But who, says his Lordship, are those spoils to be taken from? He will probably answer, from the rebellious Americans. Will the honourable gentleman venture to assert, that all America is in rebellion? Or, that after this bill is passed, will he venture to assert, that any one man, whether resident within the twelve united colonies or not, will be safe to trade, or even proceed two leagues to sea? No, it is plain that he considered the bill only in one point of view, the captures, the forfeitures, and confiscations, the sharing of the prize money, and the final condemnation.

Mr. *Sir George Savile* was equally severe on the bill in all its parts. He said, the ministry, from a mere childish, sottish obstinacy, to hold their places, were at once risking their heads, and plunging the nation into certain ruin. He said, dead majorities, and thin houses, were matters very favourable and encouraging to the minister to persevere; but he assured the House, that the thread, when drawn too fine, would at length break; for, however they might vote or divide within these walls, when our manufactures were ruined, our resources stopped or dried up, and that we were engaged in a French or Spanish war, majorities would avail the minister very little: no majority would avail in such a critical state of things, much less one already universally execrated and condemned for its notorious venality, corruption, and blind submission to the mandates of a minister, who is himself confessed on all hands to be far from being popular.

Mr. *Attorney General* spoke with precision, acuteness, and judgment, upon commerce. He moved substantially, though not literally, that that government was in reality the *mildest*, which inflicted the most cruel and most frequent punishments.

Mr. *Fox*, in answer to what the learned gentleman had affirmed, that no man would be subjected to punishment, unless he were found guilty, replied, that it was better not to take the trouble of entering into any proof of innocence under this bill; because, whether innocent or guilty, the bloody complexion of it seemed to prejudice before trial, and condemn without proof.

Governor *Lyttelton* was for the clause.

Right honourable *T. Townshend*, in allusion to the long quotations of *Sir George Hay*, observed, that many learned quotations had been made by one learned gentleman, in the course of the evening, some Latin, some English; but all, or most, at least, very little applicable to the present bill.

Honourable *Mr. Walpole* condemned the bill throughout, and predicted the commencement of the ruin of the British commerce and national greatness would be from the very day it should receive the royal assent.

Mr. *Burke* said, it was the first time he ever heard it asserted, either in print or in debate, within or without those walls, that open hostilities and rebellion were the same thing. He said a day would come, perhaps its arrival was not far off, when the damnable doctrines of this bill would fall heavy on this country, as well as on those who first broached them, and were the means of carrying them into execution.

Mr. *Bayley* condemned the clause, and said the bill would affect his property very materially in the West Indies.

Mr. *St. Leger Douglas* replied, he had a considerable estate in the West Indies, as well as the honourable gentleman; nevertheless, he thought the present bill a very wise and salutary measure. He knew, he said, that the West-India islands had lumber sufficient to serve them for one, if not two years; but, if not, he was of opinion that it was better to suffer temporary inconveniencies, than sacrifice the British empire in America to the local interests of any of its constituent parts.

Sir *George Yonge* declared himself entirely against the bill; but, at all events, he saw no objection its most sanguine friends could have to put off the committee for a day or two, or until the West-India merchants, who were, he understood, to present a petition, stating the manner they would be affected by it, were first heard; he therefore moved, that the chairman do now leave the chair.

And the question being put, the committee divided: ayes 34; noes 126.

Captain *Luttrell* offered a clause for excepting such foreign ships as might be drove upon the American coast, or into those harbours, by distress. It passed in the negative. The clause for making the seizures of the property of the captors was opposed by Mr. *Walpole*, Mr. *Townshend*, and Sir *Edward Dering*. They recommended the mode that was pursued in the year fifty-five; (viz.) to let the public have the benefit of the prizes, and not throw out such a lure to sea-officers, the younger part of whom would be so eager to seize every vessel for their own benefit as might produce much future mischief, and that, bad as the bill would otherwise be, by this clause it would be made ten times worse.

Captain *Luttrell* said, he had full as much objection to the bill in gross as any of his honourable friends near him, because he thought it replete with that barbarous coercion which destroyed every chance that peace and reconciliation would again subsist between this country and our American colonies, but that he still thought of the present as he did of every act of Parliament, that, if it must pass into a law, (which he feared it would) there was no making it too perfect, nor carrying it too effectually into execution; and therefore, he said, without much hope that he should be able to influence the opinion of any man, or a wish to mislead, he should endeavour to point out, as the several clauses were read, wherein they appeared to him insufficient to answer the ends for which they were apparently intended by the gentlemen in
admini-

administration, with whom he said, in some particulars he concurred, uninfluenced by selfish views, having neither the merits to boast of the sea officers now employed in America, nor a wish to subject himself to the orders of the present first Lord of the admiralty; but he hoped, if in the sequel he should be thought to lean with partiality toward that corps to which he had the honour and pride to belong, that it would rather be attributed to a natural failing, than to a wish to misrepresent and deceive. He said that their most able advocate could not put so high a value on their services as Parliament had lately done by conferring upon them the most beneficial favour in the most flattering and honourable manner they ever received as a corps; and to that he believed the alacrity with which they served in America was in great measure owing. That, considering themselves to be embarked in the cause of the British Parliament, they sacrificed their inclinations at least, if not their humanity, at the shrine of gratitude, by accepting the most hazardous, disagreeable, and unthankful employment the oldest of them ever experienced, or that, he hoped, the youngest would ever be engaged in again. He said, he knew the *generosity* of Parliament towards them was deeply imprinted in their minds; *that* of the Minister and first Lord of the admiralty he saw with pleasure beginning to dawn; for, in the present instance, they seemed willing to sacrifice the interest of their dependants to what he considered (and had not been convinced to the contrary by what fell from his honourable friends) was the just claim of the captors. That he was surprized gentlemen would wish to revert to that shameful precedent in the year 1755; when you made reprisals against France in a manner not less dishonourable than you are about to do in America, but converted the produce of them, nominally indeed, to the use of the public (as gentlemen now propose), but, in fact, to the benefit of the minister's friends, stiled commissioners for prizes, who took possession of men of war, as well as merchant ships, without giving the smallest reward even to the men who were maimed in battle, or to the friends of those that were slain. He said, he would never subscribe to an opinion, that revenue officers, commissioners for prizes, or any other set of men of whatsoever description or situation, were so well entitled to the seizures made under the authority of this act of Parliament, as those who had risked their lives and health in a service where no honour was to be got, and where the fatigue of body and anxiety of mind, he feared, would be but ill repaid by any profit they were likely to reap. He observed,

served, that those gentlemen who entertained liberal notions of honour, and were at all acquainted with the duty and temper of British officers and seamen, could never think seriously for a moment that they would sacrifice either to sordid views. If they had done so last war, he said, many of them might have become rich at the expence of the treasure of this country, but that he never knew the officer who did not seek with more diligence the privateers and ships of force of the enemy, which annoyed our trade, than for the merchantmen, although little but hard blows was to be got by the former, and much wealth by the latter. That he could not think so meanly of either service as to suppose any encouragement necessary to be held out to stimulate your forces by land or by sea to a faithful discharge of their duty; but if such reward as this would be the means of carrying any act of Parliament more effectually into execution, he thought it rather a reason why the seizures should be the property of the captors, than why they should not. He then replied to what had fallen from an honourable gentleman, who had insinuated that there could be no disinclination in the officers or seamen to serve in America, because he had learnt from the *first* naval authority (which the captain observed was not always the best) that we should be able to man all the fleet destined for the American service, without being put to the disagreeable necessity of pressing. He said it might be so, but insisted it did not follow that it was a service of choice; that we had lost our American trade, which had put a heavier embargo on our shipping than was ever done by any nation to equip the most formidable naval armament, and that the seamen being able to get no other employment, we of course procured them with more facility. He concluded by observing, that if France and Spain should, before the conclusion of this dispute, declare war against us, it would be necessary to man a second fleet, to oppose those two great maritime powers, and which way that was to be done, whether with an impress or without, or by what other device, he wished the *first* naval authority might be able to tell, and only lamented he could not.

It being past eleven o'clock, the committee adjourned till to-morrow.

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