[XXIII^d. YEAR.] THE [N°. 1186.]

MARYLAND GAZETTE.

THURSDAY, APRIL 21, 1768.

BOSTON.

The following is a Copy of a LETTER *sent from the Honourable House of Representatives of this Province, to the Right Hon.* HENRY SEYMOUR CONWAY, *Esq; one of his Majesty's Principal Secretaries of State.*

Province of the *Massachusetts-Bay, Feb.* 13, 1768.

SIR,

THE House of Representatives of this his Majesty's Province, have still the sensible Impressions of Gratitude upon their Minds, for the signal and successful Exertions you were pleased to make for them, when the Liberties of the Colonies were in Danger. And although they do not fall immediately under your Care, in that Department to which his Majesty has been graciously pleased to appoint you; yet your known Attachment to the Rights of Subjects, in their just Extent, the constitutional Authority of the Supreme Legislative, and the Prerogative of the Sovereign, is a strong Inducement to the House, when new Grievances happen, to implore your repeated Aid.

Conscious of their own Disposition, they rely upon that Candour which is a distinguished Mark of your Character. And however they may have been represented to his Majesty's Ministers as undutiful, turbulent and factious, your Sentiments are too generous, to impute the Expressions of Uneasiness, under the Operation of any particular Acts of the British Parliament, to a peevish or discontented Habit, much less to the want of a due Veneration for that august Assembly.

This House is at all Times ready to recognize his Majesty's High Court of Parliament, the Supreme Legislative Power over the whole Empire: Its superintending Authority, in all Cases, consistent with the fundamental Rules of the Constitution, is as clearly admitted by his Majesty's Subjects in this Province, as by those within the Realm: Since the Constitution of the State, as it ought to be, is fixed, it is humbly presumed that the Subjects, in every Part of the Empire, however remote, have an equitable Claim to all the Advantages of it.

It is the Glory of the British Prince, and the Happiness of all his Subjects, that their Constitution hath its Foundation in the immutable Laws of Nature: And as the Supreme Legislative, as well as the Supreme Executive, derives its Authority from that Constitution, it should seem that no Laws can be made or executed, that are repugnant to any essential Law in Nature. Hence a British Subject is happily distinguished from the Subjects of many other States, in a just and well grounded Opinion of his own Safety, which is the Perfection of Political Liberty.

It is acknowledged to be an unalterable Law in Nature, that a Man should have the free Use and sole Disposal of the Fruit of his honest Industry, subject to no Controul. The Equity of this Principle seems to have been too obvious to be misunderstood, by those who framed the Constitution, into which it is ingrafted as an established Law. It is conceived that this Principle gave Rise, in early Time, to Representation in Parliament; where every Individual in the Realm has since been, and is still considered by Acts of Parliament, as present, by himself or by his Representative, of his own free Election: Consequently, the Aid afforded there to the Sovereign, is not of the Nature of a Tribute, but the free and voluntary Gift of All.

The House submit to your Consideration, whether his Majesty's Subjects of this Province, or any of them, can be considered as having been present in Parliament, when an Act of the Fourth of his present Majesty's Reign, and another passed the last Session, were made. If not, it seems to be conclusive, that as those Acts were made with the sole and express Purpose of raising a Revenue out of America, the Subjects here are in those Instances unfortunately deprived of the sole Disposal of their Property, and the Honour and Privilege of contributing to the Aid of their Sovereign, by a free and voluntary Gift.

The People of this Province would by no Means be inclined to petition the Parliament for a Representation. Separated from the Mother-Country by a mighty Ocean, and at the Distance of Three Thousand Miles, they apprehend it is, and ever will be, utterly impracticable, that they should be equally represented there. They have always been considered, by the Nation, as Subjects remote. And his Majesty's Royal Predecessors were graciously pleased to constitute, by Charter, a subordinate Legislative in the Province, as it is conceived, with a View of preserving to their remote Subjects, the unalienable Right of a Representation. By this Charter, the Lands therein described, are granted to the Inhabitants, in free and common Soccage; and the General-Assembly is invested with the Power of imposing and levying proportionable and reasonable Assessments, Rates and Taxes upon the Estates and Persons of the Inhabitants, for his Majesty's Service, in the necessary Defence and Support of his Government of the Province, and the Protection and Preservation of the Inhabitants; and of ordaining and establishing all Manner of wholesome and reasonable Orders, Laws, Statutes and Ordinances, Directions and Instructions, either with, or without Penalties, as they shall judge to be for the Good and Welfare of the Province: And as a sufficient Check upon this subordinate Power, which secures its Dependence on the Supreme Legislative, no Law can be made repugnant to the Laws of England; and all Laws that are made, are laid before his Majesty, who, at any Time, during Three Years after, disanulls them at his Royal Pleasure. All that is desired by the People of this Province, is, that they may be restored to their original Standing: They may venture to appeal to the Nation, that they have never failed to afford their utmost Aid to his Majesty, whenever he had required it; and they may say it, without Vanity, that in many Instances, from their Settlement, they have given striking Proofs of their Zeal for the Honour of their Sovereign; and their Affection for the Mother-State. Must it not then be grievous to free and loyal Subjects, to be called upon in a Manner which appears to them, to divest them of their Freedom, and so far to impeach their Loyalty, as to imply a Mistrust of their chearful Compliance with his Majesty's Royal Requisitions?

The House also beg Leave to submit, whether the People can continue free, while the Crown in Addition to its uncontroverted Right of appointing a Governor, may appoint him such Stipends as it shall judge fit, at the Expence of the People, and without their Consent: And whether, while the Judges of the Land, at so great a Distance from the Throne, the Fountain of Justice, may be altogether independent on the People for their Support, it may not probably happen, that in some future Time, the Principles of Equity may be subverted, even on the Bench of Justice, and the People deprived of their Happiness and Security.

The House could add, that by the Restraints laid upon the American Trade, by Acts of Parliament, which operate equally to the Advantage of Great-Britain, and the Disadvantage of this and the other Colonies, and the Taxes which the Inhabitants here eventually pay, as the Consumers of the British Manufactures; it should seem to be beyond all the Rules of Equity, that these additional Burdens should be laid on them. But they would not trespass upon your Time and Attention to the great Affairs of the Nation. They beg your candid Consideration of the unhappy Circumstances of the Province, and hope that your great Interest in the National Councils, so far as shall appear to you to be just, will be employed on their Behalf.

Signed by the SPEAKER.

Copy of a LETTER *from the House of Representatives to the Right Honourable the Earl of* CAMDEN, *Lord High Chancellor of* GREAT-BRITAIN.

Province of the *Massachusetts-Bay, Jan.* 29, 1768.

My LORD,

YOUR great Knowledge of the Constitution and Laws of the Nation, of the just Extent of Parliamentary Authority, and the Rights of British Subjects, is a prevailing Inducement to the House of Representatives of this his Majesty's Province, to address your Lordship at a Time when *your* Attention to the British Colonies, their Connection with, and Dependence upon the Mother-State; and their Rights, as Subjects, seems to be necessary and important, not to them alone, but to the whole Empire.

This House can speak only for the People of one Province: But no Assembly on this Continent, it is presumed, can long be silent, under an Apprehension, that without the Aid of some powerful Advocate, the Liberties of America will be no more.

It is a Cause which the House is assured your Lordship has at Heart; and the past Experience of your Patronage, and the noble Exertions you were pleased to make for them in a late Time of Distress, affords the strongest Reason to hope that your happy Influence will still be employed in their Behalf, as far as your Lordship will judge to be right.

If, in all free States, the Constitution is fixed, and the Supreme legislative Power of the Nation, from thence derives its Authority; can that Power overleap the Bounds of the Constitution, without subverting its own Foundation? If the remotest Subjects are bound by the Ties of Allegiance, which this People, and their Forefathers have ever acknowledged; are they not, by the Rules of Equity, entitled to all the Rights of that Constitution which ascertains and limits both Sovereignty and Allegiance. If it is an essential unalterable Right in Nature, ingrafted into the British Constitution as a fundamental Law, and ever held sacred and irrevocable by the Subjects within the Realm, that *what is a Man's own, is absolutely his own*; and that no Man has a Right to take it from him without his Consent: May not the Subjects of this Province, with decent Firmness, which has always distinguished the happy Subjects of Britain, plead and maintain this natural constitutional Right?

The superintending Authority of his Majesty's high Court of Parliament over the whole Empire, in all Cases which can consist with the fundamental Rights of the Constitution, was never questioned in this Province, nor, as this House conceive, in any other: But they intreat your Lordship's Reflection one Moment, on an Act of Parliament pass'd in the last Session; and another in the Fourth of his present Majesty's Reign; both imposing Duties on his Subjects in America, which as they are imposed with the sole and express Purposes of raising a Revenue, are, in Effect, Taxes. The Position, that Taxation and Representation are inseparable, is founded on the immutable Laws of Nature. But the Americans had no Representation in the Parliament, when they were taxed. Are they not then unfortunate in these Instances, in having that separated, which GOD and Nature had joined? Such are the local Circumstances of the Colonies, at the Distance of a Thousand Leagues from the Metropolis, and separated by a wide Ocean, as will for ever render a just and equal Representation in the Supreme Legislative, utterly impracticable. Upon this Consideration, it is conceived, that his Majesty's royal Predecessors thought it equitable to form legislative Bodies in America, as perfectly free as a Subordination to the Supreme Legislative would admit of, that the inestimable Right of being taxed only by Representatives of their own free Election, might be preserved and secured to their Subjects here. The Americans have ever been considered by the Nation, as Subjects remote; and succeeding Kings, even to the present happy Reign, and until these Acts were made, have always directed their Requisitions to be laid before the Representatives of their People in America, with which this Province, and it is presumed, all the other Colonies, have with the utmost Chearfulness complied. Must it not then be grievous to Subjects, who have in many repeated Instances, afforded the strongest Marks of Loyalty and Zeal for the Honour and Service of their Sovereign, to be now called upon in a manner which implies a Distrust of a free and willing Compliance? Such is the Misfortune of the Colonists, not only in the Instances before-mentioned, but also in the Case of the Act for preventing Mutiny and Desertion; which requires the Governor and Council to provide enumerated Articles for the King's marching Troops, and the People to pay the Expence.

This is a great Change; and in its Nature delicate and important. Your Lordship will form your own Judgment, of the Wisdom of making such a Change, without the most pressing Reason, or an absolute Necessity. There can be no Necessity, my Lord, as this House humbly conceive. The Subjects of this Province, and undoubtedly in all the Colonies, however they have been otherwise represented to his Majesty's Ministers, are loyal: They are firmly attached to the Mother-State: They always consider her Interest and their own as inseperably interwoven, and it is their fervent Wish that it may ever so remain: All they desire, is to be restored to the Standing upon which they were originally put; to have the Honour and Privilege of voluntarily contributing to the Aid of their Sovereign, when required. They are free Subjects; and it is hoped the Nation will never consider them as in a tributary State.

It is humbly submitted to your Lordship, whether Subjects can be said to enjoy any Degree of Freedom, if the Crown, in Addition to its unbounded Authority of constituting Governors, should be authorized to appoint such Stipends for them, as it shall judge proper, at their Expence, and without their Consent. This is the unhappy State to which his Majesty's Subjects in the Colonies are reduced, by the Act for granting certain Duties on Paper, and other Articles. A Power without a Check, is always unsafe; and in some future Time may introduce an absolute Government into America. The Judges of the Land here do not hold their Commissions during good Behaviour: Is it not then justly to be apprehended, that at so great a Distance from the Throne, the Fountain of National Justice, with Salaries altogether independent of the People, an arbitrary Rule may take Effect, which shall deprive a Bench of Justice of its Glory, and the People of their Security?

When a Question arises on the Public Administration, the Nation will judge and determine in Conformity to its Political Constitution: The great End of the Constitution is universal Liberty; and this House rests assured, that your Lordship's great Interest in the National Councils, will always be engaged on the Side of Liberty and Truth.

Signed by the SPEAKER.

From the SUPPLEMENT *of the* PENNSYLVANIA JOURNAL, N°. 1323.

MARYLAND *April* 2, 1768.

Messrs. BRADFORDS,

THE Intelligence transmitted to you from London, and published in your Journal of the 24th of March, relative to the Transactions in which Lord B. is unfortunately engaged, seems to be dictated by the Spirit of Resentment and popular Prejudice, which prevailed at that Time. One Side of the Question is painted with every aggravated Circumstance, displayed in the blackest Colours; and the whole Recital being admitted for Fact, the Public will readily join in the Inference of your Correspondent, "that it is a most audacious Insult upon Humanity, and the Laws of the Country." But Men of sound Judgment, cool Reflection, and a Knowledge of the World, do not give implicit Credit to the Lie of the Day, or will they pronounce Sentence 'til the Accused is heard in his Defence. News is the Rattle of the Public, as much as a Bauble is of a Child. It serves indeed sometimes to keep them out of Mischief, and sometimes to lead them into it. They delight especially in the Marvellous. Review the Story of Betty Canning, said to be pent up in a Room, living without Meat or Rest, beyond the utmost Stretch of Nature, undergoing the severest Treatment, without any adequate Cause, the Subscriptions raised for her, the Defenders of her supposititious