

*Reason* (according to Mr. Lock) for entering into Society. I have read this Point only with respect to the Representatives of the People, because I think it is principally their Duty to watch over the Liberties of the People. But the great Author last mention'd calls an Act of this Sort, a Breach of Trust in the whole legislative Body. "The legislative Acts against the Trust reposed in them, when they endeavour to evade the Property of the Subject, and to make themselves, or any Part of the Community, Masters, or arbitrary Disposers of the Lives, Liberties, or Fortunes of the People. Whenever therefore the Legislative shall transgress this fundamental Rule of Society, and either by Ambition, Fear, Folly, or Corruption, endeavour to grasp themselves, or put into the Hands of others, an absolute Power over the Lives, Liberties, or Estates of the People; by this Breach of Trust, they forfeit the Power that People had put into their Hands, for quite contrary Ends; and it devolves to the People who have a Right to resume their original Liberty." It is true, the Legislative is bound by nothing but the Laws of Reason, the fundamental Rule of Society (viz. the Preservation of Property) being built upon it; but, in Strictures of Speech, it is not true, that they are accountable to no Power on Earth; for they are accountable to the Community, who are to judge whether they have acted agreeable to this Law of Reason, apply'd to the Fundamental Rule of Society; and tho' I grant there is no Power on Earth (that is, no Body politic, intrusted by the Society) superior to the legislative Power, yet I am licens'd by the same Author to say, that when the Legislative act against their Trust, the People have a Right to appeal to Heaven, there being no equal Judge upon Earth. This is the Doctrine held by one of the greatest Sticklers for Liberty, as well as one of the most consummate Judges, that his own or any other Age ever produc'd; and it is surprizing (if one ought to be surpriz'd at any thing the Nature does) that a Man who acknowledges this, should oppose the infallible Consequences of it. There is no other way of accounting for it, but by supposing that he had dip'd superficially into the Treatise on Civil Government, and taken the Character of it by Hear say, without so much as knowing that the Author founded his whole Doctrine on original Compact; for this Expression the Nature has laugh'd at, and try'd to turn into Ridicule in his third Letter.

Let us now apply what has been advanc'd to the present Dispute. It is insisted upon by some, that an Act of the Legislature of this Province, places an unlimited Power of taxing the People in County Courts, for whatever they shall think proper to call public Charges. This is honestly acknowledg'd by the *Native*, tho' endeavour'd to be evaded by the *Sophist*, for (says he) are they not plainly limited by the Charges of the County? Sir, this is only playing upon Words; for so long as the Magistrates, or those who have the Appointment of them, are to be the sole Judges what must be call'd the Charges of the County; this is in reality no Limitation at all. Such a Power wou'd be both uncontrollable and unlimited with respect to the People, and all the ruinous Consequences the *Freeholder* has shewn may flow from it, under a bad administration, stand untouched by this Reply. It would be, to all Intents and Purposes, giving away an absolute Power over the Estates of the People, which Mr. Lock calls a Breach of Trust in the Legislative; or in other Words, a Breach of the Constitution. But it is with the utmost Injustice, that the *Freeholder* is charg'd with saying, that the Legislative of this Province had done this, and that he had done all in his Power, to persuade the People their Liberties were in Danger, by an Act of the Legislature; for on the contrary, he has all along asserted, and at last proved, that they have given no such Power as was contended for, by any Act whatever; so that in Fact, it is those that contend they have given away such a Power, who clamour against the Legislature, and endeavour to bring it into Contempt. Well, but says the *Sophist*, are they not likewise under the Ties of Oaths to act uprightly? Alas, Sir, this would be but a poor Security for Mens Properties, to make them depend upon the Integrity of Men appointed by a wicked Administration; which no Man can tell how soon may be the Case. We had a sad Instance, how little Oaths of that Kind are to be trusted even in Kings. In the Reign of James the 2d, he took the Coronation Oath; but it is well known how shamefully he broke it. And this leads me to what our *Sophistical* Politician has said concerning this King, and the Revolution that happen'd in his Time; which, if I am not mistaken, will appear something extraordinary, especially as our

present happy Establishment is founded upon the Settlement made by the Revolution. He asks first, Pray, Sir, was not the Birth-right of James the Second an inherent Right? Every Mans Birthright is an inherent Right; but King James's Right to the Crown was not a natural Right, the Crown of England having been rendered hereditary by the Laws of the Society; for Dominion cannot descend by natural Right of Heirship, as the Author I have so frequently cited, has made out beyond the Power of Cavil. Again, Was it not his Property and Privilege to rule the Nation? His Privilege it was to rule the Nation, agreeable to the Rules of the Society, yet he might and did forfeit it by acting contrary to them. But the Word Property, apply'd to Rule and Dominion, (in the Gentleman's own Language) is a peice of flaming Nonsense; for no Man can have a Property in any thing (according to incontrovertible Authority) but what concerns his own Life, Liberty or Fortune; and therefore to say, that it was any one's Property to rule over others, must be downright Nonsense. But if I am not deceived, there is something worse than Nonsense that follows. Now if it was his Right and Privilege, how could this be taken away without breaking thro' that Constitution, which was the Basis of the Whole? Every Body knows, that such Questions are made use of by way of strong Affirmations: Here then this Author affirms, that the Convention-Parliament; by placing the Prince of Orange upon the Throne, in the Room of King James, depriv'd him of his Right and Privilege, and broke the Constitution; that is to say, the Revolution was brought about by an Act of Injustice, and against the Laws of the Land. Were I to follow this Gentleman's Example, I might call upon the Legislature on this Occasion, to rebuke him for so daring an Assertion, to give it no worse a Title; for there are not wanting Instances of Delinquents having been brought upon their Knees before the House of Commons, for Expressions of the same pernicious Tendency; but I really believe the poor Man did not know what he was saying. This, Sir, has been the Cant of the high-flying Tories (more especially the Clergy among them) ever since, as well as before, the Revolution. They have talk'd of *ad-vinc*, *hereditary*, *indefeasible* Right, and I know not what Jargon: They have preach'd up the slavish Doctrine of *Passive* Obedience and *Non-Resistance*; and; as *Pope* beautifully expresses it,

*The Right divine of Kings to govern wrong.*  
In Consequence of this chimerical *divine* Right, Men of these Principles have always denied any *inherent* Rights in the People to Liberty, and the Preservation of their Property from an original Contract; they have broke many *Jests* upon the Phrase, and us'd many mean Endeavours to turn the Constitution into Ridicule. I am sorry to observe, that both the *Native* and his *Affiant*, evidently aim at the same Thing, only in a different Manner; the one like a hot-headed *High-Church* Priest, and the other like a hair-brain'd *Merry-Andrew* or *Mad-Yen*. You, Mr. Green, agreeable to an Injunction given you by a Set of Gentlemen, that call themselves the *Loyal Club*, have, (by a Letter printed in Numb. 153 of your Gazette) given the Province to understand, that they are the Patrons of the Writers on that Side of the Question: If their Loyalty consists in such Principles, in my humble Opinion, they do those a great deal of Honour, whom they charge with the want of it. But I must not omit the last Question propos'd by the learned *Philantropos*, lest he should alledge, I had pass'd over his Wit; And with the Answer to it I shall conclude. And if the Constitution was then dissolved, what becomes of the Basis? To carry on the Similitude in a former Citation, I reply, That the Basis or Foundation of the *antient* solid Building remain'd firm, tho' the Top happened to tumble down; and surely the *Pre-prieters* had a Right to erect a new one in its Stead.

I am, &c.

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