

prohibitory and compulsive Clauses to enforce a general Observance, without which the Establishment would fail, might be eluded. If a Man should maliciously give a Wound in one Colony, and the wounded Person die in another, the Offender could not be convicted of Murder, because the whole Fact constituting that Crime, would not be cognizable in the Colony where the Wound was given, or the Death happened; and the same Principle is applicable to every other inferior Offence, and intimates in what Manner prohibitory Clauses might be evaded. This Matter therefore of the Post-Office, may be referred to the general Superintending Authority of the Mother-Country, the Power of the Provincial Legislatures being too stinted to reach it. In this View, and upon the Consideration of the general Convenience and Accommodation arising from the Establishment, the People of *America* have not complained of it, but if this Instance were more pertinent than it is, it would only prove what hath been too often proved before—When Men do not suspect any Designs to invade their Rights, and subdolous Steps taken to that End, are productive of immediate Convenience without pointing out their destructive Tendency, They are frequently involved in Ruin before they are aware of Danger, or that the Conduct flowing from the Negligence of innocent Intentions, may afford an Handle to Men of different Dispositions, for the Commission of Oppression—Of the Truth of these Observations the Histories of all People who have once been blessed with Freedom, and have lost it, exhibit abundant Examples.

When Instances are urged as an authoritative Reason for adopting a new Measure, They are proved to be more important from this Use of Them, and ought therefore to be reviewed with Accuracy, and canvassed with Strictness. What is proposed ought to be incorporated with what hath been done, and the Result of both stated and considered as a substantive original Question, and if the Measure proposed is incompatible with the constitutional Rights of the Subject, it is so far from being a rational Argument, that Consistency requires an Adoption of the proposed Measure, that, on the contrary, it suggests the strongest Motive for abolishing the Precedent; when therefore an Instance of *Deviation* from the Constitution is pressed as a Reason for the *Establishment* of a Measure striking at the very Root of all Liberty; tho' the Argument is inconclusive, it ought to be useful.

Wherefore if a sufficient Answer were not given to the Argument drawn from Precedents, by shewing that none of the Instances adduced are applicable, I should have very little Difficulty in denying the Justice of the Principle on which it is founded. What hath been done, if wrongful, confers no Right to repeat it. To justify Oppression and Outrage, by
Instances