

as inherent and indefeasible: that both have grown out of the same stock, and that if we avail ourselves of the one we must submit to and acknowledge the other.

It might here be properly enough asked, Are these personal rights self-existent? Have they no original some? I answer, They are derived from the constitution of England, which is the common law; and from the same fountain is also derived the jurisdiction of Parliament over us.

### BRITISH COMMON LAW

But to bring this argument down to the most vulgar apprehension: The common law has established it as a rule or maxim that the plantations are bound by British acts of Parliament if particularly named; and surely no Englishman in his senses will deny the force of a common law maxim. . . .

Can we claim the common law as an inheritance, and at the same time be at liberty to adopt one part of it and reject the other? Indeed we cannot. The common law, pure and indivisible in its nature and essence; cleaves to us during our lives and follows us from Nova Zembla to Cape Horn; and therefore, as the jurisdiction of Parliament arises out of and is supported by it, we may as well renounce our allegiance or change our nature as to be exempt from the jurisdiction of Parliament. Hence it is plain to me that in denying this jurisdiction we at the same time take leave of the common law, and thereby, with equal temerity and folly, strip ourselves of every blessing we enjoy as Englishmen: a flagrant proof, this, that shallow drafts in politics and legislation confound and distract us, and that an extravagant zeal often defeats its own purposes.

### TAXATION AND REPRESENTATION

I am aware that the foregoing reasoning will be opposed by the maxim "That no Englishman can be taxed but by his own consent or by representatives."

It is this dry maxim, taken in a literal sense and ill understood, that, like the song of "Lillibullero," has made all the mischief in the colonies; and upon this the partisans of the colonies' rights chiefly rest their cause. I don't despair, however, of convincing you that this maxim affords but little support to their argument when rightly examined and explained.

It is the opinion of the House of Commons, and may be considered as a law of Parliament, that they are the representatives of every British subject, wheresoever he be. In this view of the matter, then, the foregoing maxim is fully vindicated in practice, and the whole benefit of it, in substance and effect, extended and applied to the colonies. Indeed the maxim must be considered in this latitude, for in a literal sense or construction it ever was,

and ever will be, impracticable. Let me ask, Is the Isle of Man, Jersey, or Guernsey represented? What is the value or amount of each man's representation in the kingdom of Scotland, which contains near two millions of people, and yet not more than three thousand have votes in the election of members of Parliament? . . .

Suppose that this Utopian privilege of representation should take place. I question if it would answer any other purpose but to bring an expense upon the colonies, unless you can suppose that a few American members could bias the deliberations of the whole British legislature. In short, this right of representation is but a phantom, and if possessed in its full extent would be of no real advantage to the colonies. . . .

I could further urge the danger of innovations. Every change in a constitution in some degree weakens its original frame, and hence it is that legislators and statesmen are cautious in admitting them. The goodly building of the British constitution will be best secured and perpetuated by adhering to its original principles. Parliaments are not of yesterday; they are as ancient as our Saxon ancestors. Attendance in Parliament was originally a duty arising from a tenure of lands, and grew out of the feudal system, so that the privilege of sitting in it is territorial and confined to Britain only. Why should the beauty and symmetry of this body be destroyed and its purity defiled by the unnatural mixture of representatives from every part of the British dominions? *Parthians, Medes, Elamites, and the dwellers of Mesopotamia, etc.*, would not, in such a case, speak the same language. What a heterogeneous council would this form? What a monster in government would it be? In truth, my friend, the matter lies here: the freedom and happiness of every British subject depends not upon his share in elections but upon the sense and virtue of the British Parliament, and these depend reciprocally upon the sense and virtue of the whole nation. When virtue and honor are no more, the lovely frame of our constitution will be dissolved. Britain may one day be what Athens and Rome now are; but may Heaven long protract the hour!

The jurisdiction of Parliament being established, it will follow that this jurisdiction cannot be apportioned; it is transcendent and entire, and may levy internal taxes as well as regulate trade. There is no essential difference in the rights: a stamp duty is confessedly the most reasonable and equitable that can be devised, yet very far am I from desiring to see it established among us; but I fear the shaft is sped and it is now too late to prevent the blow. . . .

Believe me, my friend, it gives me great pain to see so much ingratitude in the colonies to the mother country, whose arms and money so lately rescued them from a French government. I have been told that some have gone so far as to say that they would, as things are, prefer