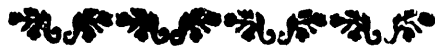


T H E
CANDID RETROSPECT :

O R,

The AMERICAN WAR examined,
K
BY

WHIG PRINCIPLES.



C H A R L E S T O W N :

Printed by JOHN WELLS, jun. at No. 71, Tradd Street.

MDCCLXXX.

Candid Retrospect.

THE political creed of America (for I make no estimate of two parties, who taken together are a *Minority* of the continent) may be comprised in the twelve following articles.

I. Every nation has authority to frame such a government for itself, as will, without injury to others, be most conducive to its own felicity.

II. The national sovereignty under every form of government, whether in the hands of one, or of many persons, or however modelled, is absolute; for no State can exist, if any of its members may by force or fraud attempt its subversion with impunity: And therefore, every nation punishes treason, or an attempt tending to overturn the constitution, as the highest crime of which a subject can be guilty.

III. No man can be innocent, even *Foro Conscientie*, in an endeavour to change the government of his country, if the meditated revolution will light up a civil war, and the miseries in prospect are likely to exceed those, which the community have been accustomed to endure.

The establishments made in America by English emigrants and their associates, *might* in the early day of the colonies, if the parent country had so determined, have been prevented or broken up.

V. The Lords and Commons of England, being consultant of the grants and charters of their Kings and Queens, for the encouragement of the Colonies, and of the transactions under them; and afterwards co operating for regulating the plantations, rendering them secure against foreign invasions and useful to Great-Britain, they

cannot therefore be considered as *merely Royal*, but Parliamentary, or national establishments

VI. The grants and charters to the colonies, and the posterior settlements, regulations and usages by the permission, and with the knowledge or privity, and without the interdiction of Parliament, are incontestible proofs of a great national covenant between the Mother Country and the Colonies; for her favours (which undeniably have been many and great) by inspiring the Colonists with confidence, and exposing them to hazardous and expensive undertakings, created rights; and gratitude never obliges to returns and surrenders, incompatible with those rights which are essential to the felicity of the receiver of the benefits.

VII. Before the year 1764, the King, Lords and Commons, were universally acknowledged to be the supreme law-givers of the whole empire; of which the Colonies were members.

VIII. The national covenant bound the parent country to protect and promote the Colonies, according to the good faith implied in the grants and charters, and other royal and national acts in their favour, as far as was consistent with the general weal of all the dispersions of the nation; and it obliged the plantations to submit to her authority, in all cases not repugnant to their grants, charters and establishments; and to such acts and contributions, as were necessary for the *common* defence and felicity of the empire.

IX. Neither of the contracting parties may dissolve this compact, as long as their joint aim in the union, to wit, *their mutual* prosperity, can be attained by it.

X. As no provision was made for constituting an impartial Judge between them, to bridle or correct the partiality or infidelity of either party, therefore their controversies are to be decided by negotiation and treaty, or on appeal by battle to the Lord of Hosts; for neither is obliged to surrender its essential rights at the *will* of the other, and each is justifiable in exerting its own self-preserving powers.

XI. When one of them wants either will or ability to fulfil its engagements, the other, if not instrumental to this disaffection or impotence, will be discharged from the original obligation. But,

XII. Since amongst imperfect beings offences are inevitable, the contractors are by the laws of a judge who cannot be deceived, reciprocally bound, upon exceptions taken, to pursue every measure

of a reconciliatory nature, consistent with the end of the union ; and to such mutual concessions, as tend to the re-establishment of the general felicity, peace and harmony : And this is the more eminently their duty, since the empire consists of *other* branches, which have offended neither of the parties at strife, and will nevertheless be ruined if the controversy ends in a separation.

In the application of these principles to the present quarrel, perhaps neither Great-Britain nor America, will appear to be without blame.

What a new and awful idea of the constitution did the Parent Country hold up to her Colonies, the passing of the stamp act ! Her language was this :

“ You Americans are absolutely ours. We may dispose of your persons, your commerce, your lands and acquisitions as we please. You have no rights. The grants of our Kings to your ancestors, do not bind this nation. The privileges and securities of Englishmen cannot be yours unless your return to the old realm. Our ancient indulgences were *temporary* permissions, from which you can deduce no title to *permanent* enjoyments. Your plea that our Commons are not of your electing, and that we and they are interested in the increase of your burdens, can come with propriety only from the mouth of a British inhabitant.—All America is subject to our taxations ; nor will we hear your complaints, until you first own our authority to deal with you as we please, and acknowledge that such benefits as you request, are to be expected not as of right, but of grace.”

Had England such principles at the first emigrations, she was bound to declare them to the adventurers, before they gave themselves to the winds and the seas, to gain her a share of the wealth and commerce of the new world, by which her island has been converted into a *Nation of Princes*.

But thus she never did speak till this memorable era ; and therefore the Colonies were in consternation at the haughty tone, uttering this novel explanation of the nature of the union. They remonstrated—they resisted—and the instant Great-Britain took off the new burden, America regarding her *deeds* more than her words, submitted without cavalling, to that rational sovereignty she had formerly exercised, to the common advantage of the empire.

The grand dilemma of the moment in which the stamp act was repealed [1766] was some plan for obtaining in future the reasonable contributions of the Colonies for the *common defence* consistent with the supremacy of Parliament and the freedom of America, either in the old or in some new and unexceptionable mode.—If assemblies were *no longer* to be trusted, for grants on separate requisitions from the Crown (though the Colonies had in this way the credit of having overacted their parts) an American Parliament might have been constituted to *insure* and *quicken* the supplies; or permanent funds might have been set apart in every plantation, for their quota's to the national charge, rising and falling with the commerce of a Colony, perfectly consistent with *their* safety and the *national supremacy*, and requisite for the union and direction of their force: But to the astonishment of common sense, Great Britain, blind to futurity, and anxious only for present peace, contented herself with an empty declaration of her authority to bind the Colonies *in all cases whatsoever*; and as if this would have prevented America from indulging jealousies, or have induced her to slide into security and confidence, she absurdly enrolled it among her laws.—Fain themselves, the ministers of the day, devised nothing to counteract the poison administered by their predecessors, and seemed to be regardless of the durable interests of the Monarch they served, and the nation who resigned to their counsels.—But to proceed, we remark,

1. That the present animosities are imputable to the pride and avarice of Great-Britain, in assuming an authority, inconsistent with the compact by which the empire had been long prosperously united. The Colonies had the merit of returning to their submission, as soon as they were disburdened of the stamp duties, the irritating assertion of a right to despotick sovereignty over them notwithstanding. They remained quiet till Mr. Townshend revived the old claim in a new form, by imposing duties upon paper, paint, &c. for raising a revenue, subversive of the Colony Legislatures and the ancient customs of the Empire.

2. That the Colonies were justifiable in censuring the new law devised to execute the tea duty act; for that aiming to enforce the claim of a sole sovereignty obliged to some conduct or declaration against an unconditional submission.—*Perhaps* it justified the open violation to which they resorted.—Representations and petitions

having been tried without effect, what could be expected from the influence of dissuasions against the purchase of the dutied article? Had not the patriot disdained to apprehend prosecution and remain unless when imprisoned, his countrymen would rise up against the government for his redemption? And which measure was least exceptionable, the destruction of the commodity, or the rupture of gaols, for a deliverance of the prisoners in the confederacy, and the sudden overturning of the Colony Government for defeating the *regular* course of the law?

3. That the relentment of Great-Britain, on the destruction and expulsion of the tea cargoes, manifested in the coercive measures of 1774, by altering the charter of the Massachusetts Bay, extinguishing the commerce of Boston, collecting an army there, rendering the soldiery dispunishable for the shedding of blood, modelling the province of Quebeck favourable to the designs of compulsion and violence, was utterly unjustifiable, and an infraction of the league, which obliged Great-Britain to protect the Colonies; and these severities were the more inexcusable, since to that moment her sovereignty in *all cases* (the matter of taxation excepted) had not been denied by the Colonies; but was by all their courts, and in all their proceedings, confessed or implied, adjudged and supported.

4. That the provinces were not blamable in forming a Congress, to unite their counsels and ward off danger, as they did in September, 1774.

5. That it was the duty of the American Assemblies, and of the Congress acting for the whole continent, *at that time* to tender a plan to the Mother Country, for restoring peace, consistent with the compact, by which the Parliament of Great-Britain was to enjoy a supremacy for the common felicity of the empire; and consequently, that the declaration they then made, of the right of the Colonies to an *exclusive legislation*, not only in cases of taxation but of *internal polity*, subject only to the negative of their sovereign, was a departure in terms from the original league; since it left no authority to the Parliament of Great-Britain over the Plantations, except for the regulation of the *external* commerce of the Empire; and gave vigour to the jealousy *lesser* excited, by the misrepresentations of their enemies, of a design to maintain an inauspicious union and confederacy with the *Monarchs*, and not with the *Legislature and People* of

Great-Britain ; and that the intimation of the same Congress, of the willingness of the Colonies, to acquiesce in their condition *prior to 1763*, gave Great-Britain no sufficient ground to expect their submission, to the ancient acknowledged claims of her Parliament ; since the repeal of the offensive statutes, *without a retraction* of the denial of her legislative authority, would, by a violent implication, establish the *Congress's declaration*, and amount to a consent, that America was thenceforth to be the Ally of Great-Britain, and not what the Congress, at *that very time*, averred her to be, a Member of the Empire.—Vide appendix, No. 1.

6. That it would not have been inconsistent with the dignity of Great-Britain, if instead of declaring war against her Colonies, as in the joint address of the Lords and Commons to the King 12 January, 1775, she had animadverted upon the denial of her authority in all cases respecting internal polity, as *an error* ; and have specified in what particulars the Americans should be restored to a *uti possidetis* relative to their charters, patents, assemblies, elections, and modes of government, &c. on condition of their contributing to the necessities of the Empire. And that the parliamentary vote of the 20th of February, 1775, would have more naturally effected a treaty of reconciliation, had it *explicitly* asserted, that the right reserved to Parliament, of *approving* the quantum of the Colony contributions towards the common defence, was not claimed upon the supposition, that Parliament authoritatively command levies, but only on her right to judge of the exercise or defect of a due sympathy in any branch of the empire, to the general necessities of the whole body ; and especially if Great-Britain had at the same time, intimated a readiness to consent to such checks. limitations and restraints, as might be necessary to inture the application of them, to the end for which they were given ; and had with these, promised a restitution of rights and an *act of oblivion*.—Vide Appendix, No. 2.

7. That it was a fault to issue that proposal, in terms *capable* of being construed, into an attachment to the principle of unlimited submission, and accompanying it with acts for augmenting her force at Boston, and restraining the fishery and commerce of her Colonies, and for neglecting to command a cessation of arms, until the Colonies had an opportunity to deliberate, with composure of mind, upon that proposal—more especially for her irritating sally to Con-

cord and Lexington, on the 19th of April 1775, when no Government but Mr. Gage, had received the Parliament's *conciliatory resolve*.

8. That as this vote, under these circumstances, and the partial direction of her wrath against the New-England Colonies, favoured the opinion of its being contrived, to deceive and divide the Provinces, the Congress of 1775, had some pretext for flying to arms, to repel further incursions of the British troops, till Government gave them an opportunity, in a condition less alarming, to explain the declaration of 1774 into a *consistency* with the ancient supremacy of Parliament, and to state the limitations requisite for their safety, in answer to the February resolution or proposal.

9. That the total rejection of it in August 1775, and the neglect of the Congress to recall or explain the declaration of 1774, had a natural tendency to exasperate the nation; and as the Continental successes in Canada, and the impotent state of the British army at Boston, did leave America in a condition, for a more cool and deliberate consideration of the controversy, than could have been expected *immediately* after the irritations at Lexington, Concord, and Charlestown, her Congress deserves the charge of abandoning to passion, if not to motives less excusable; it being then the palpable duty of both countries, by proper agents in a confidential way, to state and explain their respective claims and desires.

10. That the neglect of Great-Britain to supersede the orders to the navy, for sacrificing every town on the American coast, which should prepare for defence; and her continuance of hostilities after the petition to the King, preferred by Mr. Richard Penn in August 1775, submitting it to his wisdom to point to some plan for the restoration of harmony, confirmed the charge of her commencing a war to maintain an illiberal dominion.

11. That the Congress would have had merit with their countrymen, if instead of referring it to the King to direct "to a mode, by which the united applications of his faithful Colonists to the throne, in pursuance of their common councils, may be improved into a happy and permanent reconciliation;" they had at the same time expressly assured his Majesty, that they meant not by their *declaration of rights* in 1774, to *exclude* Parliament from participating in the regulations respecting the *internal politics* of the Colonies: And that an omission so naturally confirming the suspi-

cion of a design to involve the Empire in blood, by a struggle for dismembring it, discovers *at least* great imperfection in the counsels of that Congress; as it was reasonable to suppose, that the petition would be compared, with the principles and temper manifested in the preparations for an offensive war into Canada, and the disdainful rejection of the Parliament's proposal, of the month of February preceding.

12. That every partial view, whether of Great-Britain, to aggrandize herself by extortionate exactions from the plantations, regardless of their felicity; or of America, to figure as an independent power, on the ruins of Great-Britain, Ireland, and the other Colonies, Factories and Settlements, is unrighteous in the sight of God; and upon the belief of the manifestation of his justice in the government of nations, must expose to the correction of his irresistible and unerring hand.

13. Both countries being chargeable with inattention to the obligations they were under to pursue the measures requisite to a reconciliation, neither of them could reject terms consistent with the *original compact*, though no reimbursements were offered for the losses they had sustained. Add to this, that the controversy arose from—neglect in our *early days*, to concert such specifick stipulations, as were necessary to prevent doubts and strife, and reconcile the safety of the Colonies with the general supremacy of Parliament; and that a definitive treaty restoring each country to a situation preferable to her primitive condition, afforded a reasonable security for her future felicity; Great-Britain's best hopes being founded on the dependence and union of America; and the Colonies being arrived at such a maturity of strength, as to command upon the principles of utility, a *system of liberality*, in the future management of their affairs.

14. That Great-Britain even in passing the *prohibitory act* of December 1775, opened a door to pacification, as it repealed the Boston port act, and the two other coercive statutes for restraining the fishery and the commerce of the Colonies; and enabled the Crown to appoint Commissioners, to render the *prohibiting act itself useless*, upon a treaty to be made with the Colonies, or with any port or place within either of them; and more especially as the King's Ministers had so early as September (soon after the Congress's

petition to the King) dispatched messengers, who in *January 1776*, had interviews with certain of the Delegates at Philadelphia, and made such intimations, as gave just ground to hope for an immediate termination of all differences, had the Congress sent others on their part, to confess *their* willingness to *negotiate* upon the overtures, which Administration (then supposed by the Colonies or their Congress to have the lead of Parliament) stood ready to recommend to the national approbation. Vid. Appendix, No. 3.

15. That the concealment of these pre-intimations so explanatory of the *true intent* of the armaments expected in June and July, 1776, and of the nature of the commission and instructions given to Lord and General Howe, added to the guilt of the Congress, and favoured the perilous design of drawing the people into the precipitate renunciation of the dependency of the Colonies, the 4th of July, 1776, and of plunging their countrymen into a tedious and desolating war. Vid. Appendix, No. 4.

16. That there is reason to suspect, that the views which prompted to that awful resolution, will lead the Delegates to practise every artifice, to hide its horrible tendency from the eye of the publick; and if possible, to turn the quarrel to their own emolument, at the expence of the blood and treasure of their country. Vid. Appendix, No. 5.

17. That the appeal being made by the sword to the Omniscient Judge, who will decide upon it with infallible rectitude, and the war wasting the empire, and tending to a separation ruinous to millions, who have taken *no part in the controversy*, it concerns those who began, as well as those who support and protract it, under the loud calls of justice, humanity, benevolence, honour, religion and the general interest, to cultivate concord, and a return to their ancient union, according to that compact which eminently advanced the common prosperity, antecedent to the year 1764; for no end however laudable and desirable, will justify a perfidious and ambitious violation of that covenant, under which the two countries were placed by the Providence of God, be the prospect never so flattering to our zeal for the civil or religious interests of mankind; it being the indispensable duty of christians, to seek for *temporal* as well as *eternal* felicity in the way of well-doing; trusting it to the Supreme Ruler, to accomplish his benevolent designs, rel.

ting both to Church and State, according to his own infinite wisdom and uncontrollable sovereignty.

18. If it was the duty of the Congress by withholding at first or afterwards retracting the declaration of 1774, which renounces the whole authority of Parliament in the concerns of *civil polity*, to have prevented an open war; or to have terminated it by messages in answer to the overtures of January 1776, when but few of the Colonies had thought of even *temporary* establishments for *common* order, nor any of them had authorized their Delegates to vote for a disunion, or to have checked the military operations, by calling for the terms brought out by Lord Howe, and submitting them, under a cessation of arms, to the consideration of their constituents in autumn 1776, no subsequent transaction of the Congress, to give success to the unwarrantable project for dismembering the Empire, *then concealed from the multitude*, can bind the rest of their countrymen, in *honour or conscience*, to support a weak and wicked faction, in an obstinate prosecution of the war.

19. Who then are the real enemies of America, if not *they* who have perverted the *virtuous aims* of the *main body* of the people for the defence of their rights and privileges, into a war for dominion? And *seduced* some, *terrified* many, and driven more, to assist in this extravagant enterprize—who, under the disguise of patriot zeal, did, *unauthorized*, dispatch an emissary in the winter 1776*, to draw the ancient enmity of France into a contention purely domestic; and have since by various arts and assiduous labours, in and out of Congress, opposed all peaceful negotiations, and effected a league with the common foe, to gratify the corrupt aims of private ambition and interest; and together with others, in divers posts, offices and employments, are feeding and thriving upon the miseries of their countrymen, and by force and fraud preventing their return to the blessings of peace, liberty and safety, under a most generous plan tendered by Great-Britain, with proposals of a solemn convention, for advancing and perpetuating the prosperity of the whole Empire? Vid. Appendix, No. 6.

20. It being manifest that nothing will satisfy the directors of the American Councils (by whom several of the Colonies suffer themselves to be ruled) but measures incompatible with the safety of

* Silas Deane, a Country Trader, of Weathersfield, in Connecticut.

the many millions of the same natural stock with themselves in Europe, Asia and Africa, and in the contented dispersions in the Islands, as well as on the continent of America, Great-Britain will be justifiable in exerting the powers she enjoys for her preservation, to render the rebelled Plantations as *impotent* as they appear to be *unfriendly*, to the welfare of that vast community, with whom they may be, as they once were, happily united; and from whom they are now suddenly severed, upon principles of partiality, reprobated by great multitudes of their own countrymen, who have suffered insults, imprisonments, fines, sequestrations, and many of them *death itself*.

21. But since men's passions became inflamed, under erroneous views of the measures requisite to promote and secure the common interests of both countries, and it is scarce possible for the ordinary tribunals of justice, biased as they may be by prejudices, *exactly* to discern the line of separation, between that conduct, which from the motives and ends of the agent, may not deserve blame, and a behaviour in the eye of the law *criminal and treasonable*, it was wise and just, as well as merciful in Great-Britain, to issue as she did in October 1778, *general and undistinguishing pardons*; that punishment might be inflicted only for guilt to be contracted in *future*, by persevering in a conflict, undoubtedly degenerated from a struggle for liberty, into an **UNNATURAL REBELLION**.

22. That the sufferings of the loyalists in all parts of the continent, from the hands of fellow subjects, who while violating the rights of private judgment, are nevertheless appealing in their fasts, prayers and thankgivings, to the God of love and mercy, for their innocence, will eternally demonstrate the hypocrisy, avarice and profligacy of some, and the fanaticism of the rest of their oppressors; as the forbearance of Great-Britain, in not having yet executed a single rebel in her power, and in restraining from the devastations and complicated calamities, she might have brought upon the avowed ally of her inveterate enemy, is of her lenity and generosity: And that it will become her in future, to have a tender regard, not only to her friends in America, but to disiminate the ignorant, the timid, the helpless, the uninformed and the seduced, by proportionable indulgencies; and to remember at the final termination of the war in a re-union, the fidelity and affection she found here,

and to strike hands with the Colonies, in a free and generous establishment of their privileges, bought by the blood of the *American*, as well as the *European* loyalist.

Lastly, That Great-Britain independent of her own interest in the controversy, is, all circumstances considered, bound by justice and honour to prevent the ruin of her American friends, at every risk short of certain destruction to herself: And that it will be her duty, if compelled by adversity to conclude a disadvantageous peace, and to part with one or more of her Colonies to France, Spain or any other foreign nation; to stipulate in clear and strong terms, in behalf of the loyalists who may be found there, for every advantage of disposing of their estates, and free liberty to remove to such of the Colonies or Dominions, as may not be unfortunately surrendered at the end of the war, to a popish or arbitrary power.

APPENDIX, No. I.

Extract from that Part of the Proceedings of the Continental Congress, assembled at Philadelphia, 5th of September, 1774, which was called "The American Bill of Rights."

"**T**HE inhabitants of the English Colonies in North-America, by the immutable laws of nature, the principles of the English Constitution, and the several charters or compacts, have the following Rights."

After affirming in the three first resolves, That the Americans are entitled to Life, Liberty and Property—that their ancestors had at the time of their emigration, all the rights, liberties and immunities of free and natural born subjects *within* the realm—that they were not lost by the emigration, and that their descendants have a right to enjoy such of them, as consist with their local circumstances, it is

"*Resolved 4thly*, That the foundation of English liberty and of all free government, is a right in the people to participate in their Legislative Councils; and as the English Colonies are not represented, and from their local and other circumstances, cannot properly be represented in the British Parliament, they are entitled to a free and *exclusive* power of legislation, in their several Provincial legislatures; where their right of representation can alone be preserved, in all cases of taxation and INTERNAL POLITY, subject only to the negative of their Sovereign, in such manner as has been heretofore used and accustomed. But from the necessity of the case, and a regard to the mutual interests of both countries, we cheerfully CONSENT to the operation, of such acts of the British Parliament, as are *bona fide* restrained to the regulation of our *external commerce*, for the purposes of securing the commercial advantages of the whole Empire to the Mother Country, and the *commercial benefits of its respective members*; excluding every idea of taxation internal or external, for raising a revenue on the subjects in America without their consent."

Can it be doubted that the party who introduced this resolve, had any other design than the severance of the Empire? Precluded as Great-Britain was to be in future, from all acts of legislation, affecting the *internal* polity of every colony, how then could she check practices injurious to the common weal? she must rely, said the independant, upon the vigilance and fidelity of her Sovereigns—What! let candour answer it, had the people of Great-Britain nothing to fear from their Kings?—from Kings at the head of Colonies, that have already (even without the aid of the Crown) braved all the rest of the Empire? nay what security would those Monarchs have had for the continuance of their power.

But the Congress *consented* (a term properly used after the *whole* authority of Parliament had been denied) to be subject to the laws of trade; and with this the honest and simple hearted Americans were contented, for few of them were aware of the craft which tacked to every such a law, a condition to render it nugatory and void, unless while it continued the advantages of the commerce to Great-Britain, I should say, of the *external commerce* of the whole Empire, it secured

at the same time, *the commercial benefits of its respective members*. An insidious addition, which brought some Delegates within doors, and thousands without, to approve in terms, a sentiment which in their hearts they abhorred. Is it in the understanding of man, to frame an act of trade, that will be proof against the cavils, to which such an article gave an handle? And would not the assent to it as a *fundamental* of the union, have set every colony upon the high ground of a contracting potentate: so hurried to resist by violence, what she might not be able to prevent by dissuasion? It was only to shew that an act of Parliament was not *so beneficial* to the Empire, or any part of it, as it might have been, to be *void*, and as easy to foresee that this principle admitted, it was impossible to pen a law, that would be valid in all or any of the Provinces. In short, if Great Britain had run into one extreme for asserting her right to bind the Colonies *in all cases whatsoever*, was it not equally extravagant to hold that she could bind us in *none*?—I shall not disparage America by asserting that there were no persons here who discerned and detested at the day of these transactions, the design and tendency of this article of the declaration of rights; there were, and with grief we must add, that there were members of *that very Congress*, who, then overreached, have since died of vexation; as well as others, who to avoid the like imputation, sacrifice integrity to pride, and boast of being from the beginning in that plot, which has cost their countrymen an ocean of blood. Thousands must be able to point to the men, once as loud in denying, as they are at present in owning, the intention of severing the Empire from the year 1774. They have no consent for the same they aspire after, and that what they wished to be believed, may never be questioned till that happy day, when themselves shall find safety, in producing the proofs they now are desirous to conceal.

Is it asked, what should have been substituted for the resolve we condemn? I answer, one safe to America and not injurious to the rest of the Empire. Had the Delegates of that day the general felicity in their eye, might we not have looked for something like the following declaration as most consistent with the safety and sentiments of those, with whose lives and fortunes they were intrusted?

The foundation of English liberty and of all free government, is a right in the people to participate in their Legislative Council. The Colonists are not, and from local and other circumstances cannot, be represented as the inhabitants of the ancient realm are, in the *British* Parliament. If only the objects of the bounty and care, and not contributory to the burdens of the parent nation, they could not complain of their not participating in her councils. But the case was altered after the Providence of God had enabled them to sustain, and we called them to bear, a part of the general charge for the *common defence of the British flock*, now dispersed in all quarters of the world.—America has no unnatural desire to shrink from the load, but declares herself willing to submit to an equitable ratio.—She expects it from the wisdom and justice of the Parent State to set limits to her power, that Great-Britain will abstain from all measures directly and indirectly tending to levy taxes, and from chastisements and innovations for humbling the Colonies into a base devotion to her arbitrary pleasure.—She has drawn aids from them by her commercial regulations.—Let a council be convoked to deliberate upon a settlement, to ascertain what contributions the Provinces shall afford in future, for the protection she ought not to refuse.

Such language as this could only have offended those, who meant to subject us to despotism: And it must be confessed to the honour of Great-Britain, that she threw out the first hint for an accommodation of differences by *compact*, in the resolve of the 20th of February, 1775.—It is at the same time the misfortune of the Colonies, that their leaders preferred a defiance of her power to the tenders of her love. Look at the sullen answer to the conciliatory declaration, entered in the Congress minutes of the 31st of July, 1775—an answer too, unfairly suspended from the preceeding April, that the multitude might in the interval, be the better prepared to approve its insidious contents. What incredible pains were taken to practise upon the Provincial Congresses, and inculcate the ludicrous idea uttered in Parliament, that liberty was set up at *auktion*, to be sold to the Provinces bidding highest? And how grateful the poison of that parricide, to an inflamed populace, gulled into a destructive war, by the hope of paying nothing, towards the charge for supporting and defending the liberties they enjoyed! Miserable Americans! say now who are your foes!

APPENDIX, No. II.

Extract from the Journals of the House of Commons.

DIE LUNÆ, 20mo Die Februarii, 1775.

The House in a COMMITTEE on the *American Papers.*

Motion made and Question proposed,

THAT it is the opinion of this Committee, that when the Governour, Council and Assembly, or General Court of any of his Majesty's Provinces or Colonies in America, shall propose to make provision, according to the condition, circumstances and situation of such Province or Colony, for contributing their proportion to the *common defence* (such proportion to be raised under the authority of the General Court or General Assembly of such Province or Colony, and disposable by Parliament) and shall engage to make provision also for the support of the civil government, and the administration of justice in such Province or Colony, it will be proper, if such proposal shall be approved by his Majesty and the two Houses of Parliament, and for so long as such provision shall be made accordingly, to forbear in respect of such Province or Colony, to levy any duty, tax or assessment, except only such duties as it may be expedient to continue to levy, or impose for the regulation of commerce; the nett produce of the duties last mentioned, to be carried to the account of such Province or Colony respectively.

The circular Letter inclosing this Resolution.

S I R,

Whitehall, February 22d, 1775.

INCLOSED I send you by the King's command, a joint address of both Houses of Parliament to his Majesty, upon a consideration of the papers, which had been

communicated to them relative to the American Colonies, together with his Majesty's most gracious answer to the said address.

I likewise send you a printed copy of a bill brought into the House of Commons for restraining the trade and fisheries of the four New-England Governments for a limited time, together with a copy of a resolution declaratory of the sense of Parliament upon the subject of taxation; which resolution was moved in the committee on Monday last, and carried by a majority of 274 to 88.

As these two measures are as yet in the first stages only of consideration, and as the bill may possibly admit in its farther progress of some alteration, I shall only say upon them, that I flatter myself that the firm determination of Parliament, to preserve the Colonies in a due dependence upon this Kingdom, *tempered with the justice and moderation* expressed in the last resolution of the Committee, will have the effect to produce such a conduct on the part of the Colonies, as shall lead to a restoration of the publick tranquillity. I am, Sir, your most obedient humble servant,

DARTMOUTH.

The Circular Letter of the American Secretary of State.

SIR,

Whitehall, March 3d, 1775.

YOU will have seen in the King's answer to the joint address of both Houses of Parliament on the 7th of February, which address and answer have already been transmitted to you, how much attention his Majesty was most graciously pleased to give to the assurance held out in that address, of the readiness of Parliament to afford any just and reasonable indulgence to the Colonies, whenever they should make a *proper* application on the ground of any real grievance they might have to complain of: And therefore I have the less occasion now, to enlarge upon the satisfaction it has given his Majesty, to see that address followed by the inclosed resolution of the House of Commons; which, whatever may be the effect of it, (I hope a happy one) will forever remain an evidence of their justice and moderation, and manifest the temper which has accompanied their deliberations upon that question, which has been the source of so much disquiet to his Majesty's subjects in America, and a pretence for acts of such criminal disorder and disobedience.

His Majesty *ardently wishing* to see a reconciliation of the unhappy differences, which have produced these disorders, by every means through which it may be obtained, without prejudice to the just authority of Parliament, which his Majesty will never suffer to be violated, *approves the resolution* of his faithful Commons; and commands me to transmit it to you, not doubting that this happy disposition to comply with *every just and reasonable wish* of the King's subjects in America, will meet with such a return of duty and affection on their part, as will lead to a happy issue of the present disputes, and to a re-establishment of the publick tranquillity, on those grounds of *justice and moderation* which this resolution holds forth. The letter adds,

The resolution neither points out what the civil establishment should be, nor demands any specifick sum in aid of the publick burthens--In both these respects, it leaves full scope for that justice and liberality, which may be expected from Colonies, that under all their prejudices, have never been wanting in expressions of an affectionate attachment to the mother country, and a zealous regard for the *general welfare* of the British empire.

APPENDIX, No. III.

THE Prohibitory Act of December 1775, authorized the making captures of American vessels, and though it repealed that for shutting up the port of Boston, and two others for restraining the commerce of the Colonies, and enabled the Crown to appoint Commissioners for opening negotiations to terminate the present animosities, and to render all the denunciations of the prohibitory statute *ipse* utterly inefficacious, in every Colony, County or Village desirous of peace, yet it was artfully made a handle of to induce the multitude to believe, that they were thereby put *out of the King's protection*, except upon the terms of *unconditional submission*.

How few not in Congress were at that time, or have since been informed of *what all should have known*, and upon which the *collective body* ought to have been consulted, viz.

That Lord Drummond left England in September, 1775, three months before the passing of the prohibitory act, and after touching at Halifax and Boston, arrived at New-York, and with Mr. Elliot, made a journey to the Congress at Philadelphia, in January 1776.

That it was then *confidentially* signified to certain of the Delegates attending there, that the Minister of the Court of Great-Britain was desirous of a *treaty* for a pacification of differences, upon the following equitable propositions :

1. To ascertain the proportion each Colony was able to contribute towards the *common defence*.
2. That the supply should be raised by acts of Assembly, in duties upon imports or exports, most likely to keep pace with the *growth or decline* of the Colony.
3. That other duties for regulating trade, should be paid into the Colony treasury, and be subject to the disposal of the Assembly; and,
- 4thly, Great-Britain to *renounce* the claim of taxation, and depend for aids in *all exigencies*, upon the free gift of the Colonies.

It was also intimated that these points agreed, the repeal of the statutes offensive to America would follow; and such a limitation proposed for the quartering of troops, and the partition of them through the Provinces, as to induce one of the then Delegates, to declare that he should consider them as *hostages for the good behaviour of Great-Britain*.

It was at the same interview candidly hinted, that the mother country would arm at all points in the spring, and precede her operations by overtures for a treaty; and as a means to prevent even the arrival of the intended armaments, Lord Drummond urged, that Congress should declare themselves on these proposals, by special messengers of *their own* to go home immediately.

How this pacifick message was received, the people of any Colony may know, if they have spirit and power left under their present tyrants, to call the Delegates of *that day* to an examination upon oath. It is asserted that a motion was made in Congress, to commit the Messengers to close custody; and certainly true, that they were not dismissed till their paroles were exacted; and that much pains were taken, to hide these momentous transactions from the publick eye. If the enquiry (which it imports every Province to make into the conduct and fidelity of her

agents) is not slovenly conducted, it will come out, that two of the Delegates sought a conveyance from New-York to England upon *this business in February 1776*, and that the design was relinquished, as soon as the news of an event in Virginia gave the party for the intended Independency, advantages for subduing the common reluctance of a great majority of the Continent, to advance to that dangerous precipice, from which they have launched so many of their credulous countrymen into the ocean of eternity; while scores of thousands remain behind them, in all the complicated wretchedness of want and despair.

Such, America, was the patriotism of your leaders! Do you wonder that they who cheated you into ruin, have ever since practised the arts of delusion, to screen themselves from a detection, that must expose them to your vengeance?

A P P E N D I X, No. IV.

Extract from the Prohibitory Act, called by some an Act to cast the Americans out of the King's Protection, passed 22d of December, 1775.

AFTER authorizing the capture of their vessels, &c. there is this clause: Provided always nevertheless, and it is hereby enacted by the authority aforesaid, That in order to encourage all well affected persons in any of the said Colonies, to exert themselves in suppressing the rebellion therein, and to afford a speedy protection to those who are disposed to return to their duty, it shall and may be lawful, to and for any person or persons appointed and authorized by his Majesty, to grant a pardon or pardons to any number or description of persons by proclamation, in his Majesty's name, to declare any Colony or Province, Colonies or Provinces, or any county, town, port, district or place in any Colony or Province, to be at the *peace of his Majesty*; and from and after the issuing of any such proclamation in any of the aforesaid Colonies or Provinces, or if his Majesty shall be graciously pleased to signify the same by his Royal proclamation, then and after the issuing of the same, this act, with respect to such Colony or Province, Colonies or Provinces, county, town, port, district or place, shall cease, determine and be utterly void.

Extract from the Commission to Lord Howe and General Howe, dated 16 May, 1776.

After the power to pardon, &c. it runs thus,

And we do hereby strictly charge and command you the said Lord Viscount Howe and William Howe, and each of you, from time to time to enquire *diligently* into the state and condition of the said Colonies and Provinces, and of every county, town, port, district and place within the same, or any of them respectively; and to receive and entertain all dutiful complaints and representations, made to you or either of you, by the inhabitants thereof, and faithfully and duly to transmit the same to one of our principal Secretaries of State; that such reformation and redress may follow thereupon, as the nature of the case may require. And it is our further will and pleasure, that you confer as occasion may require, with our subjects in the said Provinces or any of them, concerning such arrangements and regulations as may

lead to the advantage and stability of the said several Colonies and Provinces, and to a lasting union of each of them respectively, with Great-Britain, upon the *true principles of the Constitution*.

It concludes with authority to the Commissioners to put a peaceful Colony in full possession of her rights, by calling an Assembly and proclaiming the King's peace, after which the prohibiting act is to cease and be void.

To pave the way to a treaty before the British troops landed on Long Island, Lord Drummond sent the following letter to Mr. Washington, then with his army at New-York.

S I R,

August 17th, 1776.

Being deeply interested in the welfare of America, I think it my duty to communicate a matter of intelligence, which I flatter myself may be rendered conducive to the restoration of a desirable peace; and in this view, I request your Excellency's permission to land at New-York, to go directly to Philadelphia, in order to lay the same before the General Congress.

In the course of a conversation I have had with Lord Howe, I perceive that the powers he is vested with as well as his disposition for establishing an equitable and permanent peace, are altogether *misunderstood by the Colonies*.

For in consequence of a sketch of some propositions being offered for his consideration, he very frankly assured me, he was willing to confer upon these grounds, with any gentlemen of the greatest influence in this country.

As I am at liberty to declare his sentiments, I have the honour to inclose for your Excellency's information, a copy of my correspondence with his Lordship and of the propositions referred to in his letter, which are the motives of my present request.

Attending in the boat to be indulged with your answer, I have the honour to be, your Excellency's most humble servant,

General WASHINGTON.

D R U M M O N D.

The papers inclosed were these.

Lord Drummond's Letter to Lord Howe, and Lord Howe's answer.

To Lord HOWE.

MY LORD,

I TAKE the liberty of sending inclosed, the sketch of propositions, referred to in my late conversation with your Lordship; which propositions, I have understood the Colonies were disposed, *not many months ago*, to make the basis of a reconciliation with Great-Britain. I have the honour to be your Lordship's most obedient, humble servant.

D R U M M O N D.

Sloop Polly, August 12th 1776.

Sketch of Propositions communicated to Lord Howe, 12th August, 1776.

1. That it shall be ascertained as far as can be determined by calculation, what supply towards the general exigency of the State, each separate Colony can furnish, *consistent with its ability*.

2. When such supply is thus ascertained, that each Colony shall, by *Acts of its own Assembly*, impose such taxes, as they shall find expedient for raising of the said supply.

3. In consideration of the fluctuating state of all young countries, that such taxes may not, in their operation, become partially or accidentally burthen some on the one hand, nor on the other hand, gradually become deficient in producing the aid intended by the Colonies toward the *general* exigency of the State, such articles shall be chosen as the objects of imposition, as *they* shall deem the most likely to keep pace with the *growth or decline* of the said Colonies.

4. That these taxes so imposed, shall, as in the customs, be levied by officers of the appointment of the King; and that a perpetual grant of the produce of these taxes, shall be made by the respective Assemblies to the Crown of Great-Britain.

5. As the direct means of removing the fatal grounds of this contention, by establishing a security against the apprehended invasion of property by Parliament, *formal relinquishment* shall be made on the part of Great-Britain, of *all future claim to taxation* over these her Colonies.

6. To remove all future suspicions from the minds of the Colonists, that under the appearance of regulating commerce, duties may be imposed for the further purposes of revenue, an application of the produce of all duties imposed on articles of trade by the British Legislature, shall be made towards defraying the expences of the collection; and the surplusses in each Colony, to be paid into *their separate treasuries*, and to be subject to the disposal of the *respective Houses of Assembly*.

DRUMMOND.

LORD HOWE'S ANSWER.

My Lord,

Eagle, off Staten-Island, August 15th, 1776.

I HAVE received the honour of your Lordship's letter of the 12th inst. inclosing a sketch of the propositions mentioned in your late conversations, which I return herewith.

As I think they contain matter, that upon a *conference* and cool discussion, might be wrought into a *plan of permanent union*, I shall with great satisfaction embrace the first opportunity that may be offered upon these grounds, to promote so desirable an event. I have the honour to be, my Lord, your Lordship's most obedient servant,

Right Hon. Lord DRUMMOND.

HOWE.

Lord Drummond was not permitted to come on shore, but the following letter sent to him:

My Lord,

New-York, August 17th, 1776.

I HAVE your Lordship's favour of this day, accompanied by papers on subjects of the greatest moment, and deserving the most deliberate consideration. I allow much for your Lordship's well meant zeal on such an occasion, but I fear it has transported you beyond that attention to *your parole*, which comprehends the character of a man of *strict honour*. How your Lordship can reconcile your past or present conduct, with your engagements, so as to satisfy your own mind, I must submit to your own feelings; but I find myself under the disagreeable necessity of objecting to the *mode of negotiating* proposed, while your Lordship's line of conduct appears so exceptionable.

I shall, by express, forward to Congress your Lordship's letter and the papers

which accompanied it. The result will be communicated as soon as possible. I am sorry to have detained your Lordship so long, but the *unavoidable necessity* must be my apology. I am, my Lord, your Lordship's most obedient and very humble servant,

GEORGE WASHINGTON.

It took air, however, that the flag brought proposals for a treaty, not only in the American army but in the New-York Convention then sitting on the Island; and to prevent the effect of the rumour, it was thought proper to *draw it in post orders*, which were first shewn at General Washington's *head-quarters* in draft to two members of the Congress, then attending him upon a message from Haelem; one of whom has since acted as a Delegate in the Congress at Philadelphia.—It continued a secret till some time afterwards, that a letter had been written and some other papers received.

Dunlap's Advertiser of the 24th of September, 1776, contained the following publication:

Extract from Washington's Letter to the President of the Congress.

New-York, August 15th, 1776.

I have the honour to inclose you for the perusal and consideration of Congress, sundry papers the whole of which, except Nos. 2 and 3, I received yesterday evening by a flag, and to which I beg leave to refer Congress.

Report of the Committee (Mr. Franklin, Mr. John Adams and M. E. Rutledge) appointed to wait on Lord Howe.

In obedience to the orders of Congress, we have had a meeting with Lord Howe. It was on Wednesday last upon Staten Island opposite to Amboy, where his Lordship received and entertained us with the utmost politeness.

His Lordship opened the conversation, by acquainting us that though he could not treat with us as a Committee of Congress, yet as his powers enabled him to confer and consult with any private gentlemen of influence in the Colonies, on the means of restoring peace between the two countries, he was glad of this opportunity of conferring with us on that subject, if we thought ourselves at liberty to enter into a conference with him in that character. We observed to his Lordship, that as our business was *to hear*, he might consider us in what light he pleased, and communicate to us any propositions he might be authorized to make for the purpose mentioned; but that we could consider ourselves in no other character, than that in which we were placed by the order of Congress. His Lordship then entered into a discourse of considerable length, which contained no explicit proposition of peace except one one, viz. that the Colonies should return to their allegiance and obedience to the Government of Great Britain.—The rest consisted principally of assurances, that there was an *exceeding good disposition in the King and Ministers*, to make that government easy to us; with intimations, that in case of our submission, they would cause the offensive acts of Parliament to be revised, and the instructions to Governours to be reconsidered; that so, if any just causes of complaint were found in the acts or any errors in Government were perceived to have crept into the instructions, they might be amended or withdrawn.

We gave it as our opinion to his Lordship, that a return to the *dominion* of Great Britain was not to be expected; we mentioned the repeated humble peti-

times of the Colonies to the King and Parliament, which had been treated with contempt, and answered only by additional injuries; the unexampled patience we had shewn under their tyrannical government, and that it was not until the last act of Parliament, which denounced war against us, and put us out of the King's protection, that we declared our independence. That this declaration had been *called for* by the people of the Colonies is general—that every colony had *appealed* to it when made, and *now* considered themselves as independent States—and were settling or had settled their governments accordingly; so that it was *not in the power* of Congress to agree for them, that they should return to their former dependent state. That there was no doubt of their inclination to peace, and their willingness to enter into a treaty with Britain, that might be advantageous to both countries—that though his Lordship had at present no power to treat with them as Independent States, he might if there was the same good disposition in Britain, *more soon* obtain fresh powers from thence for that purpose, than powers could be obtained by Congress from the several Colonies to consent to a submission*. His Lordship then saying, that he was sorry to find that no accommodation was like to take place, put an end to the conference.

Upon the whole it did not appear to your Committee, that his Lordship's commission contained any other authority of importance, than what is expressed in the act of Parliament, viz. that of granting pardons, with such exceptions as the Commissioners shall think proper to make, and of declaring America or any part of it to be in the King's peace upon submission: For as to the power of enquiring into the state of America, which his Lordship *mentions*, and of conferring and consulting with any persons the Commissioners might think proper, and representing the result of such *conversations* to the Ministry, who (*provided the Colonists would subject themselves*) might after all or *might not at their pleasure*, make any alterations in the former instructions to Governours, or propose in Parliament any amendment of the acts complained of; we apprehend any expectation from the effect of *such a power*, would have been too uncertain and precarious to be relied on by America, had she still continued in her state of dependence.

Copy of Lord Howe's Letter to Lord GEORGE GERMAIN, dated Eagle of New-York, 20th September 1776, communicated to the House of Lords, and taken from the Parliamentary Register for 1778.

My Lord,

FINDING in a conversation with Mr. Sullivan, a Major-General in the rebel army, taken prisoner in the action of the 27th of August, that the leaders of the *disaffected* Americans, professed to understand the powers delegated by the King's commission, were restricted to granting pardons and declaring the Colonies at peace, *without* authority to enter into any *discussion of grievances*, I thought proper to inform that gentleman, that the object of his Majesty's paternal desire, was to make his *American subjects happy*, as well as to relieve them from the calamities of war—

* The intelligent Americans were no aid to convict this report of the want of truth and good faith. Some of them were so far from the calling for Independence, as to suspect all authority to declare it, at this hour. And when uttered it shocked, and from that instant divided the Continent, and drove its advocates to violence and distress, that demonstrate the general discontents, and their own fears.

That the Commissioners were willing to consult and confer with any persons of influence, upon the means of *attaining these ends*; and that reconciliation, union and *redress of grievances*, might be the happy consequence. Mr. Sullivan hereupon proposed, and with General Howe's approbation, I consented that he should go to Philadelphia, and undeceive those who appeared to entertain that confined opinion of the King's most gracious intentions.

On the 9th instant he returned and acquainted me, that he had made known the sentiments I had expressed to him; and that according to the tenor of a resolution of Congress, three Deputies might soon be expected in this province, to enquire more particularly into the grounds of the *information he had communicated*.

I have the honour to send inclosed to your Lordship a copy of that resolution.

Although the object of this deputation apparently was to *interrogate* rather than to *confer*, General Howe concurred in opinion with me, that I should not, on that account, decline any proposition for a meeting.—We thought it material to controvert the *real or affected* ideas before mentioned, which had probably been circulated with a view to persuade the ignorant, that the offer of peace and pardon held forth in our declaration of the 14th of July, was merely an artifice to disarm them, and that their liberties and properties were only to be secured by a perseverance in their resolution, to throw off all dependence upon the King and Parliament of Great-Britain.

In the evening of the same day I received information that Doctor Franklin, Mr. John Adams, and Mr. Rutledge, would meet me, at any appointed place, on the morning of the 11th. General Howe's presence being that day necessary with the army, he could not accompany me to the meeting, which I appointed should be on Staten Island, opposite to the town of Amboy.

I acquainted them, that the King's desire to restore publick tranquillity, had induced him to constitute Commissioners upon the spot, to *remove the strictness upon trade and intercourse*, to dispense the *Royal clemency* to those who had been hurried away from their allegiance, to receive *representations of grievance*, and to discuss the means whereby that *mutual confidence* and just relation which ought to subsist between the Colonies and the Parent State might be restored and preserved.—I also gave them to understand, that his Majesty was graciously disposed to a revision of such of his royal instructions as might have laid too *much restraint upon their Legislation*, and to concur in a *revival* of any of the Plantation Laws, by which the Colonies might be aggrieved.—That the Commissioners are *earnest* on their part, to prevent the further effusion of blood, and to proceed upon all such measures as might expedite the accomplishment of the purpose of their commission.—That they were willing to confer with any of his Majesty's subjects, and to *treat with Delegates of the Colonies, legally chosen, upon all matters relating to grievances and regulations*; but that, for very obvious reasons, we could not enter into any *treaty with their Congress*; and much less proceed to any conference or negotiation upon the *main subject of independence*—a pretension which the Commissioners had not, nor was it possible they ever should have, authority to acknowledge.

The three gentlemen were very explicit in their opinions, that the associated Colonies would not accede to any peace or alliance but as *free and independent States*; and they endeavoured to prove, that Great Britain would derive more extensive and more durable advantages from such an alliance, than from the connection

on it was the object of the Commission to restore.—Their arguments not meriting a serious attention, the conversation ended, and the gentlemen returned to Amboy.

In consequence of the result of the abovementioned interview, we judged it necessary to publish the declaration inclosed in our joint letter to your Lordship of this day's date*.

If I have troubled your Lordship with a narrative too long and unimportant, you will do me the justice to impute it to the desire I have of communicating *every* circumstance, from whence it is possible for your Lordship to collect information of the principles and conduct of those, who still possess the government of this unhappy country.

I have only to add, that as the rebel army remain strongly posted at the north part of the island of New-York, and the inhabitants who had fled, or been compelled to leave the city, before the King's troops took possession of it, are not returned; we have it not yet in our power, even were it expedient in the present moment, to effect the compleat re establishment of the Civil Government of this district. I have the honour to be, &c.

HOWE.

APPENDIX, No. V.

THE examination of Mr. John Brown, who was sent out in November, 1777, from Philadelphia, by Mr. Willing, one of the Judges of the Supreme Court of Pennsylvania, not long before a member of the Congress, communicated from York, in Pennsylvania, to a friend at Baltimore, and there published—Republished in the Remembrancer for 1778, page 92.

“ THAT he left the city on the 4th of November instant, (in consequence of the application of Mr. Thomas Willing, who shewed this examinant a note from General Howe, requesting to see him Mr. Willing—That Mr. Willing told this examinant, that General Howe desired to accommodate the difference, and prevent the effusion of human blood—That he and his brother had full power to treat with the Congress, *as Congress*, or any men they should appoint provided they would rescind Independence—That he, General Howe, desired this to be made known to some member of Congress; and Mr. Willing desired this examinant to be the messenger—That he, General Howe, would put them in the same state they were in, in 1763, and give them *more privileges* than they had *ever asked*—That he *did not* desire us to lay down our arms, nor cease from our preparations, till matters were accommodated—That upon such an accommodation, he would withdraw his forces and army; and *no standing army* should be kept up in this country; and that the paper currency should be established—That some of these articles, of which the last was one, were added upon Mr. Willing's returning to General Howe, in consequence of this examinant's hesitating to come out with them; upon which this examinant undertook the business, and engaged not to communicate his business to any person, until he should have first communicated it to some member of Congress—That this examinant

* The proclamation of the 30th of November, 1776, promising pardons to all without any exception.

passed the Schuylkill, in consequence of a passport from an Aid-de-Camp of General Howe's—That he passed General Potter in the evening, without communicating his business to him, or obtaining a pass from him, and travelled up to the house of Mr. Robert Morris at Manheim, and there waited from Thursday evening to Saturday evening following, for the arrival of Mr. Morris; and when he arrived, communicated the matter *first* of all to him—That Mr. Morris then called in Mr. Duer, another member of Congress, and these were the *first* persons to whom he revealed the business—And from Manheim he returned to Lancaster, where he was first called before this Council, and bailed by Mr. Morris and Mr. Duer to go to York; and that he has hitherto communicated his business *only* to Mr. Morris and Mr. Duer, and to the members of this Council; but that he understood the matter had been mentioned by Mr. Morris and Mr. Duer, or one of them, to other members of Congress at York, and was there freely spoken of; but this examinant was not called before the Congress—and that this examinant had no writing, flag or publick testimonial relative to this business from General Howe or others in Philadelphia, except what passed, by word of mouth, between him and Mr. Willing as herein before mentioned and set forth—And this examinant further adds, that he recollects Mr. Willing told him that General Howe assured him, Mr. Willing, that Great-Britain would never give way to the Independence of North America—That more men would be sent out in the spring, and that they would harraß us so, that we could not go on.

JOHN BROWN.

Taken before me, THOMAS WHARTON, jun. President.

Instead of an enquiry by a flag, whether Mr. Brown was dispatched from Philadelphia according to his declaration, he was conveyed from York to Lancaster as a *spy, and committed to gaol*; but his message having taken air, the leaders thought it requisite to circulate the following publication.

THE base artifices of tyrants are not less dangerous than their arms. Of this truth the present contest is one among a thousand examples. The British leaders have proved themselves alike bloody and deceitful.

The faith of publick proclamations, and even the words of sacred honour of their Chiefs in person, most solemnly plighted to individuals for the protection of their property, have been violated. The miserable wretches starving in the gaols of New York and Philadelphia, were tempted to enlist with the enemy, by assurances that General Washington had refused to exchange them, when in truth General Howe had broke the cartel he had settled, and had eluded every offer he had afterwards made, as fast as they were complied with on our part.

But above all, the repeated attempts of our enemies to seduce the people of this country from their virtuous efforts, by the false ideas of peace and reconciliation which they never meant, are highly *insidious and delusive*.

The last year General Sullivan then a captive, was sent by Lord and General Howe from Long-Island to Philadelphia with *very plausible terms*; but when a Committee of Congress waited on the British Commissioners, they receded from *every thing* they had told him. The opportunity was however, diligently improved, for the double purpose of blasting *our negotiations* in Europe, by assurances to foreign Courts, that the quarrel was settled, and of striving to debauch the minds of the Americans, with the pretence that Congress was *averse* to peace. That at the

very instant that their emissaries were buzzing about in this country, that Congress refused to listen to the most reasonable terms of accommodation. Lord Stormont was very industriously pledging his honour to the Court of France, that the treaty was far advanced if not finally ratified.

No sooner was the world undeceived on this head, than the attempt was renewed, through the means of the unfortunate General Lee*, but still the Commissioners declined to pledge themselves for any thing — nothing appears from them — nothing in writing is sent forward; but the Commissioners were left at liberty to retract and deny every thing, as soon as they had answered the end of *misleading the people here*, and amusing foreign nations. And lo! Mr. John Brown is employed to tell a *ridiculous tale* of peace, and at the same time a large number of emissaries are let loose, to propagate *the story* throughout the State; still *nothing appears in writing*. A mere verbal talk of Mr. Willing, that *he (Mr. Willing) had a talk with General Howe*. Were we a tribe of savages, this talk would at least be accompanied with a belt of Wampum, but to us not even the *slightest* token was vouchsafed. The sole word of John Brown is again to gull us into a *sham treaty* which is again to be spread through out Europe, to defeat our most promising hopes from *that quarter*, and again to deceive and mislead our *own* people, while his Excellency is again ready to unsay all that he is pretended to have told Mr. Willing to tell John Brown, and to laugh at the mischief he has made.

Friends and Countrymen, be not deceived: If General Howe has any thing to propose to Congress, the way is open to him through the *usual channels*. He can send a flag of truce. He is under no necessity of sending out an *obscure person*, like a thief or a spy, to steal through *our camp*, without passports, *without licence*.

Does the settling a treaty of peace require less ceremony? No, but a message in writing by a flag of truce is not so easily evaded. General Howe might be loth to deny his hand writing, though *it seems* he has not hesitated to deny his words.

France and Spain are likely to take a decisive part in our quarrel. A few months perseverance will establish our liberty and independence FOR EVER.

If we are not false to ourselves. If we are not driven to and fro, and deceived by every idle artifice of our perfidious enemies, trusting in *Providence* we may look forward with confidence, to the hope of being speedily and *for ever delivered* from the perfidy and tyranny of Britain; from the bloody and vindictive malice of our cruel enemies.

Published by Order of Council,

JACOB HOWELL, *Secretary p. o tempore*.

The reader will recollect, that it was not till after the message by Mr. Brown, that the Congress then at York in Pennsylvania, issued the paper entitled *Articles of Confederation and Union*, &c. by which they hoped to gain the consent of the Colonies, to enter into treaties with foreign nations. Not *one* of the new republics

* General Lee, while a prisoner at New-York, wrote *two letters* to intimate the willingness of Lord and General Howes to submit *the war*, and enter upon a *treaty* for a permanent peace; he was *rejected* in the confidence of the Congress; and requested to be appointed one of their *Commissioners* on this important service. Can any reason be assigned for a flag from the British General to them, which does not call as loud for one *from them to him* after so many previous attempts? How soon might they have known by a line to General Howe, or Mr. Willing, who were the men, they *for a blind* had imposed on, was an impostor, or the real messenger of peace?

ratified that league till the winter 1778; in some it was approved only by their *weak* legislatures, before their constituents had ever *heard* of it, and that *hastily*, to exclude their reflections on the subject; and there are Colonies, who *withheld* their concurrence to this hour.

APPENDIX, No. VI.

GREAT-Britain has repealed the statute for blocking up the port of Boston, that for altering the charter and government of the Massachusetts Bay, the tea-duty act, those for restraining the fishery and the trade of the Colonies, and passed another to renounce the claim of taxation, as well in the North-American Colonies as in the *W. I. India* islands.

That the Plantations may be restored to their happy condition before the close of the last war, she enabled her Commissioners in 1778,

1. To put an immediate stop to hostilities both by sea and land.
2. To open the trade of the Colonies, by suspending the act which prohibits its course and renders their property prize.
3. To suspend the operation of *any other* act-passed since the 10th of February, 1763.
4. To bury past offences in oblivion by general pardons.
5. To constitute whom they pleased to be Governours of the provinces that were within the appointment of the Crown.

But the Parent State had still more liberality. She offered to treat with the Colonies, or *either* of them, for the establishment of arrangements to be *irrevocably* ratified by her Legislature; and her Commissioners were ready to agree to a *cessation of arms*, until the sense of Parliament could be obtained on a grand, solemn, constitutional compact, relating to the following points:

1. The farther extent of the commerce of America.
2. Subjecting the keeping up of military forces in America, to the *will and pleasure of the Colonies*, or of the *General Congress*, if they so chose.
3. The discharge of the debts of the Colonies, and raising the credit and value of their paper money.
4. To provide a seat and voice for an agent from *every Colony* in the British Parliament, and an agent from Great-Britain in *every* Assembly.
5. To fix the power of all the Colony Legislatures, and settle their Provinces and Civil and Military establishments, for the exercise of a perfect freedom of Legislation and internal government under *one common Sovereign*, with every privilege "short of a total separation of interests, or consistent with that union of force, on which the safety of our common religion and liberty depends."

Among the statutes passed since 1763 and subjected to *immediate* suspension, and on a *treaty* to be marked out for future alteration or repeal, were those complained of as extending the Admiralty jurisdiction, depriving parties of the trial by jury, exacting security from claimants, indemnifying captors from damages. *that* directing the trial of certain criminals in England, the Quebec or Canada act, the statute of

supremacy, claiming authority to bind America in *all cases whatsoever*, and those respecting the Board of Commissioners in Boston, &c. &c. &c.

What has prevented the Americans from being in the *fullest* possession of all the *peace, felicity and prosperity* they can reasonably desire, but the want of a disposition in the Congress, to *treat* with the British Commissioners on the momentous concerns of the Empire?

A door was opened for the requisitions of all orders of men, civil and ecclesiastical. It was not shut against any propositions, that could in the smallest degree, contribute to the common weal. What hinders even now at least *an interview for consultation*? And still it is had, who can assert that any salutary proposal for the benefit of the people will fail.

The transactions of the Commissioners, and the manner in which *they* have been treated, and the miseries of *America* slighted by the Congress, will never be forgotten. Let the suffering American peruse the pamphlet published by the Royal Commissioners before they took their departure in November 1778, and for himself determine in his enquiries concerning the authors of his *own*, and of the present and future calamities of his country.

F I N I S.