

1844
AN
The Author
ORATION,

COMPOSED AND DELIVERED 3

AT THE REQUEST OF THE
REPUBLICAN SOCIETY

OF
BALTIMORE,

ON THE FOURTH OF JULY, ONE THOUSAND SEVEN HUNDRED AND NINETY-FOUR.

BY
ARCHIBALD BUCHANAN.

BALTIMORE:

PRINTED BY CLAYLAND, DOBBIN, AND CO. MARKET-STREET,
CORNER OF CENTRE-MARKET.

M, DCC, XCV.

To the REPUBLICAN SOCIETY of
BALTIMORE.

CITIZENS,

I, here, agreeably to your desire, present you with a copy of the Oration I had the honour of delivering, on the fourth of July last. Except in a few corrections of grammar and expression, which I thought myself justifiable in making, it is given you, very nearly, in the form in which it was spoken. Notwithstanding the approbation you, formerly, thought proper to give it, justly excites my confidence, yet I fear that, on perusal, you will discover many things in it which candid criticism will prompt you to condemn. Conscious, indeed, of its many and great imperfections, the only consolation I have under my necessity of thus submitting it to your inspection, is the hope that, while you read, you will do me the justice to remember, that it was delivered at your particular request, at a very short notice, by a very young man, and with very great reluctance.

Your fellow citizen, &c.

Archibald Buchanan.

BALTIMORE, November 1, 1794.

A N O R A T I O N, &c.

CITIZENS of the
* REPUBLICAN SOCIETY,

WE have met, this day, to celebrate the ANNIVERSARY of *American Independence*. The honour you have conferred, of appointing me to address you, on so interesting an occasion, may well be thought flattering to a youthful mind: Yet, I declare, my fellow-citizens, that, great as is the pleasure I feel from this mark of your respect towards me, it but little compensates for the mortification arising from the conviction of being unequal to the task assigned me. Unused, as I have ever been, to speaking in public, and, almost a stranger to the assembly I am called upon to address; short as has been the time given me to prepare, and great as the necessity was for a long preparation; nothing, but a desire to approve myself a diligent member of a society, which, for the best and wisest purposes, has been, lately, instituted in this town, could have induced me to accede to an appointment in which, as well from the nature of it, as from my own incapacity to fill it with dignity, I must expect to become the subject of much
ungenerous

ungenerous censure. Again, too, when I consider how many members there are, in the Republican Society, better qualified, both by nature and habit, for the well-discharge of the office entrusted to me, I cannot but fear that the expectations entertained from this place, will be but moderately gratified, and your choice but little approved of by others of our fellow-citizens here assembled. Ever ready, however, to obey all your lawful commands, and convinced that even the imperfect execution of them, in this instance, may be useful, I now enter upon the undertaking with the alacrity of a mind willing to oblige; yet with that diffidence which a just sense of its importance and of my own weak powers will, naturally, be expected to produce.

CITIZENS, ALL,

The revolution of our country, has justly been considered as forming a remarkable æra in the history of the world. From this, has a new nation grown into existence; new opinions respecting men and things have taken place; new governments have been established, and new opinions respecting the several forms of government been entertained. The just principles of liberty have, from thence, been recognized, and all men acknowledged, in the scale of society, to be free and equal. To this source, too, has been traced that
glorious

glorious revolution of our best allies, which has trodden the aged sceptre of France to the dust, and shaken the rotten fabric of monarchy to its centre throughout Europe; a revolution, destined, at some future period, to enlighten a benighted world, and extend the blessings of improved art and science, of political freedom and happiness to the remotest corners of the earth! In surveying these and many other blessed effects of the American revolution, curiosity is excited to enquire, particularly, into the causes which produced it; and, naturally conjectures that the revolution which has had influence to change the whole order of political opinion, sanctified by the habit of ages, must, necessarily, possess some remarkable features to distinguish it from all others which have preceded it.

On the causes, then, which produced that happy revolution we, at present, partake of, and our glorious separation from Great-Britain, I mean, now, my fellow-citizens, to address you; because they are first in order, and form a subject complete in itself; because they are most useful to be known, and yet most generally neglected; because the recollection of past injuries may serve to put us on our guard against future ones; and, because they involve a subject intimately connected with the dearest interests and liberties of this country: I mean the subject of the right of taxation---a right, to retain which in our own hands, has deluged this
country

country in blood, and of which, were we ever to be deprived, our boasted government, could it exist at all, would exist but a cripple, and our happy laws as so many spiders' webs for the great, the ambitious and the powerful to break through and despise at pleasure!

But to begin---

From the first settlement of these, formerly, British colonies, to the commencement of the French war in 1755, they had attracted the attention of Europe, not at all, and of the Mother country, but little. Except in the taking of Louisburgh in 1745, and in repelling a few hostile invasions of French and Indians on the frontiers, they had discovered little inclination or capacity for war. Left to the government of themselves, according to the express provision of their respective charters, each regulated its own internal concerns, in proportion to its several wants and conveniences, and, in process of time, grew to be flourishing, populous and happy. The world had never before exhibited a spectacle of society so equal, of manners so simple, of morals so pure, of religion so fervent, and, at the same time, so little superstitious as that which prevailed in these colonies. Confined, chiefly, to the pursuits of agriculture, every man existed the lord of his own tenement, and in that station (a station in which man thinks nobly both of himself and of his Creator) dependent

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ent, only, on his own industry and Heaven for support, with firm and independent spirit, sought the simple necessaries of life, in the cultivation of his own ground, and, secure in the bosom of peace and plenty, “ Sat down under his own vine and his own fig-tree, and there was none to make him afraid.” The unconquerable spirit of freedom too, inspired by the wild scenery of woods and mountains, which nature, every where, displayed around, by wide dominion, by vigorous health and manhood, by education, habit and the traditional wrongs which had driven their forefathers from their native land, had risen to a height, in this country, of which modern nations had no conception, and ancient nations had never surpassed. Science, too, had ever met with encouragement among the people of these colonies, and seminaries of learning were established in various parts thereof, which produced men well qualified to understand their rights, as they were from other causes, ever ready to defend them. Thus, from the deep solitude of our woods and mountains, cut off from the society and corruptions of Europe, looking up to Great-Britain as our parent and protectress, secure in the enjoyment of our rights, and undisturbed in the fruits of our industry, we rapidly, though silently, grew up into a great and respectable part of the British empire! Such were these colonies at the commencement of the year

1755. But now the scene varies, arms glitter, trumpets sound, and drums beat us to battle. The peaceful retreats of Agriculture are broken in upon from New-Hampshire to Georgia, and the colonies are called upon to assist the Mother Country in the prosecution of an unjust, expensive and unnecessary war. Eager to give this first proof required of our obedience and affection, we quickly obeyed the call. Fighting by her side, we traversed the snowy regions of Canada, and encountered the parching heat of the Equator. Martinico and Havanna submitted to the superior prowess of our hardy yeomanry, and Quebec fell by the strength of our arms. Finally, by our liberal gratuities in men and money (the latter so far beyond our proportion as even to extort the thanks of Parliament to some of the colonies) and the immense profits of our trade, Great Britain, to use the expressive language of Chatham, "was carried triumphant through the war." 'Twas then, that by our assistance she assumed the highest grade in the scale of nations, and threatened the independence and security of all Europe. She had now "touched the highest point of all her greatness; and from that full meridian of her glory, hastened now to her setting." For, fortunately for mankind, the pride of nations, as well as of individuals carries the seeds of destruction within its own bowels, and mighty bodies, both politic and natural,

must perish, at last, by the very poison which their own unwieldiness engenders. For now, being first made acquainted with the great power and resources of these colonies, and envious of an importance, the comparison of which, they feared might, at some future day, prove disadvantageous to a haughty nation, the Parliament of Great Britain conceived the plan of raising a revenue in America, without the consent of our local Legislatures, a plan which ended, at last, in the dismemberment of the empire.

To whom the exercise of this right belonged formed the chief subject of dispute between the two countries. In the course of it, however, partly with a view to support itself in this its first iniquitous pretension, and partly with a view to establish itself supreme over the colonies, Parliament committed other and very flagrant violations of American liberty :—all of which may be seen in statutes passed by Parliament between the years 1763 and 1776.

The principal of these statutes as containing the causes of the separation between Great Britain and her colonies in America, I shall now beg leave to observe upon; after having premised that I shall not consider myself bound to take notice of these in every particular view, in which they may justly be construed into an infringement of our rights, and also, that as many of those statutes are found-

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ed on the self-same principle, I shall do little more than recite the title and the time of some of them, and content myself with controverting the principle only in a single instance.

And now, my fellow-citizens, let me pray your attention to a tale of injustice, at which humanity revolts; of oppression, at which she must weep; of folly, craft and meanness, at which she must hide her head in shame! and give me power, O heaven, to speak the injuries offered to my country, in a manner to excite the indignation of all present, and to remove that disposition to cultivate an intimate union and friendship between Great-Britain and these United States, which, at present, dazzles the imaginations of some of my countrymen, and may, eventually, overturn the liberties of this western world! For, so far should we be, my fellow-citizens, from cultivating an intimacy with that insidious court, that we should, rather, suspect treachery and deception in all their connections with us; and, (till a really great people shall shew spirit and liberality enough to throw off a government which renders them both the subjects and the tools of the most infamous oppression,) train up our children to contemplate with horror, the British name! For my part, I declare that "*time ignes suppositos cineri doloso,*" shall ever be the rule of my opinions respecting them, and that while I live, I will remember the

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injuries of Britain! I will, annually, read over the catalogue of her iniquities; I will declaim against them; I will admonish mankind of them; and when death shall, at length, draw his cold hands over these eyes forever, my last dying words to the spectators round shall be, "Friends remember Britain." And this not from a motive of personal malignancy, (I disdain it, I am incapable of it) but of political jealousy and political detestation. Tell me not of friendship; the friendship of an adder is fraught with death. I want no union with a nation, which, while we loved them as children, could be guilty of a deliberate scheme to enslave us. What would you think of the mother who had kidnapped her own son in bondage? And let me ask the most dispassionate among you, in what did the conduct of Great-Britain towards us when colonies differ from this? And in the name of heaven, tell how is her present conduct reconcilable to friendship or even to common honesty? Let our citizens, dragged into Algerine slavery, by her infamous procurement, answer the question! let our butchered brethren on the frontiers answer it! let the infamous detention of the western posts answer it! and let your vessel just coming into port, robbed of her property and of her seamen answer it! base assassins, these will say, they speak friendship to us with the dagger concealed under their coats: they smile upon us, but their smiles only proclaim them

them villains! think not that I am an advocate for war: think neither that to preserve the peace, nay, the very existence of this country that I would have her, tamely, submit to injury and insult! nor would any patriot-breast among you, I am sure, however cheerfully he would lay down his life to preserve the peace of his country, wish to see it preserved by submission to a treatment that must expose her to the contempt of nations, to anarchy at home, and insecurity abroad.

Well aware am I that there are many worthy and respectable persons in this assembly, in delicacy to whose feelings, it will be thought, I might have spared the reflections, just now made. Wantonly to insult the feelings of any man, is ungenerous and unmanly, and I declare, with an honest confidence, that this is not my disposition. Men and brethren, whoever you are, forgive the sincere language of truth and reason! "Where liberty dwells there is my country," was the sentiment of the venerable Franklin, and should be the sentiment of you and me. Consider, then, these observations as not intended for you, but for Britain! But to the statutes—

The first which excited discontent in the colonies was a statute passed in the year, '64, for imposing duties on certain foreign goods imported into the colonies. The preamble which declared that those duties were imposed for the purpose of "rais-
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ing a revenue in America," justly alarmed a people jealous of their rights. For, hitherto, all acts respecting us had run "for the purpose of regulating the trade of the colonies," a power which the darkness of that day acquiesced in as a right pertaining to the mother-country. Never before had Parliament avowed the right of taking our property away from us without our own consent, and for all the pecuniary contributions she had, hitherto, received from us "for the purpose of protecting, securing and defending these colonies," (as were the insidious words of the statute) application had been made, in a regular and constitutional manner, to our respective local legislatures. But; on this claim of having a right to tax us, as also on several other violations of the constitution of England and of our own charters remarkable in this statute, as it will be necessary, hereafter, particularly to notice them, I shall, for the present, forbear any observation.

The effect of the statute, which was most severely felt, at that day, was the destruction of our trade to the West-Indies, and the ill consequences attending that destruction. For, although it legalized a trade which, hitherto, the injustice of the British Parliament had declared to be unlawful, and rather permitted than authorized, yet legalized it under such restrictions, as rendered it quite unprofitable to the merchant to carry it on. The duties

ties imposed on the several articles brought from the West-Indies, were so very enormous, that the profits of sale did scarcely defray the expence of importation. The evils arising from this destruction of our trade to the West-Indies, were severe in many respects. The gold and silver which we usually received from thence, in payment for our produce, and which we, as usually, passed on to the hands of the British exporter, we had now no means of acquiring. The money in common use among us at that day, was paper money. This by the British exporter was looked upon as trash. Neither could we make returns with our flour, because the British ports, except at some particular times, were absolutely shut against that article from us; nor with our tobacco, because being prohibited from trading with any other European except the mother nation, her merchants, generally, purchased that article from us at a price which afforded neither to the planter nor the exporter here, an adequate reward for his trouble. And now that our market, for these articles, in the West-Indies, was cut off by the operation of this most envious act that ever disgraced a legislative assembly, one half the first fruits of our industry were taken away from us, and with large debts accumulating on our hands, all easy and usual means of paying them were denied. Thus did it please the omnipotent Parliament to injure our credit
abroad,

abroad, and discourage our industry at home, to intercept our commerce and destroy our agriculture! here would I dismiss this statute but for a single clause which occurs at the end of it, and which shews that the British Parliament aimed at the destruction of our morals, as well as of our property. By this, common informers were protected from actions at common law, for the recovery of damages by those persons whom they had falsely prosecuted; and thus a mushroom race of vile incendiaries sprung up to disturb the peace of society and sow dissention among brethren; temptations to perjury were thrown in the way of our citizens; and encouragement given to the gratification of malice, avarice and oppression. Had a law been promulgated from heaven with an intention to destroy all honour, confidence and happiness among men, it would not have answered this purpose, more effectually, than this pernicious clause would have done, had not the avarice of the British Parliament overreached itself, and the duties imposed by the statute been so very enormous, as to destroy the intention of the statute itself.

During the same session of Parliament was passed another act, which may be considered as the very twin-brother, in iniquity, of the former. This declared that no paper money should be a legal tender in the payment of debts. Both were enacted with a view to fetter the industry and opulence
of

of these rising colonies. For observe, by the former act our trade to the West-Indies was cut off and every means of acquiring gold and silver denied. By the present act we are forbid to use paper money. Thus (after the expiration of the time appointed for the expiration of the bills already emitted) it was intended by Parliament, to put us in a state, when considerably advanced in arts and sciences, flourishing in commerce, abounding in agriculture, with manners, too, not a little refined, and, indeed, somewhat infected with luxury; it was intended, I say, to put us in a state where we should want a common medium to facilitate the supply of each others wants and conveniences; a state of society, which, I venture to declare, never had existence among men, and is as impracticable as unnatural. Excellent legislators! wise politicians! benevolent philanthropists! who fancied, by the magic stroke of a pen, to change the eternal order of nature, to convert populous towns into decayed hamlets, polished societies into uncivilized tribes and fruitful plains into desert places!

I come now to the consideration of the stamp-act, the very hinge, says Dr. Ramsay, on which the revolution turned. This act was intended to take effect in 1765. And here, again, the British Parliament declared, it had a right to tax America, without her own consent; a right which, now, I will endeavour to controvert. That this was a

mere usurpation in Parliament, I infer from the nature both of government and of law. By government I understand a supreme power, in the state, constituted by consent of the people, for their happiness and security; by law, I understand a rule of action imposed by this supreme power upon the people, in virtue of the authority which these latter have given it: this government to concentrate the wills of the people, and this law to be expressive of that will. Keeping these definitions, then (which, I fancy, no man will deny to be just) continually in view: if Parliament had a right to tax America, or, in any way, to make laws to bind America—America, in reason and nature, ought to have had the constituting of that assembly, or, at least, ought to have been represented therein. That she neither constituted it nor was actually represented in it are truths which require no explication; and as to the opinion of a virtual representation in that house, Lord Chatham declared it to be the most contemptible idea that ever entered into the mind of man. According, then, to the principles above laid down, Parliament had no right to tax America. But, the subtle reasoning of ministerialists; at that day, was this: the supreme power in a state has a right to tax that state; but Parliament is the supreme power in the British state, and the colonies form a part of that state, therefore Parliament has a right to

tax

tax the colonies. The protection afforded by Great-Britain to America was also insisted upon as another favourite argument in support of this right. To both which, had I been standing on the floor of the house, with the indignation of conscious truth, I would have answered thus:

GENTLEMEN,

“That only is the supreme power in a state, which the whole of that state, herself, has constituted, and, (as yourselves declare) since only the supreme power in a state has a right to tax that state; as America did not constitute this supreme power, this Parliament, therefore this Parliament has no right to tax America. And though America is, indeed, a part of the British state, it is that part of it, which, by charters granted by your king, under the sanction of the law, has been entrusted with the right to tax itself, and in reason and nature, ought to do so.” I would have gone further, and said, “that neither you nor your king had a right to grant that which was the birthright of all creation. The planting of colonies is the planting of arbitrary power, and not the extension of just government, as you would, vainly, pretend. The western wilds were the property of the first occupants; from the Indians have we purchased them; by our own labour have we subdued them; we are entitled, then, in justice and humanity, to the fruits of our own industry
and

and the government of ourselves. And as to the protection which you, so arrogantly, boast of having afforded us, recollect in your turn, that in gratitude for it, we have yielded the regulation of our commerce to your supreme disposal, and submitted, in many other respects, to laws which you had not the just power of imposing. Remember, too, that protection and allegiance are reciprocal, and that even though you had protected us at your single expence, which we positively deny, yet this would, now, give you no right to oppress us, and the moment you exercise that right, that moment too, does submission, by the God of nature, cease to be required of us. In taxing us, without our own consent, you are guilty of an oppression which may tend, at last, to our utter destruction: in defence then of the unalienable right, which God has given us, to the supreme disposal of our own, we are entitled to resist and to consider those as plunderers, who would, unjustly, deprive us of it.

Again, right always implies obligation. If Parliament had a right to tax America, America was under an obligation to submit to the exercise of that right. But that America was under no such obligation, I infer from the words of our charters, from the very nature of property and from laws then in existence on the statute-book; laws which Parliament could not act contrary to, without violating the constitution of England itself,

self, and therefore had no power to act contrary to.

One clause, says Dr. Ramsay, run through the whole of the charters, except that granted to Mr. Penn: that "the emigrants to America should enjoy the same privileges as if they had remained or been born within the realm." Now, one of the privileges of men born within the realm was the right of private property. The right of private property means the right of enjoying, fully and exclusively, whatever a man has gained by his own industry and the laws of the land. Nor can he lose the property, so acquired, unless by his crimes, by death, or by his own voluntary abandonment of it. For even his country cannot rightfully deprive him of it, before it has made him an adequate compensation. True it is however, that every one who enjoys the protection of government, owes part of his property to the support of that government, according to a just maxim of law, that he who shares the benefit, ought, also, to share the loss, and agreeably to his own consent, necessarily implied from his submitting to live under any particular government. But then he must give that property in a regular and constitutional way. He must give it, says Mr. Locke, by his own consent, that is, by the consent of the majority, either in their own persons or by their representatives. But, here, the tax imposed by Parliament, was imposed neither
with

with our individual consent, nor the consent of our representatives. It was therefore unjust, unlicensed, and a direct violation of the fundamental law of property: for “ what property have I in that, says the celebrated author quoted above, which another may, when he pleases, take to himself?” For the same Parliament which had a right to take a part of our property, had the same right to take the whole of our property from us without our consent. Who can say how far this precedent would not have been carried, goaded on, as the British government was, by avarice and necessity; preyed upon by a set of harpies who eat up all the wealth of the people; and with the fair prospect of obtaining, in this extensive country, abundant supplies for all their luxuries! And had we not made an absolute and unqualified resistance to it, at the very time, with as much effect might we have, afterwards, said to the English Parliament, “ thus far shalt thou go and no further,” as Canute did when speaking to the great deep!

Moreover, I say that this pretended right is in direct violation of laws, then in existence, which form a part of the constitution of England itself. The 34th clause of Magna Charta, says that no aid shall be taken without the assent of the freemen of the land. And the benefit of this law, as containing one of the “ privileges of men born within the realm,” has been extended to the colonies in those general words

words which, I have observed before, run through the whole of the charters. The same principle has been recognized in several other acts of Parliament both previous and subsequent to this; it is expressly insisted upon in the bill of rights, and forms, says Dr. Lolme, the very basis of the English constitution. In the charter of the province of Maryland, King Charles, expressly, bound both himself and his successors “not to consent to any bill subjecting their Inhabitants to internal taxation by external legislation.” But I will not dwell on the recital of positive laws in defence of a natural right; a right which, given us by God himself, not all the eloquence of the British Parliament could deny, nor ten thousand stamp-acts, if passed, take away from us.

But if the exercise of this right by the English Parliament was unconstitutional in its principle, in its consequences it would have been oppressive and injurious to us. Taxation and representation are inseparable in theory; in practice they ought to be so too. Free nations, when they lose sight of this idea, must lose their freedom; and the compact between the governors and governed will soon be construed by the former into an indefeasible inheritance, arbitrary, unlimited, and divine. For the moment you invest any particular body of men, in the state, with the exclusive right of laying taxes, that moment, too, you create an order of men
distinct

distinct from yourselves: you constitute an aristocracy of different feelings, sentiments, interests and connections from you: you give up your property into their hands, which they will not fail to make use of for the gratification of their own pleasures and the oppression of you. What is to be expected from the natural disposition of men, but that they who have power will endeavour to keep it! But power abused, you know, must be supported by arms; and arms will be used to your destruction. What is to be expected from a legislative body who have no common interest with you, but that your interests will not be attended to; but that your agriculture must languish under the weight of taxes which the pretended necessities of state will, every moment enact; but that your arts must decay; science die; and ignorance, vice and tyranny overwhelm your land! The just apprehension of evils, like these, roused all America to opposition against the stamp-act. Assemblies convened, freemen met, resolutions were framed, remonstrances forwarded, and a Congress of the colonies called together at New-York, declared that Parliament had no right to tax the colonies without their own consent. The glow of truth convinced, and the spirit of men, determined to maintain their rights, or die in their defence, intimidated the British Parliament, and in 1766 the stamp-act was repealed.

But

But this repeal was accompanied by a declaration, on the part of Parliament, more insolent, if possible, than even this odious act itself. It declared that Parliament had power, and of right ought to have power, to bind the colonies in all cases whatever. Shall I repeat it, my fellow-citizens! Parliament declared it had a right to bind you in all cases whatever. To reason on this declaration would be to insult your understandings; moderation here, would be meanness, and a want of indignation argue a want of sensibility and honour. To be calm at the recital of this iniquitous attempt to subvert all our rights, and reduce us to the situation of the wretched peasants of Germany, or the still more wretched Africans on our own shores, would be treason against the country which has given me birth! Had all America at that moment, been represented in my single person, young as she was, in the science of war, unprovided with arms, and destitute of friends, I would have spit in the face of Great-Britain, and dared the Giant's brush. Was it for this our forefathers had fled the oppressions of their native land? Was it for this they had faced dangers and death, encountered the wild beast and the still wilder Indian of the wood? Was it for this they had impaired their fortunes and their health and given up the society and pleasures of a civilized country, in search of a precarious asylum amidst this sequestered wilderness;

ness; that their children should be hunted from their retreats by a ten-fold persecution and harassed by a venal assembly of stock-jobbers, pensioners, placemen, and slaves, not amenable to them and in the constituting of whom they had no share? Was it because we had no capacity to legislate for ourselves, that the infamous Parliament of Britain, thus undertook to legislate for us? Was it because they were so much better acquainted than ourselves, with the peculiar necessities arising from our local and other circumstances, that they thought that, like babes in leading strings, we could not walk without a guide? And was it presumed that we, whose anger had been ever taught to rise with the tale of the wrongs of our fathers; who had sucked in resistance to oppression with our mothers' milk; and whose very hearts' blood bubbled liberty; was it presumed I say, that we would submit to the unlimited controul of men, the foundation of whose authority was power, the principles of whose laws were a violation of all law, and the glory of whose political career was to prostrate all the equitable rights of man? Aware of rousing higher the resentment of men already too much roused for her peace, and as if apprehensive of the dreadful consequences, which afterwards ensued, Parliament contented itself, for the present, with this empty declaration, and it remained a mere dead letter on the statute book, though like a sword laid up in its scabbard,

reserved,

reserved, at some future day, to stab the vitals of America!

For the present, I say, Parliament contented itself with a mere declaration of its power. We shall see, hereafter, how it attempted to carry that declaration into effect, by acts passed between the years 1766 and 1776. These were the acts of 1767, one suspending the legislation of New-York and the other imposing duties on tea, painters' colours, and glass imported from Great-Britain into the colonies; the act of 1768 for extending the jurisdiction of the Vice-Admiralty courts; and the several acts of 1774 for stopping up the harbour of Boston, for altering the government and charter of the province of Massachusetts, for changing the form of the administration of justice, and the Canada-act.

Of these acts, some related only to particular colonies, and others again, to the whole of them. And with these latter I shall begin.

The act for imposing duties on tea, painters' colours and glass imported from Great Britain, into the Colonies, first presents itself.

This act was founded on the principle already controverted, that parliament had a right to tax the colonies. Some little difference however, is observable here, in the application of that principle. The act of 1764 imposed duties on foreign goods; this act on the manufactures of Great Britain, imported into the colonies. Certain friends of Great Britain,

tain, at that day, attempted to draw a distinction between internal and external taxes; of which latter nature they asserted those imposed by the present statute to be, and warmly contended for the right of Parliament to lay them. But the futility of this idea, is ably exposed by Mr. Dickenson, in his Farmers Letters, whose short reasoning on the subject is this: “When we speak of Taxes,” says he, “we must always have an inference to the intention with which they were laid; all impositions on the subject, for the purpose of raising a revenue, may be called taxes, whether those impositions be laid on external goods or internal manufactures. But all taxes require the consent of the people taxed, for by the laws of nature and of England, no man or dy of men have a right to take my property from me without my consent. And therefore he Parliament which could not give our consent, had no right to impose taxes on us for the purpose of raising a revenue.” The soundness of this reasoning will appear the more convincing on a recollection of our situation, at that day, of being obliged to trade with the mother-country, or of wanting all the articles above specified. Who could tell, moreover, where this imposition would end, or whether it would not, hereafter, be extended to every thing of necessity or convenience brought from that to this country. In that case, the triumph of that doughty hero of despotism,

who,

who, prematurely, boasted that he had found out a way to tax America, would have been complete; the policy of imposing duties on internal manufactures would have appeared no longer imprudent or ridiculous; and the colonies might have groaned to the end of time, under a still accumulating burden of taxes, only for the purpose of enabling their imposers, the more securely to effect any future conquest, over their persons and property that either ambition or avarice might suggest. But, thanks be to Heaven, neither virtue, wisdom, nor firmness was wanting among us. To oblige us, in the first instance, to buy, and in the second to buy at her own price, was a species of traffick, in Great Britain, which these colonies did not understand and would not submit to. They saw, amidst the horrid consequences, not only the entire dispossession of their property, but that property itself, afterwards, used to enslave them. They saw the sneaking policy of the pick-pocket Townsend, and opposed it with as much zeal, as they did the open robbery of his bolder co-adjutor Grenville, four years before. Petitions, remonstrances, associations succeeded. The commerce of Great-Britain was distressed, and these duties all, except that on tea, were taken off, three years after.

I now come to the Admiralty-act. This extended the jurisdiction of Admiralty-courts to certain matters arising within the body of the county;
whereas

whereas by the ancient law of England, it is expressly confined to matters arising on the high seas. There is nothing more necessary to the wise and equal administration of law, than that the jurisdiction of courts be certainly defined. Then, not only will citizens know to what particular courts to apply for redress in every possible injury of person or property, but also the enquiries of judges being more limited, their knowledge must, necessarily, become more perfect. This is a happy provision, too, against the influence of fear, interest or affection in judges; because all who are injured must, of necessity, apply for redress to that tribunal which the law has marked out, and not to that which they believe will favour them most. Thus, again, it happens that the patience of judges need not be wearied into rash decisions by too great a multiplicity of business; and both parties repair to the judgement-seat with an equal knowledge of all forms and ceremonies necessary to be gone through previous to the final adjustment of the suit, but in direct opposition to all these plain and happy effects, the above act established a precedent by which the jurisdiction of Admiralty-courts, in which a single judge presides, and where the common law is not attended to, might at some future day, to the confusion of all order and justice, be extended to every possible dispute between man and man. It went, too, to deprive us of the

inestimable

inestimable trial by jury in cases to which, for ages, it had belonged; to confine us to a form of proceeding where the accused was obliged to prove his innocence or to suffer; and to drag us before a tribunal where a creature appointed by the crown and paid out of the very forfeitures which himself decreed, was, singly, to sit in judgment on our fortunes, contrary to a custom which had immortal usage for its basis, and immeasurable utility for its function, contrary to an express clause, in magna charta, which says that no man shall be affected in his person or property, unless by lawful judgment of his equals or the law of the land; and contrary to a constitution which, I may venture to affirm, says Blackston, has secured the just liberties of this nation (the English) through a long succession of ages. Whoever considers the truth likely to result from the cool and impartial deliberation of twelve disinterested men, supposed to be in some measure, acquainted with the fact, put upon their oaths and their honour to declare it, and actuated by motives of self-interest and self-preservation to do so; whoever will consider how necessary it is, always, when possible, to keep law and fact distinct, will not wonder that all America murmured at this attempt to confound both together in the breast of a single judge, under every temptation of pride, passion, and avarice to pronounce falsely; that she considered it as a most unjust

just attack of her noblest privilege; an insolent attempt in the Parliament of Great-Britain to establish an arbitrary jurisdiction over the fortunes and lives of the people of these colonies; and a deliberate plan, formed in that shameless assembly, to rob us piece-meal by piece-meal, of all those rights in the possession of which we had grown great and flourishing, and to wither the nerve of that arm, which, during the French war, had fought her battles with so much glory and success! Here will I pause.—Citizens, let us learn from hence, that injustice must ever be supported by oppression! Nations, when they once violate the first principles of right, must stoop to every kind of meanness, iniquity and desperation, to support them in that violation. The open current of honesty is the political stream, beyond which if ambitious rulers attempt to pass, they destroy their country, and if they stop short at the brink, themselves are undone. Had Great-Britain never exercised the power of imposing taxes upon us contrary to our own consent, she need not have been guilty, for the purpose of collecting those taxes, of a violation of the ancient law of the land, for which America can never cease to upbraid her, while she retains spirit and sense enough to prize the trial by jury as the firmest bulwark of her freedom!

But, citizens, the tale of our injuries is not yet told; listen a while I pray you, and let your
indignation

indignation accompany mine through the short remainder of the recital!

The parliament of Great-Britain having vainly endeavoured to subjugate these colonies by the various acts I have mentioned, and by many others which, for want of time, I have omitted, all of which proved abortive by the absolute resistance or self-denial of the people, now formed the more artful scheme of enslaving them one by one. The band of brothers, said they, cannot be broken: let us divide and destroy. But thanks to the protector of the innocent, in every possible attack which open violence, fretted pride, or sneaking cunning could devise, she found us a band of brothers still, watchful and solicitous for each other's safety! The cause of one is the cause of us all, and an injury to him who sprung from my mother's womb, is, both from policy and feeling, an injury to myself, spake the colonies when the act for suspending the legislation of New-York made its appearance. This most iniquitous act, which was levelled at the first principles of the social compact, was drawn down upon that ill-fated colony for a trifling disobedience to a former, unconstitutional and oppressive one. But what was the direct tendency of this before us, but to cut off from the people, the exercise of their own understandings and wills entrusted to them, by nature, for the government of themselves; and to destroy

that responsibility which I hold, as a maxim, all nations are under to God, to exercise prudently their civil rights, to promote the interests of virtue, science and religion, to diffuse harmony and friendship among men, and to extend the blessings of equal freedom and security to the meanest as well as the highest individuals of society? What was the effect of this act but to preclude the alteration of imperfections in the constitution, which time or necessity might point out; to continue the oppressions of laws already enacted; and to prevent the enacting of others most wholesome and necessary for the public good. What was this but to render the good people of New-York the mere oysters of society; to fetter their industry; to cramp their faculties; to generate superstition, which ever springs from ignorance; to smother that enthusiasm of genius and virtue, which is remarkably the offspring of freedom; and in fine, to render them fit machines in the hands of a venal Parliament, to work all the other colonies to their own ruin.

But if the apprehension of such effects as these, from this statute, excited the most just alarms in America, how much must these alarms have been increased by the appearance of the Quebec-act? This act enlarged the boundaries of Canada over an extent of country greater than the half of Europe, throughout which the entire system of English

glish laws, relative to civil rights, was abolished; and a council, to be appointed by the crown, and removeable at its pleasure, was invested with every power of legislation, over this immense tract of country, except that of taxation, and this was reserved as the divine and incontrovertible right of the omnipotent Parliament, to fatten them, I suppose, when pensioners and placemen, for this so true, so generous and so loyal a sacrifice of honour and humanity to their august lord and master! By this tyrannic act the conduct of Britain was fully disclosed. The suspension of the legislation of New-York might have continued for ages or only for a day. But an act like this, planned with deliberation, to legalize oppression, was an act which placed the designs of Parliament in so clear a point of view that for the colonies any longer to doubt its intention to enslave them would have been as absurd as to doubt of the existence of light in the glare of noon-day! For what was this statute but the free gift, by Parliament, of the "swinish multitude" to the crown! A council appointed by the king, and removeable at the pleasure of the king, would consult the interest of the king in all their legislative acts. Responsible to him only for the discharge of their office, without an affection for, or knowledge of the people they were sent to govern, without an acquaintance with the situation and wants of their country, unconnected with them by

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the ties of religion, relationship, manners or habits, independent of their censure, and careless of their applause, these uncontrouled blood-suckers would ever prefer interest to justice, and the desire of retaining their places to the honest dictates of humanity: and though a wise law might now and then be passed, accident or money would have more influence in the work, than either sound policy or virtue. Take away the dependence of legislators upon the people, and you take away the only motive which will render most legislators attentive and faithful to their duty; you create an order of nobles in the state who make laws only to secure their own power, and who govern but to oppress.

I come now to the Statutes respecting Massachusetts: Statutes which violate the charter of the province, in almost every sentence. By one the harbour of Boston was shut up, and the means of subsistence cut off from many thousands of innocent and needy people. By another, the right of peaceably assembling and petitioning on their own grievances, was forbidden the people; judges, too, on whose independence their own virtue and the upright administration of justice much depends, were made removable by a royal governor; and absolute murderers screened from the just punishment of the law, by being required to be sent to England, or some distant province for trial. And by a third, the charter of the province was taken away, the
 constitution

constitution itself was altered, and a part of the legislature hitherto appointed by the General Court, was in future to be appointed by the crown.

These, and many other things could I relate, my fellow citizens, to rake that sore sense of British oppression which once more I repeat, should never be suffered to heal on the minds of Americans. I could tell you of standing armies quartered upon us in times of profound peace ; of parliamentary acts enforced by the sword ; of governors continued in office contrary to the desire of the people ; of new laws, establishing new offences on purpose to entrap them ; of violence and murder committed on their persons with impunity ; till at length, a Congress of the colonies met at Philadelphia, and disdaining any longer to submit to a load of oppressions too great for human nature to bear, ventured in their just defence, to levy war against the parent state ; for which these colonies having been thrown out of the protection of Great-Britain, they finally, in vindication of their just rights and appealing to heaven for the rectitude of their intentions, proceeded, on the fourth of July 1776, to declare “ these colonies free and Independent States, and for the support of this declaration, with a firm reliance on the protection of divine providence, mutually pledged to each other their lives, their fortune, and their sacred honour,”

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Fain too, would I go beyond this period and review the history of a war which, both our glory and our safety prompt should be ever present to our minds; of a war, honourable to ourselves and useful to mankind; of a war, begun through necessity, conducted without cruelty and ended without revenge, of a war, on which I verily believe, the rights of ages, yet unborn, and, perhaps, of all futurity hung suspended; of a war, which, in its blessed effects of promoting human happiness, private and political, presents the fairest view to the historian of any that ever was waged between contending Nations! I would instance the display of valour and patriotism which pervaded all ranks and both sexes from the beginning to the end of it. With admiration would I tell how private convenience was sacrificed to public necessity, private fortune to public utility, and private resentment to public harmony; how our citizens contended, with resistless ardour, who should be first to offer a victim from the enemies of his country, or pour forth his own blood upon the altar of liberty: how, confiding in the eternal justice of their cause, to conquer therein was, in their opinion, to merit the unceasing gratitude of men, and to die in the unceasing favour of the Almighty! with veneration, would I relate the sufferings of that army, first and justly stiled patriotic, which suddenly called together from the peaceful scenes of
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rural life, unprovided with arms, unused to discipline, mere children in the science of war, and wanting, sometimes even the necessaries of life, animated solely by the love of their country, and greedy only, of its applause, opposed themselves with valour and success, through a tedious seven years war, to numerous hosts of valiant veterans, whose trade it was to shed human blood, and who added to the motive of preserving a well-earned fame, were urged on by the prospect of attaining unbounded wealth and pleasure, in the possession of the spoils of those cowards and rebels they were sent hither to destroy! Amidst the various instances which occur, of the superiority of native courage to long-practiced, though mercenary soldiership, of troops fired by the sacred blaze of liberty to an armed rabble dragged on by the avarice of conquest, the battles of Bunker's Hill, Ticonderoga, and Prince-Town, should be remembered: neither should those of Mudfort, Cowpens, and the Eutaw be forgotten. I would describe the gallant leaders in all those illustrious scenes! and to those who had fallen would I drop the tear of gratitude, to those who survived would I offer the rich return of thanks in the name of their admiring country! But, chiefly, to thee, O Washington, illustrious saviour of a once-sinking land, now, free, respectable, just, and happy by thy means, sublime example of unceasing virtue,
untiring

untiring object for fools to gaze at, and wise men to contemplate, for slaves to admire, and freemen to adore! great in the council, glorious in the field; to thee high priest of patriotism, would I offer the first laurel-wreath of thy devoted country, to adorn thy brow who livest but to merit it, and on whom all the honours thy grateful America can bestow to render thee highest, as thou art best among men, serve only to increase her confidence in thee, and to gain their admiration imitation and love! Finally, I would relate how, under the alternate prevalence of prosperity and adversity, of campaigns crowned with the most brilliant success, and whole years passing away in the most gloomy despondency, American fortitude, at length, made its way through a sea of dangers and hardships, threatening on all sides, destruction to the calm haven of peace and happiness, and the Eagle of Liberty, spreading its victorious wings, perched in triumph, on the broken sceptre of the grumbling Lion! Nor in the general detail, should thy former services, Oh France, be forgotten! At a time when the prospect was all gloomy around, and the benighted travellers seemed ready to sink with fatigue and desperation upon the earth, thy benevolence appeared, like a taper through the dark, to enlighten and to guide us; we were strangers and ye took us in; we were naked and ye clothed us; we were pursued

pursued

pursued by robbers, and ye put arms into our hands
 for defence ; we wanted money, and we found thee
 our purse bearer ; we wanted a friend and we found
 thee a benefactress ; by thy assistance was our ho-
 nour preserved ; by thy assistance were our rights
 defended ; and by thy assistance, I repeat it again
 and again, by thy assistance, do we enjoy all our
 present blessings, and exist not the vile slaves of un-
 limited despotism ? Can we then so soon forget
 thy former kindness, and be insensible to thy pre-
 sent sufferings ? Sink us first, kind heaven, to the
 bottom of the sea ! As Americans, we must feel eve-
 ry wound at which our earliest, dearest, only friend
 bleeds ? As men we cannot but pray for your complete
 success. And spurn from you, my countrymen, these
 wretches who would seduce you into the opinion,
 no less dangerous than false, that this nation of he-
 roes is but a horde of assassins, and would lessen the
 weight of that obligation you are under to the nation,
 at large, by ascribing it entirely to the king ? Were
 I to say that they are the enemies of your peace,
 your liberties, your honour, and republicanism ;
 were I to say that they would sacrifice glory to
 wealth, and give up their country for a title, I should
 not do much injustice to those insects of a day that
 flutter up and down your streets, disgorging the
 foul contents of their own disordered stomachs to sick-
 en the generous appetite of a free people ? Louis the
 sixteenth is now no more ! Peace be to his soul !

as a man, however, I cannot help rejoicing, and had he been a brother, I would have rejoiced that he has fallen, in obedience,—(who will say to the contrary?) to the just decree, at least, the just necessities of his country. To his intervention, in our favour, I gratefully acknowledge myself and country, eternally indebted. But can we ever forget, that the blood which he sent to be spilt on our shores, was the blood of the people; and that the treasures which he used, in our defence, were the treasures of the people too! And can we, ever, ever forget the cause, the glorious cause, in which these same people do now fight; and shall we suffer our wishes for the life of a single man, to come in competition one single moment, with our wishes for the lives and liberties of millions? No, fight on,—fight on then, illustrious nation, be true to the cause in which you have engaged, despise the censures of an unthinking world, and let philosophy, reason, and liberty prevail! And may kings bite the dust under thy feet, and the heads of traitors tumble from thy guillotines; may death stride before, and waves of blood roll after you; in your march, may dead bodies, high as Olympus, be piled upon your frontiers, till every enemy you have, be swept from the face of the earth, or you allowed the liberty of governing yourselves.

And now, my fellow-citizens, with gratitude to heaven, for all the blessings, individual and political

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cal, we at present enjoy; and with earnest wishes, that those blessings may soon be extended to remotest nations; with one heart to conceive, one tongue to utter, and one hand to assert our rights; with a sense of continual dependence on that almighty arm, that can uphold the good and depress the wicked; with sentiments of religion and liberty united in harmonious concert, let us retire to the several scenes prepared for the celebration of this illustrious day, and while the sparkling glass goes round, inspiring benevolence and joy to all created beings, let God and my right spring from every heart, and triumph on each tongue.

