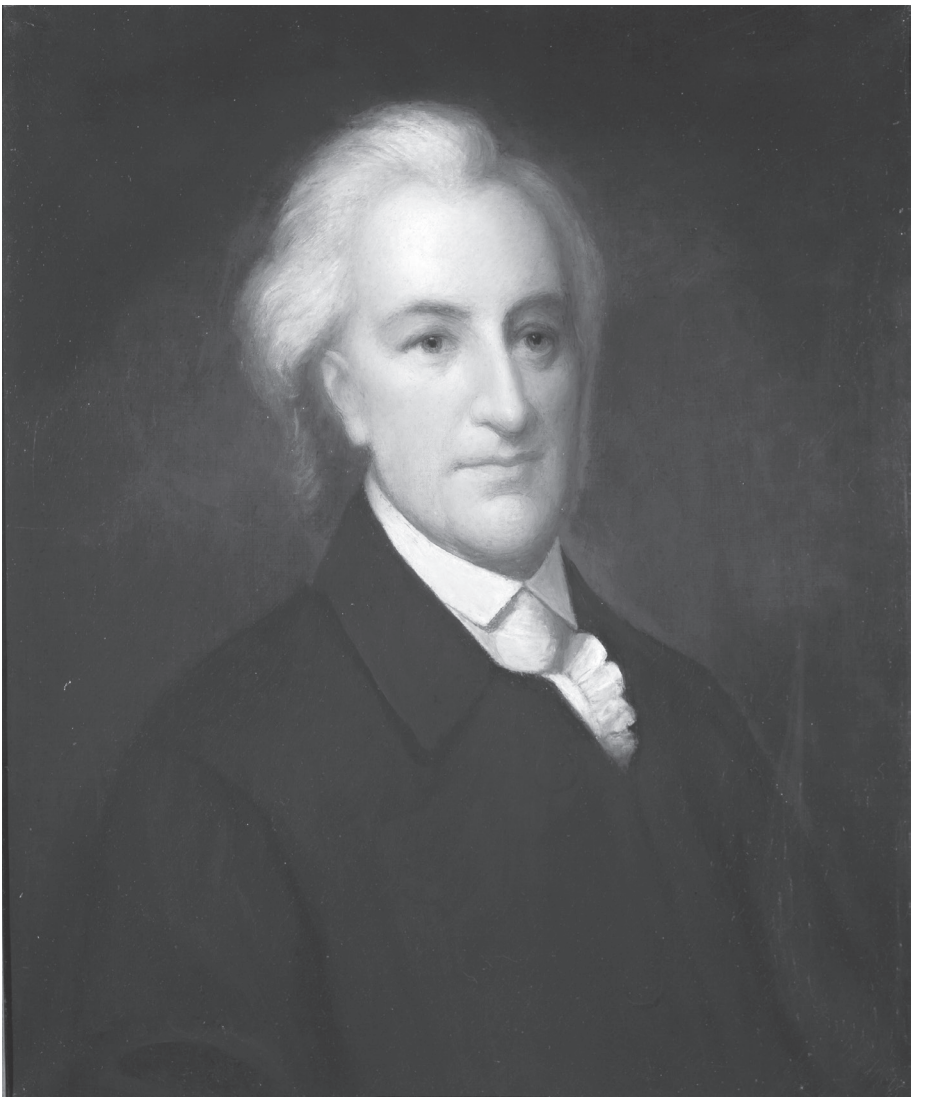
The
Complete Writings
and
Selected Correspondence
of
John Dickinson

Volume Four • 1767–1769



The COMPLETE WRITINGS *and* SELECTED CORRESPONDENCE *of* JOHN DICKINSON

Volume Four • 1767–1769

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Jane E. Calvert

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To
THE AMERICAN PEOPLE

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Jane E. Calvert
Chief Editor
January 2025

Introduction

By 1767, John Dickinson had already made a name for himself in many parts of the British Empire with his writings on the 1764 royal government controversy in Pennsylvania and the 1765 Stamp Act Crisis. The present volume is dominated by the appearance of and reaction to his best-known publication, *Letters from a Farmer in Pennsylvania to the Inhabitants of the British Colonies* (1767–68; beginning with doc. 4:18), which made JD the internationally recognized spokesman for the American cause against Britain. Written in response to the Townshend Acts, these twelve pseudonymous letters were published first in the newspapers and shortly thereafter as a pamphlet in multiple editions. They succeeded better than JD could have hoped. Not only did they sell like nothing before, they achieved his goals of unifying Americans in peaceful resistance to British measures and giving them, for the first time, a sense of a distinct American identity separate from Britain. From this moment, JD's influence over the course of events in the colonies did not wane until summer 1776.

Because JD wrote the *Farmer's Letters* to appeal to people of all ranks in society, and he did so using familiar and compelling patriotic tropes, they struck a chord not only with Americans but with audiences around the Atlantic World and, eventually, as far away as Poland. The swift, affirmative response, which began even before all the letters were published, lasted for years as new audiences became acquainted with the Pennsylvania Farmer, as JD was now known. The adulation showered upon JD was unprecedented, rivaling even that evoked by British evangelical preacher George Whitefield in the 1740s. JD's place as America's first celebrity was solidified after his publication of America's first patriotic song in summer 1768 (docs. 4:100 and 4:103). Among the tributes to him reproduced here are the epic poem about the Farmer by renowned Philadelphia poet Elizabeth Græme (doc. 4:147) and a copperplate etching of him (doc. 4:148).

There were relatively few negative responses to the Farmer in America. Yet, as modern Americans know, every celebrity has his detractors. Most were close to home. Even as JD's former opponent from the royal government controversy, Benjamin Franklin, acted as JD's publicist abroad, ushering the *Farmer's Letters* into print in England (doc. 4:79) and France (doc. 4:208), Joseph Galloway remained an enemy, doing his best to tarnish JD's star by enlisting his supporters to denigrate the Farmer in the press. Among the detractors was also JD's friend, former client, and erstwhile admirer of

the Farmer, Captain John Macpherson, Sr. Suffering from mental illness, Macpherson claimed that JD had conspired with Mrs. Macpherson to have him imprisoned on his own property. JD's motive, said Macpherson, was to silence him from revealing the "truth" that JD was not the true author of the *Farmer's Letters* (doc. 4:189).

Even as messages of gratitude to the Farmer poured in from around the colonies, seemingly the only place that did not heed his advice to unite and resist was his own colony. Pennsylvania's Quaker Assembly, led by Galloway, stubbornly refused to join with other colonies in their nonimportation agreement. JD, along with friend and ally Charles Thomson and others, continued to write and speak on the topic in an attempt to convince Quaker merchants to join the resistance (docs. 4:74, 4:122, and 4:126). Clearly frustrated by Quakers' sluggishness, he lashed out against them in harsh tones not seen since his sparring with Galloway in 1764 and '65 (docs. 4:111 and 4:112). Eventually, the Quakers relented and joined the resistance, but their support was tenuous.

In the spring, while the presses were churning out the *Farmer's Letters* in pamphlet form, JD took up his pen to promote another of his ongoing concerns—the protection of religious liberty. The efforts of some colonists to have an Anglican bishop installed in the colonies and the design of others to resist them, called the Episcopal Controversy, contributed to colonists' general fears of British threats to American liberties. Yet it is an aspect of the American Revolution often overlooked by historians. Echoing ideas he had expressed during the royal government controversy, JD contributed several of the "Centinel Letters" (docs. 4:75, 4:78, 4:80, and 4:105) in opposition to an American bishop, making him the first major American leader to advocate religious liberty, almost two decades before James Madison and Thomas Jefferson. Colonists, who had already been using the *Farmer's Letters* to argue for religious liberty, immediately recognized JD's voice.

Although the effect of the *Farmer's Letters* continued to grow into the 1770s, JD's political correspondence from these years already reflects his increasing stature in colonial American affairs. He began fruitful exchanges with James Otis, Jr., of Massachusetts and brothers Arthur and Richard Henry Lee of Virginia. Other notable correspondents include Pennsylvania proprietor Thomas Penn, with whom JD had been friendly since his London days; Christopher Gadsden of South Carolina; Rev. John Joachim Zubly of Georgia; and Rev. John Witherspoon of New Jersey.

During the years covered by this volume, JD did not serve in either the Pennsylvania Assembly or that of Pennsylvania's Three Lower Counties (now Delaware). He spent his time not used for engaging with the public on his law

practice. The documents here demonstrate the range of legal work he performed as well as his sense of justice, rights, and professional integrity. There were routine cases related to property rights, such as those concerning ejectments and inheritances, as well as controversial cases in which JD risked his own reputation by accepting clients low in the socio-economic hierarchy. In *Dominus Rex v. Rachel Francisco* (docs. 4:4 and 4:5), he defended a mixed-race servant woman accused of infanticide and concealment. In *Dominus Rex v. John Holland* (doc. 4:187), JD represented a laboring man who accidentally killed an acquaintance. These notes are remarkable examples of one of the few ways the voices of marginalized individuals can be heard in the historical record—that is, through the medium of their elite white male attorneys. Yet, whereas JD willingly risked his reputation in "defending the Innocent & redressing the injurd" (doc. 1:24) regardless of status or alleged crime, he turned away those higher-ranking individuals who were dishonest or despicable. For example, he refused to represent David Hay, a British Army officer married to one of the daughters of John Moland, JD's legal mentor. Hay sought to engage JD as his attorney under false pretenses after he assaulted a tavern keeper (doc. 4:204).

During these years, JD's client base continued to expand beyond Pennsylvania and its Lower Counties to colonies north and south. Among those he represented were notable figures such as Frederick Calvert (doc. 4:8), proprietor of Maryland, and J. Hector St. John de Crèvecœur of New York (doc. 4:180). When JD's name became generally known after the publication of the *Farmer's Letters*, would-be clients outside Pennsylvania appealed to him to represent them on the basis of his defense of American liberties.

As in previous volumes of this edition, JD's legal documents printed alongside his political writings allow readers to see how his jurisprudence directly influenced his political theory. Readers will notice that his case notes focus on the same issues and themes as appear in his political writings, such as intent, equity, property rights, the public good, and individual rights. In the former, he explained these matters to judges and juries as he sought justice for his clients; in the latter, to the American public as they resisted Britain.

Like in *Volumes 2* and *3*, there is only limited personal correspondence during the years covered by this volume; but the extant letters are fascinating. One category concerns JD's benevolent activities, including his guardianship of orphans, contributions to worthy causes such as poor relief and assistance to religious groups, and his ongoing stewardship of John Moland's family. Another category is those with whom JD was closest. In particular, three letters concern the tumultuous courtship of his future wife, Mary (Polly) Norris,

which reveals details of JD's and Norris's personalities, as well as his attitudes about education and organized religion (docs. 4:133, 4:134, and 4:215).

Finally, this volume includes several appendices rich with supplemental material. An omitted documents calendar lists routine correspondence from JD's law practice and published documents related to the *Farmer's Letters*. There is a bibliography of reprintings in the newspapers and pamphlet editions of the *Farmer's Letters*. And we include a photograph of a remarkable early nineteenth-century sculpture of JD holding a copy of his *Farmer's Letters* that served as a ship's figurehead, demonstrating the influence of his legacy well into the era of the Early Republic.

With this volume, we are pleased to welcome two new Assistant Editors to the staff. Dr. Ian Tonat and Dr. Daniel Bottino joined us in spring 2024, giving the JDP a full staff for the first time in its fourteen-year history. They bring exceptional talents to the team, complementing our existing strengths, to make this volume our best yet. With sustained funding, we can meet or exceed our pace for producing the remaining nine volumes in the edition.

As JDP staff look forward to the Semiquincentennial celebrations of the American Founding and work on the many seminal documents JD wrote for the Continental Congresses from 1774 through 1776, we cannot help but worry about the future of this project. Policy changes and funding cuts at the National Historical Publications and Records Commission (NHPRC; a branch of the National Archives), one of the two federal agencies that funds these editions, means that the JDP, like all Founders projects, was denied support for 2025. They have fallen out of fashion in a climate that privileges documentary editions on historically underrepresented groups. Thus, even as we celebrate a full staff with this volume, we say a heartbroken farewell to Assistant Editor Abigail Mortell, one of the most talented scholars who has worked on this project. And now, in response to Biden-era policies, the Trump administration's actions to shrink the federal government and reverse diversity, equity, and inclusion (DEI) efforts lead us to wonder whether any agencies will survive to fund documentary editing projects or, if so, whether our attempts to speak to the policies of a bygone era will be used against us. The JDP's fate may rest with private donors.

Editorial Methodology

This edition seeks to provide the reader with documents that appear as true to the original as possible while also being accessible and a scholarly apparatus that gives the reader the historical and literary context to understand the import of the documents, both individually and collectively. The aim of this edition is not to put forth the definitive interpretation of JD's writings, but rather to facilitate new conversations on topics beyond what the Editors might imagine. The Editors have therefore consciously avoided imposing an overly interpretive framework on the documents. Similarly, annotation does not include historiographical debate or secondary sources, unless they provide specific information that is not generally known.

For a complete statement of the John Dickinson Writings Project's editorial methodology, see *The Complete Writings and Selected Correspondence of John Dickinson*, 1:lvii–lxvi.

The sections here detail the devices used to clarify text and the editorial codes that are used for a variety of manuscript sources. The latter sections list the symbols for institutions holding original materials, abbreviations, and the short titles of books and other works that appear in *Volume Four* of *The Complete Writings and Selected Correspondence of John Dickinson*.

Basic Editorial Devices

Word inserted by author:	{Government}
Word deleted by author:	~~Government~~
Word in a hand different from main author:	[*JD*:] <Government>
Editorial notes in brackets and italics:	[*illegible*]; [*see left margin*:]
Illegible word deleted by author:	[~~*illegible*~~]
Word added by editors, very certain:	[Government]
Very unclear word, guess by editors:	[Government*?*]
Unclear word inserted and deleted by author:	{[~~Government~~]}
Abbreviated word, expanded by editors:	Gov^{t}. *becomes* Gov[ernmen]t
When letters or words have been cancelled by a new letter or word written over the original, there is no space between the cancellation and the insertion:	~~g~~{G}overnment

Other Conditions

- The general physical appearance of the text has been reproduced, including blocks of text, columns, indentations, and blank spaces. Lines and other drawings on the page, such as hand-braces, insertion symbols, or boxes drawn around words or paragraphs, are reproduced as near to the original as is technologically possible. Where a feature is not reproduced visually, a descriptive editorial note is added.
- Marginalia and other inserted words and sentences are placed in the text either where JD indicated they belong or where the flow of the text dictates. Either way, if the text to be inserted appears far from its intended insertion point (e.g., in the margin, on another page, or on a separate scrap of paper), an editorial note states where it actually appears in the original.
- Page numbers and breaks have been reproduced in published documents only when the author included footnotes. Page breaks are noted in manuscript documents, except in correspondence.
- In cases where a document directly responds to a document published in the present edition, the connection is noted in the headnote. Quotations or paraphrases from the initial document are not annotated.
- When an author alters a quotation only slightly for syntax, that change is not noted. Only substantive changes are noted.
- When edits to a document have been made in an unknown hand or hands, this fact is mentioned in the headnote.
- Editorial interpolations are styled to match the text in which they have been inserted; for instance, if an underlined abbreviation has been expanded, the interpolation is also underlined.
- Underlined text is retained as written. Where underlines exceed two, an endnote specifies how many times.
- Catchwords (the dangling word at the bottom of a page, repeated at the top of the next) are omitted in correspondence but retained in draft manuscripts where they aided editors in determining order of pages.
- When a word is divided by a hyphen across two pages, the complete word is rendered on the second page.
- Single hyphens replace double hyphens.
- A single em-dash is used for all dashes, regardless of length or number.
- Text written larger or darker for emphasis is rendered in **boldface** type.
- Original signatures are rendered in **boldface** type; copied or proxy signatures are in roman.
- Abbreviations are expanded except in common titles (e.g., "M^{r}.," "M^{rs}.," "D^{r}.," "S^{t}.," "Esq^{r}."), suffixes ("J^{r}.," "S^{r}."), numbers (e.g., "4th," "2^{d}."),

and the expression "et cetera" ("&c," "&ca"). In expansions, periods are removed, superscript text is lowered, and the missing letters are supplied in square brackets. In cases where there could be either a British or an American spelling (e.g., "fav[o]r" or "fav[ou]r"), the Editors followed the conventions of the author in that particular document. When there was no model, spelling follows British conventions before 1776 and American afterward, following the evolution of JD's spelling habits.

- While much of continental Europe had adopted the Gregorian calendar in the sixteenth century, until 1752, Great Britain and its colonies employed the obsolete Julian calendar and marked March 25, rather than January 1, as the beginning of the new year. This created confusion as February 16, 1742, in France, was February 5, 1741, in Great Britain. To clarify this ambiguity, some period writers distinguished between the two calendars by designating the date as following the Old Style (OS) or New Style (NS) calendar. Whenever practicable, editors have followed New Style conventions familiar to modern readers. Old Style years have been retained in citations to court cases to match the year provided in the original source. When it is unclear which calendar was used to record an event such as the birth or death of an individual, the editors have replicated the year given by the source.
- Contractions are retained as written, with or without an apostrophe; "ed" words without the "e" or an apostrophe are not changed.
- Archaic letters and abbreviations are modernized or expanded, and rendered in brackets: the long "s" (ſ) is made short; the per sign (℘) is expanded as "[per]," "[pro]," "[pre]," "[præ]," or "[pri]," as appropriate; the Tironian *et* (⁊) is rendered as "&"; the thorn is rendered as "[th]" (e.g., "[th]e," "[th]at").
- In printed documents, quotation marks are supplied or silently corrected to match modern conventions.
- When a terminal dash is used instead of a period at the end of a sentence, a space is left between it and the following word.
- Authorial errors or slips of the pen are not corrected or marked with [*sic*], except where they might be mistaken for an editorial error, such as a repeated word. Misspelled words that might be confusing are provided with an endnote.
- Capitalization is retained. Typical of the age, however, some letters, including "p" and "s," had middling cases, neither capital nor lowercase. In those instances, which could be decided either way, capitalization follows the conventions of the author in the text or the general usage of the period.

- When multiple words or lines are illegible, they are noted as [*illegible words*]. If the words or lines are illegible because of deletion by the author, they will appear thusly: [~~*two illegible lines*~~].
- Lacunæ are represented with a descriptive note: [*torn*], [*ink spot*].

Abbreviations and Short Titles

Editorial

AD	autograph document, not signed
ADDft	autograph document draft, not signed
ALS	autograph letter, signed by the author
ALDft	autograph letter draft, not signed
ALDftS	autograph letter draft, signed by the author
DS	document signed, document written in the hand of someone other than the designated author but bearing the author's signature
C	copy
Ch.	Chinese, to indicate that the language used is Chinese
FO	facsimile original
Fr.	French, to indicate that the language used is French
Gr.	Greek, to indicate that the language used is Greek
Ital.	Italian, to indicate that the language used is Italian
L	letter, letter written in the hand of someone other than the designated author
Lat.	Latin, to indicate that the language used is Latin
LbC	letterbook copy
LFr.	Law French, to indicate that the language used is Law French
LS	letter signed, letter written in the hand of someone other than the designated author but bearing the author's signature
Mf	microfilm
OS	Old Style date using the Julian Calendar
Pt.	Portuguese, to indicate that the language used is Portuguese
Rpt	reprint from an edited volume or other printed secondary source
Spa.	Spanish, to indicate that the language used is Spanish

Repositories and Collections

When a document resides in a named collection within a repository, its source is cited in annotation in the following form: XXX-YYY, where XXX is the repository or institution, and YYY is the named collection. Thus, for example, the Loudoun Mansion Papers at the Historical Society of Pennsylvania is cited PHi-Loudoun.

AFHFP	Adams, Fisher, and Hallett Family Papers, New England Historic Genealogical Society
Allason	William Allason Records, Library of Virginia
ALP	Arthur Lee Papers, Houghton Library, Harvard University
Blaine	Ephraim Blaine Papers, Library of Congress
De-Ar	Delaware Public Archives, Delaware Department of State, Division of Historical and Cultural Affairs, Hall of Records, Dover, Del.

DeWint	Henry Francis DuPont Winterthur Museum, Winterthur, Del.
DLC	Library of Congress, Washington, D.C.
Emmet	Thomas Addis Emmet Collection, New York Public Library
Gratz	Simon Gratz Autograph Collection, Historical Society of Pennsylvania
JDP	John Dickinson Papers (formerly John Dickinson Family Papers), Library Company of Philadelphia
JDPP	John Dickinson Papers Project, Leon deValinger, Jr., Historical Society of Pennsylvania
JDPs	John Dickinson Papers, Dickinson College Library
LAC	Lutheran Archives Center, Philadelphia, Pa.
Logan	Logan Family Papers, Historical Society of Pennsylvania
Loudoun	Loudoun Mansion Papers, Historical Society of Pennsylvania
MB	Boston Public Library, Main Branch, Boston, Mass.
MBNEH	New England Historic Genealogical Society, Boston, Mass.
MdAnMSA	Maryland State Archives, Annapolis, Md.
MH-H	Houghton Library, Harvard University, Cambridge, Mass.
MHi	Massachusetts Historical Society, Boston, Mass.
Mühlenberg	Henry Melchior Mühlenberg Papers, Lutheran Archives Center
Nj-Ar	New Jersey State Archives, Trenton, N.J.
NjFlCoC	Hunterdon County Clerk's Office, Flemington, N.J.
NNPM	The Morgan Library and Museum, New York, N.Y.
NYPL	New York Public Library
OCR	Orphans' Courts Records, Philadelphia County, Family History Library
PCarlD	Dickinson College Library, Carlisle, Pa.
Pemb	Pemberton Family Papers, Historical Society of Pennsylvania
Penn	Penn Family Papers, Historical Society of Pennsylvania
PHarH-Ar	Pennsylvania Historical and Museum Commission, Division of Archives and Manuscript, Harrisburg, Pa.
PHi	Historical Society of Pennsylvania, Philadelphia, Pa.
PLHi	Lancaster County Historical Society, Lancaster, Pa.
PPAmP	American Philosophical Society, Philadelphia, Pa.
PPDR	Philadelphia Department of Records, Philadelphia, Pa.
PPIn	Independence National Historical Park, Philadelphia, Pa.
PPL	Library Company of Philadelphia, Philadelphia, Pa.
PSC-Hi	Friends Historical Library of Swarthmore College, Swarthmore, Pa.
RFP	Rush Family Papers, Library Company of Philadelphia
RHLP	Richard Henry Lee Papers, American Philosophical Society
RRL	R.R. Logan Collection of John Dickinson Papers, Historical Society of Pennsylvania
SMDFP	Small Manuscripts, Dickinson Family Papers, Delaware Public Archives
Treasures	Treasures Collection, Historical Society of Pennsylvania
UtSlFS	Family History Library, Salt Lake City, Utah
Vi	Library of Virginia, Richmond, Va.
ViU	University of Virginia, Charlottesville, Va.
Warren-Adams	Warren-Adams Papers, Massachusetts Historical Society

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Cic. *Clu.*
: Cicero. *Pro Cluentio* [On behalf of Cluentius].

Cic. *Deiot.*
: Ciero. *Pro rege Deiotaro* [On behalf of King Deiotarus].

Cic. *Fam.*
: Cicero. *Epistulæ ad familiares* [Letters to friends].

Cic. *Lig.*
: Cicero. *Pro Ligario* [On behalf of Ligarius].

Cic. *Marcell.*
: Cicero. *Pro Marcello* [On behalf of Marcellus].

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Hor. *Sat.*
Horace. *Satiræ* [Satires].

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The Complete Writings and Selected Correspondence of John Dickinson

Volume Four • 1767–1769

1767

1
From Catherine Hutchinson Moland, January 10, 1767

John Moland (c. 1700–1760) was JD's legal mentor and friend. After his death, Moland's family turned to JD for legal, financial, and moral support. In the ensuing years, JD assisted in managing the family's properties and debts, but surviving correspondence reveals tension between him and Moland's widow and children. The misbehavior of sons Thomas Moland (1740–1780), who accumulated tavern debts, and William Moland (1749–1826), who ran away from his apprenticeship, seems to have strained the relationship, as did the family's continued dependence on JD for financial support. For more detail, see *Volume Two* and *Volume Three* of the present edition and docs. 4:15, 4:93, 4:94, 4:193, 4:196, 4:204, 4:205, 4:206, 4:209, 4:A1, 4:A4, 4:A14, 4:A15, 4:A29, 4:A45, 4:A48, and 4:A105, below.

January 10th. 1767

D[ea]r Sir,

I Send the Bearer Oliver Ohaghian[1] for the Money my Daughter St. Clare[2] Desired You Shou'd pay me At Christmass I shou'd not be so pressing but Am Greatly Distressed and Dunn'd[3] by every one I owe A peney to I beg you Wont fail Sending of it [~~*illegible*~~] by the beare~~d~~{r}I send my Daughter letter[4] also I beg You may Present my love and best Respects to Y[ou]r D[ea]r Mama[5] Which my Daughter Grace[6] Joyns me in And Am S[i]r

Your Most
Humble Serv[an]t
Kathrine Moland[7]

L (PHi-Logan)

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[1] Probably Oliver OHaghian (d. 1772), a yeoman of Warminster Township, Bucks Co., Pa. According to OHaghian's receipt of this date, JD gave him £25 (PHi-Logan). At OHaghian's request, JD also paid £12.18.6 to attorney Benjamin Chew for a debt and the associated legal fees owed by Catherine Hutchinson Moland to Alexander Lunan (d. 1770). See doc. 3:127, n. 4.

[2] Elizabeth Moland St. Clair (1743–1783) was the eldest daughter of John and Catherine Moland.

[3] Dun: "To make insistent or repeated demands on (someone), typically for the repayment of a debt" (*OED*).

[4] Moland enclosed Elizabeth Moland St. Clair's letter to her of Oct. 28, 1766, in which she wrote, "I beg you will desire Mr. Dickinson to let you have the £40 pounds at Christmas that he will recive from Mr [William] Norton the rent of the Farm which will make you Easy," and added that if JD was "backward in giving you this some without an order from me," Moland should send him the letter, which "will be a Sufficient Discharge for him" (PHi-Logan).

[5] Mary Cadwalader Dickinson (c. 1705–1776) came from a prominent Quaker family that immigrated to Pennsylvania from Merioneth Co., Wales, in 1697. She married Samuel Dickinson (1689–1760) on Nov. 4, 1731.

[6] Grace Moland (b. 1757) was Catherine Moland's youngest child.

[7] Catherine Hutchinson (Katherine; d. 1780) married John Moland in 1738.

2
To Benjamin Chew, February 15, 1767

This suit involved Philadelphia merchants Thomas Riche (Ritchie; c. 1724–1792) and William Richards (1716–1787), represented by Benjamin Chew, against Edward Broadfield, a Trenton, N.J., fishmonger, represented by JD. The three men had been in business together, but a dispute arose when Broadfield sold fish at a loss to a factor in New York. Following two appearances before the Pennsylvania Supreme Court in April 1767 and April 1768, Riche and Richards were awarded £578.8.6 in damages and costs.[1]

Sir,[2]

No Dec[lara]t[i]on[3] is filed in the Cause of Ritchie against Broadfield, tho[ugh] the Action stands on a Proviso Rule[4]—& as the Defendant is very pressing for a Trial, I mention this Matter to You, that You may be provided with a Dec[lara]t[i]on before next Court

I am, Sir,
your very h[um]ble ser[van]t
John Dickinson
February 15th–1767

ALS (MB-Ch A 10.28)

[1] 1 Dallas 16–17; *Supream Court Docquett for April Term 1767*, 78; *Supream Court Docquett for April Term 1768*, 53, 86, Appearance and Continuance Dockets, Supreme Court of Pennsylvania, PHarH-Ar.

[2] Benjamin Chew (1722–1810) was a Quaker-born lawyer, legislator, and judge. Following his education at the Middle Temple, one of the four Inns of Court in London, and service in the Assembly of the Lower Counties, Chew converted to Anglicanism and cultivated close ties with the Penn family. He served as attorney general of Pennsylvania from 1754 to 1769 and as chief justice of the province from 1774 until the Revolution. Chew remained neutral during the Revolutionary War (1775–83) but later served as president of the Pennsylvania High Court of Errors and Appeals from 1791 to 1808.

[3] Declaration: "In pleading. The first of the pleadings on the part of the plaintiff in an action at law, being a formal and methodical specification of the facts and circumstances constituting his cause of action" (*BLD*).

[4] That is, a trial by proviso: "A trial brought on by the defendant, in cases where the plaintiff, after issue joined, neglects to proceed to trial; so called from a clause in the writ to the sheriff, which directs him, in case two writs come to his hands, to execute but one of them" (*BLD*).

3
From Thomas Adam, February 27, 1767

Thomas Adam was a Charles-Town (now Charleston), S.C., merchant. On September 25, 1766, he wrote to JD (doc. 3:A79) to enlist his help in recovering a debt of £3226.1.5 and interest owed him by Conrad Keehmle (c. 1717–c. 1777) for the purchase of a half interest in the schooner *Betsey and Rosey*.

Charles Town So[uth] Carolina Feb[ruar]y 27th 1767

Sir

I am favoured with yours,[1] in answer to mine of the 25th Sept[embe]r last which I should have answered before now, but of late, I have been in the Country, & since my Return, Mr. Rutledge has not be able, to get, the papers prope[rly] made out, but in the mean time, desires me to send you the Inclosed,[2] which he says will answer for the Present.

I have not to add but that I Remain
Sir
Your very h[um]ble Serv[an]t
Thos: Adam

ALS (PHi-Logan)

[1] Doc. 3:131.

[2] John Rutledge (1739–1800), who had served with JD in the Stamp Act Congress, was Adam's attorney in South Carolina. The enclosure, his letter to Adam of Feb. 27, 1767, instructs Adam to "Write to Mr. Dickens[on t]o commence an Action ag[ain]st Keemhle, Immediately, either by Summons or Attachment, as he will judge most proper, The Proofs in the Manner desired by Mr. Dickenson shall be prepared & transmitted by the next opportunity— If an action sh[oul]d be brought they cannot be wanted before that Time. & if Mr. Dickenson is able to get Keemhle to settle the Matter to his Satisfaction with[ou]t a Suit they will be unnecessary as the Papers he already has are sufficient to inform him of y[ou]r Demands ag[ain]st Keemhle" (PHi-Logan). It appears that JD had already filed suit against Keehmle, as his records indicate a writ had been issued on Feb. 16, 1767, for "Thomas Adam v. Conrad Kemle" (PHi-Logan).

4
Set One of Notes for *Dominus Rex v. Rachel Francisco*, [March 1767]

Rachel Francisco was a free, mixed-race servant working in the home of Elizabeth Cremaine in Dover, Kent County, Del., when she gave birth to an illegitimate male child on February 27, 1767. She was accused of murder and concealment of the body and tried in the Court of Oyer and Terminer of the Lower Counties[1] on March 28, 1767, under a 1719 Lower Counties statute entitled "An Act for the Advancement of Justice, and More Certain Administration Thereof." The statute made it a crime punishable by death for a woman to attempt to conceal the death of her illegitimate child unless she could prove that the child had been stillborn. In effect, the law assumed that a defendant's child had been born alive and that she had killed it unless she could prove otherwise.[2]

JD's notes, continued in doc. 4:5, below, suggest that he defended Francisco by attempting to prove that her child had been stillborn and arguing that she had not tried to conceal his death. They also indicate that JD countered medical testimony by Dr. Charles Ridgely and James Rench by calling into question the validity of an experiment they performed, which they claimed demonstrated the child had been born alive.

Chief Justice of the Lower Counties John Vining convicted Franciso of "Felony and Murder" and sentenced her to death. In a letter to Benjamin Chew, a member of the Provincial Council, Vining explained that "some applications will be made for her Reprieve [and] I wish they may succeed."[3] According to an entry in the minutes of the Provincial Council, the justices who tried Francisco believed that there were "several favorable Circumstances" in her trial and "strongly recommended her as an Object truly worthy of Compassion and Mercy." On April 24, 1767, she was granted a twelve-month reprieve.[4] Given the lack of further records on this case, it seems likely that the lieutenant governor failed to sign a warrant for her execution, allowing Francisco to go free.[5]

Women have
suff[ere]d no doubt
for the
Conc[ea]l[men]t of
a dead Child
there fore

Harsh Statute
Sense of Honour [Secret?] circumstances ey'd

1. {Voluntary} Acknowl[edgemen]t to Her Mistress that She was with Child # Her denying it after-w[ar]ds could not arise from a Desire of saving her [Person?]
2. In some Measure acknowl[edgin]g it to Midwife in say[in]g "She **hoped** she was not"—
3. Having a Bastard before—& behaving then as She has done now
4. Foolishness— ~~app[aren]t from believ[in]g it co[ul]d be conceald~~
5. Consenting to go to Midwife— Q[uære]. As to this—
6. Being sick—& confess[in]g it—
7. Birth being in that Yard near the House never covering up the After birth
8. Her <u>quick Confession</u> of the Matter to Ann St[ant]on
9. No Marks of Violence—yet {seen} soon after
10. Cutting Navel String might occasion it & that done thro[ugh] Ignorance & Foolishness not Malice

If least Doubt
Misfortune of Condemning Innocent

Dominus Rex
v
Rachel Francesco

Ind[ictmen]t for Murder of a Bastard Child

Elizabeth Cremaine—[6] 27 Feb[ruary]—at Night set up late till near 12 oClock—[Pri][so]ner complaind very much of a Pain in her Side, I s[ai]d She had got a Cold & was going to have Pleurisy— All Family went to bed—, After We had been in Bed some Time, She calld the Girl to come & cover her—compl[aine]d of Stomach ach— I am afraid {says I} someth[in]g else is

the Matter with You— No says She— She slept— Compl[aine]d again at Cock Crow She askd for someth[in]g for her Stomach

At Day light I rose, askd her how She did— She compl[aine]d of being very cold I suspect[in]g [&c] askd if She had been out of Doors— She said She had And that find[in]g herself very cold, She took the Keys went into the Kitchin & made a Fire to warm herself I then said I woud send for Granny Whitman, She said She would run away if I did. I sent for Granny & going out [*page break*] saw Likelihood that She had a young one

When Granny came We examind her—if She had had a Child— She denied it— G[rann]y told her She could qualify She had had one— After some Time She acknowl[edge]d it—

I saw the Child After Birth partly coverd up

{Decency comm[an]ded that— Even a Savage would have done}

Markers of it in the Kitchen—& near the Fence

She said the Child dropt from her in the Kitchen

{[per] C[rem]ain[e] She was surprizd}

She told G[rann]y She had seen all She would see

It was generally imagined by the Neighbourhood that She was with Child She denied it—

She has lived with Me ever since last Sept[embe]r was a Year And a very good Girl, wh[ic]h made me fond of keep[in]g her

She had ano[the]r Bastard before She came to Me wh[ich] is now dead— A little before its Death She told me that She desired I would get ano[the]r Girl—because She did not think herself able to work for Wages—

{Oct[obe]r or Nov[embe]r last} Voluntarily confest that She believd She was with Child Afterw[ar]ds denied it & never again confest it— and tho[ugh] She app[eare]d swelled, said it was other Disorders

Q[uære]. If child full grown?

Said She had hurt herself in bring[in]g in a Log—

Child seamd to be come to maturity—

No Marks of any Hurt or Wound on the Child

Q[uære]. If conc[ealed?]

Navel:String had been cut—about an Inch & a half {Length}—or two Inches long—no Security to it

I suppose cut with a Case Knife which was fo[un]d bloody {on [the he]arth—}

I saw it on the Stool—

Knife fo[un]d bloody—

She had some old Cloath[in]g of her former Child left & had little to make [Pro]vision with—

Sus[anna]h Whitman— Sent for by Eliz[abeth] Cremaine— I said to [Pri][so]ner She was in Labour— She denied it— I then told her She had a Child

sev[era]l Times— She said Noth[in]g— {Kitchen Fire} At last She s[ai]d G[rann]y after the Boys are done Breackfast—I will tell You— Accord[in]gly told Me after they were gone Upon my shewing the Child I said to her—Here's your Child— Yes says She it is my poor Baby—taking it by the Hand [*page break*]

No Inst[ance] of a Woman hav[in]g a Bastard before, being convicted under this act—

=

Here a direct Conf[essi]on—in adj[udicate]d Cases—only a Susp[ici]on in favour of [Pri][so]ner—

=

Circumst[ance]s of Conc[ea]l[men]t never makes Guilty under Stat[ute] if any Evid[ence] in Favour before Birth—

She said it was stillborn— & that She let it lye some Time to see if it was alive— & it was not— Then She hid to hide her shame

Not the least Mark of Bruise or Hurt—or sign of Blood.—

Very little ~~hurt~~ Litter upon it— None in its nose mouth & {Eyes}— Navel separated by Cutt[in]g— of a [pro][per] Length

Believe Child was come to its full Time

I cannot tell whether the Child was liveborn or not—Child not ~~born~~ {dead} long before I saw it—

Compl[aine]d of hurt[in]g herself by carry[in]g a Log If the Child was live born, the Neglect of the ty[in]g Navel String, I believe, was the Cause of it's death

But saw <u>no blood</u> where the Child lay

Took up the Child—but did not examine Some time in Aug[us]t on my charg[in]g her with being with Child— She denied it—

A While after that I chargd her with it again—& said are You not with Child <u>now</u>— She laughd & said if She was—She woud send for me— Wanted Diet Drink to remove some Obstructions— Said she woud not ask it if she thought She was with Child An Industrious Innocent inoffencive Creature <u>Very</u> ignorant & brou[gh]t up in very low Life The other Bastard She was deliv[ere]d of in my Kitchen [*page break*]

Ann Stanton— compl[aine]d at Night of a Pain in her Back

In the Morn[in]g I askd her if She had a little one

She said She had—& had hid it behind the Stable

{Did not deny it—{at all}

& desird Me to go & tell ~~the G[rann]y~~ & bring it

to her— I s[ai]d I woud not, but woud go & tell G[rann]y She said, She woud tell G[rann]y herself

Found a Knife on the Hearth—wh[ich] I put on the Stool Very little Blood on the Hearth—
Some Ashes sprinkled over in some places In some—not—
No Blood where the Child lay

James Wrench—[7]

6 or 7 Days after the Birth I was sent by my Master Cha[rle]s Ridgely[8] to open the [Pri]soner's supposd Child
Child dug up—opend it—put Lungs in a Tub of Water & they floated— Much such Weather as this— Dont know what sort of Weather preceded—
Floated light at first, then sunk under Water—partly—
{The Part next the Windpipe swims— Of a Pale red}

w[ith]out putref[acti]on [pro]ved facter in some ~~C[limates]~~ {[*illegible*]} than others

D[r]. Ridgely—
////
No Rule w[ith]out an Exception

It is an Opinion long rec[eive]d & I believe with good Foundation, that where an Animal [par][ticu]larly a human Creature had once breath'd, the Lungs will swim, if it has not, they will sink
I never made the Experiment—

Various Op[ini]ons
Circul[ati]on of Blood a modern Discov[ery]
Till then a contrary not[ion] prev[aile]d[9]
Motion of the Earth new Discov[ery]
If Navel String cut less than 3 or 4 Inches—would bring on immediate Death by bring[in]g on Convulsions

Lungs may be putrified so much as to grow considerably lighter & yet not the Marks of putref[acti]on appear

They might be in a Degree of putrefaction, & yet not perceptible by smell, without very great Attention & indeed Skill
State of Fermentation occasion[in]g Float[in]g wh[ich] may be w[ith]out being putrid
I cant judge of the Degree to make them float

AD (PHi-Logan)

[1] The Three Lower Counties of Pennsylvania—New Castle, Kent, and Sussex—now Delaware.
[2] *LGD* (1752), 30–44, at 33.
[3] John Vining to Benjamin Chew, April 13, 1767 (PHi-Gratz).
[4] *MPCP*, 9:384.
[5] See also Laura T. Keenan, "Reconstructing Rachel: A Case of Infanticide in the Eighteenth-Century Mid-Atlantic and the Vagaries of Historical Research," *PMHB* 130, no. 4 (2006): 361–85.
[6] Elizabeth Cremaine was probably the widow of "Thomas Crumeen" (d. 1760), a Kent Co., Del., yeoman. See Appointment of Elizabeth Crumeen as administratrix of the estate of Thomas Crumeen, Nov. 8, 1760, Kent Co. Wills, Book K, fols. 245–245v, De-Ar.

[7] James Rench became a Sussex Co. physician and represented that county in the Lower Counties Assembly and at the 1776 Delaware Constitutional Convention. In 1777, he led a Loyalist revolt against Patriot authorities and fled to a British warship. The Delaware Legislature returned his confiscated property to him in 1787.

[8] Dr. Charles Ridgely (1738–1785) was a Dover, Del., physician. At this time, he represented Kent Co. in the Lower Counties Assembly, and he was later a delegate to the 1776 Delaware Constitutional Convention and a member of the Delaware Legislature.

[9] The circulation of blood was first described by English physician William Harvey (1578–1657) in 1628.

5
Set Two of Notes for *Dominus Rex v. Rachel Francisco*, [March 1767]

1— It may be Murder— [Pro]ve it is not—
1st— No Marks of Violence tho[ugh] fo[un]d directly—
2 —{No} Marks of Blood where Child found—& very little on Hearth
3— Having a Bastard before
4— Tenderness with wh[ich] She spoke of it when shewn to her

Obj[ecti]on— Conceal[in]g after Birth— Answ[er] Decency
{Knife not conceald}
Obj[ecti]on— Dr. Ridgely's Evid[ence]— And No Blood fo[un]d
Obj[ecti]on— [~~Of~~]{C}utt[in]g Navel Str[in]g short— Answ[er] Old Mid[wife's] Obs[ervati]on,[1] th[at] it was well enough—if it had been securd— Besides, if a malicious Intent how much more strongly might She have exprest it? Ignorance
Evident she was surprizd—by its being dropt in the Kitchen—

2ly as to Concealm[en]t— Marks of not conceal[in]g—
1— Her voluntary Confession to her Mistress
{Denial & [[Per]iods?] of no [cander?]}
2— Her Conv[ersati]on with Midwife
3— Her voluntary Conf[essi]on to Ann Stanton at first Question, before to Midwife
4— Ano[the]r Bastard before
5— Old Cloath[in]g of former Child left—therefore not necessary to [pro]vide
good Character
6— No Blood a [Pro]of of its {not} being born alive

AD (PHi-Logan)

[1] Susannah "Granny" Whitman. See doc. 4:4, above.

6
To [Thomas Penn], March [1767]

Honourd Sir,[1]

I should be very unwilling to take the Liberty I now use in addressing You, if I did not believe that You will be so good as to pardon the Trouble I give You, for the motive that occasions it—

Mr. Samuel Morris,[2] ~~wh[o] is very nearly~~ my near Relation by marriage, would be very ~~happy~~ {glad} of being thought worthy by You & your Brother,[3] to succeed Mr. Charles Brockden[4] in the Offices of Master of the Rolls[5] & Recorder of Deeds— But as he has not the ~~Honour~~ {Happiness} of being known to You, I hope, Sir, I shall not trespass too much on the Acquaintance with which You have been pleasd to honour me, ~~of in~~ {by performing the friendly Duty of} doing that Justice, which the Distance of his Situation may render not unnecessary, to the Character of a good man—

I therefore beg Leave to say, that ~~he~~ {Mr Morris} is such a person as You woud chuse to ~~bestow~~ {hold} the Offices I have mentiond ~~upon~~; that is, one whose Integrity & ~~Abilities~~ {Knowledge} perfectly qualify him for them

If his Application shoud prove agreeable {acceptable} to You, your Goodness will greatly oblige {I am with the greatest Regard,}

Honourd Sir,
your most obedient
& most humble [Servant]
Philadelphia Marc[h] [*torn*] [1767]

ALDft (PPL-JDP)

[1] Probably addressed to Pennsylvania proprietor Thomas Penn (1702–1775), with whom JD socialized while in London. See *Volume One* of the present edition.

[2] Samuel Morris (1711–1782) was a prominent Philadelphia merchant who was married to JD's maternal aunt, Hannah Cadwalader (1715–1787).

[3] Richard Penn, Sr. (1706–1771), was coproprietor with his brother Thomas from the death of their brother John Penn (1700–1746) until Richard's own death.

[4] Charles Brockden (1683–1769) was appointed deputy master of the rolls in 1712 and advanced to master in 1715. He retired in 1767. See John Clement, "Charles Brockden," *PMHB* 12, no. 2 (1888): 185–89.

[5] The master of rolls was responsible for recording provincial laws and preserving public records.

7
To John Williams, May 8–12, 1767

Following his service with the British Army in Pennsylvania, Captain John Williams returned to England in the summer of 1766, entrusting JD with settling his accounts in North America (docs. 3:120 and 3:129). He subsequently moved to the West Indies, settling in Jamaica after a stop in Barbados.

D[ea]r Sir,[1]

Two Days ago I rec[eive]d your Letter of the 9th. of April from Barbados.[2]

I have remitted to Mr. Boddington[3] in Pursuance of your Directions, one Thousand six Hundred and ninety Pounds 4/6 this Money—and have now in my Hands about one Hundred and seventy, for which I have not yet been able to procure such a Bill[4] as I liked,[5] or that Sum also woud have been remitted— I expect to collect what remains due, in a short Time.

You dont tell me whether Mrs. Williams is with you—If she is, please to make my Compliments acceptable to her. I am with great Regard,

D[ea]r Sir,
your most obed[ien]t Serv[an]t
John Dickinson
Philadelphia
May 8th. 1767.

P.S. May 12th. 1767— Having kept this Letter to go by a Vessel which has not yet sailed, I have an Opportunity of acquainting you with an alarming Piece of News I heard Yesterday— Godhard Hagen and Co[mpany][6] on whom one of your Bills was drawn by Mr. Tench Francis,[7] have failed[8]—and as Mr. Francis has loaded several Vessels with Wheat for them, and had drawn for the Amount of the Cargos on that Company, it is apprehended that their Failure may be fatal to him.[9]

I may be mistaken, but I do not think it can be near a Total Loss; and if I can take any Step to secure you, you may be assured, that no Industry of mine shall be wanting.—

A true Copy by Jacob Rush[10] May 12th. 1767: the Original of which, I put into the Bag at Bradford's Coffee-house[11] the same Day.

L (PHi-Logan)

[1] Capt. John Williams served as a military engineer during the French and Indian War (1754–63), losing an eye at the Battle of Fort Niagara in July 1759. After the war, he served under Col. Henry Bouquet (1719–1765), building a road that became the Pennsylvania Turnpike. After settling in Jamaica in late 1767, Williams briefly returned to Barbados in early 1769 to take up the command of Charles (Needham's) Fort on Carlisle Bay, but quickly resigned following a dispute with the colony's governor. See Edward G. Williams, ed., *Bouquet's March to the Ohio: The Forbes Road* (Pittsburgh: Historical Society of Western Pennsylvania, 1975), 33; *The Boston-Gazette*, June 12, 1769.

[2] See doc. 4:A3, below.

[3] John Boddington (1743–1814) was secretary of the Office of Ordnance in the Tower of London.

[4] A bill of exchange was a common financial instrument for making payments at a distance. The party interested in purchasing a bill of exchange (the payer) would ask someone willing to sell a bill (the drawer), often a merchant, to instruct a geographically distant contact (the drawee) to deliver money to a designated party (the payee). The payer exchanged local currency or goods with the drawer and received the bill of exchange, which was sent to the payee. Once the bill arrived, the payee presented the bill to the drawee, who, after a designated period, often thirty or sixty days, would pay the designated

sum to the payee. In turn, the drawee would expect future repayment from the drawer or subtract the sum from their balance if they were indebted to the drawer. The transaction would fail if the drawee lacked confidence in the drawer's ability to repay the balance or had insufficient funds to satisfy the payee. See McCusker, *Money and Exchange*, 19–22.

[5] That is, JD had been unable to secure a bill on favorable terms. Since the drawer had use of the payer's money until the drawee demanded payment, payers could negotiate to pay less than the face value of the bill of exchange.

[6] Godhard Hagen (Goddard; c. 1724–1772) was a London merchant in partnership with David Wolpman (d. 1787). Their company was declared bankrupt in early March 1767. See *The London Gazette*, March 7–10, 1767; *PC*, May 11–18, 1767.

[7] Tench Francis, Jr. (1731–1800), was an Anglican merchant, judge, and agent for the Penn family before the American Revolution. Evidence suggests he rebounded quickly from financial disaster; by 1772 he was one of the few owners of both a coach and a chariot in Philadelphia. After the Revolution, he founded the United States Navy Supply Corps and became the first cashier for the Bank of North America. See Robert F. Oaks, "Big Wheels in Philadelphia: Du Simitière's List of Carriage Owners," *PMHB* 95, no. 3 (1971): 351–62, at 353.

[8] The bill for £450 was not accepted at London on account of the bankruptcy. See doc 4:A8, below.

[9] In 1768, Francis filed suit to recover the amount of the bills of exchange plus 20 percent in damages. See Charles Ambler, *Reports of Cases Argued and Determined in the High Court of Chancery* (London: Strahan and Woodfall, 1790), 671–76.

[10] Jacob Rush (c. 1747–1820) was JD's law clerk. He later served as a deputy secretary for the Continental Congress and a justice of the Pennsylvania Supreme Court. He was a younger brother of Dr. Benjamin Rush (1746–1813), a signer of the Declaration of Independence and JD's close friend.

[11] The London Coffee House, a popular merchant exchange and rendezvous built in 1702 and established as a coffeehouse by printer William Bradford in 1754, was located at the intersection of Front St. and High (now Market) St. in Philadelphia, near the docks.

8
From Edward Lloyd III, June 1, 1767

On July 29, 1758, Frederick Calvert, sixth baron Baltimore, received a bond for £300 in Maryland currency from John Vining of Kent County, Del. By 1765, Baltimore expected repayment, which was not forthcoming. He tasked his agent, Edward Lloyd, with collecting it, and Lloyd accordingly approached JD for assistance, informing him of a pending lawsuit against Vining (doc. 3:58). This and the following documents over the ensuing five years detail the interactions JD had with Lloyd and Vining: docs. 3:60, 3:82, 3:138, and docs. 4:49, 4:57, 4:70, 4:89, 4:138, 4:A73, and 4:A75, below. In July 1769, after a judgment had been obtained against Vining, JD delivered the bond to Benjamin Wynkoop (doc. 4:A94, below), Vining's brother-in-law, upon Wynkoop's payment of £255.5.11.

Wye[1] June 1st. 1767—

D[ea]r Sir,

I have the pleasure of receiving y[ou]r L[e]t[te]r dated the 29th December ult[im]o—[2] That L[e]t[te]r w[hi]ch you mention to have wrote, advising that an

Action has been com[m]enced ag[ain]st Mr. Vining,[3] has never yet come to my hand.

The Specie that Mr. Vining pass'd his Bond for is Maryland paper Currency. And, I think, an Evidence of his hav[in]g understood then that Maryl[an]d pap[e]r money was the Specie he was Bound to pay, He paid in part of the Debt Recover'd 25£ Maryl[an]d paper money and then pass'd his Bond (the same You have put in Suit) for the remaining due. But I understand, since that, He wants to pay this off with the Pap[e]r Curr[enc]y of the place or Governm[en]t where he lives, saying, that then there was no difference between them. This Bond ought to have been p[ai]d in a year after the date of it, But He neglected to do this, altho' often press'd to it— He does pretend, as I am told, that He offer'd, when I was at Dover Town with the Com[m]is[~~*illegible*~~]{s[ione]rs}, then going down to the Centre post in order to make a beginning to run the Tangent Line,[4] I say He does allege that He offer'd me the money, I do not remember his doing it but if He did, it cou'd not be expected I wou'd receive it there; being then going on business (as a Com[m]iss[ione]r) that might have kept me from Home Months, and did keep me a considerable time. But He never made me any Tender to Discharge his Bond: and this I am certain of.

The Lord Baltimore[5] is wanting his money, and calls on me to remit it to him; I hope Sir, This, Mr. Vining Owes, will Soon be recover'd. And as He cannot now pay M[ary]l[an]d pap[e]r Curr[enc]y so [pre]sume it will be Bills He will render w[i]th good Endorsers— These shou'd be taken at our Act of Assem[bly] Exchange i.e. 33–⅓ from Ster[lin]g, w[hi]ch our pap[e]r Office Com[m]iss[ione]rs did so transact;[6] and wou'd have given me for this Sum had Mr. Vining p[ai]d me as He ought. Or, if the Judgm[en]t must express to pay Curr[en]t Money, I hope it will be Dollars[7] at such rate as will procure Bills— The Sum the M[ary]l[an]d paper wou'd have Obtain'd out of the Office— With the greatest Regard, offer[in]g You Mrs. Dickinson[8] & y[ou]r Bro[the]r[9] our best Comp[limen]ts

I am Sir,
Y[ou]r mo[st] Obed[ien]t H[um]ble Serv[an]t
Edwd Lloyd[10]

ALS (PHi-RRL)

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[1] Wye was Lloyd's plantation on the Wye River in Talbot Co. on the Eastern Shore of Maryland.

[2] Letter not found.

[3] John Vining (1724–1770) was a prominent landholder and lawyer in Kent Co., Del. He served as a colonel in the militia during the French and Indian War, as well as speaker of the Assembly and chief justice of the Lower Counties. For the delivery of the bond in question, see doc. 4:A94. The letter has not been identified.

[4] After a decades-long boundary dispute between the proprietors of Pennsylvania and Maryland, in 1760, Lord Baltimore decided to work with the Penn family to settle the matter. Lloyd was one of the commissioners for Maryland who supervised the surveying work, and the Mason-Dixon Line was completed in December 1767. The "Tangent Line" was the portion of the border between Maryland and the Lower Counties, surveyed in 1764.

[5] Frederick Calvert, sixth baron Baltimore (1732–1771), was the absentee proprietary governor of Maryland.

[6]The "Act for Emitting and Making Current, Ninety Thousand Pounds Current Money of Maryland, in Bills of Credit" (1733, c. 6), specified that most "Monies payable to his Lordship . . . might be discharged in Bills of Credit, allowing the Difference of 33 *l.* 6 s. 8 *d.* per Hundred between Sterling and Currency." The bills were to circulate until September 1764 and were to be managed by three commissioners appointed by Lord Baltimore or his governor. See *Laws of Maryland at Large, With Proper Indexes . . .*, comp. Thomas Bacon (Annapolis: J. Green, 1765).

[7]Dollar: "The English name for the peso or piece of eight (i.e. eight reales), formerly current in Spain and the Spanish American colonies, and largely used in the British North American Colonies at the time of their revolt" (*OED*).

[8]JD's mother, Mary Cadwalader Dickinson.

[9]Philemon Dickinson (1739–1809) was JD's brother. He became a major general in the New Jersey militia during the Revolutionary War and later represented the state in the US Senate.

[10]Edward Lloyd III (1711–1770) was a Maryland planter, merchant, and politician who held a variety of proprietary offices and a place on the colony's Council. He was the brother of JD's London friend Rebecca Covington Lloyd Anderson (1713–c. 1776), and his daughter Elizabeth married JD's first cousin John Cadwalader. See doc. 4:89.

9
To William Allason, June 21, 1767

This letter continues JD's decades-long exchange with William Allason concerning several lawsuits in which Allason, a Virginia merchant, was embroiled. For more detail, see *Volume Two* and *Volume Three* of the present edition and docs. 4:31, 4:199, 4:A93, and 4:A96, below.

Sir,[1]

I this Moment received yours of the 8th. Instant,[2] by Mr. Turner,[3] by who I take an Opportunity of informing You of the State of your Affair with Green—[4]

On the Return of the Auditors I obtaind Judgment; but Gillespie[5] the Special Bail[6] of Green being desirous to give Us all the Delay in his Power, intended to suspend the Matter in our Supreme Court by a Writ of Error—[7] To prevent so tedious a Proceeding, which appeard to Me to be attended with Danger of losing your Debt, I agreed with his Attorney, to allow him one Term, without taking out a Scire Facias[8] against him— That was the last Term; and the scire facias is now issued returnable to our next Court in August On this Return if Gillespie does not produce Green's Body, he himself becomes liable for your Debt— Whether I shall obtain Jud[gmen]t against Gillespie next Court, I cannot positively say; but I can assure You that my hearty wishes & Endeavours shall not be wanting to bring the Affair to the speediest & happiest Conclusion— Sorry I often am; & particularly now, that the Forms of Law are too slow footed to keep pace with the Desires of an injured Client, & the Demands of Justice— I am, with great Regard, Sir,

Your most obed[ien]t Serv[an]t

Philadelphia **John Dickinson**

Jun[e] 21st—1767—

[*Allason*:] <Rece'd 20th. July 1767>

FO (De-Ar-SMDFP)

[1] William Allason (c. 1720–1800) was a businessman who engaged in numerous mercantile occupations in Falmouth and Winchester, Va., along with his brother David Allason.
[2] Letter not found.
[3] Possibly John Turner, a Virginia storekeeper who made periodic visits to Philadelphia. Turner was an employee of William Cuninghame and Co., a Glasgow mercantile firm active in the tobacco trade.
[4] William Green (died c. 1770) was a merchant who eventually moved to Newbern (now New Bern), N.C. According to documents gathered by George Pitt, who was in dispute with Green about the estate of Green's first Virginia wife, William Green was an alias for William Barker, who came from England in 1754, formed a partnership with two other men, and opened a store in Williamsburg, Va. Green (Barker) reputedly had at least one and possibly three wives in England when he married the widow Sarah Packe in Williamsburg in late 1754 or early 1755 (Depositions and Papers Concerning the Bigamy Case of William Green, Box 29, Papers of the Webb-Prentis Family, Mss 4136, ViU). For a summary of JD's involvement with Allason's long-running attempt to collect a debt from Green, see the headnote to doc. 2:71.
[5] Allen Gillespie was a merchant of Christiana Bridge, Del., at this time. He later moved to Newark, Del.
[6] Special bail: "Persons who undertake jointly and severally in behalf of a defendant arrested on mesne process [any writ or process issued between the commencement of the action and the suing out of execution] in a civil action that, if he be condemned in the action, he shall pay the costs and condemnation, (that is, the amount which may be recovered against him,) or render himself a prisoner, or that they will pay it for him" (*BLD*).
[7] Writ of error: "A writ issued from a court of appellate jurisdiction, directed to the judge or judges of a court of record, requiring them to remit to the appellate court the record of an action before them, in which a final judgment has been entered, in order that examination may be made of certain errors alleged to have been committed, and that the judgment may be reversed, corrected, or affirmed, as the case may require" (*BLD*).
[8] *Scire facias*: Lat. made known. "A writ directing a sheriff to require a person to show cause why a record should not be annulled or why another person should not have advantage of it" (*OED*).

10
From William Killen, July 16, 1767

Sir,

Your Brother Philemon when last here left with me a Number of Bonds and Bills pass'd to you for Money due to you as Ex[ecuto]r of the late Mr. Thomas Wilson,[1] most of which were payable a long time since; and by Letter to me since the Delivery of the Specialties[2] inform'd me that you wanted to call in 60 or 70 l.[3] of the Money due thereon for a Particular Purpose, but pointed out only three of the Debtors ag[ains]t whom Suits must be brought, the Amount of whose Debts is not near the Sum wanted to be raised; and is silent as to all the Rest. As our August Court is now near,[4] You will please to take the earliest Oppornuity to send me instructions on this Head, and particularize those you would have sued immediately.

To save you the trouble of examining your Papers, I have added a List of the Debtors Names below. I Am

John Pemberton,[5] Geo[rge] Stevens[6] Sir
James Wells,[7] Govey Emerson[8] your most obliged
John Pirradee,[9] John Levick[10] Humble Servant
David Gordon,[11] Ben[jamin] Combes[12] **Will Killen**[15]
Joshua Gordon,[13] C[æsar] Rodney[14] Dover July 16. 1767
John Bell,[16] Will[iam] Dickinson,[17] Henry Stevens,[18] J[ames?] Gardner[19]
John Nickerson,[20] Eben[eze]r Manlove,[21] John Maxwell[22]
John Williams.[23]

Note, there are two more but their Debts are not payable yet.

ALS (PHi-Logan)

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[1] The will of Thomas Willson (Wilson; d. 1763) of Dover Hundred, Kent Co., Del., designated JD as an executor. See doc. 2:78, n. 6.
[2] Specialty: "a contract under seal" (*BLD*).
[3] Meaning pounds.
[4] The Kent Co. Courts of Common Pleas and Quarter Sessions were scheduled to meet at Dover on Aug. 11.
[5] John Pemberton was a ship carpenter of Kent Co.
[6] George Stevens was a farmer of Kent Co.
[7] James Wells (died c. 1775) was a farmer and innkeeper of Murderkill Hundred, Kent Co. Wells served as sheriff of Kent Co. from 1767 to 1770.
[8] Gouverneur "Govey" Emerson (d. 1773) was a yeoman of Little Creek Hundred, Kent Co.
[9] John Paradee (died c. 1789) was a yeoman of Kent Co.
[10] John Levick was a yeoman of Kent Co.
[11] David Gordon (died c. 1783) was a house carpenter of Duck Creek Hundred, Kent. Co.
[12] Benjamin Coombe (Combe; c. 1738–1799) was a yeoman of Murderkill Hundred.
[13] Probably Joshua Gordon (died c. 1794), a yeoman of Kent Co. to whom JD's brother Philemon sold land on St. Jones Neck, Kent Co., in November 1772.
[14] Cæsar Rodney (1728–1784), who later signed the Declaration of Independence, was a politician from the Lower Counties and a close friend of JD's.
[15] William Killen (1722–1805), an Irish-born Presbyterian, had been JD's boyhood tutor before becoming an attorney. In 1777, Killen was appointed chief justice of Delaware, an office he held until he was appointed first chancellor in 1793. A note on the cover reports that Killen sent this letter "[per] Thomas Black."
[16] Possibly John Bell, a yeoman and innkeeper of Kent Co.
[17] William Dickinson (died c. 1768) was a relative of JD who resided on St. Jones Neck.
[18] Henry Stevens (d. 1789) was a yeoman of Little Creek Hundred, Kent Co.
[19] Probably James Gardner (c. 1700–1773), a substantial landowner in Kent Co.
[20] Possibly John Nickerson (died c. 1777), a resident of Kent Co.
[21] Ebenezer Manlove (d. 1772) was a yeoman of Kent Co.
[22] Probably John Maxwell (died c. 1780), a farmer of Kent Co.
[23] Possibly John Williams, a farmer of Kent Co.

11
To William Killen, July 20, 1767

My Answer to the foregoing Letter[1]

Sir,

I should be glad if You would directly sue those Debtors to M^r^. Wilsons Estate, whose Circumstances You think are entitled to the least Credit— Under that Class I suppose {the following persons} will come ~~Ste~~ John Pemberton, George Stevens, James Wells, David Gordon, Joshua Gordon, John Nickerson, John Maxwell— If You think there will be the least, the slightest Reason to apprehend, that in Case of the Death of any of the rest, ~~that~~ their Estates will not be {a good Deal more than} sufficient to pay their Debts, please to sue them instantly— I do not know whether the Debts of the persons above mentioned will amount to £70—if they do not, proceed against any others as You think proper— I would have every Man sued, that does not pay the Interest due, by the 1^st^ of August— Please to present my Compliments to M^rs^. Killen,[2] & accept the best Wishes of Sir

Philadelphia — Your very h[um]ble Serv[an]t
July 20th—1767 — **John Dickinson**

ALDftS (PHi-Logan)

[1] This retained copy was written below the text of doc. 4:10, above. A note next to the internal address indicates that JD sent his reply "By Tho[ma]s Black, the man who had carried Killen's letter."
[2] William Killen married Rebecca Allee (1736–1773) on April 10, 1753.

12
To John Williams, July 24, 1767

My Answer to this Letter[1]

D[ea]r Sir,

I have just received your Letter of the 26^th^ of June,[2] and feel the most sincere Concern for the Uneasiness You express— I think there is good Reason to hope that M^r^. Francis will be able to pay great Part of his Debts— His Estate I believe You know, was one of the best in this City, & is reckoned to amount to £25000— No Man's Credit here was better; & his Misfortune I believe is the most extraordinary that has happened to any person among Us since the Settlement of this Province— I never having heard of any Instance in it of a Man's being stript of so ample a Fortune by one Stroke—

Nobody thought of asking for Endorsers on his Bills, his Estate being as considerable, & he being universally esteemed a Man of strict Honour in Trade— His Conduct has since his Misfortune been consistent with that Character— He called his Creditors

together, & has made over all his Estate in Trust for his Creditors in general— He has since sailed for England, to try what can be done for him there— By his Assignment You are put upon a Footing with all his other Creditors— I now add according to your Request an Account of the Sums received— From Daniel Hunt[3] £407„15— Daniel Wistar[4] £522„3— Charles Stedman[5] £8,48„5— Philip Kearney[6] £59„13„0— Capt[n]. Gordon[7] £214„17„8— I have remitted these Bills— Two setts drawn by Willing & Morris[8]—One sett for £167„15 Sterling— the other for £200 Sterling at 62 ½ [per] Cent A Sett drawn by Tench Francis for £450 Sterling at 6 ½ [per] Cent—[9] A Sett drawn by Conyngham Nesbit[10] for £200 Sterling at 67 ½ [per] Cent—& another Sett drawn by Abenezer Mackie[11] for £100 Sterling at 72 ½ [per] Cent— I have repaid to Daniel Hunt £24„16 Part of the Sum mentioned above to be received from him, he having produced & left with Me your Receipt for that Sum,[12] which ought to have been deducted from the Interest— I have paid Hoff £2„10—& shall pay Beyring's Debt—[13]

Please to present my Compliments to M[rs]. Williams & believe Me with great Regard, D[ea]r Sir,

your most obed[ien]t h[um]ble Serv[an]t
John Dickinson
Philadelphia
July 24[th]—1767

ALDftS (PHi-Logan)

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[1] Doc. 4:A9, below.

[2] The letter was actually dated June 25.

[3] Daniel Hunt (d. 1806) of New Jersey moved from Maidenhead Township to Lebanon Township before the Revolutionary War and operated a mill at what is now Clinton, N.J.

[4] Daniel Wister (1738–1805) was a Quaker Philadelphia merchant. Regarding this debt, see doc. 3:120.

[5] Charles Stedman (d. 1784) was a Scottish-born merchant who had come to Philadelphia in the 1740s. In the mid-1770s, JD was coproprietor with Stedman of Elizabeth Furnace, an iron forge in Lancaster Co., that formerly belonged to Henry William Stiegel. See deeds at PLHi and the Forges and Furnaces Collection at PHi.

[6] Likely Philip Kearny, Sr. (1704–1775), or his son Philip Kearny, Jr. (1733–1798), both of Perth Amboy, N.J. The elder Philip Kearny was a prominent attorney, while the younger was a successful merchant.

[7] Perhaps Capt. Harry Gordon (d. 1787), a Scottish-born officer of the Royal Engineers and veteran of the French and Indian War, who, in 1755, had married Hannah Meredith (d. 1811), a member of the prominent Philadelphia mercantile family.

[8] Willing, Morris, & Co. was a prominent and successful Philadelphia shipping firm founded in 1757 by the partnership of Thomas Willing (1731–1821) and Robert Morris (1734–1806). In addition to shipping goods between the colonies, West Indies, and Europe, Willing, Morris, & Co. participated in the trade of enslaved people. Willing was an Anglican Philadelphia merchant and politician who served as mayor of the city from 1763 to 1764. As a delegate to the Continental Congress, he opposed the Declaration of Independence, though he remained committed to the Patriot cause. He later served as the first president of the Bank of North America and the First Bank of the United States. Morris was an English-born Philadelphia merchant and politician who, like JD, abstained from the vote on the Declaration of Independence, though he later signed it as well as the Articles of Confederation and US Constitution. He was one of the largest financiers of the American Revolution and one of the richest men in America before losing his fortune in

the Panic of 1796–97. He owed large sums to JD (see correspondence in PHi-Gratz), among others, and spent time in debtors' prison before Congress passed the Bankruptcy Act of 1800 to release him.

[9] About these three bills of exchange, see doc. 4:A8, below.

[10] The prominent Philadelphia firm of Conyngham & Nesbitt (Nesbit) was founded in 1756 by the partnership of the Irish-born Philadelphia merchants Redmond Conyngham (1719–1784) and John Maxwell Nesbitt (Nesbit; c. 1730–1802). After coming to Philadelphia in 1740, Conyngham returned permanently to Ireland in 1766 but retained his interests in the shipping business. Nesbitt emigrated to Philadelphia in 1747 as an apprentice to Conyngham, his distant relative. During the Revolution, he was appointed as paymaster of the Pennsylvania Navy and treasurer of the Council of Safety. He collaborated with Robert Morris in financing the Revolution and served as one of the directors of the Bank of North America at its founding.

[11] Likely the Baltimore merchant and future Loyalist Ebenezer Mackie (d. 1796). Mackie fled Maryland at the beginning of the Revolutionary War, residing in England, New York, and the West Indies. Nevertheless, he returned to Baltimore after the war and subsequently served as the cashier of the Bank of Maryland.

[12] See doc 4:A7, below.

[13] Probably referring to the tailor John Behrings (Johannes; c. 1717–1766). See doc. 3:129.

13
From Philemon Dickinson, August 31, 1767

Belleville[1] 31 August 1767

Dear Brother,

Uncle Morris[2] says the Deed has not yet been acknowledged, but he intends to have it done the first Opport[unit]y— I have not got the Papers from M[r]. Cotnam but shall tomorrow or next Day—[3]

Moon[4] was here last Saturday,[5] & Yesterday I went to view the place, Moon gave me {y[ou]r} Deed which I now inclose,[6] he has been to Amboy to get a Copy of his Father's Will,[7] but the officer was out, & he did not get it, but intends to bring it down to me this week—he says one of his Creditors is very pressing for his Money— I think you had better appoint some time for him to meet you at home— [~~Hicks~~*?*] we are all very hearty & join in much Love to you

Your affectionate Brother
Philemon Dickinson

PS. I shall expect to ~~see [before~~*?*] see you after Bucks Court—[8]

ALS (PHi-RRL)

[1] Belleville, near Trenton, N.J., was Philemon Dickinson's home until he purchased the Hermitage in 1776 ("Notes and Queries," *PMHB* 5, no. 4 (1881): 477–89, at 481). JD had purchased Belleville from John and Elizabeth Moland St. Clair in 1766 and sold the property to Philemon in February 1767. See doc. 3:130, n. 2.

[2] William Morris (1695–1776), a Trenton, N.J., merchant and judge, was the widower of Rebecca Cadwalader Morris (d. 1764), the sister of Philemon's wife, Mary Cadwalader Dickinson.

[3] Abraham Cottnam (died c. 1776) was a Trenton attorney. He had written JD on Aug. 3 to report that

brothers John Rozell (1736–1800) and Nathaniel Rozell (1735–1770) and their cousin Benjamin Brearly, all of Maidenhead Township, Hunterdon Co., N.J., had brought him a deed to be recorded and that he would do so soon (doc. 4:A11, below). The recorded deed, dated Aug. 3, is for 283 acres in Maidenhead Township (now Lawrence Township, Mercer Co., N.J.). See Hunterdon Co. Mortgage, vol. 1, pp. 54–55, Mf, Nj-Ar.

[4] Jacob Moone, Jr., of Rocky Hill, N.J. JD intended to purchase property from Moone but was unsure about the security of Moone's title. Subsequent correspondence with John Berrien and Philip Kearny elicited more information on that subject but did not resolve the issue (docs. 4:A17 and 4:A24, below). Whether JD completed the purchase has not been established.

[5] Aug. 29.

[6] Enclosure not found.

[7] Dr. Jacob Moone, Sr. (died c. 1760), was a Rocky Hill physician. His will, dated Sept. 11, 1760, was not proved until 1773. See *Documents Relating to the Colonial and Revolutionary History of the State of New Jersey*, ed. A. Van Doren Honeyman, vol. 34 (Trenton: MacCrellish & Quigley, 1931), 353.

[8] The Bucks Co. Courts of Common Pleas and Quarter Sessions were scheduled to convene at Bristol from Sept. 16 to 18.

14
From William Buchanan, September 15, 1767

This is the first extant letter of a series between William Buchanan and JD concerning two lawsuits against Buchanan for debts dating back to the early 1760s. See docs. 4:88, 4:154, and 4:A21, below.

Pipe Creek[1] 15th Sept[ember] 1767

Sir,

yours of the 24th aug[us]t[2] I have Rec[eive]d & Observe from what you Say that unless by agreement, my Actions must be tryd in Lancaster but from what I wrote you last[3] I flatter my Self you have ben Able to gain that agreement as I assure you [~~*illegible*~~]{I} apprehend a very material necessity for Our trying to Obtain Tryal in Philad[elphia]—of which please to Advise me, & if you Cannot possibly Accomplish that, please to inform me what Time I am to Attend for Tryal in Lancaster, as I have never yet Learn[e]d, the Periods of their Circuit Courts[4]—if you ~~think~~ think Galaspies Action ag[ains]t Me will be tryd at your next Dec[embe]r Term plase advise Me and I will attend, or at least take some Safe Opp[or]t[unit]y of Conveying to you, Galaspies Invo[ice]s which he deliv[ere]d with the goods which he Sold Smallman[5] and now Sues me for, and which is headed thus, Major Thomas Smallman Bo[ugh]t of James Galaspy, Lowlreys[6] Invoice I have also found & which is headed in the Same maner, but Galaspy has Smallmans Bond for the am[oun]t Signed I beleve T. S. and Co[mpany] but this they will Secret [per]haps as they bring their Action on the Case—however the Detail I beleve is in Reality of the Same nature of all the Others for which Lowrey &c Sues, therefore if we can't Obtain tryal of the Latter at Philad[elphia] I [wou]d be very glad to have Tryal with galaspy before those at Lancaster wo[ul]d come on, the Cases being Simelar the Philad[elphi]a verdit wo[ul]d, I think in Some degree—direct or Influence that

at Lancaster, but this I Submit to your better Judgment, & Only beg that you will heastne Tryal of the Former Actions, have it in Philad[elphia] if possible, & give me the earliest notice you can, when and where to attend the Tryal Otherwise I may Suffer not only for want of Evidence, but in being taken unaware from my busines here which Requires my ~~aten~~ Closest Attention—

I am D[ea]r Sir yours
W^m^ Buchanan[7]

[*in left margin*:]
P.S. if those Actions must be tryd at Lancaster, please to Inform me, whether you & M^r^ Chew Practice there & if not, who they are that do practice there, nay if you do not I doubt[8] I am by this time cut out of a common chance of council

ALS (PHi-Logan)

[1] Buchanan resided at Pipe Creek Furnace, Frederick Co., Md., about 30 miles northwest of Baltimore.
[2] Letter not found.
[3] Letter not found.
[4] Prior to May 1767, Pennsylvania circuit courts were held only in Chester and Bucks Cos. In practice, "all issues of fact" in cases that had been moved to the Supreme Court from other counties were tried when the court met in Philadelphia. Complaints about the resulting inconvenience led to the passage of "An Act to Amend the Act, Entitled 'An Act for Establishing Courts of Judicature within This Province,'" on May 20, 1767, whereby the judges were "enjoined, if occasion require, to go the circuit twice in every year into the several counties within this province on such days and times as they shall nominate and appoint" in order, individually or collectively, "to try all such issues in fact as shall be depending in the said Supreme Court and removed out of any of the counties." See 7 *SALP* 107–110, at 108.
[5] Thomas Smallman was a cousin and sometimes business associate of the Indian trader George Croghan (c. 1720–1782).
[6] Alexander Lowrey (Lowry; 1725–1805) was a Lancaster merchant and Indian trader. During the Revolutionary War, he served as a colonel of the Lancaster Co. militia.
[7] William Buchanan (1732–1804) was a native of Carlisle, Pa., who had moved to Maryland in 1759. He later served as a deputy commissary general of purchases for the Continental Army.
[8] Doubt: "To anticipate with apprehension, to apprehend (something feared or undesired)" (*OED*).

15
To John St. Clair, [September 1767]

Sir,[1]

I this Day received your Letter of the 15^th^.[2] and shall in Compliance with your Request, & my Inclination to give you & Lady S^t^. Clair all the Satisfaction I can about the Estate,[3] lay before you my Sentiments on the Subject— If the Estate is divided, and Captain Hay[4] will not consent after the Division to lease the whole together, three Quarters of it may not perhaps rent for three Quarters of the Sum for which the whole is now rented; but whether it will or not, is a Matter of Uncertainty; for after taking off a Quarter Part for Captain Hay, there will remain near a hundred Acres, & they will make a pretty Farm so near the City— I speak

now on a Supposition, that the House is not allotted to Captain Hay; for it if should be, to be sure the other three Quarters would not rent for three Quarters of the Sum, that the whole does at present, unless some person should happen to find the Land convenient, without living upon it— I am convinced therefore that Captain Hay has too much Honor to think of having the House allotted to him, when it would be so prejudicial to the other Children—[5] Besides, whoever has the House, will not have any Advantage from it; for the Division is not to be made equal in Quantity, but real Value; so that the Person to whose Share the House comes, must have so much the less Land as will bring that Share to an Equality with the rest—

The Division will be made by twelve reputable Freeholders upon Oath or Affirmation, who will be qualified to make it fairly— The Sheriff will join with them; & as it is his Business to summon them, it is the practise on such Occasions to collect a Jury of the most experienced, judicious & unexceptionable Men that can be found: So that Partitions are generally made with an Exactness & Convenience, which would quite escape the observation of persons not well acquainted with Lands about this Town— For these Reasons, I think if Captain Hay's Share is cut off, & the House assigned to one of the other Shares, (as I believe I may assure you it will be, unless something unexpected should provoke him to take his Chance with the Jury for it) the three Quarters allotted to you & Grace[6] & so may still be rented together without any considerable Detriment— As to the £14 a Year devised to M[rs]. Moland,[7] each Part will after the Division be subject to a Quarter of that Sum— I believe you are right as to the Value of Lands near Town; and what you mention of the Timber, seems to be very just: But whatever Division is made of the Wood-Land, I think it would be better to buy Posts & Rails than to cut down the Wood— However if three Quarters of the Place are still held together, much Fencing will not be wanted— You Seem to think the Orphan's Court can make an Order for selling the whole, but that is impossible; for no Court can sell the Children's Shares, however beneficial a Sale might be to them—

Upon the whole my Opinion is, that you had best pursue one of these Measures— Either purchase Captain Hay's Share, or consent to the Division in the most easy freindly Manner—[8] If you incline to the first, I think you may have an Advantageous Bargain & even more so than any one else; and you may freely command my services in transacting it— If you approve the Second, it will be inexpressibly preferable to Disputes which can only protract but not prevent, and you may assuredly rely on that Attention to your Interest, Lady S[t]. Clair's & the Children's that will always influence when Occasions occur, Sir, your most obedient & most humble Servant

John Dickinson

C (PHi-Logan)

[1] Sir John St. Clair, third baronet (d. 1767), was a colonel in the British Army and deputy quartermaster general of all British forces in America. He had married Elizabeth Moland in 1762. See Charles R. Hildeburn, "Sir John St. Clair, Baronet, Quarter-Master General in America, 1755 to 1767," *PMHB* 9, no. 1 (1885): 1–14.

[2] See doc. 4:A15, below.

[3] A reference to the Moland property in the Northern Liberties, variously referred to as a farm or plantation. In 1762, the family had placed an advertisement offering this property, which consisted of 116 acres with "a fine Garden, and good Orchard," for rent (doc. 2:41). At this time, the property was rented to William Norton for £80 per year, including taxes (PHi-Logan).

[4] Capt. David Hay of the Royal Artillery was the husband of Hannah Moland Hay (1744–post-1776), Elizabeth Moland St. Clair's sister.

[5] That is, to John Moland's youngest daughter, Grace Moland, and his youngest son, Joseph Moland (c. 1753–post-1788).

[6] Joseph Moland seems to have been in the care of John and Elizabeth Moland St. Clair (see doc. 3:110). This explains why JD credits St. Clair with Joseph Moland's quarter share of the estate.

[7] This was an allowance, generated by the rent of the property, granted to Catherine Hutchinson Moland in her late husband's will. See John Moland Will, Bucks Co. Wills, 3:51, Bucks Co. Courthouse, Doylestown, Pa.

[8] JD's accounts for writs indicate that he paid a fee of five shillings and seven pence for a writ to initiate the division on Oct. 21, 1767 (PHi-Logan).

16
From Israel Pemberton, October 5, [1767]

On September 21, 1767, Henry Hall, represented by JD, submitted a petition to the Orphans' Court of Philadelphia challenging the will of Hall's cousin John Jones, Jr. Hall believed that as Jones's next of kin, he was entitled to the £700 Pennsylvania currency Jones had received from the Pennsylvania Hospital for a property on Chestnut Street.[1] Jones's will suggested that he had intended the Hospital to receive the proceeds of the property, but it did not mention a sale.[2] The Hospital's records indicate that the parties reached a settlement sometime before May 1768, with the Hospital paying Hall £100 for his right in Jones's estate.[3]

---

10 mo[nth] 5th.

Respected Friend

The inclosed Copy of a letter[4] found among J[ohn] Jones's[5] papers shews that his Father[6] at the date of that Letter had Two Nieces living in London, the daughters of his Bro[the]r Henry. As Henry Hall[7] is [th]e Son of his Sister Ann, they are equally near of Kin to [th]e Deceased J[ohn] Jones {Jun[io]r} but being relations by [th]e Father's Side will they not have the [~~*illegible*~~]{P}reference? if not, how can the Ex[ecuto]r[8] come to any adjustment with Henry Hall, till He is Satisfy'd, how many there are {yet living} equally near of Kin, as it's Suppos'd all such m~~a~~{u}st have an equal right to Claim ~~to~~ a share of [th]e residue of [th]e Personal Est[at]e said to be not ~~d~~{b}equeath'd by [th]e Will? if any Method can be propos'd besides that of waiting, till Enquiry [*continued in left margin*:] is made for those relations in Gr[ea]t Brittain, The Ex[ecuto]r & others concern'd[9] are willing to pursue [th]e most Speedy, in order to End the affair. [Excusehall*?*]

Thy ff[rien]d[10]

Isr: Pemberton[11]

ALS (PHi-RRL)

[1] Orphans' Court Book 8, 1766–1769, pp. 133–35, UtSlFS-OCR.
[2] A copy of Jones's will is in Philadelphia Co. Will Book M, pp. 141–49, Wills of Philadelphia Co., Pa., Mf, film 21725, UtSlFS.
[3] *Pa. Votes* (1769), 42.
[4] Letter not found.
[5] John Jones, Jr. (d. 1761), was a Quaker shoemaker of Philadelphia and a charter member of the city's Library Company.
[6] John Jones, Sr. (d. 1755), was a Quaker shoemaker of Philadelphia.
[7] Henry Hall (died c. 1774), was a shoemaker of Mansfield, N.J.
[8] Joseph Fox (1709–1779), was a Quaker carpenter and legislator who served twenty terms in the Pennsylvania Assembly, including three terms as speaker.
[9] Likely referring to the managers of the Pennsylvania Hospital.
[10] Here, "ff" is an archaism for "F."
[11] Israel Pemberton, Jr. (1715–1779), was a leading Quaker merchant, philanthropist, former Assembly member, and cofounder and manager of the Pennsylvania Hospital.

17
From Sarah and Hannah Empson, November 25, 1767

S[i]r

the inclosed is an acco[un]t[1] of Sally Willsons[2] wich if you will take the trouble to pay to Sam[ue]l Rhoads Juner[3] for us will greatly Oblige us as wee are indeted to him and Should be glad to have it Done as Soon ~~and Should be glad to have it~~ as possible as it Does By no means Siute us to lay out of the mony with Regard to our little Biussiness without Being attended with Some Dificulty to us wee Sent the acc[oun]t to your Brother But wass told he had [not] her Intrest in his hands and that it Could not Be Setteld then and as it will Siute us as well to have it paid their and hope it will not Be any more trouble to you thought it Best to Send up the acco[un]t and Rem~~i~~{a}in y[ou]r Humble Serv[an]ts

Sarrah & **Hannah Empson**[4]

Dover Nov[em]b[e]r 25 1767

ALS (PHi-Logan)

[1] The account displayed a balance of £15.18.7 for silk, thread, ribbon, and other materials for making clothing (PHi-Logan).
[2] Sarah "Sally" Willson (Wilson) was the daughter of JD's friend Thomas Willson. JD served as Thomas Willson's executor and as guardian for Sarah and her brother, John Willson (Wilson; born c. 1750).
[3] The Philadelphia merchant Samuel Rhoads, Jr. (1740–1784), was the son of Samuel Rhoads (c. 1710–1784), a Quaker carpenter, merchant, and delegate to the Continental Congress.
[4] Sarah "Sally" and Hannah Empson (died c. 1795) were Quakers and daughters of Kent Co., Del., merchant Cornelius Empson (died c. 1752). It appears that Hannah drafted this letter and signed it on behalf of her sister.

18
A Farmer [JD], "Letters from a Farmer in Pennsylvania. Letter I," *The Pennsylvania Gazette*, December 3, 1767

This most famous of JD's publications first appeared serially in *The Pennsylvania Chronicle* from December 2, 1767, to February 15, 1768, and in *The Pennsylvania Gazette* from December 3, 1767, to February 18, 1768, as twelve pseudonymous letters.[1] Possibly inspired by Jonathan Swift's *Drapier's Letters*, which he cited in preparation for a c. 1758 court case (see doc. 1:63), JD wrote the *Farmer's Letters* in response to four parliamentary acts, known collectively as the Townshend Acts after Chancellor of the Exchequer Charles Townshend (1725–1767): the Revenue Act of 1767, the Commissioners of Customs Act of 1767, the New York Restraining Act of 1767, and the Indemnity Act of 1767.[2] Although the stated purpose of the Revenue Act was to raise the relatively small sum of around £40,000 per year,[3] Townshend's legislative program was also designed to test the Declaratory Act of 1766, which decreed that Parliament had the right to legislate for the colonists "in all cases whatsoever."[4] Among other things, the Townshend Acts restrained the functioning of New York's legislature, levied import duties on paper, paint, lead, tea, and glass, and prohibited American manufacture of those staple products.

JD considered all aspects of this publication carefully, choosing his pseudonym, manner of address, and message for maximum effect. Although the "Farmer" pen name had been used by Irish polemicist Henry Brooke, who published his *Farmer's Letters* to the Irish people from 1745 to 1760, there is no evidence JD knew of or was imitating him.[5] Like Brooke, however, JD intended his Farmer persona to evoke the ancient Roman citizen, whose patriotism derived from his attachment to the land. But JD's readers would not have mistaken him for someone who walked behind a plow, tilling his own fields. Rather, he was a gentleman farmer. His land, library, and servants allowed him leisure time to devote to self-education and the general welfare. JD's Farmer was both inspirational and aspirational, evoking Quaker ideals as well as classical ones. Samuel Dickinson, JD's father, and Isaac Norris, Jr. (1701–1766), whose daughter JD would soon marry (see docs. 4:133, 4:134, and 4:215, below), were JD's immediate role models and more tangible than the distant Roman archetype. Their estates, Poplar Hall, outside Dover, which JD now owned, and Fairhill, outside Philadelphia, provided peaceful retreats from the clamor of the political world where they could commune with nature and God. The Farmer persona was calculated to resonate with a broad range of Americans. Elites implicitly trusted him as one of their own, while common people deferred to the wisdom of this disinterested gentleman patriot.

The *Farmer's Letters* were, in a sense, an expanded version of JD's 1765 broadside against the Stamp Act, "Friends and Countrymen" (doc. 3:92), in which he wrote to an audience of ordinary Americans, explained to them the dangers of

the British legislation, and instructed them how to resist it. In the first instance, he envisioned his audience to be Americans of all ranks, and he constructed the *Letters* to appeal across the socio-economic spectrum. The text is engaging, straightforward, and so easy to follow that it still reads well to modern audiences. It is enlivened by copious use of various typefaces—italics, caps, and small caps—to capture the attention of the reader or listener, as he knew the *Letters* would be read aloud in public venues to those who might not be literate. Moreover, the Farmer expressly addresses readers of the "lower sort," admonishing even the poorest American to contribute to political debates, because no one can anticipate what might be a catalyst for change. The Farmer also clarifies that his readers who are busy working might not have time to understand the issues on their own. This solicitude towards individuals generally excluded from the political discourse mirrored Quakers' inclusion of ordinary men and women in their religious meetings—all could speak as ministers with God's authority. Yet, in addition to their appeal to the masses, the *Letters* were also as learned a treatise as his 1765 pamphlet on the Stamp Act, *Late Regulations Respecting the British Colonies Considered* (doc. 3:93), which was directed to other "upper sorts" like JD himself. And like a good scholar, he relegated the most technical aspects of the debate to the footnotes, recycling some from *Late Regulations* (see doc. 4:26).

JD also used a common device that he knew would resonate with his entire audience, namely, the rhetoric of enslavement. Although it strikes the modern ear as hyperbolic and hypocritical, British American Whigs were inclined to consider their situation under unjust British taxation policy as Britain's attempt to enslave them. With nearly a half million enslaved African Americans living among them, white Americans understood perfectly that their situation in no way resembled the condition of their "property," which is precisely why the rhetoric was so effective. Because liberty and property were synonymous for Americans, enslavement was the ultimate horror a freeman—that is, a man of property—could envision. It was the loss of the most basic thing he owned—his body. Although JD had inherited the enslaved people belonging to his father and employed the rhetoric of enslavement as liberally as anyone, he began to consider the legitimacy of the analogy and found it wanting. He would also soon begin to challenge the legitimacy of slavery laws publicly. In a few years, he started manumitting those he enslaved, freeing all of them unconditionally in 1786, and working for abolition in Delaware.[6]

In addition to explaining the particulars of the Townshend Acts, the Farmer took a broad view of the situation, instructing Americans in overarching principles. Like in "Friends and Countrymen," he reiterated the dangers of legal precedents to liberty, reminding readers to resist them immediately using only peaceful means. Seeking to clarify the debate, he replaced the unhelpful distinction of "internal" versus "external" taxation employed by Benjamin Franklin (1706–1790) in his 1766 examination before the House of Commons with the idea that it is the intent of the legislation that matters.[7] As in his legal work interpreting legislation (doc.

2:19), defending accused murderers (docs. 2:36, 4:4 and 4:5, above, and doc. 4:187, below), and interpreting deeds and wills where "intent is the pole star" (docs. 4:224 and 4:225, below; see also *Volume Two* in the present edition), JD argues that legislation with the intent of regulating trade is constitutional, whereas legislation with the intent to raise a revenue is not.[8] Daniel Dulany had previously hinted at this distinction during the Stamp Act crisis, but he stopped short of applying it to taxation considered external.[9] JD takes this step.[10]

Another critical purpose of the *Letters* was to impress upon Americans the importance of unity—among the colonies and among individuals. It was a theme JD would return to time and again—that Americans' safety and strength was in their unity. Given the diversity of the American people and that Americans generally only saw themselves as united through their British identity, the Farmer made an original argument: that Americans possessed an identity distinct from their British brethren. It was something JD himself had sensed when living in London as a young man (see docs. 1:13 and 1:25), and now he encouraged his countrymen to feel it as well. They should be united, he argued, because they shared a common identity that separated them from Britain. It was not a coincidence that JD followed the *Farmer's Letters* with the "Song of Liberty" (docs. 4:100 and 4:103), which gave Americans their first national motto: "By *uniting* We stand, by *dividing* We fall." Only as a unified people could Americans resist British tyranny. And they were to do so with "constitutional," that is, peaceful, means—civil disobedience, boycotts, and withholding of funds by the colonial legislatures. JD's Quaker upbringing had taught him the value of productive dissent within a unified polity.[11] Contrary to those at the time who accused the Farmer of advocating violence (see doc. 4:A68), or those since who imagine he sought independence, he repeatedly clarified that he desired only a peaceful protest and to remain within a reformed British Empire.

The *Farmer's Letters* were quickly reprinted in most newspapers around the colonies (see Appendix B). The response was swift and decisive, as recorded in the documents below. A day after the first letter appeared in Boston on December 21, 1767, town leaders met and drafted instructions to the Massachusetts Assembly to "*pursue the Principles laid down by your worthy* Farmer, *concerning the late Act of Parliament imposing Duties on Paper*, *Glass*, *&c. being unconstitutional*" (doc. 4:A31). The result was the famous February 11, 1768, circular letter sent by the Massachusetts Assembly to the legislatures of the other colonies that echoed JD's arguments and urged the colonies to unite in protest of the acts.[12] In a letter to Rev. Ezra Stiles (1727–1795), Connecticut minister Rev. John Devotion (c. 1730–1802) wrote, "I wish every Colony would instruct their Agents to petition his Majesty & Parlament for a Repeal of that Act of Duties, using the Farmers Materials."[13] Boston town leaders were then the first of many to thank the "ingenious author" of the *Farmer's Letters* publicly for his efforts (docs. 4:50, 4:52, and 4:A36; for other messages of thanks, see docs. 4:66, 4:71, 4:83, 4:92, 4:96, 4:137, and

4:A47). In May 1768, JD's identity as the Farmer was publicly revealed when the Society of Fort St. Davids published a tribute to him (doc. 4:82).

Soon bound as one volume, by the end of June 1768, seven pamphlet editions had been published in Philadelphia, Boston, New York, and Charles-Town (see Appendix B). A New York printer, whose profit margins suffered by printing pamphlets, maintained that this one was so important that "it ought to be kept in every Family, and be thoroughly consider'd, understood, and taught to the rising Generation" (doc. 4:68). Not until *Common Sense* (1776) by Thomas Paine (1737–1809) would a political tract reach such a wide audience so quickly.[14] With the *Farmer's Letters*, JD gained an international reputation and became the first American celebrity. Most immediately, the Farmer was toasted across the colonies (see docs. 4:51, 4:A40, 4:A44, 4:A87, and 4:A95), sometimes as the "American Cicero" (doc. 4:A102), and honored with poems and songs (docs. 4:27, 4:77, 4:123, 4:147, 4:159, and 4:164). Other Patriot leaders, including Charles Thomson (docs. 4:41 and 4:81), Arthur Lee (doc. 4:58), and Richard Henry Lee (doc. 4:210), built on the popularity of his message to urge continued resistance to Britain. The publication of JD's "Song of Liberty" (doc. 4:100) only increased his popularity. In the years before independence and for decades after, Americans portrayed his likeness in various media, including copperplate etchings (doc. 4:148), wax statues, and gold medals.[15] They named their most valued possessions after him, including ships (doc. 4:157), a tavern, and a stud horse.[16] The Farmer pen name, used infrequently in the preceding decades, was widely adopted in the wake of JD's *Farmer's Letters*: "A Chester County Farmer" (Joseph Galloway), "A.W. Farmer" (Rev. Samuel Seabury), the "Federal Farmer," "A [Maryland] Farmer," and others.[17] Two of the most notable imitators were J. Hector St. John de Crèvecœur, who published a work on American identity as the "American Farmer" in 1782, and JD's protégé and cousin by marriage Dr. George Logan (1753–1821) of Pennsylvania, who in the 1790s was instrumental in establishing the democratic agrarian movement as "A Farmer."[18]

Although American responses to the Farmer were overwhelmingly affirmative, there was dissent. After William Hicks, JD's friend from the Middle Temple, initially published a positive response (doc. 4:22), he followed up with essays criticizing the Farmer's moderation (docs. 4:35, 4:43, and 4:48), sparking a tense, private exchange with JD (docs. 4:44, 4:45, 4:46, 4:53, and 4:54). Most who disagreed with the Farmer, however, found his arguments too extreme and inflammatory. Many Quakers, who were now inclined towards neutrality in the contest with Britain, rejected the Farmer's call for resistance.[19] JD, frustrated with their obstinacy, published attacks against them in the summer of 1768 (docs. 4:110, 4:111, and 4:112). Future Loyalists also objected. In the most extended response to the Farmer, "N.P.," possibly Massachusetts attorney general Jonathan Sewall, published a series of ten letters (beginning with doc. 4:170) refuting JD's major propositions. Demagoguery was a frequent charge by these critics. New Jersey governor William

Franklin (c. 1730–1813) lamented, "being wrote in a smooth, easy-flowing Stile they pass very well with great Numbers of the common People in America."[20] Some cast the Farmer as a new "Octavius," whose works would lead to American enslavement (doc. 4:A58). Others were motivated as much by personal animus towards JD as his political position. A significant but unknown number of the pseudonymous responses in Pennsylvania came from JD's political nemesis Joseph Galloway and his allies, who attempted to blunt the effect of the *Farmer's Letters* by mocking JD and his admirers and spinning the debate towards the absurd (see, for example, docs. 4:121, 4:131, 4:132, and 4:139).[21] Throughout 1768, the *Farmer's Letters* and essays in response to them dominated Philadelphia's newspapers.

By March 1769, *The Pennsylvania Journal* reported that "Mr. Dickinson's Farmer's Letters, have carried his name and reputation all over the British dominions" (doc. 4:183).[22] They first appeared in England with a preface by Benjamin Franklin (doc. 4:79) and then in Ireland (doc. 4:162), receiving positive reviews (docs. 4:117 and 4:155) and comment (docs. 4:95, 4:143, 4:144, 4:146, and 4:171). John Wilkes reportedly described them as "superior to any thing of the kind that was ever published in any age or country" (doc. 4:183). Other British reviews were predictably unfavorable, finding the *Farmer's Letters* to be seditious, self-aggrandizing, and constitutionally erroneous (docs. 4:90, 4:109, 4:118, and 4:153). The most extensive response in Britain came from William Knox, an Anglo-Irish polemicist, whose lengthy pamphlet (doc. 4:166) challenges not only the Farmer's interpretation of British tax policy and parliamentary authority but also JD's assertion of natural rights in his 1765 Resolutions of the Pennsylvania Assembly on the Stamp Act (docs. 3:78–81). Prominent British politicians were likewise critical of the *Farmer's Letters*. Former prime minister George Grenville called them "an impudent, seditious, infamous Libel," and Lord North, chancellor of the exchequer, allegedly called for the execution of men responsible for "inflaming the Minds of the People" (doc. 4:169). In North America beyond the thirteen colonies, they were known in Florida (docs. 4:156 and 4:A37), Quebec (doc. 4:A49), and Nova Scotia (doc. 4:A37). In Europe, they were translated and reprinted in France by Jacques Barbeu-Dubourg, who found JD more eloquent than Cicero (doc. 4:208, n. 25), and received positive reviews, including from Denis Diderot (doc. 4:223).[23] In elite circles, JD was known as the "American Demosthenes" (doc. 4:208, headnote). Reflecting on the French Revolution, Benjamin Rush expressed to JD in 1797 that he believed the *Farmer's Letters* "added to the seeds of liberty planted in that country."[24] The *Farmer's Letters* were also known in the German-speaking world in both America (doc. 4:86) and Europe and may have circulated in the court of the Polish-Lithuanian Commonwealth.[25]

Apart from sparking the coordination and mobilization of most of the thirteen American colonies, the *Farmer's Letters* also prompted concessions by the British government, though they were both too little and too late. In May 1769, the secretary of state for the colonies, Wills Hill, first earl of Hillsborough,[26] wrote in a circular

letter to royal governors that the "present Administration have at no time entertained a Design to propose to Parliament to lay any further Taxes upon America for the purpose of raising a Revenue."[27] By 1770, all the duties imposed by the Revenue Act of 1767 were repealed except for the tax on tea.[28] Much belatedly, in 1778, the British government adopted both JD's revenue-regulation distinction and his policy demands when Parliament passed "An Act for Removing All Doubts and Apprehensions Concerning Taxation by the Parliament of Great Britain in Any of the Colonies, Provinces, and Plantations in North America and the West Indies. . . ."[29]

Admirers and detractors alike credited the *Farmer's Letters* with bringing America to the point of revolution. In 1789, publisher Mathew Carey (1760–1839) observed to JD that they were "universally allowed to have prepared the minds of the people for a Revolution."[30] Until the eve of independence, JD was recognized around the Atlantic world as the leader of colonial American resistance to Britain. Local leaders in other colonies—Samuel Adams, James Otis, Jr., and Josiah Quincy, Jr., in Boston; the Lees in Virginia; Sons of Liberty; as well as entire colonial legislatures—looked to him for guidance, especially if they acted rashly. Quincy and John Adams incorporated the Farmer's admonitions for peaceful protest into their successful defense of the soldiers in the 1770 Boston Massacre trials. Both the Rhode Island Assembly and Richard Henry Lee sought JD's advice after the 1772 *Gaspee* Affair. And in the wake of the Boston Tea Party, Samuel Adams, worried that Massachusetts had acted "imprudently," likewise sought JD's counsel.[31] Because the Farmer possessed the confidence of Pennsylvania's diverse political factions, he was able to unite them in favor of a Continental Congress in 1774. Then, when delegates from around the colonies arrived in Philadelphia, lesser-known figures such as George Washington (1732–1799) and Patrick Henry (1736–1799) hoped to secure an introduction to the celebrated Farmer.[32] Although JD did not take his seat in that body until near the end of its session, his agenda nevertheless prevailed, and he drafted four of the six documents the First Continental Congress produced.[33] It was not until the autumn of 1775 that sentiment in the Second Continental Congress shifted towards independence, and the Farmer's influence began to wane.[34]

As a result of confused expectations by those at a distance, JD received misplaced credit for independence. John Adams complained that the British believed JD to be the "Ruler of America,"[35] the veracity of which seems to have been born out in 1777 when the British targeted JD as "that damned rebel" and set fire to his wife's estate Fairhill.[36] The painter Robert Edge Pine (1730–1788) twice asked JD's permission to include him in his painting of the Declaration of Independence, which JD declined.[37] A French newspaper even claimed in 1787 that "a single voice, a single man, pronounced the independence of the United States. It was John Dickinson. America owes him eternal recognition; it was Dickinson who set her free."[38] Although JD's refusal to vote on or sign the Declaration of Independence frustrated some colleagues and has puzzled historians who believed

the *Farmer's Letters* were a call for separation from Britain, in fact, JD was perfectly clear at every turn that he desired only peaceful protest and reconciliation.[39]

Far from ruining his reputation and fading from the political scene after the Declaration of Independence, as innumerable historians have claimed, JD remained active as a public figure. He continued to be known as the Farmer, and the *Farmer's Letters* were still cited at key junctures, including the creation of the US Constitution. In the ratification debates, a Federalist wrote as "A Pennsylvania Farmer,"[40] and the Anti-Federalists quoted the Farmer's maxim, "A *perpetual jealousy*, respecting liberty, is absolutely requisite in all free states" (doc. 4:39).[41] The *Farmer's Letters* also ran alongside JD's 1788 pro-ratification essays, known as the *Fabius Letters*, despite his authorship of those being unknown at the time.[42] In the same year, "Poet of the American Revolution" Philip Freneau (1752–1832) wrote a poem in honor of the "Patriotic Farmer."[43] Much to JD's mortification, the December 1, 1788, issue of Mathew Carey's *The American Museum* republished the Society of Fort St. Davids 1768 tribute.[44] Interestingly, the Farmer as an icon of liberty was even wielded against JD. A misinformed New York abolitionist, possibly Hugh Hughes (c. 1732–c. 1802), attacked JD as having perpetuated slavery in the Federal Convention, accusing him of not living up to the Farmer's rhetoric.[45] In addition to freeing all those he enslaved, as another article reported, JD actually worked to limit slavery in the Constitution.[46] In the early republic, the Farmer appeared again when JD led a citizens' group against the 1794–95 Jay Treaty. Acknowledging his work, Republicans identified him as the man who "*first roused* his countrymen to an opposition to the attempts to raise a revenue in America, which ultimately led to the establishment of their independence."[47] Although Federalists and Republicans could agree that the Farmer was an "honor to his Country," only Republicans would toast him on July 4.[48] When JD published his second set of *Fabius Letters* on relations with France in 1797, English philosopher Joseph Priestley (1733–1804) requested that JD allow his identity as the author to be revealed on the grounds that English friends of America greatly enjoyed the *Farmer's Letters*.[49] For the remainder of JD's life, Americans continued to invoke the Farmer and call for his return to public office.[50] At JD's death on February 14, 1808, Americans witnessed public demonstrations of mourning with the Farmer persona at the center. Up to that time, only George Washington's death in 1799 had elicited a comparable display of national grief.[51] The Farmer was still popular enough in the 1840s for a figurehead of JD holding a copy of the *Farmer's Letters* (Appendix D) to adorn the bow of an American ship. Today, if Americans have heard of JD, it is usually because of the *Farmer's Letters*.

In a letter to James Otis, Jr. (doc. 4:34), JD identified the version in *The Pennsylvania Gazette* as the most accurate one, which we have selected to reproduce. We have indicated where this version differs from the one published in *The Pennsylvania Chronicle*. Interestingly, when seeking to republish the *Farmer's Letters* in his own edition in 1801, JD was unable to find any copy except the

1769 Virginia edition, whose preface appears below (doc. 4:210).[52] To render JD's footnotes as they appeared in the published text, at the bottom of the newspaper column, we have indicated column breaks with dividing lines where necessary.

LETTERS from a FARMER *in* PENNSYLVANIA, *to the Inhabitants of the* BRITISH COLONIES.[53]

LETTER I.

Beloved Countrymen,

I AM a Farmer, settled, after a Variety of Fortunes, near the Banks of the River *Delaware*, in the Province of *Pennsylvania*. I received a liberal Education, and have been engaged in the busy Scenes of Life; but am now convinced, that a Man may be as happy without Bustle, as with it. My Farm is small; my Servants are few, and good; I have a little Money at Interest; I wish for no more; my Employment in my own Affairs is easy; and with a contented grateful Mind, undisturbed by worldly Hopes or Fears, relating to myself, I am compleating the Number of Days allotted to me by Divine Goodness.

Being Master of my Time, I spend a good Deal of it in a Library, which I think the most valuable Part of my small Estate; and being acquainted with two or three Gentlemen of Abilities and Learning, who honour me with their Friendship, I have acquired, I believe, a greater Knowledge in History, and the Laws and Constitution of my Country, than is generally attained by Men of my Class, many of them not being so fortunate as I have been in the Opportunities of getting Information.

From my Infancy I was taught to love *Humanity* and *Liberty*. Enquiry and Experience have since confirmed my Reverence for the Lessons then given me, by convincing me more fully of their Truth and Excellence. Benevolence towards Mankind, excites Wishes for their Welfare, and such Wishes endear the Means of fulfilling them. *These* can be found in Liberty only: Therefore her sacred Cause ought to be espoused, by every Man, on every Occasion, to the utmost of his Power. As a charitable, but poor Person does not withhold his *Mite*,[54] because he cannot relieve *all* the Distresses of the Miserable, so let not any honest Man suppress his Sentiments concerning Freedom, however small their Influence is likely to be. Perhaps he "may touch some Wheel, ‡ " that will have an Effect greater than he expects.

These being my Sentiments, I am encouraged to offer to you, my Countrymen, my Thoughts on some late Transactions, that appear to me to be of the utmost Importance to you. Conscious of my own Defects, I have waited some Time, in Expectation of seeing the Subject treated by Persons much better qualified for the Task; but being therein disappointed, and apprehensive that longer Delays will be injurious, I venture at length to request the Attention of the Public, praying only for one Thing, that is, that these Lines may be *read* with the same Zeal for the Happiness of *British America*, with which they were *wrote*.

With a good deal of Surprize I have observed, that little Notice has been taken of an Act of Parliament, as injurious in its Principle to the Liberties of these Colonies, as the *Stamp Act*[55] was: I mean the Act for suspending the Legislation of *New-York*.[56]

The Assembly of that Government complied with a former Act of Parliament,[57] requiring certain Provisions to be made for the Troops in *America*, in every Particular, I think, except the Articles of Salt, Pepper and Vinegar. In my Opinion they acted imprudently, considering all Circumstances, in not complying so far as would have given Satisfaction, as several Colonies did: But my Dislike of their Conduct in that Instance, has not blinded me so much, that I cannot plainly perceive, that they have been punished in a Manner pernicious to *American* Freedom, and justly alarming to all the Colonies.

If the *British* Parliament has a legal Authority to order, that we shall furnish a single Article for the Troops here, and to compel Obedience to *that* Order, they have the same Right to order us to supply those Troops with Arms, Cloaths, and every Necessary; and to compel Obedience to *that* Order also; in short, to lay *any Burdens* they please upon us. What is this but *taxing* us at a *certain Sum*, and leaving to us only the *Manner* of raising it? How is this Mode more tolerable than the *Stamp Act?* Would that Act have appeared more pleasing to *Americans*, if being ordered thereby to raise the Sum total of the Taxes, the mighty Privilege had been left to them, of saying how much should be paid for an Instrument of Writing on Paper, and how much for another on Parchment?

An Act of Parliament, commanding us to do a certain Thing, if it has any Validity, is a *Tax* upon us for the Expence that accrues in complying with it; and for this Reason, I believe, every Colony on the Continent, that chose to give a Mark of their Respect for *Great-Britain*, in complying with the Act relating to the Troops, cautiously avoided the Mention of that Act, lest their Conduct should be attributed to its supposed Obligation.

The Matter being thus stated, the Assembly of *New-York* either had, or had not, a Right to refuse Submission to that Act. If they had, and I imagine no *American* will say they had not, then the Parliament had *no Right* to compel them to execute it. If they had not *this Right*, they had *no Right* to punish them for not executing it; and therefore *no Right* to suspend their Legislation, which is a Punishment. In Fact, if the People of *New-York* cannot be legally taxed but by their own Representatives, they cannot be legally deprived of the Privilege of making Laws, only for insisting on that exclusive Privilege of Taxation. If they may be legally deprived in such a Case, of the Privilege of making Laws, why may they not, with equal Reason, be deprived of every other Privilege? Or why may not every Colony be treated in the same Manner, when any of them shall dare to deny their Assent to any Impositions, that shall be directed? Or what signifies the Repeal of the *Stamp Act*,[58] if these Colonies are to lose their *other* Privileges, by not tamely surrendering *that* of Taxation?

There is one Consideration arising from this Suspension,[59] which is not generally attended to, but shews its Importance very clearly. It was not *necessary* that this Suspension should be caused by an Act of Parliament. The Crown might have restrained the Governor of *New-York*, even from calling the Assembly together, by its Prerogative in the Royal Governments. This Step, I suppose, would have been taken, if the Conduct of the Assembly of *New-York* had been regarded as an Act of Disobedience *to the Crown alone*; but it is regarded as an Act of "Disobedience to the Authority of the BRITISH LEGISLATURE."[60] This gives the Suspension a Consequence vastly more affecting. It is a Parliamentary Assertion of the *supreme Authority* of the *British* Legislature over these Colonies in *the Point of Taxation*, and is intended to COMPEL *New-York* into a Submission to that Authority. It seems therefore to me as much a Violation of the Liberties of the People of that Province, and consequently of all these Colonies, as if the Parliament had sent a Number of Regiments to be quartered upon them till they should comply. For it is evident, that the Suspension is meant as a Compulsion; and the *Method* of compelling is totally indifferent. It is indeed probable, that the Sight of red Coats, and the Hearing of Drums, would have been most alarming; because People are generally more influenced by their Eyes and Ears, than by their Reason. But whoever seriously considers the Matter, must perceive that a dreadful Stroke is aimed at the Liberty of these Colonies. I say, of these Colonies; for the Cause of *one* is the Cause of *all*. If the Parliament may lawfully deprive *New-York* of any of *her* Rights, it may deprive any, or all the other Colonies of *their* Rights; and nothing can possibly so much encourage such Attempts, as a mutual Inattention to the Interests of each other. *To divide*, *and thus to destroy*, is the first political Maxim in attacking those, who are powerful by their Union. He certainly is not a wise Man, who folds his Arms, and reposes himself at home, viewing, with Unconcern, the Flames that have invaded his Neighbour's House, without using any Endeavours to extinguish them. When Mr. *Hampden*'s Ship Money Cause,[61] for *Three Shillings* and *Four Pence*, was tried, all the People of *England*, with anxious Expectation, interested themselves in the important Decision; and when the slightest Point, touching the

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‡ POPE.[62]

Freedom of *one* Colony, is agitated, I earnestly wish, that *all the rest* may, with equal Ardour, support their Sister. Very much may be said on this Subject; but, I hope, more at present is unnecessary.

With Concern I have observed, that *two* Assemblies of this Province have sat and adjourned, without taking any Notice of this Act. It may perhaps be asked, what would have been proper for them to do? I am by no Means fond of inflammatory Measures; I detest them. I should be sorry that any thing should be done, which might justly displease our Sovereign, or our Mother Country: But a firm, modest

Exertion of a free Spirit, should never be wanting on public Occasions. It appears to me, that it would have been sufficient for the Assembly, to have ordered our Agents to represent to the King's Ministers, their Sense of the suspending Act, and to pray for its Repeal. Thus we should have borne our Testimony against it; and might therefore reasonably expect that, on a like Occasion, we might receive the same Assistance from the other Colonies.

* *Nov*. 5.[63]

A FARMER.

Concordia Res parvæ crescunt.[64]
Small Things grow great by Concord.

* *The Day of King* WILLIAM *the Third's Landing*.[65]

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[1] The *PC*, normally a Monday paper, published a special half-sheet on Wednesday, Dec. 2, 1767. This half-sheet was numbered (no. 46) and paged "that it may be bound up in the Volume." It was dated "From MONDAY, NOVEMBER 30, to WEDNESDAY, DECEMBER 3, 1767," but this was an error, as Dec. 3, 1767, was a Thursday. The next issue (no. 47) was dated "From WEDNESDAY, DECEMBER 2, to MONDAY, DECEMBER 7, 1767," suggesting that dating the previous to Dec. 3 was an error, and it was intended to be Wednesday, Dec. 2. See also n. 53, below. The *Farmer's Letters* also appeared in the *PJ*. The first number "being sent us too late for our last weeks paper," appeared with the second on Dec. 10. The last number also appeared on Feb. 18, 1769.

[2] The Townshend Acts are: 7 Geo. 3, c. 46 (1767): "An Act for Granting Certain Duties in the British Colonies and Plantations in America . . . ," known as the Revenue Act of 1767 (27 *SAL* 505–12); 7 Geo. 3, c. 41 (1767): "An Act to Enable His Majesty to Put the Customs, and Other Duties, in the British Dominions in America, and the Execution of the Laws Relating to Trade There, Under the Management of Commissioners to Be Appointed for That Purpose, and to Be Resident in the Said Dominions," known as the Commissioners of Customs Act of 1767 (27 *SAL* 447–49); 7 Geo. 3, c. 59 (1767): "An Act for Restraining and Prohibiting the Governor, Council, and House of Representatives, of the Province of New York . . . ," known as the New York Restraining Act of 1767 (27 *SAL* 609–10); and 7 Geo. 3, c. 56 (1767): "An Act for Taking Off the Inland Duty of One Shilling per Pound Weight upon All Black and Singlo Teas Consumed in Great Britain . . . ," known as the Indemnity Act of 1767 (27 *SAL* 600–05). While 8 Geo. 3, c. 22 (1768): "An Act for the More Easy and Effectual Recovery of the Penalties and Forfeitures Inflicted by the Acts of Parliament Relating to the Trade or Revenues of the British Colonies and Plantations in America," known as the Vice Admiralty Court Act of 1768 (28 *SAL* 70–71), is sometimes included among the Townshend Acts, Townshend had no role in its creation and died before it became law. See Thomas, *Townshend Duties Crisis*, 34–35.

[3] Thomas, *Townshend Duties Crisis*, 25.

[4] 6 Geo. 3, c. 12 (1766): "An Act for the Better Securing the Dependency of His Majesty's Dominions in America upon the Crown and Parliament of Great Britain." See 27 *SAL* 19–20, at 20.

[5] Henry Brooke (1703–1783) was an Irish Anglican lawyer, playwright, and political writer. Although Brooke's initial *Farmer's Letters* had a sharply sectarian bent, the subsequent series of letters were more liberal and argued against the anti-Catholic penal laws (*DIB*).

[6] See Calvert, *Penman of the Founding*, 283–86, 346–48.

[7] According to Franklin, "an external Tax is a Duty laid on Commodities imported; that Duty is added to the first Cost, and other Charges on the Commodity, and when it is offered to Sale, makes a Part of the Price. If the People do not like it at that Price, they refuse it; they are not obliged to pay it. But an internal Tax is forced from the People without their Consent, if not laid by their own Representatives." In Franklin's opinion, the colonists could not give consent to internal taxes levied by the British

government because they lacked representatives in Parliament. Nevertheless, he acknowledged, that "many Arguments have been lately used here to shew them that there is no Difference, and that if you have no Right to tax them internally, you have none to tax them externally, or make any other Law to bind them. At present they do not reason so, but in Time they may possibly be convinced by these Arguments" (*The Examination of Doctor Benjamin Franklin, Before an August Assembly, Relating to the Repeal of the Stamp-Act, &c.* [Philadelphia: D. Hall and W. Sellers, 1766], 12, 30).

[8] For JD's use of this maxim, see docs. 4:224 and 4:225, below, and docs. 2:91, n. 8, and 2:95, n. 17.

[9] Daniel Dulany (1722–1797) was a Maryland lawyer, politician, and the author of *Considerations on the Propriety of Imposing Taxes in the British Colonies* (1765). Despite his opposition to British taxation of the colonies, he became a Loyalist during the Revolutionary War.

[10] See also John Phillip Reid, *Constitutional History of the American Revolution: The Authority to Tax* (Madison: University of Wisconsin Press, 1987), 45–52.

[11] See Calvert, *Quaker Constitutionalism*.

[12] For the text of the Massachusetts circular letter, see *The Boston Chronicle*, March 14–21, 1768.

[13] John Devotion to Ezra Stiles, Feb. 8, 1768, in *Extracts from the Itineraries and Other Miscellanies of Ezra Stiles . . .* , ed. Franklin Bowditch Dexter (New Haven, Conn.: Yale University Press, 1916), 470–72, at 471.

[14] Carl F. Kaestle estimates that newspaper and pamphlet editions of the *Farmer's Letters* reached an audience of 77,700 total readers in the colonies (Kaestle, "Public Reaction," 351–53). This estimate may be low, however, as Kaestle does not account for all the newspaper and pamphlet editions published. See Appendix B.

[15] For the wax statue, see *The Massachusetts Spy* (Boston), Sept. 5, 1771; and *The Censor* (Boston; postscript), May 2, 1772. For the medal, see *PG*, May 30, 1771.

[16] For the tavern, see *PG*, Oct. 24, 1771. For the stud horse, see ibid., April 5, 1775.

[17] Earlier examples of the Farmer pseudonym in British America appear in *The New York Weekly Journal*, March 31 and April 7, 1735; *The Mechanick's Address to the Farmer* (Philadelphia: A. Steuart, 1761); *The Connecticut Courant* (Hartford), Sept. 9, 1765. For a Chester County Farmer [Joseph Galloway], see *PG*, June 16, 1768; A.W. Farmer [Samuel Seabury], *A View of the Controversy between Great-Britain and her Colonies . . .* (New York: J. Rivington, 1774); Federal Farmer [Melancton Smith], *Observations Leading to a Fair Examination of the System of Government Proposed by the Late Convention . . .* [New York, 1787]. A series of seven Anti-Federalist essays by "A Farmer" were published in *The Maryland Gazette, or, Baltimore General Advertiser* from February through April 1788. Their author was likely John Francis Mercer (1759–1821). See *The Anti-Federalist: Writings by the Opponents of the Constitution*, ed. Herbert J. Storing (Chicago: The University of Chicago Press, 1985), 257–72.

[18] J. Hector St. John de Crèvecœur, *Letters from an American Farmer . . .* (London: T. Davies et al., 1782); A Farmer [George Logan], *Five Letters, Addressed to the Yeomanry . . .* (Philadelphia: E. Oswald, 1792).

[19] See Goddard, *The Partnership*, 16; and Ford, *Writings*, 280.

[20] William Franklin to Benjamin Franklin, May 10, 1768, *PBF*, 15:120–26, at 121.

[21] Joseph Galloway (c. 1731–1803) was a lapsed Quaker lawyer, possibly a convert to Anglicanism, and politician who served in the Pennsylvania Assembly. He later served as a delegate to the First Continental Congress before becoming a prominent Loyalist during the Revolutionary War. For the beginning of the animosity between JD and Galloway, see documents from the William Smith libel trial (docs. 1:44–57, especially doc. 1:55).

[22] For a complete list of known editions published, see Appendix B.

[23] See also a review of the *Farmer's Letters* in *Le Journal des Sçavans* (Paris), April 1770, 214–16.

[24] Benjamin Rush to JD, Oct. 11, 1797, *LBR*, 2:792–93, at 793.

[25] Jonathan Singerton, "'Some of Distinction Here Are Warm for the Part of America': Knowledge of and Sympathy for the American Cause in the Habsburg Monarchy, 1763–1783," *Journal of*

Austrian-American History no. 1 (2017): 128–158; Zofia Libiszowska, "Polish Opinion of the American Revolution," *Polish American Studies* 34, no. 1 (1977): 5–15, at 11.

[26] Wills Hill, first earl of Hillsborough (1718–1793), served as president of the Board of Trade and secretary of state for the colonies from 1768 to 1772. The latter position had been established in early 1768 to cope with the crisis in North America. Previously, the American colonies had fallen under the purview of the secretary of state for the southern department.

[27] *PFB*, 5:263–64, at 263.

[28] 10 Geo. 3, c. 17 (1770): "An Act to Repeal So Much of an Act Made in the Seventh Year of His Present Majesty's Reign. . . ." See 28 *SAL* 294–5.

[29] 18 Geo. 3, c. 12 (1778). See 32 *SAL* 4.

[30] Mathew Carey to JD, Feb. 4, 1789 (PPL-JDP).

[31] "Josiah Quincy's Opening for the Defense, 29 November 1770," in *LPJA*, 3:158–69, at 164–65; Darius Sessions et al. to JD, January 1773. (PPL-JDP); Richard Henry Lee to JD, April 4, 1773. (PPAmP-RHLP); Samuel Adams to JD, April 21, 1774 (NYPL- Samuel Adams Papers).

[32] Thomas Mason to JD, Aug. 25, 1774 (PHi-RRL).

[33] See James H. Hutson, *A Decent Respect to the Opinions of Mankind: Congressional State Papers, 1774–1776* (Washington, D.C.: Library of Congress, 1975).

[34] For a discussion of JD's influence as the Farmer during this period, see Calvert, *Penman of the Founding*, 199–254.

[35] John Adams to Hendrik Calkoen, Oct. 10, 1780, in *PJA*, 10:216.

[36] Blue notebook of Sally Norris Dickinson, n.d. (PHi-Logan).

[37] JD to Robert Edge Pine, July 6, 1785 (PHi-RRL).

[38] *Journal de Paris*, August 29, 1787.

[39] For an overview of the historiography on JD, see Calvert, epilogue to *Penman of the Founding*, 437–48.

[40] *The Independent Gazetteer* (Philadelphia), Sept. 27, 1787.

[41] Federal Farmer [Melancton Smith], *Observations*, 34; "Centinel, No. II," *The Freeman's Journal* (Philadelphia), Oct. 24, 1787.

[42] *The American Museum* (Philadelphia), October 1788. See also Appendix B.

[43] Philip Freneau, "Epistle to the Patriotic Farmer," [1788], in *Poems Written and Published During the American Revolutionary War* . . . , 3rd ed., 2 vols. (Philadelphia: L.R. Bailey, 1809), 2:217–18.

[44] JD to Mathew Carey, Jan. 15, 1789 (NYPL-Emmet); Mathew Carey to JD, Feb. 4, 1789 (PPL-JDP).

[45] A Countryman [Hugh Hughes?], "Letters from a Gentleman in Dutchess County, to His Friend in New-York. Nos. I and II," *The New-York Journal*, Nov. 21 and 23, 1787.

[46] "An Anecdote," *The Federal Gazette* (Philadelphia), Jan. 7, 1789; Calvert, *Penman of the Founding*, 357, 359–61, 365.

[47] *City Gazette & Daily Advertiser* (Charleston, S.C.), Nov. 13, 1795.

[48] *Gazette United States* (Philadelphia), July 13, 1795. For a subsequent Federalist attack on JD, see *The Philadelphia Gazette*, June 4, 1800.

[49] Joseph Priestley to JD, Nov. 30, 1797 (PHi-Loudoun).

[50] JD to Tench Coxe, July 14, 1788 (PCarlD-JDPs); JD, "To the Electors of the State of Delaware," June 21, 1792 (PHi-Logan); *The Delaware Gazette* (Wilmington), July 7, 1792; *Gazette of the United States* (Philadelphia), Feb. 17, 1795; *Aurora General Advertiser* (Philadelphia), April 24, 1800; *Aurora General Advertiser* (Philadelphia), June 20, 1800; *The Times* (Alexandria, D.C.), June 21, 1800 [reprint; original from Wilmington, Del., not found]; *Meeting of the Democratic Republican Conferees, of the State of Delaware* [Dover, Del.: 1807].

[51] For discussion of the public reaction and an extensive list of obituaries, see Calvert, epilogue to *Penman of the Founding*, 437–48.

[52] *PWJD*, 1:135.

[53] In the version of this letter published in the *PC* on Dec. 2 (the date is erroneously listed in the

masthead as "From MONDAY, NOVEMBER 30, to WEDNESDAY, DECEMBER 3, 1767") the following introduction precedes the letter: "*Having received a Series of Papers*, *intitled*, "Letters from a Farmer," *&c*. *with several other Pieces from our Correspondents*, *all which we are importuned to publish as speedily as possible*; *and as we find there will not be Room in our* Monday's Chronicle, *to insert the Whole—from a Desire to oblige*, *we are induced to give this Half-Sheet*, *containing such of the Pieces as we could get ready*, *beginning with the* Farmer's *first Letter*, *being*, *as he observes*, *on a Subject of the utmost Importance to the Welfare of our common Country*."

[54] An allusion to the biblical story of the widow's mite. See Mark 12:41–44.

[55] 5 Geo. 3, c. 12 (1765): "An Act for Granting and Applying Certain Stamp Duties, and Other Duties, in the British Colonies and Plantations in America, Towards Further Defraying the Expenses of Defending, Protecting, and Securing the Same . . . ," known as the Stamp Act of 1765. See 26 *SAL* 179–204.

[56] The New York Restraining Act of 1767 (7 Geo. 3, c. 59).

[57] 5 Geo. 3, c. 33 (1765): "An Act to Amend and Render More Effectual, in His Majesty's Dominions in America, an Act Passed in This Present Session of Parliament, Intituled, an Act for Punishing Mutiny and Desertion, and for the Better Payment of the Army and Their Quarters," known as the Quartering Act of 1765 (26 *SAL* 305–18). The New York Restraining Act of 1767 also complained of breaches of 6 Geo. 3, c. 18 (1766): "An Act to Amend and Render More Effectual, in His Majesty's Dominions in America, an Act Passed in This Present Session of Parliament, Intituled, An Act for the Better Payment of the Army and Their Quarters." See 27 *SAL* 34–35.

[58] A bill to repeal the Stamp Act of 1765 (5 Geo. 3, c. 12) passed in the House of Commons on Feb. 21, 1766, and received royal assent on March 18: 6 Geo. 3, c. 11 (1766): "An Act to Repeal an Act Made in the Last Session of Parliament, Intitled, an Act for Granting and Applying Certain Stamp Duties, and Other Duties, in the British Colonies and Plantations in America. . . ." See 27 *SAL* 19.

[59] In the version of this letter published in the *PC*, Nov. 30–Dec. [2], 1767, the word "suspicion" appears in place of "Suspension."

[60] The New York Restraining Act of 1767. See 27 *SAL* 609–10, at 609.

[61] The case of *Rex v. Hampden* (1637–38), also known as the Ship Money Case, took place after John Hampden (c. 1595–1643), a member of the House of Commons, refused to pay a tax levied by Charles I known as "ship money." Hampden's opposition to the charge was that, historically, it had only been levied on certain seaports in times of war or threat to the nation, of which there were none immediately, and that it had now been levied without the consent of Parliament, thus expanding the royal prerogative beyond its legal limits. Hampden's loss of the case by a majority of seven judges to five encouraged others to resist payment. The Long Parliament repealed the ship money tax in 1641. See Kevin Sharpe, *The Personal Rule of Charles I* (New Haven, Conn.: Yale University Press, 1992), 721–30.

[62] A paraphrase of "Perhaps acts second to some sphere unknown, / Touches some wheel, or verges to some goal" (Pope, "Essay on Man," in *Works*, 3:9). Alexander Pope (1688–1744) was an influential English poet and translator. JD may have referenced this passage in a 1754 letter to his mother from London (doc. 1:18).

[63] *PC*, Nov. 30–Dec. [2], 1767, this date is given as "*Nov*. 4."

[64] Adapted from "*Nam concordia parvæ res crescunt, discordia maxumæ dilabuntur*": Lat. "For unity causes small things to grow, disunity causes the greatest to wane" (Sall. *Iug.* 10.6). The quotation also served as the motto for the Dutch Republic.

[65] A reference to the landing of William III (of Orange; 1650–1702) in England on Nov. 5, 1688, during the Glorious Revolution (1688–89).

19
To James Otis, Jr., December 5, 1767

Dear Sir,[1]

The Liberties of our Common Country appear to me To be at this Moment expos'd to the most imminent Danger; and This Apprehension has engag'd me to lay my Sentiments before The Public in Letters, of which I Send you a Copy.[2]

Only one has been yet publish'd, and what there Effect may be, cannot yet be known; but whenever the Cause of American Freedom is to be vindicated, I Look towards [th]e Province of Massachusetts Bay. She must, as she has hitherto done, first kindle the Sacred Flame, that on such Occasions must warm and illuminate [th]e{is} [~~*illegible*~~]{Continent.}

Words are wanting to express my sense of [th]e Vigilance, Perseverance, Spirit, Prudence, Resolution, and Firmness, with which your Colony has distinguish'd herself, in our unhappy Times. May God ever Grant her noble Labors the same successful Issue, which was obtain'd by the Repeal of the Stamp-Act.

In my Gratitude to your Province in general, I do not forget the Obligations, which all Americans are under to you in particular, for the indefatigable Zeal and undaunted Courage you have Shewn in defending the~~se~~{ir} Rights. My Opinion of your Love for your Country, induces me to commit to your hands the inclos'd Letters, to be dispos'd of as you think proper, not intending to give out any other Copy. I have shewn them to three Men of Learning here, who are my Friends.[3] They Think, with me, that the most destructive Consequences must follow, if these Colonies do not instantly, vigorously, {& unanimously} unite themselves, in the Same manner they Did against the Stamp Act. Perhaps they and I are mistaken. I therefore Send the Peice containing the Reasons for this Opinion, to you, who I know can determine its True worth; and if you can discover no other merit in it, permit me at Least to claim the merit of having wrote it, with the most ardent affection for the British Colonies, the purest intentions to promote their Welfare, an honest Desire to assert there Rights, and with a deep sense of their impending Misfortunes.

Our Cause is a cause of the highest Dignity. It is nothing Less, than to maintain the Liberty, with which Heav'n itself "hath made us free."[4] I hope it will not be disgrac'd in any Colony, by a Single rash Step. We have constitutional methods of seeking Redress; and they are the best Methods.

This Subject Leads me to inform you with Pleasure, because I think it must give you Pleasure, that the Moderation of your Conduct in composing the Minds of your Fellow-Citizens, has done you the highest Credit with us. you may be assured I feel a great satisfaction in hearing your praises; for ev'ry Thing that advances your Reputation or Interest, will always afford sincere Joy, to

Dear Sir,
your most affectionate
and most h[um]ble Serv[an]t
John Dickinson
Philadelphia
December 5th—1767.

C (MHi-Warren-Adams)

[1] James Otis, Jr. (1725–1783), was a Massachusetts lawyer who began his work on behalf of American rights in 1761 by challenging the legality of writs of assistance, which allowed British authorities to enter colonists' homes without warrant or notice. He then gained renown with his 1764 pamphlet, *The Rights of the British Colonies Asserted and Proved*. After suffering a head injury in 1769, Otis's mental health deteriorated rapidly, leading him to withdraw from public life.

[2] His *Farmer's Letters* (doc. 4:18, above, and docs. 4:20, 4:23, 4:25, 4:26, 4:28, 4:32, 4:33, 4:36, 4:38, 4:39, and 4:40, below). The copy has not been found. It is unclear how many of the *Farmer's Letters* were included with this letter.

[3] These friends might have included Thomas McKean (1734–1817), a delegate from the Lower Counties at the Stamp Act Congress who later represented Delaware in the Continental Congress and served as both chief justice and governor of Pennsylvania; George Read (1733–1798), the attorney general for the Lower Counties who later represented Delaware in the Continental Congress and US Senate; and Charles Thomson (1729–1824), an Irish-born leader of Philadelphia's Sons of Liberty, who was later secretary to the Continental Congress.

[4] An allusion to Gal. 5:1: "Stand fast therefore in the liberty wherewith Christ hath made us free, and be not entangled again with the yoke of bondage."

20
A Farmer [JD], "Letters from a Farmer in Pennsylvania. Letter II," *The Pennsylvania Gazette*, December 10, 1767

LETTERS from a FARMER *in* PENNSYLVANIA, *to the Inhabitants of the* BRITISH COLONIES.

LETTER II.

Beloved Countrymen,

THERE is another late act of parliament, which appears to me to be unconstitutional, and as destructive to the liberty of these colonies, as that mentioned in my last letter; that is, the act for granting the duties on paper, glass, *&c*.[1]

The parliament unquestionably possesses a legal authority to *regulate* the trade of *Great-Britain*, and all her colonies. Such an authority is essential to the relation between a mother country and her colonies; and necessary for the common good of all. He, who considers these provinces as states distinct from the *British Empire*, has very slender notions of *justice*, or of their *interests*. We are but parts of a *whole*; and therefore there must exist a power somewhere, to preside, and preserve the connection in due order. This power is lodged in the parliament; and we are as much dependant on *Great-Britain*, as a perfectly free people can be on another.

I have looked over *every statute* relating to these colonies, from their first

settlement to this time; and I find every one of them founded on this principle, till the *Stamp-Act* administration * .

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* *For the satisfaction of the reader*, *recitals from the former acts of parliament relating to these colonies are added. By comparing these with the modern acts*, *he will perceive their great difference in* expression *and* intention.

The 12*th* Cha. *Chap*. 18,[2] *which forms the foundation of the laws relating to* our *trade*, *by enacting that certain productions of the colonies should be carried to* England *only*, *and that no goods shall be imported from the plantations but in ships belonging to* England, Ireland, Wales, Berwick,[3] *or the* Plantations, &c. *begins thus:* "For the increase of shipping, and encouragement of the navigation of this nation, *wherein*, *under the good providence and protection of* GOD, *the wealth*, *safety*, *and strength of this kingdom is so much concerned*," &c.

The 15*th* Cha. *II*. *Chap*. 7,[4] *enforcing the same regulation*, *assigns these reasons for it*. "*In regard his Majesty's plantations*, *beyond the seas*, *are inhabited and peopled by his subjects of this his kingdom of* England; for the maintaining a greater correspondence and kindness between them, *and keeping them in a firmer dependance upon it*, *and rendering them yet more beneficial and advantageous unto it*, in the further employment and increase of *English* shipping and seamen, *vent*[5] *of* English *woollen*, *and other manufactures and commodities*, rendering the navigation to and from the same more safe and cheap, *and making this kingdom a* staple, *not only of the commodities of those plantations*, *but also of the commodities of other countries and places* for the supplying of them; *and it being the usage of other nations to keep their plantations trade to themselves*," &c.

The 25*th* Cha. *II*. *Chap*. 7,[6] *made expresly* "for the better securing the plantation trade," *which imposes duties on certain commodities exported from one colony to another*, *mentions this cause for imposing them:* "*Whereas by one act passed in the* 12*th year of your Majesty's reign*, *intituled*, *An act* for encouragement of shipping and navigation, *and by several other laws*, *passed since that time*, *it is permitted to ship*, &c. *sugars*, *tobacco*, &c. *of the growth*, &c. *of any of your Majesty's plantations in* America, &c. *from the places of their growth*, &c. *to any other of your Majesty's plantations in those parts*, &c. *and that* without paying custom for the same, *either at the lading or unlading the said commodities*, *by means whereof the trade and navigation in those commodities*, *from one plantation to another*, *is greatly increased*, *and the inhabitants of divers of those colonies*, not contenting themselves with being supplied with those commodities for their own use, free from all customs *(while the subjects of this your kingdom of* England *have paid great customs and impositions for what of them hath been spent here)* but, contrary to the express letter of the aforesaid laws, have brought into divers parts of *Europe great quantities thereof*, *and do also vend great quantities thereof to the shipping of other nations*, *who bring them into divers parts of* Europe, *to the great hurt and diminution of your Majesty's customs*, *and of the* trade *and* navigation *of this your kingdom*; FOR THE PREVENTION THEREOF, &c.

The 7*th and* 8*th* Will. *III*. *Chap*. 22,[7] *intituled*, "*An act for preventing frauds*, *and regulating abuses in the plantation trade*," *recites that*, "*notwithstanding divers acts*, &c. *great abuses are daily committed*, to the prejudice of the *English* navigation, and the loss of a great part of the plantation trade *to this kingdom*, *by the* artifice *and* cunning *of ill disposed persons*; FOR REMEDY WHEREOF, &c. *And whereas in some of his Majesty's* American *plantations*, *a doubt or misconstruction has arisen upon the before mentioned act*, *made in the* 25*th year of the reign of King* Charles *II*. *whereby certain duties are laid upon the commodities therein enumerated (which by law may be transported from one plantation to another*, *for the supply of each others wants)* as if *the same were*, *by the payment of those duties in one plantation*, *discharged from giving the securities intended by the aforesaid acts*,

made in the 12*th*, 22*d and* 23*d years of the reign of King* Charles *II*. *and consequently be at liberty to go to any foreign market in* Europe," &c.

The 6*th* Anne, *Chap*. 37,[8] *reciting the advancement of trade*, *and encouragement of ships of war*, &c. *grants to the captors the property of all prizes carried into* America, *subject to such customs and duties*, *as if the same had been first imported into any part of* Great-Britain, *and from thence exported*, &c.

This was a gift to persons acting under commissions from the crown, *and therefore it was reasonable that the* terms *prescribed in that gift*, *should be complied with—more especially as the payment of such duties was intended to give a preference to the productions of* British *colonies*, *over those of other colonies*. *However*, *being found inconvenient to the colonies*, *about four years afterwards*, *this act was*, for that reason, *so far repealed*, *that by another act* "*all prize goods*, *imported into any part of* Great-Britain, *from any of the plantations*, *were made liable to such duties only in* Great-Britain, *as in case they had been of the growth and produce of the plantations*."

The 6*th* Geo. *II*. *Chap*. 13,[9] *which imposes duties on foreign rum*, *sugar and melasses*, *imported into the colonies*, *shews the reasons thus*—"*Whereas the welfare and prosperity of your Majesty's sugar colonies in* America, *are of the greatest consequence and importance to the* trade, navigation, *and* strength *of this kingdom*; *and whereas the planters of the said sugar colonies*, *have of late years* fallen into such great discouragements, *that they are unable to improve or carry on the sugar trade*, upon an equal footing *with the foreign sugar colonies*, without some advantage and relief be given to them from *Great-Britain:* FOR REMEDY WHEREOF, AND FOR THE GOOD AND WELFARE OF YOUR MAJESTY'S SUBJECTS," &c.

The 29*th* Geo. *II*. *Chap*. 26,[10] *and the* 1*st* Geo. *III*. *Chap*. 9,[11] *which continues the* 6*th* Geo. *II*. *Chap*. 13, *declare*, *that the said act hath*, *by experience*, *been found* useful *and* beneficial, &c. *These are all the most considerable statutes relating to the commerce of the colonies*; *and it is thought to be utterly unnecessary to add any observations to these extracts*, *to prove that they were all intended* solely as regulations of trade.

All before, are calculated to regulate trade, and[12] preserve or promote a mutually beneficial intercourse between the several constituent parts of the empire; and though many of them imposed duties on trade, yet those duties were always imposed *with design* to restrain the commerce of one part, that was injurious to another, and thus to promote the general welfare. The raising a revenue thereby was never intended. Thus, the King by his judges in his courts of justice, imposes fines, which all together amount to a very considerable sum, and contribute to the support of government: But this is merely a consequence arising from restrictions, that only meant to keep peace, and prevent confusion; and surely a man would argue very loosely, who should conclude from hence, that the King has a right to levy money in general upon his subjects. Never did the *British* parliament, till the period above mentioned, think of imposing duties in *America*, FOR THE PURPOSE OF RAISING A REVENUE. Mr. *Grenville*[13] first introduced this language, in the preamble to the 4th of *Geo*. III. Chap. 15,[14] which has these words—"And whereas it is just and necessary that A REVENUE BE RAISED IN YOUR MAJESTY'S SAID DOMINIONS IN AMERICA, *for defraying the expences of defending*, *protecting*, *and securing the same:* We your Majesty's most dutiful and loyal subjects, THE COMMONS OF GREAT-BRITAIN, in parliament assembled, being

desirous to make some provision in this present session of parliament, TOWARDS RAISING THE SAID REVENUE IN AMERICA, have resolved to GIVE and GRANT unto your Majesty the several rates and duties herein after mentioned," *&c*.

A few months after came the *Stamp-Act*, which reciting this, proceeds in the same strange mode of expression, thus—"And whereas it is just and necessary, that provision be made FOR RAISING A FURTHER REVENUE WITHIN YOUR MAJESTY'S DOMINIONS IN AMERICA, *towards defraying the said expences*, we your Majesty's most dutiful and loyal subjects, the COMMONS OF GREAT-BRITAIN, *&c*. GIVE and GRANT," *&c*. as before.

The last act, granting duties upon paper, *&c*. carefully pursues these modern precedents. The preamble is, "Whereas it is expedient THAT A REVENUE SHOULD BE RAISED IN YOUR MAJESTY'S DOMINIONS IN AMERICA, *for making a more certain and adequate provision for defraying the charge of the administration of justice, and the support of civil government in such provinces, where it shall be found necessary; and towards the further defraying the expences of defending, protecting and securing the said dominions*, we your Majesty's most dutiful and loyal subjects, the COMMONS OF GREAT-BRITAIN, *&c*. GIVE and GRANT, *&c*. as before.

Here we may observe an authority *expresly* claimed and exerted to impose duties on these colonies; not for the regulation of trade; not for the preservation[15] or promotion of a mutually beneficial intercourse between the several constituent parts of the empire, heretofore the *sole objects* of parliamentary institutions; *but for the single purpose of levying money upon us*.

This I call an † innovation; and a most dangerous innovation. It may perhaps be objected, that *Great-Britain* has a right to lay what duties she pleases upon her ‡ exports, and it makes no difference to us, whether they are paid here or there.

To this I answer. These colonies require many things for their use, which the laws of *Great-Britain* prohibit them from getting any where but from her. Such are paper and glass.

That we may legally be bound to pay any *general* duties on these commodities, relative to the regulation of trade, is granted; but we being *obliged by her laws* to take them from *Great-Britain*, any *special* duties imposed on their exportation *to* us *only*, *with intention to raise a revenue from us only*, are as much *taxes* upon us, as those imposed by the *Stamp-Act*.

What is the difference in *substance* and *right*, whether the same sum is raised upon us by the rates mentioned in the *Stamp-Act*, on the *use* of paper, or by these duties, on the *importation* of it. It is nothing but the edition of a former book, with a new title page.

Suppose the duties were made payable in *Great-Britain?*

It signifies nothing to us, whether they are to be paid here or there. Had the *Stamp-Act* directed, that all the paper should be landed at *Florida*, and the duties paid there, before it was brought to the *British* colonies, would the act have raised

less money upon us, or have been less destructive of our rights? By no means: For as we were under a necessity of using the paper, we should have been under the necessity of paying the duties. Thus, in the present case, a like *necessity* will subject us, if this act continues in force, to the payment of the duties now imposed.

WHY was the *Stamp-Act* then so pernicious to freedom? It did not enact, that every man in the colonies *should* buy a certain quantity of paper— No: It only directed, that no instrument of writing should be valid in law, if not made on stamped paper, *&c*.

The makers of that act knew full well, that the confusions that would arise from the disuse of writings, would COMPEL the colonies to use the stamped paper, and therefore to pay the taxes imposed. For this reason the *Stamp-Act* was said to be a law THAT WOULD EXECUTE ITSELF.[16] For the very same reason, the last act of parliament, if it is granted to have any force here, WILL EXECUTE ITSELF, and will be attended with the very same consequences to *American* liberty.

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† *It is worthy observation how quietly*[17] *subsidies*, *granted in forms* usual *and* accustomable *(though heavy) are borne*; *such a power hath use and custom*. *On the other side*, *what discontentments and disturbances subsidies* framed in a new mould *do raise* (SUCH AN INBRED HATRED NOVELTY DOTH HATCH*) is evident by examples of former times*.

Lord Coke*'s 2d institute*, *p*. 33.[18]

‡ *Some people*[19] *think that* Great-Britain *has the same right to impose duties on the exports to these colonies*, *as on the exports to* Spain *and* Portugal, &c. *Such persons attend so much to the idea of exportation*, *that they entirely drop* that of the connection between the mother country and her colonies. *If* Great-Britain *had always claimed*, *and exercised an authority to compel* Spain *and* Portugal *to import manufactures from her only*, *the cases would be parallel: But as she never pretended to such a right*, *they are at liberty to get them where they please*; *and if they chuse to take them from her*, *rather than from other nations*, *they voluntarily consent to pay the duties imposed on them*.

Some persons perhaps may say, that this act lays us under no necessity to pay the duties imposed, because we may ourselves manufacture the articles on which they are laid; whereas by the *Stamp-Act* no instrument of writing could be good, unless made on *British* paper, and that too stamped.

Such an objection amounts to no more than this, that the injury resulting to these colonies, from the total disuse of *British* paper and glass, will not be *so afflicting* as that which would have resulted from the total disuse of writing among them; for by that means even the *Stamp-Act* might have been eluded. Why then was it universally detested by them as slavery itself? Because it presented to these devoted provinces nothing but a choice of calamities, imbittered by indignities,[20] each of which it was unworthy of freemen to bear. But is no injury a violation of right but the *greatest* injury? If the eluding the payment of the taxes[21] imposed by the *Stamp-Act*, would have subjected us to a more dreadful inconvenience, than the eluding the

payment of those imposed by the late act; does it therefore follow, that the last is *no violation* of our rights, tho' it is calculated for the same purpose the other was, that is, *to raise money upon us*, WITHOUT OUR CONSENT?

This would be making *right* to consist, not in an exemption from *injury*, but from a certain *degree of injury*.

But the objectors may further say, that we shall suffer no injury at all by the disuse of *British* paper and glass. We might not, if we could make as much as we want. But can any man, acquainted with *America*, believe this possible? I am told there are but two or three *Glass-Houses* on this continent, and but very few *Paper-Mills*; and suppose more should be erected, a long course of years must elapse, before they can be brought to perfection. This continent is a country of planters, farmers, and fishermen; not of manufacturers. The difficulty of establishing particular manufactures in such a country, is almost insuperable. For one manufacture is connected with others in such a manner, that it may be said to be impossible to establish one or two, without establishing several others. The experience of many nations may convince us of this truth.

Inexpressible therefore must be our distresses in evading the late acts, by the disuse of *British* paper and glass. Nor will this be the extent of our misfortune, if we admit the legality of that act.

Great-Britain has prohibited the manufacturing iron and steel in these colonies, without any objection being made to her *right* of doing it.[22] The like right she must have to prohibit any other manufacture among us. Thus she is possessed of an undisputed *precedent* on that point. This authority, she will say, is founded on the *original intention* of settling these colonies; that is, that she should manufacture for them, and that they should supply her with materials. The *equity* of this policy, she will also say, has been universally acknowledged by the colonies, who never have made the least objection to statutes for that purpose; and will further appear by the *mutual benefits* flowing from this usage, ever since the settlement of these colonies.

Our great advocate, Mr. *Pitt*,[23] in his speeches on the debate concerning the repeal of the *Stamp-Act*, acknowledged, that *Great-Britain* could restrain our manufactures. His words are these—"This kingdom, as the supreme governing and legislative power, has ALWAYS bound the colonies by her regulations and RESTRICTIONS in trade, in navigation, in MANUFACTURES—in every thing, *except that of taking their money out of their pockets*, WITHOUT THEIR CONSENT." Again he says, "We may bind their trade, CONFINE THEIR MANUFACTURES, and exercise every power whatever, *except that of taking their money out of their pockets*, WITHOUT THEIR CONSENT."[24]

Here then, my dear countrymen, ROUSE yourselves, and behold the ruin hanging over your heads. If you ONCE admit,[25] that *Great-Britain* may lay duties upon her exportations to us, *for the purpose of levying money on us only*, she then will have nothing to do, but to lay those duties on the articles which she prohibits us to manufacture—and the tragedy of *American* liberty is finished. We have been

prohibited from procuring manufactures, in all cases, any where but from *Great-Britain* (excepting linens, which we are permitted to import directly from *Ireland.)*[26] We have been prohibited, in some cases, from manufacturing for ourselves; and may be prohibited in others.[27] We are therefore exactly in the situation of a city besieged, which is surrounded by the works of the besiegers in every part *but one*. If *that* is closed up, no step can be taken, *but to surrender at discretion*. If *Great-Britain* can order us to come to her for necessaries we want, and can order us to pay what taxes she pleases before we take them away, or when we land[28] them here, we are as abject slaves as *France* and *Poland* can shew in wood shoes, and with uncombed hair ‖ .

Perhaps the nature of the necessities of dependant states, caused by the policy of a governing one, for her own benefit, may be elucidated by a fact mentioned in history. When the *Carthaginians* were possessed of the island of *Sardinia*, they made a decree, that the *Sardinians* should not raise *corn*, nor get it any other way than from the *Carthaginians*. Then, by imposing any duties they would upon it, they drained from the miserable *Sardinians* any sums they pleased; and whenever that oppressed people made the least movement to assert their liberty, their tyrants starved them to death or submission. This may be called the most perfect kind of political necessity.[29]

From what has been said, I think this uncontrovertible conclusion may be deduced,[30] that when a ruling state obliges a dependant state to take certain commodities from her alone, it is implied in the nature of that obligation; is essentially requisite to give it the least degree of justice; and is inseparably united with it, in order to preserve any share of freedom to the dependant state; *that those commodities should never be loaded with duties*, FOR THE SOLE PURPOSE OF LEVYING MONEY ON THE DEPENDANT STATE.

Upon the whole,[31] the single question is, whether the parliament can legally impose duties to be paid *by the people of these colonies only*, FOR THE SOLE PURPOSE OF RAISING A REVENUE, *on commodities which she obliges us to take from her alone*; or, in other words, whether the parliament can legally take money out of our pockets, without our consent. If they can, our boasted liberty is but

Vox et prœterea nihil.[32]
A sound, and nothing else.

A FARMER.

‖ *The peasants of* France *wear wooden shoes*; *and the vassals of* Poland *are remarkable for matted hair*, *which never can be combed*.[33]

[1] The Revenue Act of 1767 (7 Geo. 3, c. 46). In the version of this letter published in the *PC*, Dec. 2–7, 1767, the opening reads: "THERE is another act of parliament, which seems to me as destructive to the liberty of these colonies, as that inserted in my last letter; that is, the act granting the duties on paper and glass, *&c*. It appears to me to be *unconstitutional*:" The letter continues from this point without a paragraph break.

[2] 12 Car. 2, c. 18 (1660): "An Act for the Encouraging and Increasing of Shipping and Navigation," known as the Navigation Act of 1660. See 7 *SAL* 452–60, at 452.
[3] Berwick (Berwick upon Tweed), is a port near the Anglo-Scottish border. Since Scottish ships were excluded from trading with the English colonies until the passage of 5 Ann., c. 8 (1706 OS): "An Act for an Union of the Two Kingdoms of England and Scotland," known as the Act of Union of 1707 (11 *SAL* 196–219), a special provision was made to include vessels from this long-contested border town.
[4] 15 Car. 2, c. 7 (1663): "An Act for the Encouragement of Trade," known as the Navigation Act of 1663. See 8 *SAL* 160–167, at 161.
[5] Vent: "To sell or vend (commodities or goods); to dispose of by sale" (*OED*).
[6] 25 Car. 2, c. 7 (1673): "An Act for the Encouragement of the Greenland and Eastland Trades, and for the Better Securing the Plantation-Trade," known as the Navigation Act of 1673. See 8 *SAL* 397–400, at 397–99.
[7] 7 & 8 Will. 3, c. 22 (1696): "An Act for Preventing Frauds, and Regulating Abuses in the Plantation Trade," known as the Navigation Act of 1696. See 9 *SAL* 428–37, at 428, 432.
[8] 6 Ann. c. 37 (1707): "An Act for the Encouragement of the Trade to America." See 11 *SAL* 433–43.
[9] 6 Geo. 2, c. 13 (1733): "An Act for the Better Securing and Encouraging the Trade of His Majesty's Sugar Colonies in America," known as the Molasses Act of 1733. See 16 *SAL* 374–79, at 374.
[10] 29 Geo. 2, c. 26 (1756): "An Act for Further Continuing an Act of the Sixth Year of the Reign of His Present Majesty, for Securing and Encouraging the Trade of His Present Majesty's Sugar Colonies in America. . . ." See 21 *SAL* 455–57.
[11] 1 Geo. 3, c. 9 (1760): "An Act to Continue an Act Made in the Sixth Year of the Reign of His Late Majesty King George the Second, Intituled, an Act for the Better Securing and Encouraging the Trade of His Majesty's Sugar Colonies in America." See 23 *SAL* 288.
[12] *PC*, Dec. 2–7, 1767: the words "regulate trade, and" are omitted.
[13] George Grenville (1712–1770) was chancellor of the exchequer and prime minister of Great Britain from 1763 to 1765.
[14] 4 Geo. 3, c. 15 (1764): "An Act for Granting Certain Duties in the British Colonies and Plantations in America . . . ," known as the Sugar Act of 1764. See 26 *SAL* 33–52, at 33.
[15] *PC*, Dec. 2–7, 1767: the word "reservation" appears in place of "preservation."
[16] The assumption that the Stamp Act would "execute itself" appeared repeatedly in discussions of the law. See Thomas Hutchinson to [Richard Jackson], June 5, [1765], in *The Correspondence of Thomas Hutchinson*, ed. John W. Tyler and Elizabeth Dubrulle, vol. 1, *1740–1766* (Boston: Colonial Society of Massachusetts, 2014), 273; Edmund Burke, "Speech on Stamp Act Disturbances," [January–February 1766], in *The Writings and Speeches of Edmund Burke*, ed. Paul Langford and William B. Todd, vol. 2, *Party, Parliament, and the American Crisis, 1766–1774* (New York: Oxford University Press, 1981), 43–45; "The Lords Protest Against the Bill to Repeal the American Stamp-Act," *PG,* May 29, 1766.
[17] *PC*, Dec. 2–7, 1767: the word "quickly" appears in place of "quietly."
[18] Sir Edward Coke (1552–1634) was one of the most influential jurists of the Elizabethan and Jacobean eras. As a judge and chief justice of the King's Bench he established numerous precedents, and his *Reports* and *Institutes* remained influential in legal thought in Great Britain and its colonies long after his death.
[19] *PC*, Dec. 2–7, 1767: the phrase "whose minds seem incapable of uniting two ideas" is inserted.
[20] In the version of this letter published in the *PC*, Dec. 2–7, 1767, the phrase "imbittered by indignities" is omitted.
[21] *PC*, Dec. 2–7, 1767: the word "duties" appears in place of "taxes."
[22] 23 Geo. 2, c. 29 (1750): "An Act to Encourage the Importation of Pig and Bar Iron from His Majesty's Colonies in America . . . ," known as the Iron Act of 1750. See 20 *SAL* 97–102.
[23] William Pitt, first earl of Chatham (1708–1778), served as prime minister of Great Britain from 1766 to 1768. He cultivated a reputation for his opposition to corruption and his support of the American colonies before the American Revolution.

[24] Pitt's speech in Parliament against the Stamp Act, Jan. 14, 1766. Excerpts of this speech appeared in the American newspapers as early as April (*PG*, April 24, 1766). The passages quoted by JD appear in *The Speech of Mr. P---*, 15, 33. From the first passage, JD omitted, before "by her Regulations," the key words "by her Laws." Only the second quotation was included in another pamphlet, *The Celebrated Speech of a Celebrated Commoner* (London: S. Austin, 1766), 18, which was evidently not JD's source.
[25] *PC*, Dec. 2–7, 1767: this passage reads: "Here then let my countrymen rouse themselves, and behold the inevitable ruin hanging over their heads, if they once admit."
[26] The act that provided this exception to British trade policy with the American colonies was 3 & 4 Ann., c. 8 (1704 OS): "An Act to Permit the Exportation of Irish Linen Cloth to the Plantations, and to Prohibit the Importation of Scotch Linen into Ireland." See 11 *SAL* 102–05.
[27] *PC*, Dec. 2–7, 1767: the final clause of this sentence is omitted.
[28] *PC*, Dec. 2–7, 1767: the word "have" appears in place of "land."
[29] Carthage occupied Sardinia from the late 6th century until 238 BC, when it came under Roman control. This story apparently originates from Pseudo-Aristotle, *De Mirabilibus Auscultationibus*, which states that Carthage destroyed Sardinia's fruit trees, not grain.
[30] *PC*, Dec. 2–7, 1767: the word "decided" appears in place of "deduced." This was a typographical error, and a correction was inserted into the following issue of the *PC*, Dec. 7–14, 1767.
[31] *PC*, Dec. 2–7, 1767: the sentence "The place of paying the duties, imposed by the late act, appears to me therefore to be totally immaterial" appears in place of the clause "Upon the whole."
[32] From Plut. *Apophth*. 69.15: "A man plucked a nightingale and finding almost no meat, said, 'It's all voice ye are, and nought else.'"
[33] In the 18th century, many European peasants wore wooden shoes or clogs. In Poland, many peasants had matted hair, called Polish plait or *plica polonica*. See Larry Wolff, *Inventing Eastern Europe: The Map of Civilization on the Mind of the Enlightenment* (Stanford, Calif.: Stanford University Press, 1994), 29–31, 182.

21
Ironicus Bombasticus, "From My Imperial Palace," *The Pennsylvania Chronicle*, December 14, 1767

This was the first of two satirical pieces by "Ironicus Bombasticus" in December 1767. This first letter disparages the Farmer, while the second (doc. 4:24, below) praises him. The publication of another letter critical of the Farmer in *The Pennsylvania Chronicle*, this time by "Frank Meanwell," in July 1768 (doc. 4:115, below), generated controversy in the Philadelphia newspapers through the end of September 1768 over the identities of Bombasticus, Meanwell, and the other authors, as well as the merits of the Farmer. This controversy soon took on a life of its own and produced responses beyond the scope of this edition. See docs. 4:129, 4:A53, 4:A54, 4:A55, and 4:A60, below.

From my IMPERIAL PALACE.

Mr. GODDARD,[1] [*No*. I][2]

PERHAPS, Sir, there is not in the whole *British* Empire, a more happy Mortal than myself, and the Means by which I have attained to this State may possibly surprize you. To begin, Sir, I have long had an ardent Desire to shine forth to the four Quarters of the Globe, in that Lustre with which I am so replete. At length

the happy Time is arrived when I may step forward to public View, and declare my Abilities to an admiring World; I say, Sir, the Time is arrived, for the horrid Barbarism which Modesty has hitherto spread over half the Globe, begins now to vanish, and Men, in native Dignity, fearless of false Censures, proclaim aloud their Worth— To Mr. *Parker*,[3] of *New-York*, and Messrs. *Hall* and *Sellers*,[4] of *Philadelphia*, I bow with becoming Thankfulness for the Precedents they have afforded me; the former in the Piece sign'd a *Monsieur*,[5] in the *New-York Gazette*, of *November* 26, and the latter in the Farmer's Letter in the *Pennsylvania Gazette*, of *December* 3.— But my Thanks must not center with the Printers only—much is due from me to the Authors for their illustrious Example, and I doubt not, Sir, but those who come after me, will pay all possible Respect to my Merit, for so early following the glorious Lead, and to you most worthy Sir, for your nobly ushering me into the World— RARA TEMPORUM[6] indeed! and I cannot sufficiently felicitate myself upon my approaching Honours; but Sir, I am impatient to begin.

Know then, Sir, that I am a Man born of noble and dignified Parents, who spared neither Pains nor Cost to teach me compleatly the Knowledge of every Avenue, which leads to that Summit of Wisdom and Literature to which I am now happily arrived. Long I shone unrival'd in all the busy Scenes of Life, which this small Corner of the Earth afforded, when tired with the trifling Eclat it procured me, conscious of my superior Worth, I flung from the rude tumultuous Throng, and sought that Happiness which must necessarily occur, when uninterrupted and alone I could contemplate my transcendent Merit. My Fortune, Sir, is immense, yet Wealth I despise as beneath my Notice; my Houshold is established and ruled in the utmost Order and Grandeur, I say unto this Servant go and he goeth, and to another come and he cometh;[7] sometimes I condescend to amuse myself with the Productions of the Learned, but so early was my Attachment to Study, and so amazingly retentive my Faculties, that I became perfectly and intimately acquainted with both sacred and profane History, therein excelling all my Contemporaries; and the chief Pursuit of my latter Studies, has been to correct the unskilful Labours of modern Writers.— The Law too I minutely entered into, and so rapid was my Progress through every Branch of that intricate Maze, that whenever my Inclination leads me to Court, to be diverted with the ignorant Harangues, of the half-learn'd Pettifoggers who flock to those filching Scenes, I return disgusted with their profound Stupidity, despise the formal Parade of their *wordy War*, and return Home to that Enjoyment which a Mind conscious of its *own* Abilities always *feels*.

Yet, Sir, I assure you, I possess one of the most benevolent Souls that ever inform'd the human Frame; my Fellow-Creatures I have the utmost Tenderness and Kindness for; early was I taught to love my Neighbour as myself, and to have the Welfare of the whole Species forever in my View, nor would I move one Atom, that would disturb the Peace of the meanest Animal on Earth.— PROVIDED NEVERTHELESS, *and be it always enacted*, that who—soever touches the sacred

Altar which is rear'd to *Liberty*, that Soul shall be excluded from the general Good-will I owe to Man; him will I persecute, whole Nations will I deluge in Blood, if they dare offer the most trifling Insult to the hallowed Pile. I'll rouse my Country to imbrue their Hands in the vital Fluid of those detested Wretches, who dare even think of offering Violence to *Liberty*— Hail, Heav'n-born Maid! Behold thy trusty Champion! Firm in thy Cause I beat the trembling Ground, and make the distant Nations hear my Tread. My glittering Lance full high I shake in Air, and look a Menace that with Awe inspires, whole Legions of those dastard Souls, which *Eastern* Islands yield.[8]

Yet tho' great is my Power, greater is my Mercy; I commit the important Matter to my trusty Senators, and give them in Charge to treat with the Offenders, with that Clemency becoming the Man, who could with one single Effort hurl Confusion round their chalky Cliffs, and crush in a Moment the insignificant crawling Reptiles to irretrievable atoms.

In short, Sir, it would be endless to give you a Detail of my Accomplishments, Power, and Perfections; but that distant Nations might know there lives on Earth a Man of such exalted Talents, thus much I have long wanted to proclaim, and, Sir, you may sum up my Character in a few Words—

That I am the ADMIRATION *of the Ladies*, *and the* ENVY *of the Men*.

I deign, Sir, to subscribe myself
Your humble Servant,
IRONICUS BOMBASTICUS.

P.S. Since writing the foregoing, I see you have publish'd the *Farmer*'s Letter in your *Chronicle*, No. 46,[9] which affords me great Joy, as I now perceive you are a Friend to Merit, and I am sure you will even unset your Press to make Room for a Man of my Figure. My great Distance from your Metropolis occasions this being so late—but neglect me at your Peril— For Types, Printers, Balls;[10] and Press, shall know one dismal Wreck, and by a horrid Crash, shall instant cease to be—

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[1] William Goddard (1740–1817) was publisher of the *PC*, which ran from 1767 to 1774.

[2] Brackets in the original.

[3] James Parker (1714–1770) was a printer and close associate of Benjamin Franklin. He published newspapers in New York, Connecticut, and New Jersey from 1743 until his death, including *The New-York Gazette; or, the Weekly Post-Boy*, in which the piece by "a monsieur" appeared. See n. 5, below.

[4] David Hall (1714–1772) and William Sellers (d. 1804) published the *PG*.

[5] *The New-York Gazette; or, the Weekly Post-Boy*, Nov. 26, 1767. The piece whose style, especially the conspicuous lack of humility, Bombasticus seems to want to imitate, is a satire about a city gentleman who moves to the country.

[6] "*Rara temporum*": Lat. "rare time." A reference to "*rara temporum felicitate ubi sentire quæ velis et quæ sentias dicere licet*": Lat. "Enjoying the rare happiness of times, when we may think what we please, and express what we think" (Tac. *Hist.* 1.1).

[7] A close paraphrase of Matt. 8:9.

[8] Likely referring to amok: "Originally and chiefly in the Indonesian archipelago and south-west India: a person (chiefly male) in a violent murderous frenzy" (*OED*).

[9] *PC*, Nov. 30–Dec. [2], 1767.
[10] Ball: "*Printing*. A small cushion, leather-covered or formed of composition, used for inking the type" (*OED*).

22
A Citizen [William Hicks*?*], "To the Farmer," *The Pennsylvania Gazette*, December 17, 1767

According to historian Carl Kaestle, this "Citizen" was William Hicks, JD's friend from his time at the Middle Temple (see doc. 1:16).[1] The tone and argument of this piece match those of subsequent essays (see docs. 4:35, 4:43, and 4:48, below) where Hicks employed this pseudonym. This letter appeared simultaneously in *The Pennsylvania Journal*.

To the FARMER.

SIR,

I AM one of those who think the public greatly obliged to you, for the useful essays with which you have favoured them, through the channel of the several weekly papers. The importance of the subject, and the manner in which you have treated it, cannot but command our attention. You have not, like most of our flimsy politicians, taken up the loose, undigested principles of the day; and, in the pursuit of your observations, suffered yourself to be diverted from the purpose of informing the minds of your readers, by the ridiculous ambition of pleasing their ears, with the laboured harmony of a polished period. You have shewed yourself perfectly acquainted with your subject, and, if one may venture to judge of the feelings of the heart from the productions of the head; you are not a little animated by the theme which you have chosen. Removed as you are from the busy scene of action, surely nothing but a natural love of liberty, and an affectionate regard for the interest of your country, could have urged you to such deep researches into the nature of our constitution; and have led you to remark, with such precision, the regular advances which have been made, from the first statutes which were framed for the regulation of our trade, down to the late alarming acts which have passed for the disposal of our property, and the restraining of our liberty. Since the first *cautious attempt* of Mr. *Dulany*, to inform the ignorant, and correct the prejudiced, the public has not been favoured with any one essay, in which there has been so much argument, and so little declamation. I have been a dabbler in politics myself, but my enquiries have been loose and desultory. Yours appear to be generously designed for the use of your country. The knowledge which you have acquired, must have cost you no small share of time and labour. You cannot devote it to a nobler purpose—"All mankind's concern is"[2]—*liberty*—Proceed then, my dear Sir, to compleat the task you have undertaken. Make us acquainted with the rights of freemen; and point out to us those pernicious attempts which may tend to their violation.— Teach us

how to distinguish between the generous glow of liberty, and the furious rage of licentiousness.— Furnish us with such instruction, as may enable us to discover the difference between the legal exercise of delegated power, and the arbitrary exertion of unlimited authority. You will, I dare say, very readily admit the necessity of lodging a *restraining power* in some part of the political body; but, at the same time, you will as reasonably remark, that this power is only to be exerted in limiting and regulating the trade and manufactures of each particular part, in such a manner as may most effectually promote the general good of the whole community.— Those who are best acquainted with our complicated system, must easily discover the necessity of placing this power somewhere. Suppose it should be conceded to the parliament of *Great-Britain*, no man, in his senses, could suppose it to be granted, but with the same reservations which we have ever annexed to the most extensive prerogatives of the crown. "*Ne quid detrimenti respublica capiat*,"[3] is the tenor of this delegated power, in whatever part of the community it may be vested.— The King has an indisputed right to use a discretionary power in proroguing and dissolving the parliament; but, whenever this prerogative may be exercised to the ruin of the nation, I hope we shall not want a *Pym*,[4] or a *Hampden*, to reduce it within its natural bounds. The idea of unlimited power is inconsistent with the genius of liberty, and we may as safely concede it to one as to five hundred; for what essential difference could be perceived by the inhabitants of *New-York*, if they had been arbitrarily stripped of their legislative power, by the single exertion of the royal prerogative, and not by the solemn formality of one oppressive act, subscribed by the whole *British* parliament?

Happy would it be for a people who anxiously cultivate the growth of liberty, if any refinement in political knowledge could enable them to frame laws, so applicable and equal to every emergency, as to remove the necessity of lodging a *discretionary power* in the breast of any individual: But since the imperfection of human wisdom will not admit of such a refinement, we can only exert our utmost endeavours, in every delegation of our natural power, to guard, by the most prudent reservations, every such concession from those ill consequences which may possibly follow an arbitrary exertion of this necessary, yet dangerous authority. From you, Sir, we may now very reasonably expect (as your abilities appear quite equal to the task) that you will kindly communicate to us that intelligence we so much require. Our future happiness and tranquility, in a great measure, depend upon our being able to determine, with the most exact, political precision, the constitutional extent of parliamentary power—upon our having sufficient information to discover when those, who have arrogated to themselves this disputed authority, are framing a *reasonable regulation*, or meditating an act of *oppressive restraint*. The light which you have already thrown upon a subject so important and interesting to every colonist, flatters me with a hope, that, in the continuation of your essays, you will teach us to make those distinctions, without which we can neither reason properly,

nor act consistently. As you have already raised our expectations, it is become a duty in you to gratify them; and if any thing should discourage you from prosecuting the task you have undertaken, you will very deservedly meet with the reproaches of the public, as well as those of

Your very humble Servant,
A CITIZEN.[5]

Philadelphia, *Dec*. 14.

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[1] Kaestle, "Public Reaction," 354.

[2] A paraphrase of "In Faith and Hope the world will disagree, / but all Mankind's concern is Charity" (Pope, "An Essay on Man," in *Works*, 3:118).

[3] "*Ne quid detrimenti respublica capiat*": Lat. "Let the republic suffer no harm" (Sall. *Cat.* 29). It was contained in the formula for what is now called the *senatus consultum ultimum*: Lat. ultimate decree of the Senate. This decree authorized magistrates to take all necessary measures to defend the state, including extrajudicial violence against public enemies (*OCD*).

[4] John Pym (1584–1643) was a Puritan politician and leader of Parliamentary resistance against Charles I in the early phases of the English Civil War (1642–51).

[5] Originally from New York, William Hicks (1735–1772) moved to Philadelphia and was admitted to practice as an attorney before the Pennsylvania Supreme Court in 1768. In 1770, he was appointed prothonotary, clerk of the Orphans' Court, recorder of deeds, and a justice for Bucks Co., Pa.

23
A Farmer [JD], "Letters from a Farmer in Pennsylvania. Letter III," *The Pennsylvania Gazette*, December 17, 1767

LETTERS from a FARMER *in* PENNSYLVANIA, *to the Inhabitants of the* BRITISH COLONIES.

LETTER III.

Beloved Countrymen,

I REJOICE to find, that my two former letters to you, have been generally received with so much favour by such of you, whose sentiments I have had an opportunity of knowing. Could you look into my heart, you would instantly perceive an ardent affection for your persons, a zealous attachment to your interests, a lively resentment of every insult and injury offered to your honour or happiness, and an inflexible resolution to assert your rights, to the utmost of my weak power, to be the only motives that have engaged me to address you.

I am no further concerned in any thing affecting *America*, than any one of you; and when liberty leaves it, I can quit it much more conveniently than most of you: But while Divine Providence, that gave me existence in a land of freedom, permits my head to think, my lips to speak, and my hand to move, I shall so highly and gratefully value the blessing received, as to take care, that my silence and inactivity shall not give my implied assent to any act, degrading my brethren and myself from the birthright, wherewith heaven itself "*hath made us free* * ."

Sorry I am to learn, that there are some few persons, who shake their heads with

solemn motion, and pretend to wonder, what can be the meaning of these letters. "*Great-Britain*," they say, "is too powerful to contend with; she is determined to oppress us; it is in vain to speak of right on one side, when there is power on the other; when we are strong enough to resist, we shall attempt it; but now we are not strong enough, and therefore we had better be quiet; it signifies nothing to convince us that our rights are invaded, when we cannot defend them; and if we should get into riots and tumults about the late act, it will only draw down heavier displeasure upon us."

What can such men design? What do their grave observations amount to, but this—"that these colonies, totally regardless of their liberties, should commit them, with humble resignation, to *chance*, *time*, and the tender mercies of *ministers*."

Are these men ignorant, that usurpations, which might have been successfully opposed at first, acquire strength by continuance, and thus become irresistible? Do they condemn the conduct of these colonies, concerning the *Stamp-Act?* Or have they forgot its successful issue? Ought the colonies at that time, instead of acting as they did, to have trusted for relief, to the fortuitous events of futurity? If it is needless "to speak of rights" now, it was as needless then. If the behaviour of the colonies was prudent and glorious then, and successful too; it will be equally prudent and glorious to act in the same manner now, if our rights are equally invaded, and may be as successful. Therefore it becomes necessary to enquire, whether "our rights *are* invaded." To talk of "defending" them, as if they could be no otherwise "defended" than by arms, is as much out of the way, as if a man having a choice of several roads to reach his journey's end, should prefer the worst, for no other reason, but because it *is* the worst.

As to "riots and tumults," the gentlemen who are so apprehensive of them, are much mistaken, if they think, that grievances cannot be redressed without such assistance.

I will now tell the gentlemen, what is "the meaning of these letters." The meaning of them is, to convince the people of these colonies, that they are at this moment exposed to the most imminent dangers; and to persuade them immediately, vigorously, and unanimously, to exert themselves, in the most firm, but most peaceable manner, for obtaining relief.

The cause of liberty is a cause of too much dignity, to be sullied by turbulence and tumult. It ought to be maintained in a manner suitable to her nature. Those who engage in it should breathe a sedate, yet fervent spirit, animating them to actions of prudence, justice, modesty, bravery, humanity and magnanimity.[1]

To such a wonderful degree were the ancient *Spartans*, as brave and free a people as ever existed, inspired by this happy temperature of soul, that rejecting even in their battles the use of trumpets, and other instruments for exciting heat and rage, they marched up to scenes of havock and horror † , with the sound of flutes, to the tunes of which their steps kept pace—"exhibiting," as *Plutarch* says, "at once a terrible and delightful sight, and proceeding with a deliberate valour, full of hope and good assurance, as if some divinity had sensibly assisted them."

I hope, my dear countrymen, that you will, in every colony, be upon your guard against those, who may at any time endeavour to stir you up, under pretences of patriotism, to any measures, disrespectful to our Sovereign and our mother country. Hot, rash, disorderly proceedings, injure the reputation of a people, as to wisdom, valour and virtue, without procuring them the least benefit. I pray GOD, that he may be pleased to inspire you and your posterity, to the latest ages, with that spirit of which I have an idea, but find a difficulty to express. To express it in the best manner I can, I mean a spirit, that shall so guide you, that it will be impossible to determine whether an *American*'s character is most distinguishable, for his loyalty to his Sovereign, his duty to his mother country; his love of freedom, or his affection for his native soil.

Every government at some time or other falls into wrong measures. These may proceed from mistake or passion. But every such measure does not dissolve the obligation between the governors and the governed. The mistake may be corrected; the passion may pass over. It is the duty of the governed to endeavour to rectify the mistake, and to appease the passion. They have not at first any other right, than to represent their grievances, and to pray for redress, unless an emergence is so pressing, as not to allow time for receiving an answer to their applications, which rarely happens. If their applications are disregarded, then that kind of *opposition* becomes justifiable, which can be made without breaking the laws, or disturbing the public peace. This consists in the *prevention of the oppressors reaping advantage from their oppressions*, and not in their punishment. For experience may teach them, what reason did not; and harsh methods cannot be proper, till milder ones have failed.

If at length it becomes UNDOUBTED, that an inveterate resolution is formed to annihilate the liberties of the governed, the

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* GAL. v. 1.

† Plutarch *in the life of* Lycurgus, *Archbishop* Potter'*s Archæologia Græca.*[2]

English history affords frequent examples of resistance by force. What particular circumstances will in any future case justify such resistance, can never be ascertained, till they happen. Perhaps it may be allowable to say generally, that it never can be justifiable, until the people are FULLY CONVINCED, that any further submission will be destructive to their happiness.

When the appeal is made to the sword, highly probable is it, that the punishment will exceed the offence; and the calamities attending on war out-weigh those preceding it. These considerations of justice and prudence, will always have great influence with good and wise men.

To these reflections, on this subject, it remains to be added, and ought for ever to be remembered, that resistance, in the case of colonies against their mother

country, is extremely different from the resistance of a people against their prince. A nation may change their king, or race of kings, and, retaining their ancient form of government, be gainers by changing. Thus *Great-Britain*, under the illustrious house of *Brunswick*, a house that seems to flourish for the happiness of mankind, has found a felicity, unknown in the reigns of the *Stewarts*. But if once *we* are separated from our mother country, what new form of government shall we adopt,[3] or where shall we find another *Britain*, to supply our loss? Torn from the body, to which we are united by religion, liberty, laws, affections, relation, language and commerce, we must bleed at every vein.

In truth—the prosperity of these provinces is founded in their dependance on *Great-Britain*; and when she returns to her "old good humour, and her old good nature," as Lord *Clarendon*[4] expresses it, I hope they will always think it their duty and interest, as it most certainly will be, to promote her welfare by all the means in their power.

We cannot act with too much caution in our disputes. Anger produces anger; and differences, that might be accommodated by kind and respectful behaviour, may, by imprudence, be enlarged to an incurable rage. In quarrels between countries, as well as in those between individuals, when they have risen to a certain height, the first cause of dissension is no longer remembered, the minds of the parties being wholly engaged in recollecting and resenting the mutual expressions of their dislike. When feuds have reached that fatal point, all considerations of reason and equity vanish; and a blind fury governs, or rather confounds all things. A people no longer regards their interest, but the gratification of their wrath. The sway of the ‡ *Cleons* and *Clodius*'s, the designing and detestable flatterers of the prevailing passion, becomes confirmed. Wise and good men in vain oppose the storm, and may think themselves fortunate, if, in attempting to preserve their ungrateful fellow citizens, they do not ruin themselves. Their *prudence* will be called *baseness*; their *moderation guilt*; and if their virtue does not lead them to destruction, as that of many other great and excellent persons has done, they may survive to receive from their expiring country the mournful glory of her acknowledgment, that their counsels, if regarded, would have saved her.

The constitutional modes of obtaining relief, are those which I wish to see pursued on the present occasion; that is, by petitions of our assemblies, or where they are not permitted to meet, of the people, to the powers that can afford us relief.

We have an excellent prince, in whose good dispositions towards us we may confide. We have a generous, sensible and humane nation, to whom we may apply. They may be deceived. They may, by artful men, be provoked to anger against us. I cannot believe they will be cruel or unjust; or that their anger will be implacable. Let us behave like dutiful children, who have received unmerited blows from a beloved parent.[5] Let us complain to our parent; but let our complaints speak at the same time the language of affliction and veneration.

If, however, it shall happen, by an unfortunate course of affairs, that our

applications to his Majesty and the parliament for redress, prove ineffectual, let us THEN take *another step*, by withholding from *Great-Britain* all the advantages she has been used to receive from us. THEN let us try, if our ingenuity, industry, and frugality, will not give weight to our remonstrances. Let us all be united with one spirit, in one cause. Let us invent—let us work—let us save—let us, at the same time, keep up our claim, and incessantly repeat our complaints— But, above all, let us implore the protection of that infinitely good and gracious being, ‖ "by whom kings reign, and princes decree justice."

Nil desperandum.[6]
Nothing is to be despaired of.

A FARMER.

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‡ Cleon *was a popular firebrand of* Athens, *and* Clodius *of* Rome; *each of whom plunged his country into the deepest calamities*.[7]

‖ PROV. viii. 15.[8]

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[1] Josiah Quincy, Jr. (1744–1775), quoted this paragraph in the opening statement in his defense of Capt. Thomas Preston in the Boston Massacre trial. See "Josiah Quincy's Opening for the Defense, 29 November 1770," in *LPJA*, 3:158–69, at 164–65.

[2] A paraphrase of John Potter's citation of Plut. *Vit. Lyc*. 22.3 in *Archæologia Græca: Or, the Antiquities of Greece*, 3rd ed. (London: S. and J. Sprint et al., 1715), 2:83–84. JD owned this edition of Potter's popular work. This note is omitted in *PC*, Dec. 7–14, 1767.

[3] *PC*, Dec. 7–14, 1767: the word "accept" appears in place of "adopt."

[4] Edward Hyde, first earl of Clarendon (1609–1674). JD is paraphrasing a remark from Clarendon's speech delivered to the House of Lords on Sept. 13, 1660. See *Journals of the House of Lords*, vol. 11 [1660–1666]: 174.

[5] JD used this same metaphor in his 1765 pamphlet *Late Regulations* (doc. 3:93), writing of the colonists that "YET still their resentment is but the resentment of dutiful children, who have received unmerited blows from a beloved parent."

[6] Hor. *Carm*. 1.7.27.

[7] Cleon (d. 422 BC) was an Athenian politician who led the democratic faction. Publius Clodius Pulcher (c. 92–52 BC) was a Roman politician, leader of the popular faction, and enemy of the orator Marcus Tullius Cicero (106–43 BC). He was known for intimidating opponents with armed gangs.

[8] *PC*, Dec. 7–14, 1767: this note is omitted.

24
Ironicus Bombasticus, "From the Harbour of Conviction—No Longer My Imperial Palace," *The Pennsylvania Chronicle*, December 21, 1767

From the HARBOUR *of* CONVICTION—*no longer my* IMPERIAL PALACE.

To the FARMER. [*No*. II.][1]

AS nothing sooner betrays a weak Understanding than supporting a bad Argument when convinced of its Impropriety, so nothing more effectually discovers a great

Mind than acknowledging an Error.— Thus, most worthy Sir, consistent with the Dignity I profess, (tho' I declare myself as absolutely ignorant of your real Name, as you are, and ever will be of mine) I declare to the World without a Blush, that I have unjustly thrown out some innuendine Reflections on your Merit; and if I have sarcastically touch'd too near, I humbly ask your Pardon.— No Man more earnestly adores the Professors of Liberty than I do; and I sincerely assure you I admire both your Arguments and your Plan.— My Piece *No. I.*[2] was hasty and ill-judged;—I only play'd with the Introduction of your first Letter in the wanton frolic of a scribbling Humour, and could I have recalled it on the Publication of your second[3] (which convinced me of the Justice of the Cause you have espoused) the World had never seen the Name of

IRONICUS BOMBASTICUS.

Mr. GODDARD,

Tho' I have descended to be just—I'm not bereav'd of my Power—Destruction awaits you, if Admittance is refused.

[1] Brackets in the original.

[2] Doc. 4:21, above.

[3] First published in the *PC*, Dec. 2–7, 1767, and in the *PG*, Dec. 10, 1767. See doc. 4:20, above.

25
A Farmer [JD], "Letters from a Farmer in Pennsylvania. Letter IV," *The Pennsylvania Gazette*, December 24, 1767

LETTERS from a FARMER *in* PENNSYLVANIA, *to the Inhabitants of the* BRITISH COLONIES.

LETTER IV.

Beloved Countrymen,

AN objection, I hear, has been made against what I offered in my second letter, which I would willingly clear up before I proceed. "There is," say these objectors, "a material difference between the *Stamp-Act* and the *late act* for laying a duty on paper, *&c*.[1] that justifies the conduct of those who opposed the former, and yet are willing to submit to the latter. The duties imposed by the *Stamp-Act* were *internal* taxes; but the present are *external*, and therefore the parliament may have a right to impose them."

To this I answer, with a total denial of the power of parliament to lay upon these colonies any "*tax*" whatever.

This point, being so important to this, and to succeeding generations, I wish to be clearly understood.

To the word "*tax*," I annex that meaning which the constitution and history of *England* require to be annexed to it; that is—that it is an imposition on the subject, for the sole purpose of levying money.

In the early ages of our monarchy, certain services were rendered to the crown for the general good. These were personal * : But, in process of time, such institutions being found inconvenient, *gifts* and *grants* of their own property were made by the people, under the several names of aids, tallages,[2] tasks, taxes and subsidies, *&c*. These were made, as may be collected even from the names, for public service upon "need and necessity † ." All these sums were levied upon the people by virtue of their voluntary gift ‡ . Their design was to support the national honour and interest. Some of those grants comprehended duties arising from trade; being imposts[3] on merchandizes. These Lord Chief Justice *Coke* classes under "subsidies," and "parliamentary aids."[4] They are also called "customs." But whatever the *name* was, they were always considered as *gifts of the people to the crown*, *to be employed for public uses*.

Commerce was at a low ebb, and surprizing instances might be produced how little it was attended to for a succession of ages. The terms that have been mentioned, and, among the rest, that of "tax," had obtained a national, parliamentary meaning, drawn from the principles of the constitution, long before any *Englishman* thought of *regulations of trade*, *by the imposition of duties*.

Whenever we speak of "taxes" among *Englishmen*, let us therefore speak of them with reference to the *intentions* with which, and the *principles* on which they have been established. This will give certainty to our expression, and safety to our conduct: But if, when we have in view the liberty of these colonies, and the influence of taxes laid without our consent, we proceed in any other course, we pursue a *Juno* ‖ indeed, but shall only catch a cloud.

In the national, parliamentary sense insisted on, the word "tax § " was certainly understood by the congress at *New-York*, whose resolves[5] may be said to form the *American* "bill of rights."[6]

The third, fourth, fifth, and sixth resolves, are thus expressed.

III. "That it is *inseparably essential to the freedom of a people*, and the *undoubted right* of *Englishmen*, that[7] NO TAX be imposed on them, *but with their own consent*, given personally, or by their representatives."

IV. "That the people of the colonies, are not, and, from their local circumstances, cannot be represented in the house of commons in *Great-Britain*."

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* *It is very worthy of remark, how watchful our wise ancestors were, lest their* services *should be encreased beyond what the law allowed. No man was bound to go out of the realm to serve the King. Therefore, even in the conquering reign of* Henry the Fifth,[8] *when the martial spirit of the nation was highly enflamed by the heroic courage of their Prince, and by his great success, they still carefully guarded against the establishment of illegal services.*[9] "*When this point (says Lord Chief Justice* Coke) *concerning maintenance of wars out of* England, *came in question, the* COMMONS *did make their* continual claim *of their* antient freedom *and* birthright, *as in the first of* Henry the Fifth, *and in the seventh of* Henry the Fifth, *&c. the* COMMONS *made a* PROTEST, *that they were not bound to the maintenance of war in* Scotland, Ireland, Calice,[10] France, Normandy, *or other* foreign *parts, and caused*

their PROTESTS *to be entered into the parliament rolls*, *where they yet remain*; *which*, *in effect*, *agreeth with that which*, *upon like occasion*, *was made in the parliament of* 25*th* Edward I."[11] 2*d Inst*. *p*. 528.[12]

† 4*th Inst*. *p*. 28.[13]

‡ Reges *Angliæ*, nihil tale, nisi convocatis primis ordinibus, et assentiente populo suscipiunt. *Phil. Comines*.[14]

These gifts entirely depending on the pleasure of the donors, *were proportioned to the abilities of the several ranks of people who gave*, *and were regulated by* their *opinion of the public necessities*. *Thus* Edward I. *had in his* 11*th year a* thirtieth *from the* laity, *a* twentieth *from the* clergy; *in his* 22*d year a* tenth *from the* laity, *a* sixth *from* London, *and other corporate towns*, half of their benefices *from the* clergy; *in his* 23*d year an* eleventh *from the* barons *and others*, *a* tenth *from the* clergy, *a* seventh *from the* burgesses, &c.

Hume's Hist. of England.[15]

The same difference in the grants of the several ranks is observable in other reigns.

In the famous statute de tallagio non concedendo, *the king enumerates the several* classes, *without whose consent*, *he and his heirs never should set or levy any tax*—"nullum tallagium, vel auxilium per nos, vel hæredes nostros in regno nostro ponatur seu levetur, sine voluntate et assensu archiepiscoporum, episcoporum, comitum, baronum, militum, burgensium, et aliorum liberorum com. de regno nostro." 34*th* Edward I.[16]

Lord Chief Justice Coke, *in his comment on these words*, *says*—"*for the quietting of the* commons, *and for a* perpetual and constant law for ever after, *both in this* AND OTHER LIKE CASES, *this act was made*." "*These words are* plain, WITHOUT ANY SCRUPLE, absolute, WITHOUT ANY SAVING." 2*d* Coke's *Inst*. *p*. 532, 533.[17] *Little did the venerable judge imagine*, *that* "other LIKE cases" *would happen*, *in which the spirit of this law would be despised by* Englishmen, *the posterity of those who made it*.

‖ *The Goddess of* Empire, *in the Heathen Mythology*; *according to an ancient fable*, Ixion *pursued her*, *but she escaped in a cloud*.[18]

§ *In this sense* Montesquieu[19] *uses the word* "*tax*," *in his* 13*th book of* Spirit of Laws.

V. "That the only representatives of the people of the colonies, are the persons chosen therein by themselves; and that NO TAXES ever have been, or can be constitutionally imposed on them, but by their respective legislatures."

VI. "That ALL *supplies to the crown*, being free gifts of the people, it is *unreasonable*, *and inconsistent with the principles and spirit of the* British *constitution*, for the people of *Great-Britain* to grant to his Majesty *the property of the colonies*."

Here is no distinction made between *internal* and *external* taxes. It is evident from the short reasoning thrown into these resolves, that every imposition "to grant to his Majesty *the property of the colonies*," was thought a tax; and that every such imposition, if laid any other way, but "with their consent, given personally, or by their representatives," was not only "unreasonable, and inconsistent with the principles and spirit of the *British* constitution," but destructive "to the freedom of a people."

This language is clear and important. A "TAX" means an imposition to

raise money. Such persons therefore as speak of *internal* and *external* "TAXES," I pray may pardon me, if I object to that expression, as applied to the privileges and interests of these colonies. There may be *internal* and *external* IMPOSITIONS, founded on *different principles*, and having *different tendencies*; every "tax" being an imposition, tho' every imposition is not a "tax." But *all taxes* are founded on the *same principle*; and have the *same tendency*.

External impositions, for the regulation of our trade, do not "grant to his Majesty *the property of the colonies*." They only *prevent the colonies acquiring property*, in things not necessary, in a manner judged to be injurious to the welfare of the whole empire. But the last statute respecting us, "grants to his Majesty *the property of the colonies*," by laying duties on the manufactures of *Great-Britain* which they MUST take, and which she settled them, on purpose that they SHOULD take.

What * *tax* can be more *internal* than this? Here is money drawn, *without their consent*, from a society, who have constantly enjoyed a constitutional mode of raising all money among themselves. The payment of this *tax* they have no possible method of avoiding; as they cannot do without the commodities on which it is laid, and they cannot manufacture these commodities themselves. Besides, if this unhappy country should be so lucky as to elude this act, by getting parchment enough, in the place of paper, or by reviving the antient method of writing on *wax* and *bark*, and by inventing something to serve instead of glass, her ingenuity would stand her in little stead; for then the parliament would have nothing to do but to prohibit such manufactures, or to lay a tax on *hats* and *woollen cloths*, which they have already prohibited the colonies *from supplying each other with*,[20] or on instruments and tools of *steel* and *iron*, which they have prohibited the provincials *from manufacturing at all* † : And then,

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* *It seems to be evident*, *that Mr.* Pitt, *in his defence of* America, *during the debate concerning the repeal of the Stamp-act*, *by* "internal *taxes*," *meant any duties* "*for the purpose of raising a revenue*;" *and by* "external *taxes*," *meant* "*duties imposed for the regulation of trade*." *His expressions are these*—"*If the gentleman does not understand the difference between* internal *and* external *taxes*, *I cannot help it*; *but there is a plain distinction between taxes levied* FOR THE PURPOSES OF RAISING A REVENUE, *and duties imposed* FOR THE REGULATIONS OF TRADE, *for the accommodation of the subject*; *altho'*, *in the consequences*, *some revenue might incidentally arise from the latter*."

These words were in Mr. Pitt's *reply to Mr.* Grenville, *who said he could not understand the difference between external and internal taxes*. *But Mr.* Pitt, *in his first speech*, *had made no such distinction*; *and his meaning*, *when he mentions the distinction*, *appears to be—that by* "external *taxes*," *he intended impositions*, *for the purpose of regulating the intercourse of the colonies with others*; *and by* "internal *taxes*," *he intended impositions*, *for the purpose of taking money* from them.

In every other part of his speeches on that occasion, *his words confirm this construction of his expressions. The following extracts will shew how positive and general were his assertions of our right*.

"*It is my opinion that this kingdom has* NO RIGHT *to lay* A TAX *upon the colonies*."—

"*The* Americans *are the* SONS, *not the* BASTARDS *of* England. TAXATION *is* NO PART *of the* governing *or* legislative *power*."— "*The* taxes *are a voluntary* gift *and* grant *of the* commons ALONE. *In* LEGISLATION *the* THREE *estates of the realm are* ALIKE *concerned*, *but the concurrence of the* PEERS *and the* CROWN *to a* TAX, *is only necessary to close*[21] *with the* FORM *of a law*. *The* GIFT and GRANT *is of the* COMMONS ALONE."— "The distinction between LEGISLATION and TAXATION is essentially necessary to liberty."— "*The* COMMONS *of* America, *represented in their several assemblies*, *have ever been in possession of the exercise of this*, *their constitutional right*, *of* GIVING *and* GRANTING *their* OWN MONEY. They would have been SLAVES, if they had not enjoyed it." "*The idea of a* virtual *representation of* America *in this house*, *is the most contemptible idea that ever entered into the head of man*.— *It does not deserve a serious refutation*."

He afterwards shews the unreasonableness of Great-Britain *taxing* America, *thus*— "*When I had the honour of serving his Majesty*, *I availed myself of the means of information*, *which I derived from my office:* I SPEAK THEREFORE FROM KNOWLEDGE. *My materials were good*. *I was at pains to* collect, *to* digest, *to* consider *them*; *and* I will be bold to affirm, *that the profit to* Great-Britain *from the trade of the colonies*, *through all its branches*, *is* TWO MILLIONS A YEAR. This *is the fund that carried you triumphantly through the last war*.[22] *The estates that were rented at two thousand pounds a year*, *threescore years ago*, *are at three thousand pounds at present*. *Those estates sold then from fifteen to eighteen years purchase*; *the same may now be sold for thirty.* YOU OWE THIS TO AMERICA. THIS IS THE PRICE THAT AMERICA PAYS YOU FOR HER PROTECTION."— "*I dare not say how much higher these profits may be augmented*."— "*Upon the whole*, *I will beg leave to tell the house what is really my opinion*; *it is*, *that the Stamp-act be repealed absolutely*, *totally*, *and immediately*. *That the reason for the repeal be assigned*, *because it was founded on an* ERRONEOUS PRINCIPLE."[23]

† "*And that* pig *and* bar iron, *made in his Majesty's colonies in* America, *may be* FURTHER MANUFACTURED IN THIS KINGDOM, *be it further enacted by the authority aforesaid*, *that from and after the twenty-fourth day of* June, 1750, *no* mill, *or* other engine, *for* slitting *or* rolling *of* iron, *or any* plating forge, *to work with a* tilt hammer, *or any* furnace *for* making steel, *shall be erected*; *or*, *after such erection*, *continued* IN ANY OF HIS MAJESTY'*s* COLONIES IN AMERICA." 23*d* George II. *Chap*. 29, *Sect*. 9.[24]

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what little gold and silver they have, must be torn from their hands, or they will not be able, in a short time, to get an ax ‡ , for cutting their firewood, nor a plough, for raising their food. In what respect, therefore, I beg leave to ask, is the late act preferable to the Stamp-act, or more consistent with the liberties of the colonies? For my own part, I regard them both with equal apprehension; and think they ought to be in the same manner opposed.

Habemus quidem senatus consultum,—*tanquam gladium in vagina repositum*.[25]

We have a statute, laid up for future use, like a sword in the scabbard.[26]

A FARMER.

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‡ *Tho' these particulars are mentioned as being absolutely necessary*, *yet perhaps they are not more so than glass in our severe winters*, *to keep out the cold from our houses*; *or than paper*, *without which such inexpressible confusions must ensue*.

[1] The Revenue Act of 1767.
[2] Tallage: "Originally, in English History: an arbitrary tax levied by Norman and early Angevin kings upon the towns and the demesne lands of the Crown. Hence: a tax levied upon feudal dependants by their superiors. Also, by extension: a municipal rate; a toll or customs duty; a grant, levy, imposition, aid" (*OED*).
[3] *PC*, Dec. 14–21, 1767: the word "imports" appears in place of "imposts."
[4] 4 Coke, *Institutes* 28.
[5] Referring to the Stamp Act Congress. See doc. 3:88, n. 1.
[6] *PC*, Dec. 14–21, 1767: the following sentence is added: "I am satisfied that the congress was of opinion, *that no impositions could be legally laid on the people of these colonies*, *for the purpose of levying money*, but by themselves or their representatives."
[7] JD includes the following note at this point in the first pamphlet edition of the *Farmer's Letters*: "The rough draught of the resolves of the congress at *New-York* are now in my hands, and from some notes on that draught, and other particular reasons, I am satisfied, that the congress understood the word 'tax' in the sense here contended for." *Letters from a Farmer in Pennsylvania, to the Inhabitants of the British Colonies* (Philadelphia: D. Hall and W. Sellers, 1768), 20.
[8] Henry V (1386–1422) reigned as king of England from 1413 until his death. His reign was marked by a series of military campaigns in France, a phase of the broader dynastic struggle between England and France known as the Hundred Years' War (1337–1453).
[9] *PC*, Dec. 14–21, 1767: this sentence reads: "*and therefore even in the conquering reign of* Henry 5*th*, *when the martial spirit of the nation was inflamed by success to a great degree*, *they still carefully guarded against the establishment of illegal services*."
[10] That is, the port of Calais in northern France.
[11] Edward I (1239–1307) reigned as king of England from 1272 until his death. In 1297, he launched an expedition to Flanders, a campaign in the Anglo-French War (1294–1303). This action, taken in conjunction with an ongoing war with Scotland, precipitated a constitutional crisis. To prevent civil war and secure additional revenue for his military campaigns, Edward I issued the *Confirmatio Cartarum*, confirming Magna Carta and the Charter of the Forest.
[12] 2 Coke, *Institutes* 528.
[13] 4 Coke, *Institutes* 28.
[14] "*Reges Angliæ nihil tale, nisi convocatis primis ordinibus, & assentiente populo, suscipiunt*": Lat. "The kings of England undertake nothing without having assembled the first orders and the assent of the people." Philippe de Commynes (1447–1511), a French diplomat and historian, is quoted in 4 Coke, *Institutes* 28.
[15] Hume, *History*, 2:124–25. David Hume (1711–1776) was a Scottish philosopher and historian, known for his *Treatise of Human Nature* (1739–40), *Enquiry Concerning Human Understanding* (1748), and *History of England* (1754–62).
[16] *De Tallagio non Concedendo*: Lat. "Of not allowing talliage. The name given to the statutes 25 and 34 Edw. I., restricting the power of the king to grant talliage" (*BLD*). 34 Edw. 1, stat. 4, c. 1 (1306): "The King or His Heirs Shall Have No Tallage or Aid without Consent of Parliament." The text of the statute reads: "No Tallage or Aid shall be taken or levied by us or our Heirs in our Realm, without the good Will and Assent of Archbishops, Bishops, Earls, Barons, Knights, Burgesses, and other Freemen of the Land" (1 *SAL* 319). This law is also cited as 25 Edw. 1, reflecting the ambiguity of Edward I's concessions in 1297.
[17] Emphasis JD's. In the *PC*, Dec. 14–21, 1767: this citation is incorrectly listed as pp. 522, 523.
[18] Pind. *Pyth.* 2.
[19] Charles Louis de Secondat, baron de Montesquieu (1689–1755), was a French political philosopher best known for his 1748 book, *De l'esprit des loix* (Fr.: *The Spirit of the Laws*), and his advocacy for the separation of powers.
[20] 10 & 11 Will. 3, c. 10 (1699): "An Act to Prevent the Exportation of Wooll Out of the Kingdom of

Ireland and England into Foreign Parts . . . ," known as the Wool Act of 1699. See 10 *SAL* 249–57.
[21] This word should have been "clothe." See *The Speech of Mr. P---*, 12.
[22] The French and Indian War.
[23] *The Speech of Mr. P---*, 12–15, 27–28, 33. In the *PC*, Dec. 14–21, 1767: this note is omitted. It appears as an addition in the *PC*, Dec. 21–28, 1767, where the editors explain that "it came to hand too late to be inserted in its proper place."
[24] The Iron Act of 1750. See 20 *SAL* 97–102, at 99–100.
[25] An altered version of Cic. *Cat*. 1.4 from 2 Coke, *Institutes* 28. Note that p. 28 is incorrectly labeled p. 38 in some copies of 2 Coke, *Institutes*.
[26] *PC*, Dec. 14–21, 1767: the translation reads: "We have a statute like a sword in the scabboard."

26
A Farmer [JD], "Letters from a Farmer in Pennsylvania. Letter V," *The Pennsylvania Gazette*, December 31, 1767

In this letter, JD reused quotations from political economists that he had first employed in his 1765 essay, *The Late Regulations Respecting the British Colonies on the Continent of America Considered in a Letter from a Gentleman in Philadelphia to his Friend in London* (doc. 3:93).

LETTERS from a FARMER *in* PENNSYLVANIA, *to the Inhabitants of the* BRITISH COLONIES.

LETTER V.

Beloved Countrymen,

PERHAPS the objection to the late act, imposing duties upon paper, *&c*. might have been safely rested on the argument drawn from the universal conduct of parliaments and ministers, from the first existence of these colonies, to the administration of Mr. *Greenville*.[1]

What but the indisputable, the acknowledged exclusive right of the colonies to tax themselves, could be the reason, that in this long period of more than one hundred and fifty years, no statute was ever passed for the sole purpose of raising a revenue on the colonies? And how clear, how cogent must that reason be, to which every parliament, and every minister, for so long a time submitted, without a single attempt to innovate?

England, in part of that course of years, and *Great-Britain*, in other parts, was engaged in several fierce and expensive wars; troubled with some tumultuous and bold parliaments; governed by many daring and wicked ministers; yet none of them ever ventured to touch the *Palladium* of *American* liberty. Ambition, avarice, faction, tyranny, all revered it. Whenever it was necessary to raise money on the colonies, the requisitions of the crown were made, and dutifully complied with. The parliament, from time to time, regulated their trade, and that of the rest of the empire, to preserve their dependence, and the connection of the whole in good order.

The people of *Great-Britain*, in support of their privileges, boast much of their

antiquity. It is true they are antient;[2] yet it may well be questioned, if there is a single privilege of a *British* subject, supported by longer, more solemn, or more uninterrupted testimony, than the exclusive right of taxation in these colonies. The people of *Great-Britain* consider that kingdom as the sovereign of these colonies, and would now annex to that sovereignty a prerogative never heard of before. How would they bear this, was the case their own? What would they think of a *new* prerogative claimed by the crown? We may guess what their conduct would be, from the transports of passion into which they fell about the late embargo, tho' laid to relieve the most emergent necessities of state, admitting of no delay; and for which there were numerous precedents.[3] Let our liberties be treated with the same tenderness, and it is all we desire.

Explicit as the conduct of parliaments, for so many ages, is, to prove that no money can be levied on these colonies by parliament, for the purpose of raising a revenue, yet it is not the only evidence in our favour.

Every one of the most material arguments against the legality of the *Stamp-Act*, operates with equal force against the act now objected to; but as they are well known, it seems unnecessary to repeat them here.

This general one only shall be considered at present: That though these colonies are dependent on *Great-Britain*; and though she has a legal power to make laws for preserving that dependence; yet it is not necessary for this purpose, nor essential to the relation between a mother country and her colonies, as was eagerly contended by the advocates for the *Stamp-Act*, that she should raise money on them without their consent.

Colonies were formerly planted by warlike nations, to keep their enemies in awe; to relieve their country overburthened with inhabitants; or to discharge a number of discontented and troublesome citizens. But in more modern ages, the spirit of violence being, in some measure, if the expression may be allowed, sheathed in commerce, colonies have been settled by the nations of *Europe* for the purposes of trade. These purposes were to be attained, by the colonies raising for their mother country those things which she did not produce herself; and by supplying themselves from her with things they wanted. These were the *national objects* in the commencement of our colonies, and have been uniformly so in their promotion.

To answer these grand purposes, perfect liberty was known to be necessary; all history proving, that trade and freedom are nearly related to each other. By a due regard to this wise and just plan, the infant colonies, exposed in the unknown climates and unexplored wildernesses of this new world, lived, grew, and flourished.

The parent country, with undeviating prudence and virtue, attentive to the first principles of colonization, drew to herself the benefits she might reasonably expect, and preserved to her children the blessings, on which those benefits were founded. She made laws, obliging her colonies to carry to her all those products which she wanted for her own use; and all those raw materials which she chose herself to

work up. Besides this restriction, she forbad them to procure *manufactures* from any other part of the globe, or even the *products* of *European* countries, which alone could rival her, without being first brought to her. In short, by a variety of laws, she regulated their trade in such a manner as she thought most conducive to their mutual advantage, and her own welfare. A power was reserved to the crown of *repealing* any laws that should be enacted: The *executive* authority of government was also lodged in the crown, and its representatives; and an *appeal* was secured to the crown from all judgments in the administration of justice.

For all these powers, established by the mother country over the colonies; for all these immense emoluments derived by her from them; for all their difficulties and distresses in fixing themselves, what was the recompence made them? A communication of her rights in general, and particularly of that great one, the foundation of all the rest—that their property, acquired with so much pain and hazard, should be disposed of by none but * themselves—or, to use the beautiful and emphatic language of the sacred scriptures † , "that they should sit *every man* under his vine, and under his fig-tree, and NONE SHOULD MAKE THEM AFRAID."

Can any man of candour and knowledge deny, that these institutions form[4] an affinity between *Great-Britain* and her colonies, that sufficiently secures their dependence upon her? Or that for her to levy taxes upon them, is to reverse the nature of things? Or that she can pursue such a measure, without reducing them to a state of vassalage?

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* "*The power of* taxing themselves, *was the privilege of which the* English *were*, WITH REASON, particularly jealous." Hume's Hist. of England.[5]

† MIC. iv. 4.

If any person cannot conceive the supremacy of *Great-Britain* to exist, without the power of laying taxes to levy money upon us, the history of the colonies, and of *Great-Britain*, since their settlement, will prove the contrary. He will there find the amazing advantages arising to her from them—the constant exercise of her supremacy,—and their filial submission to it, without a single rebellion, or even the thought of one, from their first emigration to this moment—And all these things have happened, without one instance of *Great-Britain*'s laying taxes to levy money upon them.

How many ‡ *British* authors have demonstrated, that the present

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‡ *It has been said in the House of Commons*, *when complaints have been made of the decay of trade to any part of* Europe, "*That such things were not worth regard*, *as* Great-Britain *was possessed of colonies that could consume more of her manufactures than she was able to supply them with*."[6]

"*As the case now stands*, *we shall shew that the* plantations *are a spring of* wealth *to this*

nation, *that they* work *for us*, *that their treasure* centers all here, *and that the laws have tied them fast enough to us*; *so that it must be through our own fault and mismanagement*, *if they become independent of* England." DAVENANT on the Plantation Trade.[7]

"*It is better that the islands should be supplied from the Northern Colonies than from* England;[8] *for this reason*, *the provisions we might send to* Barbados, Jamaica, &c. *would be* unimproved *product of the earth*, *as grain of all kinds*, *or such product where there is little got by the improvement*, *as malt, salt beef and pork*; *indeed*, *the exportation of salt fish thither would be more advantageous*, *but the goods which we send to the* Northern Colonies, *are such*, *whose* improvement *may be justly said*, *one with another*, *to be near* four fifths *of the value of the* whole commodity, *as apparel*, *houshold furniture*, *and many other things*." Idem.[9]

"New-England *is the most prejudicial plantation to the kingdom of* England; *and yet*, *to do right to that most industrious* English *colony*, *I must confess*, *that though we lose by their unlimited trade with other foreign plantations*, *yet we are very great gainers by their direct trade to and from* Old England. *Our yearly exportations of* English *manufactures*, *malt and other goods*, *from hence thither*, *amounting*, *in my opinion*, *to* ten times *the value of what is imported from thence*; *which calculation I do not make at random*, *but upon* mature consideration, *and*, *peradventure*, *upon* as much experience in this very trade, *as any other person will pretend to*; *and therefore*, *whenever reformation of our correspondency in trade with that people shall be thought on*, *it will*, *in my poor judgment*, *require* GREAT TENDERNESS, *and* VERY SERIOUS CIRCUMSPECTION."

Sir JOSIAH CHILD'S Discourse on Trade.[10]

"*Our plantations spend mostly our* English *manufactures*, *and those* of all sorts almost imaginable, *in* egregious quantities, *and employ near* two thirds of all our *English* shipping; *so that we have* more people *in* England, *by reason of our plantations in* America." Idem.[11]

Sir JOSIAH CHILD *says*, *in another part of his work*, "*That not more than fifty families are maintained in* England *by the refining of sugar*."[12] *From whence*, *and from what* Davenant *says*, *it is plain*, *that the advantages here said to be derived from the plantations by* England, *must be meant chiefly of the continental colonies*.

"*I shall sum up my whole remarks on our* American *colonies*, *with this observation*, *that as they are a certain annual revenue of several millions sterling to their mother country*, *they ought carefully to be protected*, *duly encouraged*, *and every opportunity that presents*, *improved for their increment and advantage*, *as every one they can possibly reap*, *must at last return to us with interest*." BEAWES'S Lex Merc. Red.[13]

"*We may safely advance*, *that our trade and navigation are greatly encreased by our colonies*, *and that they really are a source of treasure and naval power to this kingdom*, *since* they work for us, *and* their treasure centers here. *Before their settlement*, *our manufactures were few*, *and those but indifferent*; *the number of* English *merchants very small*, *and the whole shipping of the nation much inferior to what now belongs to the Northern Colonies only*. These are certain facts. *But since their establishment*, *our condition has altered for the better*, *almost to a degree beyond credibility*.— *Our* MANUFACTURES *are prodigiously encreased*, *chiefly by the demand for them in the plantations*, *where they* AT LEAST TAKE OFF ONE HALF, *and supply us with many valuable commodities for exportation*, *which is as great an emolument to the mother kingdom*, *as to the plantations themselves*."

POSTLETHWAYT'S Univ. Dict. of Trade and Commerce.[14]

"*Most of the nations of* Europe *have interfered with us*, *more or less*, *in divers of our staple manufactures*, *within half a century*, *not only in our woollen*, *but in our lead and tin manufactures*, *as well as our fisheries*. POSTLETHWAYT, ibid.[15]

"*The inhabitants of our colonies*, *by carrying on a trade with their* foreign neighbours, *do not only occasion* a greater quantity of the goods and merchandizes of *Europe* being

sent from hence to them, *and a greater quantity of the product of* America *to be sent from them hither*, which would otherwise be carried from, and brought to *Europe* by foreigners, *but an increase of the seamen and navigation in those parts*, *which is of great strength and security*, *as well as of great advantage to our plantations in general*. *And though* some of our colonies *are not only for preventing the* importations of all goods of the same species they produce, *but suffer particular planters to* keep great runs of land in their possession uncultivated, *with design to prevent new settlements*, *whereby they imagine the prices of their commodities may be affected*; *yet if it be considered*, *that the Markets of* Great-Britain *depend on the markets of* ALL Europe in general, *and that the* European *markets* in general *depend on the proportion between the* annual consumption *and the* whole quantity *of each species* annually produced *by* ALL nations; *it must follow*, *that whether we or foreigners are the producers*, carriers, *importers and exporters of* American *produce*, *yet their respective prices in* each colony *(the difference of freight*, *customs and importations considered) will always bear proportion to the* general consumption *of the* whole quantity *of each sort*, produced in all colonies, *and* in all parts, *allowing only for the usual contingencies that trade and commerce*, *agriculture and manufactures*, *are liable to in all countries*."

POSTLETHWAYT, ibid.[16]

"*It is certain*, *that from the very time Sir* Walter Raleigh, *the father of our* English *colonies*, *and his associates*, *first projected these establishments*, *there have been persons who have found an interest*, *in* misrepresenting, *or lessening the value of them— The attempts were called chimerical and dangerous*. *Afterwards many malignant suggestions were made about sacrificing so many* Englishmen *to the obstinate desire of settling colonies in countries which then produced very little advantage*. *But as these difficulties were gradually surmounted*, *those complaints vanished*. *No sooner were* these lamentations *over*, *but* others *arose in their stead*; *when it could be no longer said*, *that the colonies were* useless, *it was alledged that they were not* useful enough *to their mother country*; *that*, *while we were loaded with taxes*, *they were absolutely free*; *that the* planters *lived like* princes, *while the inhabitants of* England *laboured hard for a tolerable subsistence*.

POSTLETHWAYT, ibid.[17]

"*Before the settlement of these colonies*," *says* Postlethwayt, "*our manufactures were few*, *and those but indifferent*. *In those days we had not only our naval stores*, *but our ships from our neighbours*. Germany *furnished us with all things made of metal*, *even to nails*. *Wine*, *paper*, *linens*, *and a thousand other things*, *came from* France. Portugal *supplied us with sugar*; *all the products of* America *were poured into us from* Spain; *and the* Venetians *and* Genoese *retailed to us the commodities of the* East-Indies, *at their own price*."[18]

"*If it be asked*, *whether foreigners*, *for what goods they take of us*, *do not pay on* that consumption *a great portion of our taxes? It is admitted they do*."

POSTLETHWAYT'S Great-Britain's True System.[19]

"*If we are afraid that one day or other the colonies will revolt*, *and set up for themselves*, *as some seem to apprehend*, *let us not* drive *them to a* necessity *to* feel *themselves independent of us*; *as they* will *do*, *the moment they perceive that* THEY CAN BE SUPPLIED WITH ALL THINGS FROM WITHIN THEMSELVES, *and do not need our assistance*. *If we would keep them still dependent upon their mother country*, *and*, *in some respects*, subservient *to her* views *and welfare*; *let us make it their* INTEREST *always to be so*."

TUCKER on Trade.[20]

"*Our colonies*, *while they have* English *blood in their veins*, *and have relations in* England, *and* WHILE THEY CAN GET BY TRADING WITH US, *the* stronger *and* greater they *grow*, *the* more *this* crown *and* kingdom *will* get *by them*; *and nothing but such an arbitrary power as shall make them desperate*, *can bring them to rebel*."

DAVENANT on the Plantation Trade.[21]

"*The Northern colonies are not upon the same footing as those of the South*; *and having a worse soil to improve*, *they must find the recompence some other way*, *which only can be in property and dominion: Upon which score*, *any* INNOVATIONS *in the form of government there*, *should be cautiously examined*, *for fear of entering upon measures*, *by which the industry of the inhabitants be quite discouraged*. *'Tis* ALWAYS UNFORTUNATE *for a people*, *either by* CONSENT, *or upon* COMPULSION, *to depart from their* PRIMITIVE INSTITUTIONS, *and* THOSE FUNDAMENTALS, *by which they were* FIRST UNITED TOGETHER."

Idem.[22]

"*The most effectual way of* uniting *the colonies*, *is to make it their common interest to oppose the designs and attempts of* Great-Britain.[23]

"*All wise states will well consider how to preserve the advantages arising from colonies*, *and avoid the evils*. *And I conceive that there can be but* TWO *ways in nature to hinder them from throwing off their dependence*; one, *to keep it out of their* power, *and the* other, *out of their* will. *The* first *must be by* force; *and the* latter, *by* using them well, *and keeping them employed in such productions*, *and making such manufactures*, *as will support themselves and families comfortably*, *and* procure them wealth too, *and at least not prejudice their mother country*.

"Force *can never be used effectually to answer the end*, without destroying the colonies themselves. *Liberty and encouragement are necessary to carry people thither*, *and to keep them together when they are there*; *and violence will hinder both*. *Any body of troops*, *considerable enough to awe them*, *and keep them in subjection*, *under the direction too of a needy governor*, *often sent thither to make his fortune*, *and at such a distance from any application for redress*, *will soon put an end to all planting*, *and leave the country to the soldiers alone*, *and if it did not*, would eat up all the profit of the colony. *For this reason*, *arbitrary countries have not been equally successful in planting colonies with free ones*; *and what they have done in that kind*, *has either been by force*, *at a vast expence*, *or* by departing from the nature of their government, *and* giving such privileges to planters *as were* denied to their other subjects. *And I dare say*, *that a few prudent laws*, *and a little prudent conduct*, *would soon give us far the greatest share of the riches of all* America, *perhaps drive many of other nations out of it*, *or into our colonies for shelter*.

"*There are* so many exigencies *in all states*, so many foreign wars, *and* domestic disturbances, *that these colonies* CAN NEVER WANT OPPORTUNITIES, *if they watch for them*, to do what they shall find their interest to do; *and therefore we ought to take all the precautions in our power*, *that it shall never be* their interest *to act against that of their native country*; *an evil which can no otherwise be averted*, *than by keeping them* fully employed *in such trades* as will increase their own, *as well as our wealth*; *for it is much to be feared*, *if we do not find employment for* them, *they may find it for* us. *The interest of the mother country*, *is always to keep them dependent*, *and so employed*; *and it requires all her address to do it*; *and it is certainly more* easily *and* effectually *done by* gentle *and* insensible *methods*, *than by* power *alone*."

CATO'S Letters.[24]

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wealth, power and glory of their country, are founded upon these colonies? As constantly as streams tend to the ocean, have they been pouring the fruits of all their labours into their mother's lap. Good heaven! And shall a total oblivion of former tendernesses and blessings, be spread over the minds of a good and wise nation, by the sordid arts of intriguing men, who, covering their selfish projects under

pretences of public good, first enrage their countrymen into a frenzy of passion, and then advance their own influence and interest, by gratifying the passion, which they themselves have basely excited.

Hitherto *Great-Britain* has been contented with her prosperity. Moderation has been the rule of her conduct. But now, a generous, humane people, that so often has protected the liberty of *strangers*, is inflamed into an attempt to tear a privilege from her own children, which, if executed, must, in their opinion, sink them into slaves: AND FOR WHAT? For a pernicious power, not necessary to her, as her own experience may convince her; but horribly dreadful and detestable to them.

It seems extremely probable, that when cool, dispassionate posterity, shall consider the affectionate intercourse, the reciprocal benefits, and the unsuspecting confidence, that have subsisted between these colonies and their parent country, for such a length of time, they will execrate, with the bitterest curses, the infamous memory of those men, whose pestilential ambition unnecessarily, wantonly, first opened the sources of civil discord between them; first turned their love into jealousy; and first taught these provinces, filled with grief and anxiety, to enquire—

Mens ubi materna est?[25]

Where is maternal affection?

A FARMER.

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[1] A frequent misspelling of George Grenville.

[2] *PC*, Dec. 21–28, 1767: this clause is omitted.

[3] JD refers here to the royal proclamation of September 1766, which placed an embargo on the exportation of all grain from British ports in response to a poor harvest. The embargo, while only temporary, was the first of its kind in peacetime and was seen by some as a dangerous extension of the royal prerogative. See Philip Lawson, "Parliament, the Constitution and Corn: The Embargo Crisis of 1766," *Parliamentary History* 5 (1986): 17–37.

[4] *PC*, Dec. 21–28, 1767: the word "from" appears in place of "form."

[5] Hume, *History*, 6:211.

[6] This quotation appears to be hypothetical.

[7] Davenant, *Discourses*, 2:204. Charles Davenant (1656–1714) was an English government official, member of Parliament, and political economist.

[8] This clause is a paraphrase of Davenant, *Discourses*, 2:226.

[9] Ibid.

[10] This quotation is pieced together from Josiah Child, *A New Discourse of Trade, Wherein is Recommended Several Weighty Points Relating to Companies of Merchants* (London: J. Everingham, 1693), 166, 208. Josiah Child (c. 1631–1699) was an English merchant particularly associated with the East India Company.

[11] Ibid., 176.

[12] This quotation does not appear in Child's work but instead is paraphrased from Davenant, *Discourses*, 2:255.

[13] Wyndham Beawes, *Lex Mercatoria Rediviva: Or, the Merchant's Directory* (London: R. Baldwin and S. Crowder, 1751), 669. Wyndham Beawes was appointed British consul at Seville and St. Lucar in 1754. He had earlier been a London merchant. In the version of this letter published in the *PC*, Dec. 21–28, 1767, the final clause of this quotation incorrectly reads: "must at least return to us with interest."

[14] A paraphrase of Malachy Postlethwayt, *The Universal Dictionary of Trade and Commerce*, 2nd

ed., 2 vols. (London: J. Knapton, 1757), 1:532–33. Malachy Postlethwayt (1707–1767) was a British publicist and writer on economics.
[15] Ibid., 1:536.
[16] Ibid., 1:532.
[17] Ibid., 1:535.
[18] Ibid., 1:533.
[19] Malachy Postlethwayt, *Great-Britain's True System* (London: A. Millar et al., 1757), 176.
[20] Josiah Tucker, *A Brief Essay on the Advantages and Disadvantages, Which Respectively Attend France and Great Britain, with Regard to Trade*, 2nd ed. (London: T. Tyre, 1750), 95–96. Rev. Josiah Tucker (1713–1799) was a British economist and Anglican minister who supported trade with the American colonies in the essay paraphrased here, but subsequently became an opponent of American interests.
[21] Davenant, *Discourses*, 2:208–09.
[22] Ibid., 2:244–46.
[23] Doc. 3:93. In *PC*, Dec. 21–28, 1767: this sentence is omitted.
[24] Paraphrased from *Cato's Letters*, 3:286–88. *Cato's Letters* are a series of essays by John Trenchard (d. 1723) and Thomas Gordon (d. 1750).
[25] Ov. *Met*. 8.499.

1768

27
A Son of Liberty, "To the Worthy Friend of America, the Farmer," *The Pennsylvania Journal*, January 7, 1768

Messrs. BRADFORD's,[1]

THE public having lately been favour'd in your Journals, with several valuable letters from that worthy friend of America, The FARMER; *addrest to the inhabitants of the British colonies*; *I think every son of liberty in America, under an obligation to that gentleman, for so candid, and clear a deduction, of our undoubted right to tax ourselves. He hath proved that (consistant with our constitution) the Parliament of Great-Britain have no more right to tax us, than they have a Mahometan: I flatter myself (as a Buck-skin)*[2] *he will be good enough to pardon the following attempt of an infant muse, which is only meant as the widow's mite;*[3] *to shew the gratitude (as an individual) he owes to the esteem and veneration he has for so masterly a pen.*

I am Gentlemen, Your's, &c.
A Son of Liberty

To the worthy Friend of America,
THE FARMER:
On his Letters *to the Inhabitants of the* British Colonies.
"So then, Brethren, we are not Children of the bond-
"Woman, but of the free."

GAL. iv. *v*. 31.

HAIL! beloved *Countryman! Farmer* blest!
America's best *Son*—by *(a) All* caress'd!
Thrice Hail! *Thou grand Assertor of her Rights!*
('Tis *Nature*'s *Cause!*— 'Tis *Nature*'s *God* invites!)
"Long in *Obscurity* they hidden lay—
'Till *thou* clear'd the Rust—and bro't 'em forth to Day!"
Of *Men* most worthy!— FREEDOM'*s* dearest Friend!
May Heav'n on *thee*, its choicest *Blessings* send!
Grand *Advocate of Truth*—write on—"spare not"—[4]
Thy *Farmer*'s *Letters,* ne'er will be forgot!
Fraught with Conviction, ev'ry *Letter* shine—
Quotations nervous,[5] *human* and *divine!*—
Heav'n born FREEDOM!— Thy Cause how grand! How good!—
Its CONTRAST! starts my Soul!—chills all my Blood!
Great *Nature*'s self, ev'n *shudders* at the Thought!
What! *British free-born Sons*—be *sold* and *bought?*—
Than which—*more soon*, may "*Chaos come again,*"[6]

And th'*Atlantic* vast—*swallow up the Main!*
More soon *America*, to *Atoms* hurl'd—
And her *Bondage Sons*, seek another World!

Pardon the *Muse*; by Passion led full high.
Were *Min-st-rs but good—Relief* is nigh;
Bless Heav'n! we have a *Prince of noble Blood*;
Whose only Study, is his Subjects good:
Oh! may kind *Providence* around him wait,
And may he FEEL, our poor, *unhappy State!*
"Then will the Rage of *Party Discord* cease,
"The drooping *Arts* revive—and *All* have Peace!"[7]

That *Thanks* which *Brothers* do to *Brothers* give;
Do *thou* Dear *Countryman*—such *Thanks receive*—
AMERICA'*s* PATRON!— FATHER!— BROTHER!
From *North* to *South* can *she* find another!
In *high Esteem* you'll stand, *to latest Days*—
When *lisping Infants*, warble forth *your Praise!*
As *Newton*[8] rose in Orient Beauty bright,
He rose, and brought the World's dark Laws to Light,[9]
So *Thou* to *Magna Charta*[10] shew'd *our Right*—
To *Thee* this Verse belongs; and may it prove,
An *Earnest* of the *Gratitude* and *Love*—

Of A SON of LIBERTY.

(a) American Sons of Liberty.

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[1] William Bradford (1722–1791) and his son Thomas Bradford (1745–1838) published *The Pennsylvania Journal* in Philadelphia.

[2] Buckskin: a nickname for frontiersmen, referring to their buckskin breeches.

[3] The "widow's mite" is an allusion to Mark 12:41–44 and Luke 21:1–4, in which Jesus praised the small offering of a poor widow as more worthy than the large offerings of the wealthy.

[4] Isa. 58:1.

[5] Nervous: "Of argument, prose, poetry, literary style, etc.: vigorous, powerful, forcible; free from insipidity and diffuseness" (*OED*).

[6] A loose quotation from Shakespeare, *Othello*, 3.3.102.

[7] A loose quotation from Francis Fawkes's (c. 1720–1777) poem "To His Most Sacred Majesty on His Accession," in Fawkes, *Poems*, 81–83, at 83.

[8] Sir Isaac Newton (1643–1727) was an English scientist and mathematician whose works, notably his three laws of motion, were central to the Enlightenment.

[9] This and the previous line are taken almost verbatim from "Will with a Wisp," in Fawkes, *Poems*, 175–81, at 181.

[10] 25 Edw. 1 (1297): "Magna Charta. The Great Charter, Made in the Ninth Year of King Henry the Third, and Confirmed by King Edward the First in the Five and Twentieth Year of His Reign" (1 *SAL* 1–15). Magna Carta, first granted by John, king of England (c. 1166–1216) in 1215, confirmed the

rights of English free men and limited the authority of the monarch. The charter was confirmed as statute law by Edward I in 1297 and came to be seen in 17th- and 18th-century England as a foundational statement of the rights of Englishmen.

28
A Farmer [JD], "Letters from a Farmer in Pennsylvania. Letter VI," *The Pennsylvania Gazette*, January 7, 1768

LETTERS from a FARMER *in* PENNSYLVANIA, *to the Inhabitants of the* BRITISH COLONIES.

LETTER VI.

Beloved Countrymen,

IT may perhaps be objected against the arguments that have been offered to the public, concerning the legal power of the parliament, "that it has always exercised the power of imposing duties, for the purposes of raising a revenue on the productions of these colonies carried to *Great-Britain*, which may be called a tax on them." To this objection I answer, that this is no violation of the rights of the colonies, it being implied in the relation between them and *Great-Britain*, that they should not carry such commodities to other nations, as should enable them to interfere with the mother country. The imposition of duties on these commodities, when brought to her, is only a consequence of her parental right; and if the point is thoroughly examined, the duties will be found to be laid on the people of the mother country. Whatever they are, they must proportionably raise the price of the goods, and consequently must be paid by the consumers. In this light they were considered by the parliament in the 25th *Charles* II. Chap. 7, Sect. 2, which says, that the productions of the plantations were carried from one to another free from all customs, "while the subjects of this your kingdom of *England* have paid *great customs and impositions for what of them have been* SPENT HERE," *&c*.[1]

Besides, if *Great-Britain* exports these commodities again, the duties will injure her own trade, so that she cannot hurt us, without plainly and immediately hurting herself; and this is our check against her acting arbitrarily in this respect.

* It may be perhaps further objected, "that it being granted that statutes made for regulating trade, are binding upon us, it will be difficult for any persons, but the makers of the laws, to determine, which of them are made for the regulating of trade, and which for raising a revenue; and that from hence may arise confusion."

To this I answer, that the objection is of no force in the present case, or such as resemble it; because the act now in question, is formed *expressly* FOR THE SOLE PURPOSE OF RAISING A REVENUE.

However, supposing the design of parliament had not been *expressed*, the objection seems to me of no weight, with regard to the influence which those who may make it, might expect it ought to have on the conduct of these colonies.

It is true, that *impositions for raising a revenue*, may be hereafter called *regulations of trade:* But names will not change the nature of things. Indeed we ought firmly to believe, what is an undoubted truth, confirmed by the unhappy experience of many states heretofore free, that UNLESS THE MOST WATCHFUL ATTENTION BE EXERTED, A NEW SERVITUDE MAY BE SLIPPED UPON US, UNDER THE SANCTION OF USUAL AND RESPECTABLE TERMS.

Thus the *Cæsars* ruined the *Roman* liberty, under the titles of *tribunicial* and *dictatorial* authorities—old and venerable dignities, known in the most flourishing times of freedom.[2] In imitation of the same policy, *James* II. when he *meant* to establish popery, *talked* of liberty of conscience, the most sacred of all liberties; and had thereby almost deceived the Dissenters into destruction.[3]

All artful rulers, who strive to extend their power beyond its just limits, endeavour to give to their attempts as much semblance of legality as possible. Those who succeed them may venture to go a little further; for each new encroachment will be strengthened by a former. " † That which is now supported by examples, growing old, will become an example itself," and thus support fresh usurpations.

A free people therefore can never be too quick in observing, not too firm in opposing the beginnings of *alteration* either in *form* or *reality*, respecting institutions formed for their security. The first leads to the last: Yet, on the other hand, nothing is more certain, than that the *forms* of liberty may be retained, when the *substance* is gone. In government, as well as in religion, "The *letter* killeth, but the *spirit* giveth life ‡ ."

I will beg leave to enforce this remark by a few instances. The crown, by the constitution, has the prerogative of creating peers. The existence of that order, in due number and dignity, is essential to the constitution; and if the crown did not exercise that prerogative, the peerage must have long since decreased so much as to have lost its proper influence. Suppose a prince, for some unjust purposes, should, from time to time, advance so

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* *If any one should observe that no opposition has been made to the legality of the* 4*th* Geo. III. *Chap*. 15, *which is the* FIRST *act of parliament that ever imposed duties on the importations into* America *for the* expressed *purpose of raising a revenue there*; *I answer—First*, *That though the act expressly mentions the raising a revenue in* America, *yet it seems that it had as much in view the* "*improving and securing the trade between the same and* Great-Britain," *which words are part of its title: And the preamble says*, "*Whereas it is expedient that new provisions and regulations should be established for improving the revenue of this kingdom*, *and* for extending and securing the navigation and commerce between *Great-Britain* and your Majesty's dominions in *America*, *which by the peace have been so happily extended and enlarged*," &c.[4] *Secondly*, All *the duties mentioned in that act are imposed solely on the* productions and manufactures of foreign countries, *and not a single duty laid on any production or manufacture of our mother country*. *Thirdly*, *The authority of the provincial assemblies is not therein so plainly* attacked *as by the last act*, *which makes*

provision for defraying the charges of the "*administration of justice*," *and* "*the support of civil government*."[5] *Fourthly*, *That it being* doubtful, *whether the intention of the* 4*th* Geo. III. *Chap*. 15, *was not as much* to regulate trade, *as* to raise a revenue, *the minds of the people here were wholly engrossed by the terror of the Stamp-Act*, *then impending over them*, *about the intention of which there could be* no doubt.

These reasons so far distinguish the 4*th* Geo. III. *Chap*. 15, *from the last act*, *that it is not to be wondered at*, *that the first should have been submitted to*, *tho' the last should excite the most universal and spirited opposition*. *For* this *will be found*, *on the strictest examination*, *to be*, *in the* principle *on which it is founded*, *and in the* consequences *that must attend it*, *if possible*, *more destructive than the* Stamp-Act. *It is*, *to speak plainly*, *a prodigy*[6] *in our laws*; *not having one* British *feature*.

† TACITUS.[7]

‡ 2 COR. iii. 6.

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many needy, profligate wretches to that rank, that all the independance of the house of lords should be destroyed; there would then be a manifest violation of the constitution, *under the appearance of using legal prerogative*.

The house of commons claims the privilege of forming all money bills, and will not suffer either of the other branches of the legislature to add to, or alter them; contending, that their power simply extends to an acceptance or rejection of them. This privilege appears to be just: But under pretence of this just privilege, the house of commons has claimed a licence of tacking to money bills, clauses relating to things of a totally different kind, and thus forcing them in a manner on the king and lords.[8] This seems to be an abuse of that privilege, and it may be vastly more abused. Suppose a future house, influenced by some discontented demagogues[9]—in a time of danger, should tack to a money bill, something so injurious to the king and peers, that they would not assent to it, and yet the commons should obstinately insist on it; the whole kingdom would be exposed to ruin, *under the appearance of maintaining a valuable privilege*.

In these cases it might be difficult for a while to determine, whether the king intended to exercise his prerogative in a constitutional manner or not; or whether the commons insisted on their demand factiously, or for the public good: But surely the conduct of the crown, or of the house, would in time sufficiently explain itself.

Ought not the PEOPLE therefore to watch? to observe facts? to search into causes? to investigate designs? And have they not a right of JUDGING from the evidence before them, on no slighter points than their *liberty* and *happiness?* It would be less than trifling, wherever a *British* government is established, to make use of any arguments to prove such a right. It is sufficient to remind the reader of the day on the anniversary of which the first of these letters is dated.[10]

I will now apply what has been said to the present question.

The *nature* of any impositions laid by parliament on these colonies, must determine the *design* in laying them. It may not be easy in every instance to discover that design. Wherever it is doubtful, I think submission cannot be dangerous; nay, it must be right; for, in my opinion, there is no privilege these colonies claim, which they ought in *duty* and *prudence* more earnestly to maintain and defend, than the authority of the *British* parliament to regulate the trade of all her dominions. Without this authority, the benefits she enjoys from our commerce, must be lost to her: The blessings we enjoy from our dependance upon her, must be lost to us. Her strength must decay; her glory vanish; and she cannot suffer, without our partaking in her misfortune. *Let us therefore cherish her interests as our own*, *and give her every thing*, *that it becomes* FREEMEN *to give or to receive*.

The *nature* of any impositions she may lay upon us may in general be known, by considering how far they relate to the preserving in due order the connection between the several parts of the *British* empire. One thing we may be assured of, which is this—Whenever she imposes duties on commodities, to be paid only upon their exportation from *Great-Britain* to these colonies, it is not a regulation of trade, but a design to raise a revenue upon us. Other instances may happen, which it may not be necessary at present to dwell on. I hope these colonies will never, to their latest existence, want understanding sufficient to discover the intentions of those who rule over them, nor the resolution necessary for asserting their interests. They will always have the same rights, that all free states have, of judging when their privileges are invaded, and of using all prudent measures for preserving them.

Quocirca vivite fortes
Fortiaque adversis opponite pectora rebus.[11]
Wherefore keep up your spirits, and gallantly oppose
this adverse course of affairs.

A FARMER.

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[1] The Navigation Act of 1673. See 8 *SAL* 397–400, at 398.

[2] In their pursuit of power, Julius Cæsar (100–44 BC) and his adopted son and heir, Augustus (Gaius Octavius; 63 BC–AD 14), appropriated and expanded the once-limited powers of the tribunes and dictatorship, ultimately undermining the Roman Republic.

[3] James II (1633–1701), a Roman Catholic, ascended to the throne in 1685. In the so-called Declaration of Indulgence of 1687, he extended toleration to dissenters and Catholics. His Catholicism and absolutist tendencies prompted his overthrow in the Glorious Revolution.

[4] The Sugar Act of 1764. See 26 *SAL* 33–52, at 33.

[5] The Revenue Act of 1767. See 27 *SAL* 505–12, at 505.

[6] Prodigy: "An unusual or extraordinary thing or occurrence; an anomaly; something abnormal or unnatural; *spec*. a monster, a freak" (*OED*).

[7] Tac. *Ann*. 11.24. This appears to be JD's translation. JD quotes from the same section, which concerns precedents, in his Commonplace Book II. See doc. 2:27.

[8] In 1679, the Commons persuaded the Lords to agree that the upper house would not seek to amend money bills, opening the way for the Commons to seek to add (or "tack") other clauses to money bills

to secure their passage. The Commons began seriously to use this power from the 1690s, but on Nov. 28, 1704, a Whig majority in the Commons defeated a Tory attempt to tack their favored measure, the Occasional Conformity Bill, to the Land Tax Bill to get it past the Whig majority in the Lords. This was to be the last such attempt. See Mark A. Thomson, *A Constitutional History of England, 1642 to 1801* (London: Methuen, 1938), 97, 204–05; Henry L. Snyder, "The Defeat of the Occasional Conformity Bill and the Tack: A Study in the Techniques of Parliamentary Management in the Reign of Queen Anne," *Bulletin of the Institute of Historical Research* 41, no. 104 (1968): 172–86.

[9] *PC*, Dec. 28, 1767–Jan. 4, 1768: this clause reads: "influenced by some displaced, discontented demagogues."

[10] *PC*, Dec. 28, 1767–Jan. 4, 1768: this sentence reads: "It is sufficient to remind the reader of the day on which King WILLIAM III. landed at *Torbay*," and includes a footnote specifying that date as "*November* 5, 1688." Some copies of the *PC* of that date omit "III." This was likely a typographical error in the initial copies that the editors subsequently corrected.

[11] Hor. *Sat.* 2.2.135–36.

29
From William Killen, January 8, 1768

Sir.

I Rec[eive]d your Letter[1] relative to C. Philips's Business, but have not been able to obtain the Information you desire, tho' I have used some Endeavours for that Purpose, and shall continue to do so until I have effected it, if to be had here when the truth is very often industriously conceal'd and Falsehood propogated. As to your Problematical Wish, "that M^rss^. Killen[2] and I may always, as we do now, puzzle People to tell, who of us loves the other best," perhaps your Friendship for us, may have induced you to mistake, or rather invert the ~~the~~ question, which may be, "Which of us loves the other least?" Be that as it will, I freely acknowledge to you, that I love her now, when I am in a good Humour, as well as I did ten Years ago, but so far as she is interested in the question, she may answer for herself— I Send you [per] Bearer[3] Seventy ~~Po~~ Five Pounds, which please apply to Credit of Bond, and at same time give B[eare]r a Rec[ei]pt who will send it me [per] First Conveyance—[4] I Shall be oblig'd if you'll likewise send self an Acc[oun]t of what Mone{i}es I've paid on D[itt]o Bond, times when &c. that I may know what Ballance remains in your Favour How well I immitate you in writing in the mercantile Stile, I cannot leave the Determination thereof to the Judgement of a Gent[leman] better acquainted with it's Elegancies, than h~~e~~{is} to whom I have the Honour to address this ~~Espi~~ Epistle. Please to present my best Wishes to your very knowing Mother M^rss^. Dickinson, and to {^X^} Young M^r^. and M^rss^. Dickinson.[5] I Am

Sir
your most obliged and
most Humble Servant
Will Killen

Dover Jan[uar]y 8^th^. 1768.

[X] Quære. Do the Words, "Young M[r]. Dickinson," imply that there is an old M[r]. Dickinson? Answer No, but that ~~a~~{there} is an elder, which I hope is true

ALS (PHi-Logan)

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[1] Letter not found.

[2] Rebecca Allee (c. 1716–1773) married William Killen in 1753 and was buried in the Old Presbyterian Cemetery in Dover, Del.

[3] The letter was sent "[per] Favour of M[r]. And[re]w Tybout." Andrew Tybout (1734–1815) was a Philadelphia hatter born in Kent Co., Del.

[4] On Aug. 7, 1766, JD sold Killen a tract of land in Kent Co. for £1,350 Lower Counties currency (Indenture between JD and William Killen, Delaware Land Records, Deed Records, Vol. 1, Book R, fol. 98–98v, De-Ar). Killen likely gave JD a bond rather than paying the full sum.

[5] That is, Philemon and his wife, Mary Cadwalader Dickinson (c. 1745–1791). The pair, who were first cousins, had wed on July 14, 1767.

30
To Joseph Pemberton, January 10, 1768

This letter discusses Ann Galloway Pemberton's property rights. Under the common law, a married woman without children held an absolute right to property that she had inherited, and if she died childless, that property would revert to her family.[1] Although the details of this dispute are unknown, it seems likely that Galloway Pemberton's cousin, Samuel Galloway, opposed the sale of the lands that she had inherited from her father, as he stood to inherit the property if she died without a lawful heir.

Dear Sir,[2]

I have considered the Will you left with Me,[3] and am clearly of Opinion, that M[rs]. Pemberton[4] is now seized of an absolute Estate in Feesimple[5] in all the Lands given to her, which [if she?] should dye without Issue, will descend to the Eldest Son of her Father's eldest Brother.[6]

M[rs]. Pemberton cannot settle the Lands by any Conveyance[7] whatever, but a Fine,[8] which would be valid, tho[ugh] She is under Age,[9] if the Judges would admit her to pass it in Court—[10] But as I presume that this Fact is well known there, I suppose some Opposition would be made, whereby it would be prevented—

I am obliged to You for the Fee, but must return it— The Friendship between your Family and that You have married into, and me, is I am convinced, so affectionate & sincere, that the Pleasure I shall receive in rendering You all the Services in my power, will be a sufficient Reward for them, to

Sir,
Your Friend and
very h[um]ble Serv[an]t
John Dickinson

Philadelphia
January 10th—1768

ALS (PHi-Pemb)

[1] Salmon, *Women and the Law*, 16.

[2] Joseph Pemberton (1745–1782) was a Philadelphia merchant and son of Israel Pemberton, Jr. Although raised by devout Quakers, Pemberton seems to have been less observant in his faith, abjuring plain dress and subscribing to the Philadelphia Dancing Assembly. See *CRFP*, 1:293.

[3] Evidently referring to the will of Joseph Galloway (1699–1752) of Anne Arundel Co., Md., a planter, merchant, and cousin of JD's political rival Joseph Galloway of Pennsylvania. His will left two thirds of his estate, real and personal, to his daughter, Ann, and specified that she "shall have & possess" the estate "as soon as she shall attain to the Age of sixteen or at the Day of her Marriage which soever of them shall first happen" (Prerogative Court [Wills], Joseph Galloway, 1752, Liber 28, fols. 412–416, MSA S538-41, MdHr 1306-2, MdAnMSA).

[4] Ann Galloway Pemberton (1750–1798), daughter of Joseph Galloway of Maryland, married Joseph Pemberton on June 2, 1767. See *CRFP*, 1:293.

[5] Fee-simple: "An absolute of fee-simple estate is one in which the owner is entitled to the entire property, with unconditional power of disposition during his life and descending to his heirs and legal representatives upon his death intestate" (*BLD*).

[6] That is, Samuel Galloway III (1720–1785), the son of John Galloway (d. 1747). Both men were planters and merchants of Anne Arundel Co.

[7] Conveyance: "An instrument in writing under seal (anciently termed an 'assurance,') by which some estate or interest in lands is transferred from one person to another; such as a deed, mortgage, etc." (*BLD*).

[8] Fine: "A compromise made between parties in a fictitious or collusive lawsuit for the possession of land, formerly in use as a means of conveyance in cases where the ordinary means were unavailable or less effective" (*OED*).

[9] The age of majority was twenty-one under British common law.

[10] Although Maryland allowed married women to execute conveyances through bargain and sale, sales by minors were voidable under the common law. See Salmon, *Women and the Law*, 17–19; 1 Blackstone 452–54.

31
From Allen Gillespie, January 13, 1768

Cristiana Janeur[y] [th]e 13th 1768

Sir,

I Would be Glad You Would Get a Full Accoumpt. of What the Atachment Secured & Licke wise the Exact Sum that Was in Mr Balls[1] Hands Before As I am in [H]opes to Pay You What is in my Hands at our Court[2] & I have Wrote our Shiriff[3] to have the fiftey Pownds that [th]e Marsh Was Sold for— Mr Moris Has Agreed to Let his Ly Till Next Summer

I Am Sir Your Humble Serv[an]t
Allen Gillespie

ALS (PHi-Logan)

[1] William Ball, Jr. (1729–1810), was a Philadelphia gold and silversmith, merchant, and real estate investor. He owned Hope Farm, a large property along the Delaware River in the Northern Liberties, which he inherited from his father, William Ball, Sr. (1686–1740). For further information on Ball's involvement with William Green, see docs. 4:199 and 4:A26, below.

[2] Gillespie, as William Green's special bail, was liable for the debt Green owed to William Allason. See doc. 4:9, above.
[3] John Thompson (c. 1727–1790) was sheriff of New Castle Co., Del., from 1766 to 1769 and from 1773 to 1776.

32
A Farmer [JD], "Letters from a Farmer in Pennsylvania. Letter VII," *The Pennsylvania Gazette*, January 14, 1768

LETTERS from a FARMER *in* PENNSYLVANIA, *to the Inhabitants of the* BRITISH COLONIES.

LETTER VII.

My dear Countrymen,

THIS letter is intended more particularly for such of you, whose employments in life may have prevented your attending to the consideration of some points that are of great and public importance: For many such persons there must be even in these colonies, where the inhabitants in general are more intelligent than any other people whatever, as has been remarked by strangers, and it seems with reason.

Some of you, perhaps, filled, as I know your breasts are, with loyalty to our most excellent Prince, and with love to our dear mother country, may feel yourselves inclined, by the affections of your hearts, to approve every action of those whom you so much venerate and esteem. A prejudice thus flowing from goodness of disposition, is amiable indeed. I wish it could be indulged without danger. Did I think this possible, the error should have been adopted, and not opposed by me. But in truth, all men are subject to the passions and frailties of nature; and therefore whatever regard we entertain for the *persons* of those who govern us, we should always remember that their conduct, as *rulers*, may be influenced by human infirmities.

When any laws, injurious to these colonies, are passed, we cannot, with the least propriety, suppose, that any injury was intended us by his Majesty, or the Lords. For the assent of the crown and peers to laws, seems, as far as I am able to judge, to have been vested in them, more for their own security, than for any other purpose. On the other hand, it is the particular business of the people, to enquire and discover what regulations are useful for themselves, and to digest and present them in the form of bills, to the other orders, to have them enacted into laws. Where these laws are to bind *themselves*, it may be expected, that the house of commons will very carefully consider them: But when they are making laws that are not destined to bind *themselves*, we cannot imagine that their deliberations will be as * cautious and scrupulous, as in their own case.

I am told, that there is a wonderful address frequently used in carrying points in the house of commons, by persons experienced in these affairs.— That opportunities are watched—and sometimes votes are passed, that if all the members had been

present, would have been rejected by a great majority. Certain it is, that when a powerful and artful man has determined on any measure against these colonies, he has always succeeded in his attempt. Perhaps therefore it will be proper for us, whenever any oppressive act affecting us is passed, to attribute it to the inattention of the members of the house of commons, and to the malevolence or ambition of some factious great man, rather than to any other cause.

Now I do verily believe, that the late act of parliament, imposing duties on paper, &c.[1] was formed by Mr. *Greenville*, and his party, because it is evidently a part of that plan, by which he endeavoured to render himself popular at home; and I do also believe, that not one half of the members of the house of commons, even of those who heard it read, did perceive how destructive it was to *American* freedom. For this reason, as it is usual in *Great-Britain*, to consider the King's speech as the speech of the ministry, it may be right here to consider this act as the act of a *party*—perhaps I should speak more properly, if I was to use another term.

There are two ways of laying taxes. One is, by imposing a certain sum on particular kinds of property, to be paid by the *user* or *consumer*, or by rating the *person* at a certain sum. The other is, by imposing a certain sum on particular kinds of property, to be paid by the *seller*.

When a man pays the first sort of tax, he *knows with certainty* that he pays so much money *for a tax*. The *consideration* for

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* *Many remarkable instances might be produced of the extraordinary inattention with which bills of great importance, concerning these colonies, have passed in parliament; which is owing, as it is supposed, to the bills being brought in by the persons who have points to carry, so artfully framed, that it is not easy for the members in general, in the haste of business, to discover their tendency.*

The following instances shew the truth of this remark. When Mr. Greenville, *in the violence of reformation,*[2] *formed the* 4*th* Geo. III. *Chap.* 15*th,*[3] *for regulating the* American *trade, the word* "Ireland" *was dropt in the clause relating to our iron and lumber, so that we could send these articles to no part of* Europe, *but to* Great-Britain. *This was so unreasonable a restriction, and so contrary to the sentiments of the legislature for many years before, that it is surprizing it should not have been taken notice of in the house. However the bill passed into a law. But when the matter was explained, this restriction was taken off by a subsequent act.*[4] *I cannot positively say how long after the taking off this restriction, as I have not the act, but I think, in less than* 18 *months, another act of parliament passed, in which the word* "Ireland" *was left out, just as it had been before.*[5] *The matter being a second time explained, was a second time regulated.*[6]

Now if it be considered, that the omission mentioned struck off with ONE *word* SO VERY GREAT A PART OF OUR TRADE, *it must appear remarkable; and equally so is the method, by which* Rice *became an enumerated commodity, and therefore could be carried to* Great-Britain *only.*

"*The enumeration was obtained (says Mr.* [a][7] Gee) *by one* Cole, *a Captain of a ship, employed by a company then trading to* Carolina;[8] *for several ships going from* England

thither, *and purchasing rice for* Portugal, *prevented* the aforesaid Captain *of a loading*. *Upon his coming home*, *he possessed one Mr*. Lowndes,[9] *a member of parliament* (who was very frequently employed to prepare bills) *with an opinion*, *that carrying rice directly to* Portugal, *was a prejudice to the trade of* England, *and* PRIVATELY *got a clause into an act*, *to make it an enumerated commodity*; by which means he secured a freight to himself. BUT THE CONSEQUENCE PROVED A VAST LOSS TO THE NATION."

I find that this clause, "PRIVATELY *got into an act*," for the benefit of Captain Cole, *to the* "VAST LOSS OF THE NATION," *is foisted into the* 3*d and* 4*th* Ann, *Chap*. 5*th*, *intituled*, "*An act for granting to her Majesty a further subsidy on wines and merchandizes imported*,"[10] *with which it has no more connection*, *than with* 34*th* Edward I.[11] *the* 34*th and* 35*th of* Henry VIII.[12] *and the* 25*th of* Charles II.[13] *which provide*, *that no person shall be taxed but by himself or his representative*.

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[a] Gee *on trade, page* 32.[14]

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which he pays it, is remote, and, it may be, does not occur to him. He is sensible too, that he is *commanded and obliged* to pay it *as a tax*; and therefore people are apt to be displeased with this sort of tax.

The other sort of tax is submitted to in a very different manner. The purchaser of any article, very seldom reflects that the seller raises his price, so as to indemnify himself for the tax *he* has paid. He knows that the prices of things are continually fluctuating, and if he thinks about the tax, he thinks at the same time, in all probability, that he *might* have paid as much, if the article he buys had not been taxed. He gets something *visible* and *agreeable* for his money; and tax and price are so confounded together, that he cannot separate, or does not chuse to take the trouble of separating them.

This mode of taxation therefore is the mode suited to arbitrary and oppressive governments. The love of liberty is so natural to the human heart, that unfeeling tyrants think themselves obliged to accommodate their schemes as much as they can to the appearance of justice and reason, and to deceive those whom they resolve to destroy, or oppress, by presenting to them a miserable picture of freedom, when the inestimable original is lost.

This policy did not escape the cruel and rapacious NERO.[15] That monster, apprehensive that his crimes might endanger his authority and life, thought proper to do some popular acts, to secure the obedience of his subjects. Among other things, says *Tacitus*, "he remitted the twenty-fifth part of the price on the sale of slaves, but rather in *shew* than *reality*; for the *seller* being ordered to pay it, it became part of the price to the *buyer* ‖ ."

This is the reflection of the judicious *Historian*; but the deluded *people* gave their infamous Emperor full credit for his false generosity. Other nations have been treated in the same manner the *Romans* were. The honest, industrious *Germans*,

who are settled in different parts of this continent, can inform us, that it was this sort of tax that drove them from their native land to our woods, at that time the seats of perfect and undisturbed freedom.

Their Princes, enflamed by the lust of power, and the lust of avarice, two furies that the more they are gorged, the more hungry they grow, transgressed the bounds they ought, in regard to themselves, to have observed. To keep up the deception in the minds of subjects, "there must be," says † a very learned author, "some proportion between the impost and the value of the commodity; wherefore there ought not to be an excessive duty upon merchandizes of little value. There are countries in which the duty exceeds seventeen or eighteen times the value of the commodity. In this case the Prince removes the illusion. His subjects plainly see they are dealt with in an unreasonable manner, which renders them most exquisitely sensible of their slavish situation." From hence it appears, that subjects may be ground down into misery by this sort of taxation as well as by the other. They will be as much impoverished, if their money is taken from them in this way as in the other; and that it will be taken, may be more evident, by attending to a few more considerations.

The merchant or importer, who pays the duty at first, will not consent to be so much money out of pocket. He therefore proportionably raises the price of his goods. It may then be said to be a contest between him and the person offering to buy, who shall lose the duty. This must be decided by the nature of the commodities, and the purchaser's demand for them. If they are mere luxuries, he is at liberty to do as he pleases, and if he buys, he does it voluntarily: But if they are absolute necessaries, or conveniences, which use and custom have made requisite for the comfort of life, and which he is not permitted, by the power imposing the duty, to get elsewhere, there the seller has a plain advantage, and the buyer must pay the duty. In fact, the seller is nothing less than a collector of the tax for the power that imposed it. If these duties then are extended to the necessaries and conveniences of life in general, and enormously encreased, the people must at length become indeed "most exquisitely sensible of their slavish situation." Their happiness therefore entirely depends on the moderation of those who have authority to impose the duties.

I shall now apply these observations to the late act of parliament. Certain duties are thereby imposed on paper and glass, imported into these colonies. By the laws of *Great-Britain* we are prohibited to get these articles from any other part of the world. We cannot at present, nor for many years to come, though we should apply ourselves to these manufactures with the utmost industry, make enough ourselves for our own use. That paper and glass are not only convenient, but absolutely necessary for us, I imagine very few will contend. Some perhaps, who think mankind grew wicked and luxurious, as soon as they found out another way of communicating their sentiments than by speech, and another way of dwelling than in caves, may

advance so whimsical an opinion. But I presume no body will take the unnecessary trouble of refuting them.

From these remarks I think it evident, that we *must* use paper and glass; that what we use, *must* be *British*; and that we *must* pay the duties imposed, unless those who sell these articles, are so generous as to make us presents of the duties they pay.[16]

Some persons may think this act of no consequence, because the duties are so *small*. A fatal error. *That* is the very circumstance most alarming to me. For I am convinced, that the authors of this law would never have obtained an act to raise so trifling a sum as it must do, had they not intended by *it* to establish a *precedent* for future use. To console ourselves with the *smallness* of the duties, is to walk deliberately into the snare that is set for us, praising the *neatness* of the workmanship. Suppose the duties imposed by the late act could be paid by these distressed colonies with the utmost ease, and that the purposes to which they are to be applied, were the most reasonable and equitable that can be conceived, the contrary of which I hope to demonstrate before these letters are concluded; yet even in such a supposed case, these colonies ought to regard the act with abhorrence. For who are a free people? Not those, over whom government is reasonably and equitably exercised, but those, who live under a government so *constitutionally checked and controuled*, that proper provision is made against its being otherwise exercised.

The late act is founded on the destruction of this constitutional security. If the parliament have a right to lay a duty of four shillings and eight-pence on a hundred weight of glass, or a ream of paper, they have a right to lay a duty of any other

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‖ Tacitus'*s* Ann. *Book* 13, *S*. 31.

† Montesquieu'*s* Spirit of Laws, *Book* 13. *Chap*. 8.

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sum on either. They may raise the duty, as the author before quoted says has been done in some countries, till it "exceeds seventeen or eighteen times the value of the commodity." In short, if they have a right *to* levy a tax of *one penny* upon us, they have a right to levy a *million* upon us: For where does their right stop? At any given number of pence, shillings or pounds? To attempt to limit their right, after granting it to exist at all, is as contrary to reason—as granting it to exist at all, is contrary to justice. If they have any right to tax us—then, whether our own money shall continue in our own pockets or not, depends no longer on *us*, but on *them*. ‡ "There is nothing which" we "can call our own; or, to use the words of Mr. *Locke*[17]—WHAT PROPERTY HAVE" WE "IN THAT, WHICH ANOTHER MAY, BY RIGHT, TAKE, WHEN HE PLEASES, TO HIMSELF?"[18]

These duties which will inevitably be levied upon us—which are now levying upon us—are *expresly* laid FOR THE SOLE PURPOSE OF TAKING MONEY. This is the

true definition of "*taxes*." They are therefore *taxes*. This money is to be taken from *us*. *We* are therefore *taxed*. *Those* who are *taxed* without their own consent, expressed by themselves or their representatives, are *slaves*. *We are taxed* without our own consent, expressed by ourselves or our representatives. *We* are therefore § SLAVES.[19]

Miserabile vulgus.[20]

A miserable tribe.

A FARMER.

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‡ *Lord* Cambden's *speech*.[21]

§ "*It is my opinion*, *that this kingdom has no right to lay* A TAX *upon the colonies*."— "*The* Americans *are the* SONS, *not the* BASTARDS *of* England."— "*The distinction between* LEGISLATION *and* TAXATION *is essentially necessary to liberty*."— "*The* COMMONS *of* America, *represented in their several assemblies*, *have ever been in possession of this their constitutional right*, *of* GIVING AND GRANTING THEIR OWN MONEY. *They would have been* SLAVES, *if they had not enjoyed it*." "*The idea of a* virtual representation *of* America *in this house*, *is the most contemptible idea*, *that ever entered into the head of man*.— *It does not deserve a serious refutation*." Mr. *Pitt*'s speech on the *Stamp Act*.[22]

That great and excellent man, *Lord* Cambden, *maintains the same opinion*. *His speech in the house of peers*, *on the declaratory bill of the sovereignty of* Great-Britain *over the colonies*, *has lately appeared in our papers*.[23] *The following extracts so perfectly agree with*, *and confirm the sentiments avowed in these letters*, *that it is hoped the inserting them in this note will be excused*.

"*As the affair is of the* utmost importance, *and in its consequences may involve the* fate of kingdoms, *I took the strictest review of my arguments*; *I re-examined all my authorities*; *fully determined*, *if I found myself mistaken*, *publickly to own my mistake*, *and give up my opinion: But my searches have more and more convinced me*, *that the* British *parliament have* NO RIGHT TO TAX *the* Americans."— "*Nor is the doctrine new*; *it is as old as the constitution*; *it grew up with it*; *indeed it is its support*."— "TAXATION *and* REPRESENTATION *are inseparably united*. GOD *hath joined them: No* British *parliament can separate them: To endeavour to do it*, *is to stab our vitals*."

"*My position is this—I repeat it—I will maintain it to my last hour*—TAXATION *and* REPRESENTATION *are inseparable—this position is founded on the laws of nature*; *it is more*, *it is itself* AN ETERNAL LAW OF NATURE; *for whatever is a man's own*, *is absolutely his own*; NO MAN HATH A RIGHT TO TAKE IT FROM HIM WITHOUT HIS CONSENT, *either expressed by himself or representative*; whoever attempts to do it, attempts an injury; WHOEVER DOES IT, COMMITS A ROBBERY; HE THROWS DOWN THE DISTINCTION BETWEEN LIBERTY AND SLAVERY."— "*There is not a* blade of grass, *in the most obscure corner of the kingdom*, *which is not*, *which was not ever* represented, *since the constitution began: There is not a* blade of grass, *which*, *when taxed*, was not taxed by the consent of the proprietor." "*The forefathers of the* Americans *did not leave their native country*, *and subject themselves to every danger and distress*, TO BE REDUCED TO A STATE OF SLAVERY. *They did not give up their rights: They looked for protection*, *and* not for CHAINS, *from their mother country*. *By her they expected to be defended in the possession of their property*, *and not to be deprived of it: For should the present power continue*, THERE IS NOTHING WHICH THEY CAN CALL THEIR

OWN; *or*, *to use the words of Mr*. Locke, "WHAT PROPERTY HAVE THEY IN THAT, WHICH ANOTHER MAY, BY RIGHT, TAKE, WHEN HE PLEASES, TO HIMSELF?"

It is impossible to read this speech, *and Mr*. Pitt'*s*, *and not be charmed with the generous zeal for the rights of mankind that glows in every sentence*. *These great and good men*, *animated by the subject they speak upon*, *seem to rise above all the former glorious exertions of their abilities*. *A foreigner might be tempted to think they are* Americans, *asserting*, *with all the ardour of patriotism*, *and all the anxiety of apprehension*, *the cause of their native land—and not* Britons, *striving to stop their mistaken countrymen from oppressing others*. *Their reasoning is not only just—it is*, *as Mr*. Hume *says of the eloquence of* Demosthenes,[24] "*vehement*." *It is disdain*, *anger*, *boldness*, *freedom*, *involved in a continual stream of argument*."[25]

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[1] The Revenue Act of 1767.

[2] *PC*, Jan. 4–11, 1768: this clause reads: "*in the violence of reformation and innovation*."

[3] The Sugar Act of 1764.

[4] 5 Geo. 3, c. 45 (1765): "An Act for More Effectually Securing and Encouraging the Trade of His Majesty's American Dominions . . . ," known as the Customs Act of 1765. See 26 *SAL* 430–44.

[5] 6 Geo. 3, c. 52 (1766): "An Act for Repealing Certain Duties in the British Colonies and Plantations . . . ," known as the Revenue Act of 1766. See 27 *SAL* 275–87.

[6] 7 Geo. 3, c. 2 (1766): "An Act to Amend So Much of an Act Made in the Last Session of Parliament, Intitutled, an Act for Repealing Certain Duties in the British Colonies and Plantations. . . ." See 27 *SAL* 303–04.

[7] Brackets in the original.

[8] Possibly Capt. Michael Cole, who reportedly sailed the *Friends Adventure* between Carolina and Britain in September 1710. See *The London Gazette*, Sept. 7–9, 1710.

[9] William Lowndes (1652–1724) was a member of Parliament and secretary to the treasury from 1695 until his death.

[10] 3 & 4 Ann., c. 5 (1704 OS): "An Act for Granting to Her Majesty a Further Subsidy on Wines and Merchandizes Imported." See 11 *SAL* 84–92, at 90–91.

[11] 34 Edw. 1, stat. 4, c. 1 (1306). See doc. 4:25, n. 16, above.

[12] 34 & 35 Hen. 8, c. 13 (1543): "An Act for Making of Knights and Burgesses within the County and City of Chester." This statute granted the county palatine of Chester, traditionally a self-governing province, representation in the House of Commons. See 5 *SAL* 150–51.

[13] 25 Car. 2, c. 9 (1673): "An Act to Enable the County Palatine of Durham to Send Knights and Burgesses to Serve in Parliament." This statute granted the county palatine of Durham, traditionally a self-governing province, representation in the House of Commons. See 8 *SAL* 402–03.

[14] Gee, *Trade*, 32–33. Joshua Gee (1667–1730) was a London merchant and the author of several works on trade and political economy.

[15] Nero Claudius Cæsar Drusus Germanicus (AD 37–68) was the fifth Roman emperor, remembered as the quintessential vicious tyrant.

[16] *PC*, Jan. 4–11, 1768: this sentence ends with following the clause: "the duties they pay, which is not to be expected."

[17] John Locke (1632–1704) was a philosopher and political theorist known especially for his *Essay Concerning Human Understanding* (1689) and *Two Treatises of Government* (1689).

[18] Locke, bk. II, c. 11 §140.

[19] *PC*, Jan. 4–11, 1768: this sentence reads: "We are therefore—I speak it with grief—I speak it with indignation—we are SLAVES."

[20] Verg. *Æn*. 2.798.

[21] JD quotes from the *PC*, Dec. 21–28, 1767, reprinted from "L— C—'s Speech on the Declaratory

Bill of the Sovereignty of Great Britain over the Colonies," *The Political Register* (London), September 1767, 282–86. Charles Pratt, first baron Camden, (1714–1794), was one of the five lords who voted against the Declaratory Act of 1766 (6 Geo. 3, c. 12).

[22] *The Speech of Mr. P---*, 12–15.

[23] *PC*, Dec. 21–28, 1767.

[24] Demosthenes (384–322 BC) was an Athenian statesman and orator.

[25] Hume, *Essays*, 66. In the version of this letter published in the *PC*, Jan. 4–11, 1768, these sentences read: "Their reasoning is not only just: it is '*vehement*,' *as Mr.* Hume *says of the eloquence of* Demosthenes. ''*Tis disdain*, *anger*, *boldness*, *freedom*, *involved in a continual stream of argument*.' HUME's Essay on Eloquence."

33
A Farmer [JD], "Letters from a Farmer in Pennsylvania. Letter VIII," *The Pennsylvania Gazette*, January 21, 1768

LETTERS from a FARMER *in* PENNSYLVANIA, *to the Inhabitants of the* BRITISH COLONIES.

LETTER VIII.

My dear Countrymen,

IN my opinion, a dangerous example is set in the last act[1] relating to these colonies. The power of parliament to levy money upon us for raising a revenue, is therein avowed and exerted. Regarding the act on this single principle, I must again repeat, and I think it my duty to repeat, that to me it appears to be *unconstitutional*.

No man, who considers the conduct of the parliament since the repeal of the *Stamp-Act*, and the disposition of many people at home, can doubt, that the chief object of attention there, is, to use Mr. *Greenville*'s expression, "providing that the DEPENDANCE and OBEDIENCE of the colonies be asserted and maintained."[2]

Under the influence of this notion, instantly on repealing the *Stamp-Act*, an act passed,[3] declaring the power of parliament to bind these colonies *in all cases whatever*. This however was only planting a barren tree, that cast a *shade* indeed over the colonies, but yielded no *fruit*. It being determined to enforce the authority on which the *Stamp-Act* was founded, the parliament having never renounced the right, as Mr. *Pitt* advised them to do; and it being thought proper to disguise that authority in such a manner, as not again to alarm the colonies; some little time was required to find a method, by which both these points should be united. At last the ingenuity of Mr. *Greenville* and his party accomplished the matter, as it was thought, in "an act for granting certain duties in the *British* colonies and plantations in *America*, for allowing drawbacks," *&c*. which is the title of the act laying duties on paper, *&c*.[4]

The parliament having several times before imposed duties to be paid in *America*, IT WAS EXPECTED, NO DOUBT, THAT THE REPETITION OF SUCH A MEASURE WOULD BE PASSED OVER, AS AN USUAL THING. But to have done this, without

expresly "asserting and maintaining" the power of parliament to take our money without our consent, and to apply it as they please, would not have been sufficiently declarative of its supremacy, nor sufficiently depressive of *American* freedom.

Therefore it is, that in this memorable act we find it *expresly* "provided," that money shall be levied upon us without our consent, for PURPOSES, that render it, *if possible*, more dreadful than the *Stamp-Act*.

That act, alarming as it was, declared, the money thereby to be raised, should be applied "towards defraying the expences of defending, protecting and securing the *British* colonies and plantations in *America:*"[5] And it is evident from the whole act, that by the word "*British*," were intended colonies and plantations *settled by* British *people*, and not generally, *those subject to the* British *crown*. That act therefore seemed to have something gentle and kind in its intention, and to aim only at *our own welfare:* But the act now objected to, imposes duties upon the *British* colonies, "to defray the expences of defending, protecting and securing *his Majesty's* DOMINIONS *in* America."[6]

What a change of words! What an *incomputable addition* to the expences intended by the *Stamp-Act!* "*His Majesty's* DOMINIONS" comprehend not only *the* British *colonies*, but also *the conquered provinces of* Canada *and* Florida, *and the* British *garrisons of* Nova-Scotia; for *these* do not deserve the name of *colonies*.

What justice is there in making us pay for "defending, protecting and securing" THESE PLACES? What benefit *can* we, or *have* we ever derived *from them?* None of them was conquered *for* US; nor will "be defended, protected or secured" *for* US.

In fact, however advantageous the subduing or keeping any of these countries may be to *Great-Britain*, the acquisition is greatly injurious to these colonies. Our chief property consists in *lands*. These would have been of a much greater value, if such prodigious additions had not been made to the *British* territories on this continent. The natural increase of our own people, if confined within the colonies, would have raised the value still higher and higher every fifteen or twenty years: Besides, we should have lived more compactly together, and have been therefore more able to resist any enemy. But now the inhabitants will be thinly scattered over an immense region, as those who want settlements, will chuse to make new ones, rather than pay great prices for old ones.

These are the consequences to the colonies, of the hearty assistance they gave to *Great-Britain* in the late war[7]—a war *undertaken solely for her own benefit*. The objects of it were, the securing to herself the rich tracts of land on the back of these colonies, with the *Indian* trade; and *Nova-Scotia*, with the fishery. *These*, *and much more*, *has that kingdom gained*;[8] but the *inferior animals*, that hunted with the *lion*, have been amply rewarded for all the sweat and blood their loyalty cost them, by the honour of having sweated and bled in such company.

I will not go so far as to say, that *Canada* and *Nova-Scotia* are curbs on *New-England*; the *chain of forts* through the back woods, on the *Middle Provinces*; and

Florida, on the *rest:* But I will venture to say, that if the products of *Canada*, *Nova-Scotia*, and *Florida*, deserve any consideration, the two first of them are only rivals of our Northern Colonies, and the other of our Southern.

It has been said, that without the conquest of these countries, the colonies could not have been "protected, defended and secured:" If that is true, it may with as much propriety be said, that *Great-Britain* could not have been "defended, protected and secured," without that conquest: For the colonies are parts of her empire, which it as much concerns *her* as *them* to keep out of the hands of any other power.

But these colonies, when they were much weaker, defended themselves, before this conquest was made; and could again do it, against any that might properly be called *their* enemies. If *France* and *Spain* indeed should attack them, *as members of the* British *empire*, perhaps they might be distressed; but it would be in a *British* quarrel.

The largest account I have seen of the number of people in *Canada*, does not make them exceed 90,000. *Florida* can hardly be said to have any inhabitants. It is computed that there are in our colonies 3,000,000.[9] *Our* force therefore must increase with a disproportion to the growth of *their* strength, that would render us very safe.

This being the state of the case, I cannot think it just that these colonies, labouring under so many misfortunes, should be loaded with *taxes*, to maintain countries, not only not useful, but hurtful to them. The support of *Canada* and *Florida* cost yearly, it is said, half a million sterling. From hence, we may make some guess of the load that is to be laid *upon* US; for WE are not only to "defend, protect and secure" *them*, but also to make "an adequate provision for defraying the charge of the administration of justice, and the support of civil government, in such provinces where it shall be found necessary."[10]

Not one of the provinces of *Canada*, *Nova-Scotia*, or *Florida*, has ever defrayed *these expences* WITHIN ITSELF: And if the duties imposed by the last statute are collected, *all of them together*, according to the best information I can get, will not pay *one quarter as much as* Pennsylvania *alone*. So that the *British colonies* are to be drained of the rewards of their labour, to cherish the scorching sands of *Florida*, and the icy rocks of *Canada* and *Nova-Scotia*, which never will return to us one farthing that we send to them.

Great-Britain—I mean, the ministry in *Great-Britain*, has cantoned *Canada* and *Florida* out into *five* or *six* governments, and may form *as many more*.[11] She now has *fourteen* or *fifteen* regiments on this continent; and may send over *as many more*.[12] To make "an adequate provision" FOR ALL THESE EXPENCES, is, no doubt, to be the *inheritance* of the colonies.

Can any man believe that the duties upon paper, *&c*. are the *last* that will be laid for these purposes? It is in vain to hope, that because it is imprudent to lay duties on the exportation of manufactures from a mother country to colonies, as it

may promote manufactures among them, that this consideration will prevent such a measure.

Ambitious, artful men have made it popular, and whatever injustice or destruction will attend it in the opinion of the colonists, at home it will be thought just and salutary. *

The people of *Great-Britain* will be told, and have been told, that *they* are sinking under an immense debt—that great part of this debt has been contracted in defending the colonies—that *these* are so ungrateful and undutiful, that they will not contribute one mite to its payment—nor even to the support of the army now kept up for their "defence and security"[13]—that they are rolling in wealth, and are of so bold and republican a spirit, that they are aiming at independence—that the only way to retain them in "obedience" is to keep a strict watch over them, and to draw off part of their riches in *taxes*—and that every burden laid upon *them* is taking off so much from *Great-Britain*.— These assertions will be generally believed, and the people will be persuaded that they cannot be too angry with their colonies, as that anger will be profitable to themselves.

In truth, *Great-Britain* alone receives any benefit from *Canada*, *Nova-Scotia* and *Florida*; and therefore she alone ought to maintain them. The old maxim of the law is drawn from reason and justice, and never could be more properly applied, than in this case.[14]

Qui sentit commodum, *sentire debet et onus*.[15]

They who feel the benefit, ought to feel the burden.

A FARMER.

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* "*So* credulous, *as well as* obstinate, *are the people in believing* every thing, *which flatters their* prevailing Passion." Hume's Hist. of England.[16]

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[1] The Revenue Act of 1767.

[2] *PG*, Nov. 5, 1767. Reprinted from "An Impartial Account of a Late Interesting Conference; with the Several Particulars Previous and Subsequent," *The Political Register* (London), August 1767, 201–08, at 204–05.

[3] The Declaratory Act of 1766.

[4] The Revenue Act of 1767.

[5] The Stamp Act of 1765. See 26 *SAL* 179–204, at 179.

[6] The Revenue Act of 1767. See 27 *SAL* 505–12, at 505.

[7] The French and Indian War.

[8] Under the Treaty of Paris (1763), Great Britain acquired Canada, Grenada, Dominica, and St. Vincent from France, as well as Florida from Spain.

[9] Although the two British colonies in Florida never conducted formal censuses, scholars estimate that the total colonial population did not exceed 3,500 in this period. See Deborah L. Bauer, "'. . . In a Strange Place . . .': The Experiences of British Women during the Colonization of East & West Florida," *Florida Historical Quarterly* 89, no. 2 (2010): 145–85, at 152–53.

[10] The Revenue Act of 1767. See 27 *SAL* 505–12, at 505.

[11] By 1768, separate colonial governments had been established in East Florida, West Florida, Quebec, Nova Scotia, Rupert's Land, and Newfoundland.

[12] From 1765 to 1770, the British Army stationed fifteen battalions in North America for a total force

of 7,501 men. See Peter D.G. Thomas, "The Cost of the British Army in North America, 1763–1775," *WMQ* 45, no. 3 (1988): 510–16, at 512.

[13] *PC*, Jan. 11–18, 1768: this quotation reads: "'defence, protection and security.'"

[14] *PC*, Jan. 11–18, 1768: this paragraph is omitted.

[15] A dictum of legal Latin (*BLD*).

[16] Hume, *History*, 6:172.

34
To James Otis, Jr., January 25, 1768

Dear Sir,

I have just receiv'd your Favor of the first of this Month,[1] and am extremely happy in finding myself so much esteem'd by you. I very sincerely return you the kind Wishes you make for me; and am particularly oblig'd {to} you, for the attention you have been pleas'd to bestow on the Papers,[2] I ventur'd to trouble You with.

I have made several alterations in the Copy, from which, that I sent to you, was taken: And the only correct one publish'd here, is printed in the Pennsylvania Gazette, of Hall & Sellers. I find that the "Letters" publish'd to the Eastward, are taken from our Chronicle, which being incorrect, I Should be Glad, if you would be so kind as to mention to any of the Printers You may happen to see, that the Gazette is much the most exact.—

I have Great hopes from what I hear, that nothing more is wanting, in order To rouse our Country-men, into a proper vindication of Their just Rights, than those Examples of public Spirit, which "the cold Regions of the North"[3] have been us'd to give to the Languid Latitudes of the South.—[4]

I Shall be very glad to hear of your proceedings; and as Divine Providence has been pleas'd to Place us at Such a Distance from each other, I Shall always receive with Pleasure the smallest Signs of my being kindly remember'd by you. On my side I assure you with the utmost Sincerity, that your public Conduct, & my private Acquaintance with you, have render'd you extremely Dear, to

Sir
your most affectionate
and much oblig'd h[um]ble Serv[an]t
John Dickinson
Philadelphia
January 25th—1768

I have tried to get Pensylvania paper to write to you upon—but I cannot procure any that Is good e enough—
This, however, is untax'd

C (MHi-Warren-Adams Papers and MB-American Revolutionary War Manuscripts Collection)

[1] Letter not found.

[2] The *Farmer's Letters*, which JD sent to him on Dec. 5, 1767. See doc. 4:19, above.

[3] Perhaps a quote from Otis's Jan. 1 letter.

[4] The remaining text is from the manuscript at MB.

35
A Citizen [William Hicks], Excerpt of "The Nature and Extent of Parliamentary Power Considered . . . ," *The Pennsylvania Journal*, January 28, 1768

JD's friend William Hicks first drafted this essay in early 1766. Following the passage of the Townshend Acts, he supplemented it with an introduction and published it in *The Pennsylvania Journal* as a serial from January 21 through February 25, 1768, where it appeared alongside several of the *Farmer's Letters*. Excerpts were republished in New York and Boston.[1] In contrast to Daniel Dulany and JD, Hicks denies not only Parliament's right to tax the colonies for revenue but also its authority to regulate colonial trade. Coupled with a subsequent essay (doc. 4:48, below) that explicitly warns that JD's position would "be attended with the most dangerous and fatal consequences," the piece provoked a testy exchange between Hicks and JD (docs. 4:44, 4:45, 4:46, 4:53, and 4:54, below).

The portions of Hicks's argument most closely related to the *Farmer's Letters* appear here and in doc. 4:43, below. For summaries of the remaining issues, see docs. 4:A30, 4:A32, 4:A33, and 4:A35, below.

The NATURE *and* EXTENT *of*
PARLIAMENTARY POWER Considered,
In some Remarks upon Mr. PITT's SPEECH *in the House of Commons*, *previous to the Repeal of the* STAMP-ACT.[2]
With an INTRODUCTION,
Applicable to the present situation of the COLONIES.
September, 1767.

"If there be any one so credulous as not to apprehend the fatal consequences of this FORMIDABLE POWER, I cannot but wonder at that man's security."
Demosthenes's 2*d Philipic*.[3]

INTRODUCTION.
[*Continued from our last*.][4]

MR. PITT, has frequently declared that the free-men of Great-Britain have no right to take money out of our pockets, without first obtaining our consent; and yet their representatives in parliament have resolved, without deigning to consult us, that we shall pay a certain sum for furnishing the soldiery with particular necessaries. Unwilling to revive a contest, which had just before been settled so much to our satisfaction, we declined renewing the dispute with regard to the legality of the act. We were contented to receive it as a *reasonable requisition*,

though not as *a binding law*; and, consulting our own abilities and convenience, we granted such articles as we thought would answer *the design of the act*. In this conduct, so remarkably temperate, we have incurred the highest displeasure of the British parliament, and are exposed, as a punishment due to our offences, to one of the most general, and severest penalties which the hand of power could inflict. An act[5] has passed to strip us of our legislative power, and render us unable to provide for ourselves in a situation of the most imminent danger; because we have outrageously refused to subscribe to our own ruin. We have modestly avoided controverting a point of the *highest* importance, lest we should draw upon ourselves a charge of *obstinacy* and *malevolence*. We have complyed with the *meaning*, though not with the *letter* of the act. We have evidenced the most grateful and complying disposition, and are nevertheless doomed to receive the punishment of the most rebelious opposition. If our every act is thus liable to be misconstrued, and we are patiently to receive such severe chastisement, we must at once renounce the name of free-men, and accommodate ourselves to a state of *abject vassallage*.

We may not, perhaps, just now feel any immediate ill consequences from this restraint upon our legislation; but, when we are to determine upon the propriety or justice of any particular act, we are to consider all the effects which it may probably, or even possibly produce. Suppose (for instance) that our savage neighbours should once more wantonly invade our frontiers—to what a horrid situation should we be reduced! Our lives and fortunes exposed to the attacks of a barbarous enemy, without our being able to raise either men or money for our protection. Can the greatest enemy to America think of our being reduced to a situation so truly distressful, without accusing of the most unnatural severity, those who arrogate to themselves an absolute power of directing and restraining out every action, in such a manner as may best answer their own partial purposes? In this amazing exertion of parliamentary power, the single colony of New-York is not alone concerned. It may hereafter be the fate of every other province, unless they now cordially unite in such an application as may confirm their liberty, or establish their subordination upon some regular principles.

I am no favourer of violent measures. I would endeavour to support our pretensions by force of reasoning, not by force of arms; but yet I would anxiously wish that nothing may intimidate us into an acquiescence with the measures of oppression. We may be compelled to submit, but never to relinquish our claim to the privileges of the free men.

When we complain of the violent proceedings in the late administrations; let us consider the alterations, which a century has produced in our constitution. We have now a standing army of one hundred and twenty regiments. Scarce a family of rank but what has some military connections; and even in the house of commons there are too many gentlemen of the sword. No wonder then that we are alarmed

with such *spirited resolves*—that execution is to proceed judgment; and that the inhabitants of a colony are regarded as *dependent vassals*, by those who have been accustomed to consider a legion of *free subjects*, as a band of *absolute slaves*—points of honour now take place of points in law, and *Magna-Charta* itself must give way to that *furor militaris*[6] which so universally prevails. The hand which bestows a truncheon can never be guilty of oppression, and the will of an artful minister will become the law of a whole nation.

I am no enemy to the present military establishment, but as I conceive it may influence and endanger our liberties; nor have I any resentment against the inhabitants of that country, which gave birth to my ancestors, but when I consider them as exerting their superior power to reduce their fellow subjects to a state of subordination inconsistent with their natural rights, and not to be reconciled to the spirit of their own constitution. I admire and revere the well regulated government of Great-Britain, and only wish to have our own system established by so excellent a standard.

As a colonist, my most ambitious views extend no further than the rights of a British subject. I can not comprehend how my being born in America should divest me of these; nor can I conceive why the liberty and property of a free-born American should not be protected from every invasion with the same caution, which has ever been exerted to guard the privileges of an englishman. If we are entitled to the liberties of British subjects we ought to enjoy them *unlimited and unrestrained*. If our pretentions to these are without any foundation, why are we left unacquainted with the cause and nature of our subordination. In acts of the greatest solemnity and notoriety, we have been flattered with the title of British subjects—we have received with the blood of our ancestors, the spirit of liberty, and our hearts naturally retain an utter abhorrence of slavery. We have carefully examined those glorious charters, granted to the virtuous resolution of our brave fore-fathers; and the result of our examination cannot but inform us—that liberty is only to be supported by a steady opposition to the first advances of arbitrary power. The conduct of the colonists has been most maliciously misrepresented, and they have been stigmatized as *riotous* and *rebellious*, when those who are un-influenced by prejudice, can not but discover that their warmest wishes rise no higher than to a connection, founded upon *natural right*; and that their present resentment could only be excited by the horrid apprehensions of being reduced to a state of *slavish dependence*.

I am not so great a stickler for the independance of the colonies, but I am ready to acknowledge the *necessity* of lodging in some part of the community a *restraining* power, for the regulating and limiting the trade and manufactures of each particular county or colony, in such a manner as might more effectually promote the good of the whole; and I should not obstinately object to the vesting this power in the parliament of Great-Britain, if the violent measures which have lately been carried

into execution, did not afford me too much reason to believe, that every concession which might at this time be made from a *principle of necessity*, and a regard to the public utility, would be immediately considered as an acknowledgment of such a *subordination*, as is totally inconsistent with the nature of our constitution. If a laudable motive of moderation, and a generous attention to the welfare and tranquility of the whole community should induce a ready submission to every regulation which the British parliament may think necessary to frame, the ill consequences which may possibly attend such a temperate conduct may draw upon us a charge of *unpardonable negligence*. In a system so complicated as ours, where one power is continually encroaching upon the other, and where the general ballance is so fluctuating and precarious; a spirit of compliance and moderation in the present age, may lay a foundation for the slavery and dependance of future generations; who will have the greatest reason to charge us with having basely betrayed their liberties, by carelessly relaxing from the *rigid scrutiny* which ever ought to be made into matters of national concern.

Vos dormitis, *nec adhuc mihi videmini intelligere quam nos pateamus*.

Cal. ad. Cic.[7]

(To be continued)

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[1] The initial portion of the introduction appeared in *The New-York Journal* (supplement), Feb. 6, 1768. John Holt, the publisher of *The New-York Journal*, subsequently published the entire essay as a pamphlet (Evans, No. 10986). Passages from the introduction appeared in *The Boston-Gazette*, Feb. 15 and 22, 1768. *The Boston Evening-Post* published substantive excerpts between Feb. 15 and March 21, 1768.

[2] *The Speech of Mr. P---*.

[3] Dem. 6.6.

[4] Doc. 4:A30. Brackets in the original.

[5] The New York Restraining Act of 1767.

[6] *Furor militaris*: Lat. military frenzy.

[7] "*Vos dormitis nec hæc adhuc mihi videmini intellegere, qua nos pateamus*": Lat. "You are asleep. Neither do you seem as yet to understand these things which we are making evident" (Cic. *Fam*. 8.17.2).

36
A Farmer [JD], "Letters from a Farmer in Pennsylvania. Letter IX," *The Pennsylvania Gazette*, January 28, 1768

LETTERS from a FARMER *in* PENNSYLVANIA, *to the Inhabitants of the* BRITISH COLONIES.

LETTER IX.

My dear Countrymen,

I HAVE made some observations on the PURPOSES for which money is to be levied upon us by the late act of parliament. I shall now offer to your consideration some further reflections on that subject: And, unless I am greatly mistaken, if these

purposes are accomplished according to the *expressed* intention of the act, they will be found effectually to *supersede* that authority in our respective assemblies, which is essential to liberty. The question is not, whether some branches shall be lopt off—The axe is laid to the root of the tree; and the whole body must infallibly perish, if we remain idle spectators of the work.

No free people ever existed, or can ever exist, without keeping, to use a common, but strong expression, "the purse strings," in their own hands. Where this is the case, *they* have a *constitutional check* upon the administration, which may thereby be brought into order *without violence:* But where such a power is not lodged in the *people*, oppression proceeds uncontrouled in its career, till the governed, transported into rage, seek redress in the midst of blood and confusion.

The elegant and ingenious Mr. *Hume*, speaking of the *Anglo Norman* government, says—"Princes and Ministers were too ignorant, to be themselves sensible of the advantage attending an equitable administration, and there was no established council or *assembly*, WHICH COULD PROTECT THE PEOPLE, and BY WITHDRAWING SUPPLIES, regularly and PEACEABLY admonish the king of his duty, and ENSURE THE EXECUTION OF THE LAWS."[1]

Thus this great man, whose political reflections are so much admired, makes *this power* one of the foundations of liberty.

The *English* history abounds with instances, proving that *this* is the proper and successful way to obtain redress of grievances. How often have kings and ministers endeavoured to throw off this legal curb upon them, by attempting to raise money by a variety of inventions, under pretence of law, without having recourse to parliament? And how often have they been brought to reason, and peaceably obliged to do justice, by the exertion of this constitutional authority of the people, vested in their representatives?

The inhabitants of these colonies have, on numberless occasions, reaped the benefit of this authority *lodged in their assemblies*.

It has been for a long time, and now is, a constant instruction to all governors, *to obtain a* PERMANENT *support for the offices of government*. But as the author of "the administration of the colonies" says, "this order of the crown is generally, if not universally, rejected by the legislatures of the colonies."[2]

They perfectly know *how much* their grievances would be regarded, if they had *no other* method of engaging attention, than by complaining. Those who rule, are extremely apt to think well of the constructions made by themselves in support of their own power. *These* are frequently erroneous, and pernicious to those they govern. Dry remonstrances, to shew that such constructions are wrong and oppressive, carry very little weight with them, in the opinion of persons who gratify their own inclinations in making these constructions. *They* CANNOT understand the reasoning that opposes *their* power and desires. But let it be made *their interest* to understand such reasoning—and a *wonderful light* is instantly

thrown upon the matter; and then, rejected remonstrances become as clear as * "proofs of holy writ."

The three most important articles that our assemblies, or any legislatures can provide for, are, First—the defence of the society: Secondly—the administration of justice: And thirdly—the support of civil government.

Nothing can properly regulate the expence of making provision for these occasions, but the *necessities* of the society; its *abilities*; the *conveniency* of the modes of levying money among them; the *manner* in which the laws have been executed; and the *conduct* of the officers of government: *All which* are circumstances that *cannot* possibly be properly *known*, but by the society itself; or if they should be known, *will not* probably be properly *considered* but by that society.

If money be raised upon us by others, without our consent, for our "defence," those who are the judges in *levying* it, must also be the judges in *applying* it. Of consequence the money *said* to be taken from us for our defence, *may be employed* to our injury. We may be chained in by a line of fortifications—obliged to pay for the building and maintaining them—and be told, that they are for our defence. With what face can we dispute the fact, after having granted that those who *apply* the money, had a right to *levy* it? For surely, it is much easier for their wisdom to understand how to apply it in the best manner, than how to levy it in the best manner. Besides, the *right of levying* is of infinitely more consequence, than *that of applying*. The people of *England*, who would burst out into fury, if the crown should attempt to *levy* money by its own authority, have always assigned to the crown the *application* of money.

As to "the administration of justice"—the judges ought, in a well regulated state, to be equally independant of the executive and legislative powers. Thus in *England*, judges hold their commissions from the crown "*during good behaviour*," and have salaries suitable to their dignity, settled on them by parliament.[3] The purity of the courts of law since this establishment, is a proof of the wisdom with which it was made.

But in these colonies, how fruitless has been every attempt to have the judges appointed "*during good behavior?*"[4] Yet whoever considers the matter will soon perceive, that *such commissions* are beyond all comparison more necessary in these colonies, than they were in *England*.[5]

The chief danger to the subject *there*, arose from the arbitrary *designs of the crown*; but *here*, the time may come, when we may have to contend with the *designs of the crown*, *and of a mighty kingdom.* What then must be our chance, when the laws of life and death are to be spoken by judges totally dependant on *that crown*, and *that kingdom*—sent over perhaps *from thence*—filled with *British prejudices*—and *backed by a* STANDING *army*—supported out of OUR OWN pockets, to "assert and maintain" OUR OWN "dependance and obedience."[6]

But supposing that through the extreme lenity that will prevail in the government *through all future ages*, these colonies will

* *Shakespeare.*[7]

never behold any thing like the campaign of chief justice *Jeffereys*,[8] yet what innumerable acts of injustice may be committed, and how fatally may the principles of liberty be sapped, by a succession of judges *utterly independant of the people?* Before such judges, the supple wretches, who cheerfully join in avowing sentiments inconsistent with freedom, will always meet with smiles; while the honest and brave men, who disdain to sacrifice their native land to their own advantage, but on every occasion boldly vindicate her cause, will constantly be regarded with frowns.

There are two other considerations relating to this head, that deserve the most serious attention.

By the late act, the officers of the customs are "impowered to enter into any HOUSE, warehouse, shop, cellar, or other place, in the *British* colonies or plantations in *America*, to search for or seize prohibited or unaccustomed goods," *&c*. on "writs granted by the superior or supreme court of justice having jurisdiction within such colony or plantation respectively."[9]

If we only reflect, that the judges of these courts are to be *during pleasure*—that they are to have "*adequate provision*" made for them, which is to continue *during their complaisant behaviour*—that they may be *strangers* to these colonies—what an engine of oppression may this authority be in such hands?

I am well aware, that writs of this kind may be granted at home, under the seal of the court of exchequer: But I know also, that the greatest asserters of the rights of *Englishmen* have always strenuously contended, that *such a power* was dangerous to freedom, and expresly contrary to the common law, which ever regarded a man's *house* as his castle, or a place of perfect security.

If such a power was in the least degree dangerous *there*, it must be utterly destructive to liberty *here*. For the people there have two securities against the undue exercise of this power by the crown, which are wanting with us, if the late act takes place. In the first place, if any injustice is done *there*, the person injured may bring his action against the offender, and have it tried before INDEPENDANT JUDGES, who are † NO PARTIES IN COMMITTING THE INJURY. *Here* he must have it tried before DEPENDANT JUDGES, being the men WHO GRANTED THE WRIT.

To say, that the cause is to be tried by a jury, can never reconcile men who have any idea of freedom, to *such a power*. For we know, that sheriffs in almost every colony on this continent, are totally dependant on the crown; and packing of juries has been frequently practised even in the capital of the *British* empire. Even if juries are well inclined, we have too many instances of the influence of over-bearing unjust judges upon them. The brave and wise men

who accomplished the revolution,[10] thought the *independency of judges* essential to freedom.

The other security which the people have at home, but which we shall want here, is this.

If this power is abused *there*, the parliament, the grand resource of the oppressed people, is ready to afford relief. Redress of grievances must precede grants of money. But what regard can *we* expect to have paid to our assemblies, when they will not hold even the puny privilege of *French* parliaments[11]—that of registering, before they are put in execution,[12] the edicts that take away our money.

The second consideration above hinted at, is this. There is a confusion in our laws, that is quite unknown in *Great-Britain.* As this cannot be described in a more clear or exact manner, than has been done by the ingenious author[13] of the history of *New-York*, I beg leave to use his words. "The state of our laws opens a door to much controversy. The *uncertainty*, with respect to them, RENDERS PROPERTY PRECARIOUS, and GREATLY EXPOSES US TO THE ARBITRARY DECISION OF BAD JUDGES. The common law of *England* is generally received, together with such statutes as were enacted before we had a legislature of our own; but our courts EXERCISE A SOVEREIGN AUTHORITY, in determining *what parts of the common and statute law* ought to be extended: For it must be admitted, that the *difference of circumstances* necessarily requires us, in some cases, *to* REJECT *the determination of both.* In many instances, they have also extended even acts of parliament, passed since we had a distinct legislature, *which is greatly adding to our confusion.* The practice of our courts is no less *uncertain* than the law. Some of the *English* rules are adopted, others rejected. Two things therefore seem to be ABSOLUTELY NECESSARY for the PUBLIC SECURITY. First, the passing an act for settling the extent of the *English* laws. Secondly, that the courts ordain a general sett of rules for the regulation of the practice."[14]

How easy it will be, under this "state of our laws," for an artful judge, to act in the most arbitrary manner, and yet cover his conduct under specious pretences; and how difficult it will be for the injured people to obtain relief, may be readily perceived. We may take a voyage of 3000 miles to complain; and after the trouble and hazard we have undergone, we may be told, that the collection of the revenue, and maintenance of the prerogative, must not be discouraged—and if the misbehaviour is so gross as to admit of no justification, it may be said, that it was an error in judgment only, arising from the confusion of our laws, and the zeal of the King's servants to do their duty.

If the commissions of judges are *during the pleasure of the crown*, yet if their salaries are *during the pleasure of the people*, there will be *some check* upon their conduct. Few men will consent to draw on themselves the hatred and contempt of those among whom they live, for the empty honour of being judges. It is the sordid love of gain, that tempts men to turn their backs on virtue, and pay their homage where they ought not.

As to the third particular, "the support of civil government"—few words will be sufficient. Every man of the least understanding must know, that the *executive* power may be exercised in a manner so disagreeable and harassing to the people, that it is absolutely requisite, that *they* should be enabled, by the gentlest method which human policy has yet been ingenious enough to invent, that is, *by shutting their hands*, to "ADMONISH" (as Mr. *Hume* says) certain persons "OF THEIR DUTY."

What shall we now think when, upon looking into the late act, we find the assemblies of these provinces thereby stript of their authority *on these several heads?* The *declared* intention of the act is, "that a revenue should be raised IN HIS MAJESTY'S DOMINIONS IN AMERICA, for making a more certain and adequate provision *for defraying the charge of* THE

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† *The writs for searching houses in* England, *are to be granted* "*under the seal of the court of exchequer*," *according to the statute*[15]*—and that seal is kept by the chancellor of the exchequer*. 4th Inst. p. 104.[16]

ADMINISTRATION OF JUSTICE, and *the support of* CIVIL GOVERNMENT in such provinces where it shall be found necessary, and *towards further defraying the expences of* DEFENDING, PROTECTING AND SECURING THE SAID DOMINIONS."[17]

Let the reader pause here one moment—and reflect—whether the colony in which *he* lives, has not made such "certain and adequate provision" *for these purposes* as is *by the colony judged suitable to its abilities*, *and all other circumstances.* Then, let him reflect—whether if this act takes place, money is not to be raised on *that* colony *without its consent*, to make "provision" *for these purposes*, which *it does not judge to be suitable to its abilities*, *and all other circumstances*. Lastly, let him reflect—whether the people of that country are not in a state of the most abject slavery, *whose property may be taken from them* under the notion of right, *when they have refused to give it.*

For my part, I think I have good reason for vindicating the honour of the assemblies on this continent, by publicly asserting, that THEY *have made as* "*certain and adequate provision*" *for the purposes abovementioned*, *as they ought to have made*, and that it should not be presumed, that they will not do it hereafter. Why then should *these most important trusts* be wrested out of their hands? Why should they not now be permitted to enjoy that authority, which they have exercised from the first settlement of these colonies? Why should they be scandalized by this innovation, when their respective provinces are now, and will be for several years, labouring under loads of debt, imposed on them for the very purpose now spoken of? Why should all the inhabitants of these colonies be, with the utmost indignity, treated as a herd of despicable stupid wretches, so utterly void of common sense,

that they will not even make "adequate provision" for the "administration of justice, and the support of civil government" among them, or for their own "defence"—though without such "provision" every people must inevitably be overwhelmed with anarchy and destruction? Is it possible to form an idea of a slavery more *compleat*, more *miserable*, more *disgraceful*, than that of a people, where *justice is administered*, *government exercised*, and a *standing army maintained*, AT THE EXPENCE OF THE PEOPLE, and yet WITHOUT THE LEAST DEPENDANCE UPON THEM? If we can find no relief from this infamous situation, let Mr. *Greenville* set his fertile fancy again at work, and as by one exertion of it he has stript us of our *property* and *liberty*, let him by another deprive us of our *understanding*; that, unconscious of what we *have been* or *are*, and ungoaded by tormenting reflections, we may bow down our necks, with all the stupid serenity of servitude, to any drudgery, which our lords and masters shall please to command.

When the charges of the "administration of justice," the "support of civil government," and the expences of "defending, protecting and securing" us, are provided for, I should be glad to know, upon *what occasions* the crown will ever call our assemblies together. Some few of them may meet of their own accord, by virtue of their charters. But what will they have to do, when they are met? To what shadows will they be reduced? The men, whose deliberations heretofore had an influence on every matter relating to the *liberty* and *happiness* of themselves and their constituents, and whose authority in domestic affairs at least, might well be compared to that of *Roman* senators, will *now* find their deliberations of no more consequence, than those of *constables.* They may *perhaps* be allowed to make laws *for the yoking of hogs*, or *pounding of stray cattle*. Their influence will hardly be permitted to extend *so high*, as the *keeping roads in repair*, as *that business* may more properly be executed by those who receive the public cash. One most memorable example in history is so applicable to the point now insisted on, that it will form a just conclusion of the observations that have been made.

Spain was once *free*. Their *Cortes* resembled our parliaments. No *money* could be raised on the subject, *without their consent.* One of their Kings having received a grant from them, to maintain a war against the *Moors*, desired, that if the sum which they had given, should not be sufficient, he might be allowed, *for that emergency only*, to raise more money *without assembling the Cortes.* The request was violently opposed by the best and wisest men in the assembly. It was, however, complied with by the votes of a majority; and this single concession was a *precedent* for other concessions of the like kind, until at last the crown obtained a general power of raising money, in cases of necessity. From that period the *Cortes* ceased to be *useful*,—the *people* ceased to be *free*.[18]

Venienti occurrite morbo.[19]
Oppose a disease at its beginning.

A FARMER.

[1] Hume, *History*, 1:413.
[2] Thomas Pownall, *The Administration of the Colonies* (London: J. Wilkie, 1764), 46.
[3] Established by 12 & 13 Will. 3, c. 2 (1701): "An Act for the Further Limitation of the Crown and Better Securing the Rights and Liberties of the Subject," known as the Act of Settlement of 1701 (10 *SAL* 357–360, at 360). Charles I instituted the standard of "good behaviour," but Charles II (1630–1685) reverted to the older practice of appointing judges "during pleasure." Both Charles II and James II dismissed judges who displeased them. After the Glorious Revolution, several members of Parliament attempted to include security of tenure for judges in the Bill of Rights of 1689, but the provision was deleted in committee. In the 1690s, William III frustrated bills that would have had the same effect but used the phrase "during good behaviour" in the commissions of new judges, which Whig propaganda hailed as a fundamental point gained. The change did not come until the House of Commons added an amendment to what became the Act of Settlement of 1701. Even this was not decisive since judges' tenures lapsed with the death of each monarch until 1761, and reappointment was not automatic. See D.A. Rubini, "The Precarious Independence of the Judiciary, 1688–1701," *Law Quarterly Review* 83 (1967): 343–65. See also docs. 2:30 and 2:31.
[4] A 1759 law passed by the Pennsylvania Assembly to establish judicial tenure during good behavior was disallowed by the Board of Trade in 1760. A similar law passed by the North Carolina Assembly in 1760 met with the same fate. The New York Assembly passed a bill for the same purpose in 1761, but it was vetoed by Lt. Gov. Cadwallader Colden. See Joseph H. Smith, "An Independent Judiciary: The Colonial Background," *University of Pennsylvania Law Review* 124, no. 5 (1976): 1104–56, at 1120–21, 1133–34, 1139–40.
[5] The matter of judicial tenure was particularly fraught in Pennsylvania. See docs. 2:30 and 2:31.
[6] *PG*, Nov. 5, 1767. See doc. 4:33, n. 2, above.
[7] "Trifles light as air are to the jealous confirmations strong as proofs of holy writ." Shakespeare, *Othello*, 3.3.370–72.
[8] George Jeffreys, first baron Jeffreys (1645–1689), was an English judge notorious for his cruelty, particularly for his role as one of five judges on the 1685 western assizes—remembered as the "Bloody Assizes"—where he presided over the trials of participants in Monmouth's Rebellion (1685).
[9] The Revenue Act of 1767. See 27 *SAL* 505–12, at 512.
[10] That is, the Glorious Revolution.
[11] The French *parlements* were judicial institutions composed of aristocrats from each region of the kingdom. While the *parlements* could invoke their right of remonstrance and refuse to register legislation, the king could overrule such objections through a proceeding known as a *lit de justice* (*ODMA*).
[12] *PC*, Jan. 18–25, 1768: this clause comes at the end of the sentence.
[13] William Smith, Jr. (1728–1793), was a Presbyterian attorney and historian who served as a member of the New York Council, where he opposed Anglican efforts to install a bishop in the colonies. After attempting to remain neutral during the early stages of the Revolutionary War, Smith became a Loyalist and was appointed chief justice of New York under British authority. After the war, he moved to Quebec and served as chief justice of Lower Canada (*DCB*).
[14] Smith, *History*, 243.
[15] 13 & 14 Car. 2, c. 11 (1662): "An Act for Preventing Frauds, and Regulating Abuses in His Majesty's Customs," known as the Customs Act of 1662 (8 *SAL* 78–94, at 81). This act established that persons holding a "writ of assistance under the seal of his majesty's court of exchequer" could enter and search houses and other private buildings.
[16] 4 Coke, *Institutes* 104.
[17] The Revenue Act of 1767. See 27 *SAL* 505–12, at 505.
[18] This passage on the *Cortes* draws on Henry St. John, first viscount Bolingbroke, *A Dissertation upon Parties; In Several Letters to Caleb D'Anvers, Esq.*, 8th ed. (London: R. Francklin, 1754), 218–19.
[19] Pers. *Sat.* 3.64.

37
From John Williams, February 1, 1768

Kingston Jamaica 1st Feb[rua]ry 1768

Dear Sir.

Tho" I have nothing to write that can entertain, or give ye a moments pleasure, cannot think of leting the Bearer go from hence to Philad[elphi]a without repeating a second time, how much I think myself Oblig'd to you, for the trouble you have taken relative to my Money matters. and doubt not but you will see the strictest justice done me— I must inform you that I have very lately receiv'd a Letter, with my Acc[oun]t from Mr. Boddington (the person whom you sent the Bills to in London) wherein he renders an Acc[oun]t of all your Bills being receiv'd. But one which is that Drawn in favour of Ebenezer Mackie for £100 Sterling. As you do not mention the time the Bills were Drawn, I am convinc'd Mr. Boddington had not when he Writ out his Acc[oun]t receiv'd said Bill— I find by your Acc[oun]t that there remains in your hands, after you have taken to yourself the 5 p[e]r Cent Agency upwards of £100 pens[ylvani]a [*illegible*] Currency. which you may remitt to Mr. Boddington p[e]r Bills, or keep it untill you see how Mr. Frances's[1] affair will be settled. this as you think fit. Mrs. Williams sends her Complem[en]ts. accept my best wishes, and believe a Line from you will give pleasure to—

D[ea]r Sir!
your Oblig'd
Obed[ie]nt Humble Ser[va]n[t]
Jno. Williams

ALS (PHi-Logan)

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[1] That is, Tench Francis, Jr.

38
A Farmer [JD], "Letters from a Farmer in Pennsylvania. Letter X," *The Pennsylvania Gazette*, February 4, 1768

LETTERS from a FARMER *in* PENNSYLVANIA, *to the Inhabitants of the* BRITISH COLONIES.

LETTER X.

My dear Countrymen,

THE consequences, mentioned in the last letter, will not be the utmost limits of our *misery* and *infamy*, if the late act[1] is acknowledged to be binding upon us.[2] We feel too sensibly, that *any ministerial measures* * relating to these colonies, are soon carried successfully through the parliament. Certain prejudices operate there so strongly against us, that it may be justly questioned, whether *all* the provinces

united, will ever be able effectually to call to an account before the parliament, any minister who shall abuse the power by the late act given to the crown in *America*. He may divide the spoils torn from us in what manner he pleases, *and we shall have no way of making him responsible.* If he should order, that every *governor* shall have a yearly salary of 5000 l. sterling; every *chief justice* of 3000 l. every inferior officer in proportion; and should then reward the most profligate, ignorant, or needy dependants on himself or his friends, with places of the greatest trust, because they were of the greatest profit, this would be called an arrangement in consequence of the "adequate provision for defraying the charge of the administration of justice, and the support of the civil government:"[3] And if the taxes should prove at any time insufficient to answer all the expences of the numberless offices, which ministers may please to create, surely the house of commons will be so "*modest*," as not to "contradict a minister" who shall tell them, it is become necessary to lay a new tax upon the colonies, for the laudable purposes of defraying the charges of the "administration of justice, and support of civil government" among them. Thus, in fact, we shall be † taxed by ministers. In short, it will be in their power to settle upon us any CIVIL, ECCLESIASTICAL, or MILITARY establishment, which they chuse.[4]

We may perceive, by the example of *Ireland*, how eager ministers are to seize upon any settled revenue, and apply it in supporting their own power. Happy are the men, and *happy the people*, *who grow wise by the misfortunes of others*. Earnestly, my dear countrymen, do I beseech the author of all good gifts, that you may grow wise in this manner; and if I may be allowed to take such a liberty, I beg leave to recommend to you in general, as the best method of attaining this wisdom, diligently to study the histories of other countries. You will there find all the arts, that can possibly be practised by cunning rulers, or false patriots among yourselves, so fully delineated, that, changing names, the account would serve for your own times.

It is pretty well known on this continent, that *Ireland* has, with a regular consistency of injustice, been cruelly treated by ministers in the article of *pensions*; but there are some alarming circumstances relating to that subject, which I wish to have better known among us.

‡ The revenue of the crown there arises principally from the Excise granted "*for pay of the army*, *and defraying other public charges*, *in defence and preservation of the kingdom*"—from the tonnage and additional poundage granted "*for protecting the trade of the kingdom at sea*, *and augmenting the public revenue*"—from the hearth money granted—as a "*public revenue*, *for public charges and expences*." There are some other branches of the revenue, concerning which there is not any *express* appropriation of them for *public service*, but which were plainly *so intended*.

Of *these* branches of the revenue the crown is only *trustee* for the public. They are unalienable. They are inapplicable to any other purposes, but those for which they were established; and therefore are not *legally* chargeable with pensions.

* "*The gentleman must not wonder he was not contradicted*, *when*, *as* minister, *he asserted the right of parliament to tax* America. *I know not how it is*, *but there is a* MODESTY *in this house*, which does not chuse to contradict a minister. *I wish gentlemen would get the better of this* modesty. IF THEY DO NOT, PERHAPS THE COLLECTIVE BODY MAY BEGIN TO ABATE OF ITS RESPECT FOR THE REPRESENTATIVE." Mr. *Pitt*'s Speech.[5]

† "*Within this act* (statute de tallagio non concedendo) *are all* new *offices erected with* new *fees*, *or* old *offices with* new *fees*, *for that is a tallage put upon the subject*, *which cannot be done without common assent by the act of parliament*. *And this doth notably appear by a petition in parliament in anno* 13 H. IV. *where the commons complain*, *that an office was erected for measurage of cloths and canvas*, *with a new fee for the same*, *by colour of the king's letters patents*, *and pray that these letters patents may be revoked*, *for that the king could erect no offices with new fees to be taken of the people*, *who may not so be charged but by parliament*." 2d Inst. p. 533.[6]

‡ *An enquiry into the legality of pensions on the* Irish *establishment*, *by* Alexander M'Aulay, *Esq*;[7] *one of the King*'*s council*, &c.

Mr. M'Aulay *concludes his piece in the following beautiful manner*. "*If any* pensions *have been obtained on that establishment*, *to* SERVE THE CORRUPT PURPOSES OF AMBITIOUS MEN.— *If his Majesty*'*s revenues of* Ireland *have been employed in pensions*, TO DEBAUCH HIS MAJESY'S [*sic*] SUBJECTS *of both kingdoms*.— *If the treasure of* Ireland *has been expended in pensions*, FOR CORRUPTING MEN OF THAT KINGDOM TO BETRAY THEIR COUNTRY; *and men of the neighbouring kingdom*, *to betray both*.— *If* Irish *pensions have been procured*, TO SUPPORT GAMESTERS AND GAMING-HOUSES; *promoting a vice which threatens national ruin*.—[8] *If pensions have been purloined out of the national treasure of* Ireland, *under the* MASK OF SALARIES ANNEXED TO PUBLIC OFFICES, USELESS TO THE NATION; *newly invented*, FOR THE PURPOSES OF CORRUPTION.— *If* Ireland, *just beginning to recover from the devastations of massacre and rebellion*, *be obstructed in the progress of her cure*, BY SWARMS OF PENSIONARY VULTURES PREYING ON HER VITALS.— *If*, *by squandering the national substance of* Ireland, *in a* LICENTIOUS, UNBOUNDED PROFUSION OF PENSIONS, *instead of employing it in nourishing and improving her infant* agriculture, trade *and* manufactures, *or in* enlightening *and* reforming *her* poor, ignorant, deluded, miserable natives *(by nature most amiable*, *most valuable*, *most worthy of public attention)— If*, by such abuse of the national substance, sloth *and* nastiness, cold *and* hunger, nakedness *and* wretchedness, popery, depopulation *and* barbarism, *still maintain their* ground; still deform a country, abounding with all the riches of nature, *yet hitherto destined to beggary*.— *If* SUCH PENSIONS *be found on the* Irish *establishment*; *let such be cut off*: *And let the perfidious advisers be branded with indelible characters of public infamy*; *adequate*, *if possible*, *to the dishonour of their crime*."[9]

There is another kind of revenue, which is a private revenue. This is not limited to any public uses; but the crown has the same property in it, that any person has in his estate. This does not amount, at the most, to *Fifteen Thousand Pounds* a year, probably not to *Seven*, and is the only revenue, that can be legally charged with pensions.[10]

If ministers were accustomed to regard the rights or happiness of the people,

the pensions in *Ireland* would not exceed the sum just mentioned: But long since have they exceeded that limit; and in *December* 1765, a motion was made in the house of commons in that kingdom, to address his Majesty on the great increase of pensions on the *Irish* establishment, amounting to the sum of 158,685 l.—in the last two years.[11]

Attempts have been made to gloss over these gross encroachments, by this specious argument—"That expending a competent part of the PUBLIC REVENUE in pensions, from a principle of charity or generosity, adds to the dignity of the crown; and is *therefore* useful to the public."[12] To give this argument any weight, it must appear, that the pensions proceed from "*charity* or *generosity* only"—and that it "adds to the dignity of the crown," *to act directly contrary to law*.—[13]

From this conduct towards *Ireland*, in open violation of law, we may easily foresee what *we* may expect, when a minister will have the whole revenue of *America* in his own hands, to be disposed of at his own pleasure: For *all* the monies raised by the late act are to be "*applied* by virtue of warrants under the sign manual, countersigned by the high treasurer, or any three of the commissioners of the treasury." The "RESIDUE" indeed is to be "paid into the receipt of the exchequer, and to be disposed of by parliament."[14] So that a minister will have nothing to do, but to take care, that there shall be no "residue," and he is superior to all controul.

Besides the burden of *pensions* in *Ireland*, which have enormously encreased within these few years, almost all the *offices* in that poor kingdom, have been, since the commencement of the present century, and now are bestowed upon *strangers*.[15] For though the merit of persons born there, justly raises them to places of high trust when they go abroad, as all *Europe* can witness, yet he is an uncommonly lucky *Irishman*, who can get a good post *in his* NATIVE *country*.

When I consider the ‖ manner in which that island has been uniformly depressed for so many years past, with this pernicious particularity *of their* § *parliament continuing as long as the crown pleases*, I am astonished to observe *such a love of liberty* still animating that LOYAL and GENEROUS nation; and nothing can raise higher my idea of the INTEGRITY and ¶ PUBLIC

‖ *In* Charles *the Second's time*, *the house of commons*, *influenced by some factious demagogues*, *were resolved to prohibit the importation of* Irish *cattle into* England.[16] *Among other arguments in favour of* Ireland *it was insisted*—"*That by cutting off almost entirely the trade between the kingdoms*, ALL THE NATURAL BANDS OF UNION WERE DISSOLVED, *and nothing remained to keep the* Irish *in their duty*, *but* force *and* violence."

"*The king (says Mr*. Hume, *in his history of* England) *was so convinced of the justness of these reasons*, *that he used all his interest to oppose the bill*, *and he openly declared*, *that he could not give his assent to it with a safe conscience*. *But the commons were resolute in their purpose*."— "*And the spirit of* TYRANNY, of which NATIONS are as susceptible as INDIVIDUALS, *had animated the* English *extremely* TO EXERT THEIR SUPERIORITY over their dependant state. *No affair could be conducted with greater violence than this by the com-*

mons. *They even went so far in the preamble of the bill*, *as to declare the importation of* Irish *cattle to be a* NUSANCE. *By this expression they gave scope to their* passion, *and at the same time* barred the king's prerogative, *by which he might think himself entitled to dispense with a law*, SO FULL OF INJUSTICE AND BAD POLICY. *The lords expunged the word*, *but as the king was sensible that no supply would be given by the commons*, *unless they were gratified in all their* PREJUDICES, *he was obliged both to employ his interest with the peers*, *to make the bill pass*, *and to give the royal assent to it*. *He could not*, *however*, *forbear expressing his displeasure*, *at the jealousy entertained against him*, *and at the intention which the commons discovered*, *of retrenching his prerogative*.

"This law brought great distress for some time upon *Ireland*, BUT IT HAS OCCASIONED THEIR APPLYING WITH GREATER INDUSTRY TO MANUFACTURES, AND HAS PROVED IN THE ISSUE BENEFICIAL TO THAT KINGDOM."[17]

Perhaps the same reason *occasioned the* "*barring the king*'*s prerogative*" *in the late act suspending the legislation of* New-York.[18]

This we may be assured of, *that* WE *are as dear to his* Majesty, *as the people of* Great-Britain *are*. WE *are his* subjects *as well as they*, *and* as faithful subjects; *and his Majesty has given too many*, *too constant proofs of his piety and virtue*, *for any man to think it possible*, *that* such a prince *can make any unjust distinction between* such subjects. *It makes no difference to his Majesty*, *whether supplies are raised in* Great-Britain, *or* America; *but it makes* some *difference to the commons of that kingdom*.

To speak plainly, *as becomes an honest man on such important occasions*, *all our misfortunes are owing to a* LUST OF POWER *in men of* abilities *and* influence. *This prompts them to seek* POPULARITY *by* expedients *profitable to themselves*, *though ever so destructive to their country*.

Such is the accursed nature of lawless ambition, *and yet— What heart but melts at the thought!— Such false*, *detestable* PATRIOTS, *in* every nation, *have led their blind*, *confiding country*, *shouting their applauses*, *into the jaws of* shame *and* ruin. *May the wisdom and goodness of the people of* Great-Britain, *save them from the usual fate of nations*.

"—MENTEM MORTALIA TANGUNT."[19]

§ *The last* Irish *parliament continued* 33 *years*, *during all the late king*'*s reign*.[20] *The present parliament there has continued from the beginning of this reign*, *and probably will continue till this reign ends*.[21]

¶ *I am informed*, *that within these few years*, *a petition was presented to the house of commons*, *setting forth*, "*that herrings were imported into* Ireland *from some foreign parts of the north so cheap*, *as to discourage the* British *herring fishery*, *and therefore praying that some remedy might be applied in that behalf by parliament*."—[22]

That upon this petition, *the house came to a resolution*, *to impose a duty of Two Shillings sterling on every barrel of foreign herrings imported into* Ireland;[23] *but afterwards dropt the affair*, FOR FEAR OF ENGAGING IN A DISPUTE WITH IRELAND ABOUT THE RIGHT OF TAXING HER.

So much higher was the opinion, *which the house entertained of the spirit of* Ireland, *than of that of these colonies*.

I find, *in the last* English *papers*, *that the resolution and firmness with which the people of* Ireland *have lately asserted their freedom*, *have been so alarming in* Great-Britain, *that the Lord Lieutenant*, *in his speech on the* 20*th of last* October, "*recommended to that*

parliament, that such provision may be made for securing the judges in the enjoyment of their offices *and* appointments, DURING THEIR GOOD BEHAVIOUR, *as shall be thought most expedient*."[24]

What an important concession is thus obtained, by making demands becoming freemen, with a courage and perseverance becoming Freemen!

SPIRIT of a people, who have preserved the sacred fire of freedom from being extinguished, though the altar on which it burnt, has been overturned.

In the same manner shall we unquestionably be treated, as soon as the late taxes laid upon us, shall make posts in the "government," and the "administration of justice" *here*, worth the attention of persons of influence in *Great-Britain*. We know enough already to satisfy us of this truth. But this will not be the worst part of our case.

The *principals* in all great offices will reside in *England*, making some paltry allowance to deputies for doing the business *here*. Let any man consider what an exhausting drain this must be upon us, when ministers are possessed of the power of affixing what salaries they please to posts, and he must be convinced how destructive the late act will be. The injured kingdom lately mentioned, can tell us the mischiefs of ABSENTEES; and we may perceive already the same disposition taking place with us. The government of *New-York* has been exercised by a deputy. That of *Virginia* is now held so;[25] and we know of a number of secretaryships, collectorships, and other offices held in the same manner.

True it is, that if the people of *Great-Britain* were not too much blinded by the passions, that have been artfully excited in their breasts, against their dutiful children the colonists, these considerations would be nearly as alarming to them as to us. The influence of the crown was thought by wise men, many years ago, too great, by reason of the multitude of pensions and places bestowed by it. These have been vastly encreased since † , and perhaps it would be no difficult matter to prove that the people have decreased.

Surely therefore, those who wish the welfare of their country, ought seriously to reflect, what may be the consequence of such a new creation of offices, in the disposal of the crown. The *army*, the *administration of justice*, and the *civil government* here, with such salaries as the crown shall please to annex, will extend *ministerial influence* as much beyond its former bounds, as the late war[26] did the *British* dominions.

But whatever the people of *Great-Britain* may think on this occasion, I hope the people of these colonies will unanimously join in this sentiment, that the late act of parliament is injurious to their liberty, and that this sentiment will unite them in a firm opposition to it, in the same manner as the dread of the *Stamp-Act* did.

Some persons may imagine the sums to be raised by it, are but small, and therefore may be inclined to acquiesce under it. A conduct more dangerous to

freedom, as before has been observed, can never be adopted. Nothing is wanted at home but a * PRECEDENT, the force of which shall be established, by the tacit submission of the colonies. With what zeal was the statute erecting the post-office,[27] and another relating to the recovery of debts in *America*,[28] urged and tortured, as *precedents* in support of the *Stamp-Act*, tho' wholly inapplicable. If the parliament succeeds in this attempt, other statutes will impose other duties. Instead of taxing ourselves, as we have been accustomed to do, from the first settlement of these provinces, all our usual taxes will be converted into parliamentary taxes on our importations; and thus the parliament will levy upon us such sums of money as they chuse to take, *without any other limitation*, than their pleasure.

We know how much labour and care have been bestowed by these colonies, in laying taxes in such a manner, that they should be most *easy* to the people, by being laid on the proper articles; most *equal*, by being proportioned to every man's circumstances; and *cheapest*, by the method directed for collecting them.

But *parliamentary taxes* will be laid on us, without any consideration, whether there is any *easier* mode. The *only point* regarded will be, the *certainty of levying the taxes*, and not the convenience of the people on whom they are to be levied; and therefore all statutes on this head will be such as will be most likely, according to the favourite phrase, "to execute themselves."[29]

Taxes in every free state have been, and ought to be, as exactly *proportioned as is possible to the abilities of those who are to pay*

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† *One of the reasons urged by that great and honest statesman, Sir* William Temple,[30] *to* Charles *the Second, in his famous remonstrance, to dissuade him from aiming at arbitrary power, was, that the king* "*had few offices to bestow.*" Hume's *Hist. of* England.[31]

"*Tho' the wings of prerogative have been clipt, the influence of the crown is greater than ever it was in any period of our history. For when we consider in how many boroughs the government has the votes at command; when we consider the vast body of persons employed in the collection of the revenue, in every part of the kingdom, the inconceivable number of placemen, and candidates for places in the customs, in the excise, in the post office, in the dock-yards, in the ordnance, in the salt office, in the stamps, in the navy and victualling offices, and in a variety of other departments; when we consider again the extensive influence of the money corporations, subscription jobbers and contractors, the endless dependancies created by the obligations conferred on the bulk of the gentlemens families throughout the kingdom, who have relations preferred in our navy and numerous standing army; when I say, we consider how wide, how binding a dependance on the crown is created by the above enumerated particulars, and the great, the enormous weight and influence which the crown derives from this extensive dependance upon its favour and power, any lord in waiting, any lord of the bedchamber, any man may be appointed minister.*"

A doctrine to this effect is said to have been the advice of L--- H-----. Late News Paper.[32]

* "*Here may be observed, that when any ancient law or custom of parliament is bro-*

ken, *and the crown possessed of a* precedent, *how* difficult a thing it is to restore the subject again to his FORMER FREEDOM and SAFETY." 2d Coke's Inst. p. 529.

"*It is not almost credible to* foresee, *when any maxim or* fundamental law *of this realm is altered (as elsewhere hath been observed) what* dangerous inconveniences *do follow*."

4th Coke's Inst. p. 41.[33]

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them. They cannot otherwise be *just*. Even a *Hottentot* would comprehend the *unreasonableness* of making a poor man pay as much for "defending" the property of a rich man, as the rich man pays himself.

Let any person look into the late act of parliament, and he will immediately perceive, that the immense estates of Lord *Fairfax*,[34] Lord ‖ *Baltimore*,[35] and our *Proprietaries*,[36] which are amongst his Majesty's other "DOMINIONS" to be "defended, protected and secured" by the act, will not pay a *single farthing* for the duties thereby imposed, except Lord *Fairfax* wants some of his windows glazed; Lord *Baltimore* and our *Proprietaries* are quite secure, as they live in *England*.

I mention these particular cases, as striking instances how far the late act is a deviation from *that principle of justice*, which has so constantly distinguished our own laws on this continent, and ought to be regarded in all laws.[37]

The third consideration with our continental assemblies in laying taxes, has been the *method* of collecting them. This has been done by a few officers, under the inspection of the respective assemblies, with moderate allowances. *No more was raised from the subject*, than was used for the intended purposes. But by the late act, a minister may appoint *as many officers as he pleases* for collecting the taxes; may assign them *what salaries he thinks* "adequate;" and they are subject to *no inspection but his own*.

In short, if the late act of parliament takes effect, these colonies must dwindle down into "COMMON CORPORATIONS,"[38] as their enemies, in the debates concerning the repeal of the *Stamp-Act*, *strenuously insisted they were*;[39] and it seems not improbable that some future historian may thus record our fall.

"The eighth year of this reign was distinguished by *a very memorable event*, the *American* colonies then submitting, for the *FIRST* time, to be *taxed* by the *British* parliament. An attempt of this kind had been made about two years before, but was defeated by the vigorous exertions of the several provinces, in defence of their liberties. Their behaviour on that occasion rendered their name very celebrated *for a short time* all over *Europe*; all states being extremely attentive to a dispute between *Great-Britain*, and so considerable a part of her dominions. For as she was thought to be grown too powerful, by the successful conclusion of the late war she had been engaged in, it was hoped by many, that as it had happened before to other kingdoms, civil discords would afford opportunities of revenging all the injuries supposed to be received from her. However, the cause

of dissension was removed, by a repeal of the statute that had given offence. This affair rendered the SUBMISSIVE CONDUCT of the colonies so soon after, the more extraordinary; there being *no difference* between the mode of taxation which they opposed, and that to which they submitted, but this, that by the first, they were to be continually *reminded* that they *were taxed*, by certain marks *stamped* on every piece of paper or parchment they used. The authors of *that statute* triumphed greatly on this conduct of the colonies, and insisted, that if the people of *Great-Britain* had persisted in enforcing it, the *Americans* would have been, in a few months, *so fatigued with the efforts of patriotism*, that they would quickly have yielded obedience.

"Certain it is, that tho' they had before their eyes *so many illustrious examples* in their mother country, of the constant success attending *firmness* and *perseverance*, in opposition to dangerous encroachments on liberty, yet they quietly gave up a point of the LAST IMPORTANCE. From thence the decline of their freedom began, and its decay was extremely rapid; for as *money* was always raised upon them by the parliament, their *assemblies* grew immediately *useless*, and in a short time *contemptible:* And in less than one hundred years, the people sunk down into that *tameness* and *supineness* of spirit, by which they still continue to be distinguished."

Et majores vestros & posteros cogitate.[40]
Remember your ancestors and your posterity.

A FARMER.

‖ Maryland *and* Pennsylvania *have been engaged in the warmest disputes*, *in order to obtain an equal and just taxation of their Proprietors estates:*[41] *But this late act of parliament does more for those Proprietors*, *than they themselves would venture to demand*. *It* totally exempts *them from taxation—tho' their vast estates are to be* "*secured*" *by the taxes of other people*.[42]

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[1] The Revenue Act of 1767.
[2] *PC*, Jan. 25–Feb. 1, 1768: the final clause of this sentence is omitted.
[3] The Revenue Act of 1767. See 27 *SAL* 505–12, at 505.
[4] *PC*, Jan. 25–Feb. 1, 1768: this sentence is omitted.
[5] *The Speech of Mr. P---*, 30.
[6] 2 Coke, *Institutes* 533. In the *PC*, Jan. 25–Feb. 1, 1768: the last sentence in this note is omitted.
[7] McAulay, *Inquiry*, 7. Alexander McAulay (d. 1766) was an Irish Anglican lawyer and member of the Irish Parliament at Dublin.
[8] JD omits a sentence that occurs here in the original text: "If Irish pensions have been pilfered from the Crown, to raise and maintain an unnatural power against the Crown's Vicegerent—."
[9] McAulay, *Inquiry*, 15–16. In the *PC*, Jan. 25–Feb. 1, 1768: the extended quotation is omitted from this note.
[10] The previous two paragraphs paraphrase McAulay, *Inquiry*, 5, 11.
[11] *The Gentleman's Magazine* (London), December 1765, 588.
[12] McAulay, *Inquiry*, 13.

[13] Although pensions remained a small proportion of total government expenditures, royal control of these payments generated significant controversy over the course of the 18th century, with tensions reaching a climax during the reign of George III (1738–1820; r. 1760–1820). See E.A. Reitan, "The Civil List in Eighteenth-Century British Politics: Parliamentary Supremacy versus the Independence of the Crown," *Historical Journal* 9, no. 3 (1966): 318–37, at 318, 323–25.
[14] A paraphrase of the Revenue Act of 1767. See 27 *SAL* 505–12, at 509.
[15] The Crown's policies were implemented in Ireland through the viceroy, the lord lieutenant of Ireland. For most of the 18th century, viceroys resided in England and allocated responsibilities to Anglo-Irish landlords and politicians, many of whom also lived abroad. See A.P.W. Malcomson, "Absenteeism in Eighteenth Century Ireland," *Irish Economic and Social History* 1 (1974): 15–35, at 17–21; David Lammey, "The Growth of the 'Patriot Opposition' in Ireland during the 1770s," *Parliamentary History* 7, no. 2 (1988): 257–81, at 258.
[16] 18 Car. 2, c. 2 (1667): "An Act against Importing Cattle from Ireland and Other Parts beyond the Seas, and Fish Taken by Foreigners." See 8 *SAL* 226–27.
[17] Hume, *History*, 6:193–94.
[18] The New York Restraining Act of 1767.
[19] "*Mentem mortalia tangunt*": Lat. "Mortal things touch the mind" (Verg. *Æn*. 1.462).
[20] George II (1683–1760) reigned from 1727 until his death.
[21] The Dublin Parliament was automatically dissolved only on the death of the monarch until a maximum term was set by 7 Geo. 3, c. 3 (1768): "An Act for Limiting the Duration of Parliament," known as the Octennial Act of 1768. See 9 *SALI* 504.
[22] The merchants and traders of Glasgow presented this petition to the House of Commons on March 19, 1764. See *Journals of the House of Commons*, vol. 29 [1761–1764]: 962–63.
[23] This resolution was passed by the House of Commons on April 6, 1764. See ibid., 1036.
[24] *The St. James's Chronicle* (London), Oct. 24–27, 1767. George Townshend, fourth viscount Townshend (1724–1807), served as lord lieutenant of Ireland from August 1767 to 1772. This speech was delivered shortly after Townshend's arrival in Dublin.
[25] Lt. Gov. Cadwallader Colden (1689–1776) served as acting governor of New York intermittently throughout the 1760s and 1770s. Lt. Gov. Francis Fauquier (1703–1768) acted on behalf of the absentee governors of Virginia from 1758 until his death.
[26] The French and Indian War.
[27] 9 Ann., c. 10 (1711): "An Act for Establishing a General Post Office for All Her Majesty's Dominions, and for Settling a Weekly Sum Out of the Revenues Thereof, for the Service of the War, and Other Her Majesty's Occasions." See 12 *SAL* 115–39.
[28] 5 Geo. 2, c. 7 (1732): "An Act for the More Easy Recovery of Debts in His Majesty's Plantations and Colonies in America," known as the Debt Recovery Act of 1732. See 16 *SAL* 272–74.
[29] See doc. 4:20, n. 16, above.
[30] Sir William Temple, first baronet (1628–1699), was a diplomat, author, and advisor to Charles II.
[31] Hume, *History*, 6:239–40.
[32] *PG*, Nov. 5, 1767. The person cited may be the politician George Montagu Dunk, second earl of Halifax (1716–1771). The quotation originated in [John Douglas], *Seasonable Hints from an Honest Man on the Present Important Crisis of a New Reign and a New Parliament* (London: A. Millar, 1761), 37–38. The words after "particulars" are not in the pamphlet text.
[33] *PC*, Jan. 25–Feb. 1, 1768: this note is omitted.
[34] Thomas Fairfax, sixth lord Fairfax of Cameron (1693–1781), was a landholder in Virginia and one of the wealthiest inhabitants of the North American colonies. His total holdings in the colony amounted to 5 million acres (*ODNB*).
[35] Lord Baltimore's land holdings in Maryland amounted to more than 245,000 acres (*BDML*).
[36] The proprietors of Pennsylvania in 1768 were Thomas Penn and Richard Penn, Sr.

[37] *PC*, Jan. 25–Feb. 1, 1768: the final clause of this sentence is omitted.
[38] This phrase appeared in Dulany, *Considerations*, 13–14. In this context, corporation refers to "an artificial person created by royal charter or (esp. formerly) prescription, or under an act of the legislature, having its own powers, duties, and liabilities in perpetual succession" (*OED*).
[39] The *PG*, March 27, 1766, reprinted an "Extract of a Letter from London," which reported that supporters of the Stamp Act "urge strongly, the Necessity of that Power [of taxation] being invested in the British Parliament, alledging, that your Charters are very little different from those of our Corporations, and have undergone, in many Colonies, frequent Changes since their being first granted."
[40] Tac. *Agr*. 32.4.
[41] JD refers here to the years-long dispute between the Pennsylvania Assembly and the Penns over taxation for defense, in which the Penns refused to allow their lands to be taxed equitably with other lands. As a member of the House, JD argued that the proprietors should not be exempt from equitable taxation (doc. 3:16). The Maryland Assembly sought to tax Lord Baltimore's manorial holdings to defray military expenses during the French and Indian War, prompting a similar feud in that colony.
[42] *PC*, Jan. 25–Feb. 1, 1768: the final clause of this sentence is omitted.

39
A Farmer [JD], "Letters from a Farmer in Pennsylvania. Letter XI," *The Pennsylvania Gazette*, February 11, 1768

LETTERS from a FARMER *in* PENNSYLVANIA, *to the Inhabitants of the* BRITISH COLONIES.

LETTER XI.

My dear Countrymen,

I HAVE several times, in the course of these letters, mentioned the late act of parliament, as being the *foundation* of future measures injurious to these colonies; and the belief of this truth I wish to prevail, because I think it necessary to our safety.

A *perpetual jealousy*, respecting liberty, is absolutely requisite in all free states. The very texture of their constitution, in *mixt* governments, demands it. For the *cautions* with which power is *distributed* among the several orders, *imply*, that *each* has that share which is proper for the general welfare, and therefore that any further acquisition must be pernicious. * *Machiavel*[1] employs a whole chapter in his discourses, to prove that a state, to be long lived, must be frequently corrected, and reduced to its first principles. But of all states that have existed, there never was any, in which this jealousy could be more proper than in these colonies. For the government here is not only *mixt*, but *dependant*, which circumstance occasions *a peculiarity in its form*, of a very delicate nature.

Two reasons induce me to desire, that this spirit of apprehension may be always kept up among us, in its utmost vigilance. The first is this—that as the happiness of these provinces indubitably consists in their connection with *Great-Britain*, any separation between them is less likely to be occasioned by civil discords, if every disgusting measure is opposed *singly*, and *while it is new:* For in this manner of

proceeding, every such measure is most likely to be rectified. On the other hand, oppressions and dissatisfactions being permitted to accumulate—*if ever* the governed throw off the load, *they will do more*. A people does not reform with moderation. The rights of the subject therefore cannot be *too often* considered, explained or asserted: And whoever attempts to do this, shews himself, whatever may be the rash and peevish reflections of pretended wisdom, and pretended duty, a friend to *those* who injudiciously exercise their power, as well as to *them*, over whom it is so exercised.

Had all the points of prerogative claimed by *Charles* the First,[2] been separately contested and settled in preceding reigns, his fate would in all probability have been very different; and the people would have been content with that liberty which is compatible with regal authority. But † he thought, it would be as dangerous for him to give up the powers which at any time had been by usurpation exercised by the crown, as those that were legally vested in it. This produced an equal excess on the part of the people. For when their passions were excited by *multiplied* grievances, they thought it would be as dangerous for them to allow the powers that were legally vested in the crown, as those which at any time had been by usurpation exercised by it. Acts, that might *by themselves* have been upon many considerations excused or extenuated, derived a contagious malignancy and odium from other acts, with which they were connected. They were not regarded according to the simple force of each, but as parts of a system of oppression.— Every one therefore, however small in itself, became alarming, as an additional evidence of tyrannical designs. It was in vain for prudent and moderate men to insist, that there was no necessity to abolish royalty. Nothing less than the utter destruction of monarchy, could satisfy those who *had* suffered, and thought they had reason to believe, they always *should* suffer under it.

The consequences of these mutual distrusts are well known: But there is no other people mentioned in history, that I recollect, who have been so constantly watchful of their liberty, and so successful in their struggles for it, as the *English*. This consideration leads me to the second reason, why I "desire that the spirit of apprehension may be always kept up among us in its utmost vigilance."

The first principles of government are to be looked for in human nature. Some of the best writers have asserted, and it seems with good reason, that "government is founded on ‡ *opinion*."

CUSTOM undoubtedly has a mighty force in producing *opinion*, and reigns in nothing more arbitrarily than in public affairs. It gradually *reconciles* us to objects even of dread and detestation; and I cannot but think these lines of Mr. *Pope* as applicable to vice in *politics*, as to vice in *ethics*.—

"Vice is a monster of so horrid mien,
As to be hated, needs but to be seen;
Yet *seen too oft*, familiar with her face,

We first *endure*, then *pity*, then *embrace*."[3]
When an act injurious to freedom has been *once* done, and the people *bear* it, the *repetition* of it is most likely to meet with *submission*. For as the *mischief* of the one was found to be tolerable, they will hope that of the second will prove so too; and they will not regard the *infamy* of the last, because they are stained with that of the first.

Indeed nations, in general, are not apt to *think* until they *feel*; and therefore nations in general have lost their liberty: For as violations of the rights of the *governed*, are commonly not only

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* Machiavel's Discourses—Book 3. Chap. I.

† *The author is sensible*, *that this is putting the gentlest construction on* Charles'*s conduct*; *and that is one reason why he chuses it*. *Allowances ought to be made for the errors of those men*, *who are acknowledged to have been possessed of many virtues*. *The education of this unhappy prince*, *and his confidence in men not so good or wise as himself*, *had probably* filled *him with mistaken notions of his own authority*, *and of the consequences that would attend concessions of any kind to a people*, *who were represented to him*, *as aiming at too much power*.

‡ "OPINION *is of two kinds*, viz. opinion *of* INTEREST, *and* opinion *of* RIGHT. *By* opinion *of* interest, *I chiefly understand*, the sense of the public advantage which is reaped from government; *together with the persuasion*, *that the particular government which is established*, *is* equally advantageous *with any other*, that could be easily settled."

"Right *is of two kinds*, right *to* power, *and* right *to* property. *What prevalence* opinion *of the first kind has over mankind*, *may easily be understood*, *by observing the attachment which all nations have to their antient government*, *and even to those names which have had the sanction of antiquity*. Antiquity always begets the opinion of right."— "*It is sufficiently understood*, *that the* opinion *of* right *to* property, *is of the greatest moment in all matters of government*." Hume's Essays.[4]

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‡ *specious*, but *small* at the beginning, they spread over the multitude in such a manner, as to touch individuals but slightly. Thus they are disregarded. The power or profit that arises from these violations, *centering in few persons*, is to them considerable. For this reason the *governors* having in view their particular purposes, successively preserve an uniformity of conduct for attaining them. They regularly encrease and multiply the first injuries, till at length the inattentive people are compelled to perceive the heaviness of their burthens.— They begin to complain and enquire—but too late. They find their oppressors so strengthened by success, and themselves so entangled in examples of express authority on the part of their rulers, and of tacit recognition on their own part, that they are quite confounded: For millions entertain no other idea of the *legality* of power, than that it is founded on the *exercise* of power. They voluntarily fasten their chains, by adopting a pusillanimous *opinion*, "that there will be too much *danger* in attempting a remedy,"—or another

opinion no less fatal,—"that the government has a *right* to treat them as it does." They then seek a wretched relief for their minds, by persuading themselves, that to yield their *obedience*, is to discharge their *duty*. The deplorable *poverty of spirit*, that prostrates all the dignity bestowed by divine providence on our nature—*of course succeeds*.

From these reflections I conclude, that every free state should incessantly watch, and instantly take alarm on any addition being made to the power exercised over them. Innumerable instances might be produced to shew, from what slight beginnings the most extensive consequences have flowed: But I shall select two only from the history of *England*.

Henry the Seventh[5] was the *first* monarch of that kingdom, who established a STANDING BODY OF ARMED MEN. This was a band of *fifty* archers, called yeomen of the guard: And this institution, notwithstanding the smallness of the number, was, to prevent discontent, ‖ "disguised under pretence of majesty and grandeur." In 1684 the standing forces were so much augmented, that *Rapin*[6] says—"The king, in order to make his people *fully sensible of their new slavery*, affected to muster his troops, which amounted to 4000 well armed and disciplined men." I think our army, at this time, consists of more than *seventy* regiments.[7]

The method of taxing by EXCISE was first introduced amidst the convulsions of the civil wars. Extreme necessity was pretended, and its short continuance promised. After the restoration, an excise upon *beer*, *ale* and *other liquors*, was granted to the † king, one half in fee, the other for life, as an equivalent for the *court of wards*.[8] Upon *James* the Second's accession, the parliament § gave him the first *excise*, with an additional duty on *wine*, *tobacco*, and some *other* things. Since the revolution it has been extended to salt, candles, leather, hides, hops, soap, paper, pasteboards, mill-boards, scale-boards, vellum, parchment, starch, silks, callicoes, linens, stuffs, printed, stained, &c. wire,[9] wrought plate, coffee, tea, chocolate, &c.[10]

Thus a *standing army* and *excise* have, from their first slender origins, tho always *hated*, always *feared*, always *opposed*, at length swelled up to their vast present bulk.

These facts are sufficient to support what I have said. 'Tis true, that all the mischiefs apprehended by our ancestors from a *standing army* and *excise*, have not *yet happened:* But it does not follow from thence, that they *will not happen*. The inside of a house may catch fire, and the most valuable apartments be ruined, before the flames burst out. The question in these cases is not, what evil *has actually attended* particular measures—but, what evil, in the nature of things, *is likely to attend* them. Certain circumstances may for some time delay effects, that *were reasonably expected*, and that *must ensue*. There was a long period, after the *Romans* had prorogued his command to * *Q. Publilius Philo*,[11] before *that example* destroyed their liberty. All our kings, from the revolution to the present reign, have

been *foreigners*.[12] Their *ministers* generally continued but a short time in authority ‖ ; and they themselves were *mild* and *virtuous* princes.

A *bold*, *ambitious* prince, possessed of *great abilities*, firmly *fixed* in his throne *by descent*, served by *ministers like himself*, and rendered either *venerable* or *terrible* by the *glory of his successes*, may execute what his predecessors did not dare to attempt. *Henry* the Fourth tottered in his seat during his whole reign.[13] *Henry* the Fifth drew the strength of the kingdom into *France*, to carry on his wars there, and left the *commons* at home, *protesting*, "that the people were not bound to serve out of the realm."[14]

It is true, that a strong spirit of liberty subsists at present in *Great-Britain*, but what reliance is to be placed in the *temper* of a people, when the prince is possessed of an unconstitutional power, our own history can sufficiently inform us. When *Charles* the Second had strengthened himself by the return of the garrison of *Tangier*, "*England* (says *Rapin*) saw on a sudden an *amazing revolution*; saw herself *stripped of all her rights and privileges*, excepting such as the king should vouchsafe to grant her: And what is *more astonishing*, the *English* themselves *delivered up* these very rights and privileges to *Charles* the Second, which they had so *passionately*, and, if I may say it, *furiously* defended against the designs of *Charles* the First."[15] This happened only *thirty-six* years after this last prince had been beheaded.

Some persons are of opinion, that liberty is not violated, but by such *open* acts of force; but they seem to be greatly mistaken. I could mention a period within these forty years, when almost as great a change of disposition was produced by the SECRET measures of a *long* administration, as by *Charles*'*s* violence.

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‡ *Omnia mala exempla ex bonis initiis orta sunt*. SALLUST. Bell. Cat. S. 50.[16]

‖ Rapin'*s history of* England.[17]

† 12 Car. II. *Chap*. 23 *and* 24.[18]

§ 1 James II. *Chap*. 1 *and* 4.[19]

* *In the year of the city* 428, "*Duo singularia hæc ei vire primum contigere*; *prorogatio imperii non ante in ullo facta*, *et acto honore triumphus*." Liv. B. 8. Chap. 23. 26.[20]

"*Had the rest of the* Roman *citizens imitated the example of* L. Quintius, *who refused to have his consulship continued to him*, *they had never admitted that custom of proroguing of magistrates*, *and then the prolongation of their commands in the army had never been introduced*, which very thing was at length the ruin of that commonwealth."

Machiavel's Discourses, B. 3. Chap 24.

‖ ‖ *I dont know but it may be said*, *with a good deal of reason*, *that a quick rotation of ministers is very desirable in* Great-Britain. *A minister there has a vast store of materials to work with*. Long administrations *are rather favourable to the* reputation *of a people abroad*, *than to their* liberty.[21]

Liberty, perhaps, is never exposed to so much danger, as when the people believe there is the least; for it may be subverted, and yet they not think so.

Public disgusting acts are seldom practised by the ambitious, at the beginning of their designs. Such conduct *silences* and *discourages* the weak, and the wicked, who would otherwise have been their *advocates* or *accomplices*. It is of great consequence, to allow those who, upon any account, are inclined to favour them, something specious to *say* in their defence. Their power may be fully established, tho' it would not be safe for them to do *whatever they please*. For there are things, which, at some times, even *slaves* will not bear. *Julius Cæsar*, and *Oliver Cromwell*,[22] did not dare to assume the title of *king*. The *Grand Seignor*[23] dares not lay a *new tax*. The king of *France* dares not be a *protestant*. Certain popular points may be left untouched, and yet freedom be extinguished. The commonalty of *Venice* imagine themselves free, because they are permitted to do, what they ought not.[24] But I quit a subject, that would lead me too far from my purpose.

By the late act of parliament, taxes are to be levied upon us, for "defraying the charge of the *administration of justice*—the support of *civil government*—and the expences of *defending* his Majesty's dominions in *America*."[25]

If any man doubts what ought to be the conduct of these colonies on this occasion, I would ask him these questions.

Has not the parliament *expresly* AVOWED their INTENTION of raising money from us FOR CERTAIN PURPOSES? Is not this scheme *popular* in *Great-Britain?* Will the taxes, imposed by the late act, *answer those purposes?* If it will, must it not take an *immense sum* from us? If it will not, *is it to be expected*, that the parliament will not *fully execute* their INTENTION when it is pleasing at home, *and not opposed here?* Must not this be done by imposing NEW *taxes?* Will not every addition, thus made to our taxes, be an addition to the power of the *British* legislature, *by increasing the number of officers* employed in the collection? Will not every additional tax therefore render it *more difficult* to abrogate any of them? When a branch of revenue is once established, does it not appear to many people *invidious* and *undutiful* to attempt to abolish it? If taxes, sufficient to *accomplish the* INTENTION of the parliament, are imposed by the parliament, *what taxes will remain* to be imposed by our assemblies? If *no material taxes remain* to be imposed by them, what must become of *them*, and the *people* they represent?

* "If any person considers these things, and yet thinks our liberties are in no danger, I wonder at that person's security."

One other argument is to be added, which, by itself, I hope, will be sufficient to convince the most incredulous man on this continent, that the late act of parliament is *only* designed to be a PRECEDENT, whereon the future vassalage of these colonies may be established.

Every duty thereby laid on articles of *British* manufacture, is laid on some

commodity, upon the exportation of which from *Great-Britain*, a *drawback* is payable. Those *drawbacks*, in most of the articles, are *exactly double* to the *duties* given by the late act. The parliament therefore might, in *half a dozen lines*, have raised MUCH MORE MONEY, only by *stopping the drawbacks* in the hands of the officers at home, on exportation to these colonies, than by this solemn imposition of taxes upon us, to be collected here. Probably, the artful contrivers of this act formed it in this manner, in order to reserve to themselves, in case of any objections being made to it, this specious pretence—"that the drawbacks are gifts to the colonies, and that the late act only lessens those gifts." But the truth is, that the drawbacks are intended for the encouragement and promotion of *British* manufactures and commerce, and are allowed on exportation to *any foreign parts*, as well as on exportation to these provinces. Besides, care has been taken to slide into the act, ¶ some articles on which there are no drawbacks. However, the *whole duties* laid by the late act on *all* the articles therein specified are *so small*, that they will not amount to *as much* as the *drawbacks* which are allowed on *part* of them only. If therefore, *the sum to be obtained by the late act*, had been the *sole object* in forming it, there would not have been any occasion for "the COMMONS of *Great-Britain*, to GIVE and GRANT to his Majesty RATES and DUTIES for *raising a revenue* IN *his Majesty's dominions in* America, for making a more certain and adequate provision for defraying the charges of the administration of justice, the support of civil government, and the expence of defending the said dominions;"[26]—Nor would there have been any occasion for an § expensive board of commissioners, and all the other new charges to which we are made liable.

Upon the whole, for my part, I regard the late act as an *experiment made of our disposition*. It is a bird sent out over the waters, to discover, whether the waves, that lately agitated this part of the world with such violence, are yet *subsided*.[27] If *this adventurer* gets footing here, we shall soon be convinced, that it is not a *phoenix*; for we shall quickly see it followed by *others of the same kind*. We shall find it rather to be of the † breed described by the poet.—[28]

"*Infelix vates*."[29]

A direful foreteller of future calamities.

A FARMER.

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* *Demosthenes*'s 2d *Philippic*.[30]

¶ *Tho' duties by the late act are laid on some articles, on which no drawbacks are allowed, yet the duties imposed by the act are so small, in comparison with the drawbacks that* are *allowed*, that all the duties together *will not amount to* so much *as the* drawbacks.

§ *The expence of this board, I am informed, is between Four and Five Thousand Pounds sterling a year. The establishment of officers, for collecting the revenue in* America, *amounted before to Seven Thousand Six Hundred Pounds* per annum; *and yet, says the author of* "*The regulation of the colonies*," "*the whole remittance from* all *the taxes in the*

colonies, *at an average of* thirty years, *has not amounted to One Thousand Nine Hundred Pounds a year*, *and in that sum Seven or Eight Hundred Pounds* per annum *only*, *have been remitted from* North-America."[31]

The smallness of the revenue arising from the duties in America, *demonstrates that they were intended only as* REGULATIONS OF TRADE: *And can any person be so blind to truth*, *so dull of apprehension in a matter of unspeakable importance to his country*, *as to imagine*, *that the board of commissioners lately established at such a charge*, *is instituted to assist in collecting One Thousand Nine Hundred Pounds a year*, *or the trifling duties imposed by the late act? Surely every man on this continent must perceive*, *that they are established for the care of a* NEW SYSTEM OF REVENUE, *which is but now begun*.

† "*Dira cælæno*," &c. Virgil, *Æneid* 3.[32]

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[1] Niccolò Machiavelli (1469–1527) was a Florentine diplomat, philosopher, and historian known for the political realism espoused in his posthumously published works *Discourses on Livy* (1531) and *The Prince* (1532).

[2] Charles I (1600–1649) reigned as king of England, Scotland, and Ireland from 1625 until his execution. His fierce disputes with the English Parliament over the limits of royal power led to the English Civil War.

[3] Pope, "An Essay on Man," in *Works*, 72–73. JD also quoted this passage in a 1754 letter to his mother from London (doc. 1:7).

[4] Hume, *Essays*, 20. In the *PC*, Feb. 1–8, 1767: the quotations preceding this citation are omitted.

[5] Henry VII (1457–1509), the first monarch of the House of Tudor, reigned as king of England and lord of Ireland from 1485 until his death.

[6] Paul de Rapin de Thoyras (1661–1725) was a French Huguenot army officer and historian known for *L'Histoire d'Angelterre* (*The History of England*; 1724–27), which was immediately translated into English.

[7] In 1768, the British Army consisted of seventy-five regiments of foot (infantry), along with more than two dozen regiments of foot-guards, dragoons, and horse-guards. See *A List of the General and Field-Officers, as They Rank in the Army . . . the Whole Complete for 1768* (London: J. Millan, 1768).

[8] Court of Wards: "a court established by Henry VIII for the trial of causes relating to wardships; subsequently called Court of Wards and Liveries" (*OED*). The court was abolished in 1660.

[9] *PC*, Feb. 1–8, 1767: the word "wine" appears in place of "wire." This was an error, as 10 Ann., c. 26 (1712): "An Act for Laying Additional Duties on Hides and Skins . . ." (12 *SAL* 403–49) included duties on gilt and silver wire.

[10] That is, the Glorious Revolution. See 9 Ann., c. 12 (1711): "An Act for Laying a Duty upon Hops" (12 *SAL* 163–77); 10 Ann., c. 19 (1712): "An Act for Laying Several Duties upon All Sope and Paper Made in Great Britain . . ." (12 *SAL* 327–93); 10 Ann., c. 26 (1712).

[11] Quintus Publilius Philo served as consul in the Roman Republic and was appointed dictator in 339 BC. He instituted popular reforms such as making laws passed by the assembly of plebeians binding on all citizens and requiring that one censor always be a plebeian.

[12] Following the Glorious Revolution, the Dutch-born William III ruled jointly with his English-born wife, Mary II (1662–1694), the daughter of James II. He was succeeded by Mary II's sister Anne. Under the Act of Settlement of 1701 (12 & 13 Will. 3, c. 2), the German House of Hanover inherited the throne following Anne's death. Both George I and his son George II were natives of Hanover. George III, grandson of George II, was born in Great Britain and spoke English as his first language.

[13] Henry IV (1367–1413) reigned as king of England and lord of Ireland from 1399 until his death.

[14] For JD's fuller evaluation of the reign of Henry V, see doc. 4:25, n. 8, above.

[15] Rapin, *History*, 14:356.
[16] "*Omnia mala exempla ex rebus bonis orta sunt*": Lat. "All evil precedents have risen from good beginnings" (Sall. *Cat*. 51.27).
[17] Paraphrases of Rapin, *History*, 6:258 and 14:356.
[18] 12 Car. 2, c. 23 (1660): "A Grant of Certain Impositions upon Beer, Ale and Other Liquors, for the Increase of His Majesty's Revenue during His Life" (7 *SAL* 464–72); 12 Car. 2, c. 24 (1660): "An Act for Taking Away the Court of Wards and Liveries, and Tenures in Capite, and by Knights-Service, and Purveyance, and for Settling a Revenue upon His Majesty in Lieu Thereof," known as the Statute of Tenures of 1660. See 7 *SAL* 472–86.
[19] 1 Jac. 2, c. 1 (1685): "An Act for Settling the Revenue on His Majesty for His Life, Which Was Settled on His Late Majesty for His Life" (8 *SAL* 444); 1 Jac. 2, c. 4 (1685): "An Act for Granting to His Majesty an Imposition upon All Tobacco and Sugar Imported. . . ." See 8 *SAL* 448–55.
[20] "*Duo singularia hæc ei viro primum contigere, prorogatio imperii non ante in ullo facta et acto honore triumphus*": Lat. "These two remarkable things first happened to this man: the extension of his command, which had never happened before, and a triumph in his honor afterward." Liv. 8.26.7.
[21] *PC*, Feb. 1–8, 1768: this note is omitted. It subsequently appeared in the *PC*, Feb. 8–15, 1768, as an appendix to "Letter XII." The publisher explained that the note had arrived too late to be included in "Letter XI."
[22] Oliver Cromwell (1599–1658) led Parliamentarian forces during the English Civil War. He subsequently governed England, Scotland, and Ireland as lord protector from 1653 until his death.
[23] That is, the sultan of the Ottoman Empire.
[24] Possibly an allusion to the grim view of Venice presented in Thomas Otway's *Venice Preserv'd: Or, a Plot Discover'd. A Tragedy*, a play JD saw performed in London in 1754. See doc. 1:7, n. 7.
[25] The Revenue Act of 1767. See 27 *SAL* 505–12, at 505.
[26] A paraphrase of the preamble to the Revenue Act of 1767. See 27 *SAL* 505–12, at 505.
[27] An allusion to Gen. 8:8–12.
[28] Publius Vergilius Maro (Virgil; 70–19 BC) was a Roman poet.
[29] Verg. *Æn*. 3.246.
[30] Dem. 6.6.
[31] A paraphrase of Thomas Whately, *The Regulations Lately Made Concerning the Colonies, and the Taxes Imposed upon Them, Considered* (London: J. Wilkie, 1765), 57.
[32] "*Dira celæno*": Lat. "dread Celæno," a harpy who appears in Verg. *Æn*. 3.211.

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A Farmer [JD], "Letters from a Farmer in Pennsylvania. Letter XII," *The Pennsylvania Gazette*, February 18, 1768

This issue of *The Pennsylvania Gazette* also included an advertisement for a pamphlet version of the *Farmer's Letters* (doc. 4:A34, below).

LETTERS from a FARMER *in* PENNSYLVANIA, *to the Inhabitants of the* BRITISH COLONIES.

LETTER XII.

My dear Countrymen,

SOME states have lost their liberty by *particular accidents:* But this calamity is generally owing to the *decay of virtue*. *A people* is travelling fast to destruction,

when *individuals* consider *their* interests as distinct from *those of the public*. Such notions are fatal to their country, and to themselves. Yet how many are there, so *weak* and *sordid* as to *think* they perform *all the offices of life*, if they earnestly endeavour to encrease their own *wealth*, *power*, and *credit*, without the least regard for the society, under the protection of which they live; who, if they can make an *immediate profit to themselves*, by lending their assistance to those, whose projects plainly tend to the injury of their country, rejoice in their *dexterity*, and believe themselves entitled to the character of *able politicians*. Miserable men! Of whom it is hard to say, whether they ought to be most the objects of *pity* or *contempt:* But whose opinions are certainly as *detestable*, as their practices are *destructive*.

Tho' I always reflect, with a high pleasure, on the integrity and understanding of my countrymen, which, joined with a pure and humble devotion to the great and gracious author of every blessing they enjoy, will, I hope, ensure to them, and their posterity, all temporal and eternal happiness; yet when I consider, that in every age and country there have been bad men, my heart at this threatening period, is so full of apprehension, as not to permit me to believe, but that there may be some on this continent, *against whom you ought to be upon your guard*—Men, who either * hold, or expect to hold certain advantages, by setting examples of servility to their countrymen.— Men, who trained to the employment, or self taught by a natural versatility of genius, serve as decoys for drawing the innocent and unwary into snares. It is not to be doubted but that such men will diligently bestir themselves on this and every like occasion, to spread the infection of their meanness as far as they can. On the plans *they* have adopted, this is *their* course. *This* is the method to recommend themselves to their *patrons*.

From *them* we shall learn, how *pleasant* and *profitable* a thing it is, to be for our SUBMISSIVE behaviour *well spoken of* at *St. James*'s,[1] or *St. Stephen*'s;[2] at *Guildhall*,[3] or the *Royal Exchange*.[4] Specious fallacies will be drest up with all the arts of delusion, to persuade one colony *to distinguish herself from another*, by unbecoming condescensions, *which will serve the ambitious purposes of great men* at home, and therefore will be thought by them *to entitle their assistants in obtaining them* to considerable rewards.

Our fears will be excited. Our hopes will be awakened. It will be insinuated to us, with a plausible affectation of *wisdom* and *concern*, how *prudent* it is to please the *powerful*—how *dangerous* to provoke them—and then comes in the perpetual incantation that freezes up every generous purpose of the soul in cold, inactive expectation—"that if there is any request to be made, compliance will obtain a favourable attention."

Our *vigilance* and our *union* are *success* and *safety*. Our *negligence* and our *division* are *distress* and *death*. They are *worse*— They are *shame* and *slavery*. Let us equally shun the benumbing stillness of *overweening sloth*, and the feverish

activity of that *ill informed zeal*, which busies itself in maintaining *little*, *mean* and *narrow* opinions. Let us, with a truly wise *generosity* and *charity*, banish and discourage all *illiberal distinctions*, which may arise from differences in *situation*, forms of *government*, or modes of *religion*. Let us consider ourselves as MEN—FREEMEN—CHRISTIAN FREEMEN—*separated from the rest of the world*, and

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* *It is not intended, by these words, to throw any reflection upon gentlemen, because they are possessed of offices: For many of them are certainly men of virtue, and lovers of their country. But supposed obligations of* gratitude, *and* honor, *may induce them to be silent. Whether these obligations* ought to be *regarded or not, is not so much to be considered by others, in the judgment they form of these gentlemen, as whether* they think *they ought to be regarded. Perhaps, therefore, we shall act in the properest manner towards them, if we neither* reproach *nor* imitate *them. The persons meant in this letter, are the* base spirited wretches, *who may endeavour to* distinguish themselves, *by their sordid zeal in defending and promoting measures, which* they know, beyond all question, *to be* destructive *to the* just rights *and* true interests *of their country. It is scarcely possible to speak of* these men *with any degree of* patience— *It is scarcely possible to speak of them with any degree of* propriety— *For no words can truly describe their* guilt *and* meanness— *But every honest bosom, on their being mentioned, will* feel *what cannot be* expressed.

If their wickedness did not blind them, they might perceive along the coast of these colonies, many skeletons of wrecked[5] *ambition, which after* distinguishing themselves *in the support of the* Stamp-Act, *by a courageous contempt of their country, and of justice, have been left to linger out their miserable existence, without a government, collectorship, secretaryship, or any other commission, to console them* as well as it could, *for loss of virtue and reputation—while numberless offices have been bestowed in these colonies on people from* Great-Britain, *and new ones are continually invented, to be thus bestowed. As a* few great prizes *are put into a lottery to* TEMPT multitudes to lose, *so* here *and* there *an* American *has been raised to a good post.—*

"Apparent *rari nantes* in gurgite vasto."[6]

Mr. Greenville, *indeed, in order to recommend the* Stamp-Act, *had the* unequalled *generosity, to pour down a golden shower of offices upon* Americans; and *yet these* ungrateful *colonies did not thank Mr.* Greenville *for shewing his kindness to their countrymen, nor* them *for accepting it. How must that great statesman have been surprized, to find, that the unpolished colonies could not be reconciled to* infamy *by* treachery? *Such a* bountiful *disposition towards us never appeared in any minister before him, and probably never will appear again: For it is* evident, *that* such a system *of policy is to be established on this continent, as, in a short time, is to render it utterly unnecessary to use the least* art *in order to* conciliate *our approbation of any measures. Some of our countrymen may be employed to* fix *chains upon us, but* they *will never be permitted to* hold *them afterwards. So that the utmost, that any of them can expect, is only a* temporary provision, *that* may *expire in their own time; but which they may* be assured *will preclude their children from having any consideration paid to* them. NATIVES *of* America *must sink into total* NEGLECT *and* CONTEMPT, *the moment that* their country *loses the constitutional powers she now possesses. Most sincerely do I*

wish and pray, *that every one of us may be convinced of this great truth*, *that*—industry *and* integrity *are the* "*paths of pleasantness*," *which lead to happiness*.[7]

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firmly bound together by the *same rights*, *interests* and *dangers*. Let *these* keep our attention inflexibly fixed on the GREAT OBJECTS, which we must CONTINUALLY REGARD, in order to *preserve those rights*, to *promote those interests*, and to *avert those dangers*.

Let these *truths* be indelibly impressed on our minds—*that we cannot be* HAPPY, *without being* FREE—that we cannot be free, *without being secure in our property*—that *we* cannot be secure in our property, *if*, *without our consent*, *others may*, *as by right*, *take it away*—that *taxes imposed on us by parliament*, do thus take it away—that *duties laid for the sole purpose of raising money*, are taxes—that attempts to lay such duties *should be instantly and firmly opposed*—that this opposition can never be effectual, *unless it is the united effort of these provinces*—that therefore BENEVOLENCE *of temper towards each other*, and UNANIMITY *of counsels*, are essential to the welfare of the whole—and lastly, that for this reason, every man amongst us, who in any manner would encourage either *dissension*, *diffidence*, or *indifference*, between these colonies, is an enemy to *himself*, and to *his country*.

The belief of these truths, I verily think, my countrymen, is indispensably necessary to your happiness. I beseech you, therefore, " † teach them diligently unto your children, and talk of them when you sit in your houses, and when you walk by the way, and when you lie down, and when you rise up."

What have these colonies to *ask*, while they continue free? Or what have they to *dread*, but insidious attempts to subvert their freedom? *Their prosperity* does not depend on *ministerial favors doled* out to *particular* provinces. *They* form *one* political body, of which *each colony* is a *member*. *Their happiness* is founded on *their constitution*; and is to be promoted, by preserving that constitution in unabated vigor, *throughout every part*. A spot, a speck of decay, however small the limb on which it appears, and however remote it may seem from the vitals, should be alarming. We have *all the rights* requisite for our prosperity. The *legal authority* of *Great-Britain* may indeed lay hard restrictions upon us; but, like the spear of *Telephus*, it will cure as well as wound.[8] Her unkindness will instruct and compel us, after some time, to discover, in our *industry* and *frugality*, surprising remedies—*if our rights continue unviolated*: For as long as the *products* of our *labor*, and the *rewards* of our *care*, can properly be called *our own*, so long it will be worth our while to be *industrious* and *frugal*. But if when we plow—sow—reap—gather—and thresh—we find, that we plow—sow—reap—gather—and thresh *for others*, whose PLEASURE is to be the SOLE LIMITATION *how much* they shall *take*, and *how much* they shall *leave*, WHY should we repeat the unprofitable toil? *Horses* and *oxen* are content with *that portion of the fruits of their work*, which their *owners*

assign them, in order to keep them strong enough to raise successive crops; but even *these beasts* will not submit to draw for their masters, until they are *subdued* by *whips* and *goads*. Let us take care of our rights, and we *therein* take care of *our prosperity*. * "SLAVERY IS EVER PRECEDED BY SLEEP." *Individuals* may be *dependant* on ministers, if they please. STATES SHOULD SCORN IT;—and if *you* are not wanting *to yourselves*, you will have a *proper regard* paid *you* by *those*, to whom if you are not *respectable*, you will be *contemptible*. But—if *we have already forgot* the *reasons* that urged us, with unexampled unanimity, to exert ourselves two years ago—if *our zeal* for the public good is *worn out* before the *homespun cloaths*, which it caused us to have made—if *our resolutions* are *so faint*, as by our present conduct to *condemn* our own late *successful* example—if *we are not affected* by any reverence for the memory of our ancestors, who transmitted to us that freedom in which they had been blest—if *we are not animated* by any regard for posterity, to whom, by the most sacred obligations, we are bound to deliver down the invaluable inheritance—THEN, indeed, any *minister*—or any *tool* of a minister—or any *creature* of a tool of a minister—or any *lower* ‡ *instrument of* § *administration*, if lower there be, is a *personage* whom it may be dangerous to offend.

I shall be extremely sorry, if any man mistakes my meaning in any thing I have said. Officers employed by the crown, are,

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† *Deuteron*. vi. 7.

* *Montesquieu*'s Spirit of Laws, Book 14, Chap. 13.

‡ "*Instrumenta regne*." Tacitus'*s Ann*. Book 12, § 66.[9]

§ *If any person shall imagine that he discovers*, *in these letters*, *the least disaffection towards our most excellent Sovereign*, *and the parliament of* Great-Britain, *or dislike of the dependance of these colonies on that kingdom*, *I beg that such person will not form any judgment on* particular expressions, *but will consider the* tenor of all the letters taken together. *In that case*, *I flatter myself*, *that every unprejudiced reader will be* convinced, *that the true interests of* Great-Britain *are as dear to me*, *as they ought to be to every good subject*.

If I am an Enthusiast *in any thing*, *it is in my zeal for the* perpetual dependance *of these colonies on their mother country*.— *A dependance founded on* mutual benefits, *the continuance of which can be secured only by* mutual affections. *Therefore it is*, *that with extreme apprehension I view the smallest seeds of discontent*, *which are unwarily scattered abroad*. Fifty *or* Sixty *years will make astonishing alterations in these colonies*; *and this consideration should render it the business of* Great-Britain *more and more to cultivate our good dispositions towards her: But the misfortune is*, *that those* great men, *who are wrestling for power at home*, *think themselves very slightly interested in the prosperity of their country* Fifty *or* Sixty *years hence*, *but are deeply concerned in blowing up a popular clamor for supposed* immediate advantages.

For my part, *I regard* Great-Britain *as a* Bulwark, *happily fixed between these colonies and the powerful nations of* Europe. *That kingdom is our advanced post or fortification*, *which remaining safe*, *we*, *under its protection enjoying peace*, *may diffuse the blessings*

of religion, *science*, *and liberty*, *thro' remote wildernesses*. *It is therefore incontestably our* duty, *and our* interest, *to support the strength of* Great-Britain. *When confiding in that strength*, *she begins to forget from whence it arose*, *it will be an easy thing to shew the source*. *She may readily be reminded of the loud alarm spread among her merchants and tradesmen*, *by the universal association of these colonies*, *at the time of the* Stamp Act, *not to import any of her* MANUFACTURES.

In the year 1718, *the* Russians *and* Swedes *entered into an agreement*, *not to suffer* Great-Britain *to export any* NAVAL STORES *from their dominions but in* Russian *or* Swedish *ships*, *and at their own prices*. Great-Britain *was distressed*. Pitch *and* tar *rose to* Three Pounds *a barrel*. At length she thought of getting these articles from the *colonies*; *and the attempt succeeding*, *they fell down to* Fifteen Shillings. *In the year* 1756, Great-Britain *was threatened with an invasion*.[10] *An easterly wind blowing for six weeks*, *she could not* MAN *her fleet*, *and the whole nation was thrown into the utmost consternation*.[11] *The wind changed*. *The* American *ships arrived*. *The fleet sailed in ten or fifteen days*. There are some other reflections on this subject, *worthy of the most deliberate attention of the* British *parliament*; *but they are of such a nature*, *that I do not chuse to mention them publickly*. *I thought that I discharged my duty to my country*, *by taking the liberty*, *in the year* 1765, *while the* Stamp Act *was in suspence*, *of writing my sentiments to a gentleman of the greatest influence at home*, *who afterwards distinguished himself*, *by espousing our cause*, *in the debates concerning the repeal of that act*.[12]

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while according to the laws they conduct themselves, intitled to legal obedience, and sincere respect. These it is a duty to render them; and these no good or prudent person will withhold. But when these officers, thro' rashness or design, desire to enlarge their authority beyond its due limits, and expect improper concessions to be made to them, from regard for the employments they bear, their attempts should be considered as equal injuries to the crown and people, and should be courageously and constantly opposed. To suffer our ideas to be confounded by *names* on such occasions, would be an *inexcusable weakness*, and probably an *irremediable error*.

We have reason to believe, that several of his Majesty's present ministers are good men, and friends to our country; and it seems not unlikely, that by a particular concurrence of events, we have been treated a little more severely than they wished we should be. *They* might not think it prudent to stem a torrent. But what is the difference to *us*, whether arbitrary acts take their rise from ministers, or are permitted by them? Ought any point to be allowed to ‡ a good minister, that should be denied to a bad one? The mortality of ministers, is a very frail mortality. A -------- may succeed a *Shelburne*— A --------- may succeed a *Conway*.[13]

We find a new kind of minister lately spoken of at home—"THE MINISTER OF THE HOUSE OF COMMONS." The term seems to have peculiar propriety when referred to these colonies, *with a different meaning annexed to it*, from that in which it is taken there. By the word "minister," we may understand not only a *servant of*

the crown, but a *man of influence* among the commons, who regard themselves as having a share in the *sovereignty* over us. The "minister OF the house" may, in a point respecting the colonies, be so strong, that the minister of the crown *in* the house, if he is a distinct person, may not chuse, even where his sentiments are favorable to us, to come to a pitched battle upon our account. For tho' I have the highest opinion of the deference of the house for the King's minister, yet he may be so good natured, as not to put it to the test, except it be for the mere and immediate profit of his master or himself.

But whatever kind of minister he is, that attempts to innovate *a single iota* in the privileges of these colonies, him I hope you will *undauntedly oppose*; and that you will never suffer yourselves to be either *cheated* or *frightened* into any *unworthy obsequiousness*. On such emergencies you may surely, without presumption, believe that ALMIGHTY GOD himself will look down upon your righteous contest with gracious approbation. You will be a "*band of brothers*," cemented by the dearest ties,—and strengthened with inconceivable supplies of force and constancy, by that sympathetic ardor, which animates good men, confederated in a good cause. Your *honor* and *welfare* will be, as they now are, most intimately concerned; and besides—*you are assigned by divine providence*, in the appointed order of things, the *protectors of unborn ages*, whose *fate* depends upon your *virtue*. Whether *they* shall arise the *generous* and *indisputable heirs* of the noblest patrimonies, or the *dastardly* and *hereditary drudges* of imperious task-masters, YOU MUST DETERMINE.

To discharge this double duty to *yourselve*s, and to your *posterity*, you have nothing to do, but to call forth into use the *good sense* and *spirit* of which you are possessed. You have nothing to do, but to conduct your affairs *peaceably—prudently—firmly—jointly*. By *these means* you will support the character of *free-men*, without losing that of *faithful subjects*—a good character in any government—one of the best under a *British* government—You will *prove*, that *Americans* have that true *magnanimity* of soul, that can resent injuries, without falling into rage; and that tho' your devotion to *Great-Britain* is the most affectionate, yet you can make PROPER DISTINCTIONS, and know what you owe *to yourselves*, as well as *to her*—You will, at the same time that you advance your *interests*, advance your *reputation*—You will convince the world of the *justice of your demands*, and the *purity of your intentions*.— While all mankind must with unceasing applauses confess, that YOU indeed DESERVE liberty, who so *well understand* it, so *passionately love* it, so *temperately enjoy* it, and so *wisely*, *bravely*, and *virtuously assert*, *maintain*, and *defend* it.

"*Certe ego libertatem, quæ mihi a parente meo tradita est, experiar:*
Verum id frustra an ob rem faciam, in vestra manu situm est, quirites."[14]

For my part, I am resolved to contend for the liberty delivered down to me by my ancestors; but whether I shall do it effectually or not, depends on you, my countrymen.

"How little soever one is able to write, yet when the liberties of one's country are threatened, it is still more difficult to be silent."[15]

A FARMER.

Is there not the strongest probability,[16] that if the universal sense of these colonies is immediately expressed by RESOLVES of the assemblies, in support of their rights, by INSTRUCTIONS to their agents on the subject, and by PETITIONS to the crown and parliament for redress, these measures will have the same success now, that they had in the time of the *Stamp-act?*

D.

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‡ *Ubi imperium ad ignaros aut minus bonos pervenit*; novum illud examplum, *ab dignis & idoneis, ad indignos & non idoneos* transfertur. Sall. Bell. Cat. § 50.[17]

The following note on the words, * *Thus they are disregarded*, in the eleventh letter, came too late for our last.

* "*The* republic *is always* attacked *with greater vigor*, *than it is* defended: *For the* audacious *and* profligate, *prompted by their natural enmity to it*, *are* easily impelled *to act by the* least nod *of their* leaders: *Whereas the* HONEST, *I know not why*, *are generally* slow *and* unwilling *to stir*; *and* neglecting *always the* BEGINNINGS of things, *are* never roused *to exert themselves*, *but by the* last necessity: *So that through* IRRESOLUTION *and* DELAY, *when they would be glad to compound at last for their* QUIET, *at the expence even of their* HONOR, *they* commonly lose them BOTH." CICERO'S Orat. for SEXTIUS.[18]

Such were the sentiments of this great and excellent man, *whose vast abilities*, *and the calamities of his country during his time*, *enabled him, by mournful experience*, *to form a just judgment on the conduct of the friends and enemies of liberty.*

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[1] St. James's Palace was the monarch's official residence from 1698 to 1837.

[2] St. Stephen's Chapel was the chamber of the House of Commons from 1547 to 1834.

[3] Guildhall is a medieval building near the center of the City of London that served as a town hall.

[4] The Royal Exchange was the center of commerce for the City of London.

[5] *PC*, Feb. 8–15, 1768: the word "wretched" appears in place of "wrecked."

[6] "*Adparent rari nantes in gurgite vasto*": Lat. "They appear scattered, swimming in the vast abyss" (Verg. *Æn*. 1.118). The subject of this line is the so-called Altars, stones jutting up from the sea floor between Sicily and Africa. Virgil depicts Æneas watching one of his ships run against these hidden rocks amidst a storm.

[7] A paraphrase of Prov. 3:17.

[8] In Greek mythology, Telephus was both wounded and healed by the spear of Achilles.

[9] "*Deligitur artifex talium vocabulo Locusta, nuper veneficii damnata et diu inter instrumenta regni habita*": Lat. "A master of such arts was selected, Locusta by name, recently convicted of poisoning and counted among the tools of royal power" (Tac. *Ann*. 12.66). This reference is also in JD's Commonplace Book II (doc. 2:27, n. 77).

[10] Having studied in London during this time, JD was aware of the British public's fear of a French invasion. See docs. 1:37 and 1:38.

[11] *Read's Weekly Journal* (London), May 15, 1756, reported Royal Navy ships that were unable to leave port due to contrary winds.

[12] A reference to JD's letter to William Pitt dated Dec. 21, 1765 (docs. 3:95 and 3:96).

[13] William Petty, second earl of Shelburne (1737–1805), was an associate of William Pitt's and president of the Board of Trade from April to September 1763 when he was replaced by Lord Hillsborough. Shelburne voted for the repeal of the Stamp Act of 1765 and against the Declaratory Act of 1766, while Hillsborough opposed concessions. Lt. Gen. Henry Seymour Conway (1719–1795) was secretary of state for the southern department, which included the American colonies, from July 1765 until he was replaced in May 1766 by Charles Lennox, third duke of Richmond, third duke of Lennox, and duke of Aubigny in the French nobility (1735–1806).

[14] Sall. *Iug*. 31.5. JD also quoted this passage on the title page of his 1764 *Speech* (doc. 3:19).

[15] Jeremiah Dummer, *A Defense of the New-England Charters* (London: W. Wilkins, 1721), 80. Jeremiah Dummer (1681–1739) was a native of Massachusetts who wrote in opposition to Parliament's proposal to repeal the charters of the New England colonies.

[16] *PC*, Feb. 8–15, 1768: the phrase "greatest reason to hope" appears in place of "strongest probability."

[17] "*Ubi imperium ad ignaros eius aut minus bonos pervenit, novom illud exemplum ab dignis et idoneis ad indignos et non idoneos transfertur*": Lat. "When power comes to the ignorant or those who are not good, that precedent is transferred from the meriting and appropriate to the unmeriting and inappropriate"(Sall. *Cat*. 51.27).

[18] Cicero, *Pro Publio Sextio*, was not included in the usual 18th-century English translations of Cicero. Here JD quotes the single paragraph translated by Conyers Middleton, *The History of the Life of Marcus Tullius Cicero*, 2 vols. (London, 1741), 2:469.

41
A Freeborn American [Charles Thomson], Essay in Agreement with the Farmer, *The Pennsylvania Gazette*, February 18, 1768

Messieurs HALL and SELLERS,

GENTLEMEN, Lancaster county, Feb. 9, 1768.

As a friend to my country, *I think it my duty to lift up my voice in its defence: You will therefore*, *by inserting the inclosed in your useful paper*,

oblige Your constant reader, W.D.

AT a time when the judicious *Farmer* opens to view the terrible effects of a late act of parliament in all their native horrors, *do* I, my countrymen! *can* I still behold you *assenting* to the force of his arguments without *rousing* from your lethargy? Will not the chains of *slavery*, rattling in your ears, excite your attention? Are the springs of nature so relaxed with luxury and sloth, that you cannot exert yourselves for the preservation of your own liberty? Can you tamely suffer *that* peace, plenty and happiness to be banished from your native land, for which your forefathers (blush ye, their degenerate offspring!) bravely encountered all the dangers of a savage wilderness? Cannot *we preserve* the privileges *they gave!* Shall a part of the *freest* people upon earth, the envy and wonder of the world, basely submit to the galling yoke of *bondage?* Shall the *freeborn* sons of BRITAIN become *slaves!* Shall the *scourge* of *tyrants* be *friends* to *arbitrary power!* Shall *we*, *once* so *boldly vigorous* in our country's cause, *degrade* the boasted name of *Britons* by a *dastardly* compliance?

—Freedom! "thou art asham'd;"

America! "thou hast lost the breed of noble bloods."[1]

Where are those *heroic resolves*, that zeal for the preservation of government and liberty, that shone so brightly in the time of the detestable *Stamp-Act?* Those patriotic souls, that so boldly asserted their country's cause, where are they *now?* Shall I answer—"with the years beyond the flood?"[2] Or shall I not rather say, that many of them seem lulled to an indolent security?

"Ye stocks! ye stones! ye worse than senseless things!"[3]

who would calmly give up your inestimable rights and privileges, on *you* would I call in this *time of danger*, this *critical conjuncture*. On *you*, who should guide to deliverance by your prudence:— On *you*, whose influence and station of life, add a weight to your resolutions, and crown them with success:— On *all*, who can in any wise contribute to the public weal. By the rights of *Britons*, by your own advantage, by the liberty and happiness of your otherwise *enslaved* posterity, by all that is or should be dear, I *urge*, I *conjure* you to exert your utmost abilities to obtain redress in this important affair. View the liberty, the transporting liberty you have so long enjoyed, soon to be torn for ever from your embraces! Hear the groans of an expiring country! Realize to your minds, your posterity labouring under the weight of oppression, reflecting with a mournful pleasure on the *happy* days of their *fathers*, or perhaps cursing us in the agony of their souls for entailing *slavery* on them.— O my countrymen! attend to the voice of reason. Revere the mother-country; but never, never let that veneration degenerate into a weak, pitiful submission to tyrannical measures. Encourage your own manufactories, expunge the superfluities of luxury, and let each one set an example of frugality. Consider, the prosperity of thousands yet unborn, depends in some degree on the conduct of each individual. Wherever it is possible, let the *representatives* be *instructed* by their *constituents*, to *such measures* as appear most adviseable. Let the spirit of *liberty* and *loyalty* invigorate every breast, and, in the use of proper means, with the blessing of heaven, we may justly hope for success.

A FREEBORN AMERICAN.[4]

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[1] An adaptation of "Age, thou art shamed! / Rome, thou hast lost the breed of noble bloods!" Shakespeare, *Julius Cæsar*, 1.2.159–60.

[2] Edward Young, *The Complaint: Or, Night-Thoughts on Life, Death, & Immortality* (1742–45), 1.59.

[3] An adaptation of "You blocks, you stones, you worse than senseless / things!" (Shakespeare, *Julius Cæsar*, 1.1.39–40).

[4] Charles Thomson, according to Ford, *Writings*, 435. See also doc. 4:81, below.

42
From John Bell, February 20, 1768

On August 20, 1754, Patrick Martin (died c. 1761), a Kent County, Del., merchant and yeoman, and his wife, Mary Martin (died c. 1758), mortgaged four tracts of land totaling 859 acres to John Bell for £533.0.6 in Pennsylvania currency.[1] Bell

was to receive payment, with interest, within two years but received nothing from the Martins. In May 1758, following Mary Martin's death, Bell sought to recover the debt from Patrick Martin and Mary Martin's executor, Dr. Charles Ridgley.[2] The Kent County Court of Common Pleas ruled in favor of Bell and issued a writ of *levari facias*[3] in accordance with the statutes of the Lower Counties.[4] No buyers came forward to purchase the properties at a public auction, and the tracts remained in Ridgley's possession.[5] Bell persisted in his efforts to recover the debt and reach an agreement with attorney David Finney, who seems to have had a claim to the property.

Bridgewater[6] 20th. February 1768

Dear Sir

When I handed you the Mortgage on Martin's Land I neglected at the same time to furnish you with the amount of that Mortgage as it now stands me with the Legal Interest which I apprehend the Land ought to pay me before I lose Sight of it; I will take the Liberty to trouble you with the particulars of that amount here

Mortgage dated the 20th Aug[us]t 1754—[per]	533„—„6
Int[eres]t 13 years & 6 months @ 6 [per] c[en]t [per] annum {to this day}—	431„15„6
Lawyers fees - - - - - - - - - - - above—	50 — —
Legal Costs to sundry Sherriffs Jurys &c[a]. about my Expences going to Dover several times to meet Mess[rs]. Ridgely & Vining[7] with a view of settling the affair by a Jury on the writ call'd Liberari facias[8] {at least}	25 — —
	£1084„16 —

when it is consider'd that M[r]. Finny[9] will get by the Mortgage nine hundred Acres of good Land, besides his other benefits, it may not seem unreasonable to expect a security for the above sum total, but I leave the matter entirely to your management & shall be perfectly satisfied with whatever you do in the Affair

Doctor Ridgely has ever since Martin's death received the rents & profits of those Lands, something considerably, and I think should be call'd to a strict account by M[r]. Finny if he gets his Claim, which I heartily wish he may, and I am secured in a thousand Pounds, for I have as yet never got the value of a shilling from Martin's Estate— I have long wish'd, you know, to have this affair brought to some conclusion & certainty tha[n?]{t} would enable me to do that Justice I wish to every One— whenever you fix with M[r]. Finney, I will on the least notice come down to make the assignment & take his security.[10] Symmer's Affair galls me much & would still more if I can't raise the money which I hope to do soon to pay the whole.

I wrote M[r]. Allair[11] this day which I doubt not he will shew you if any enquiries about payment of that debt, let it be said the Mortgage is a good security. I doubt not you will take care Donaldson gets no advantage the ensuing Court. pray excuse this scrawl & believe me with much truth & sincerity

D[ea]r Sir
your very affect[iona]te
h[um]ble serv[an]t
John Bell[12]
near Brunswick
New Jersey

ALS (PHi-Logan)

[1] Indenture between Patrick Martin, Mary Martin, and John Bell, Aug. 20, 1754, Delaware Land Records, Deed Records, Vol. 1, Book O, fols. 260v–261, De-Ar.

[2] Letter of Administration for Mary Martin, May 9, 1758, Kent Co. Wills, Book K, fol. 182v, De-Ar.

[3] *Levari facias*: Lat. "A writ of execution directing the sheriff to cause to be made of the lands and chattels of the judgment debtor the sum recovered by the judgment" (*BLD*).

[4] See "An Act for Taking Lands in Execution for Payment of Debts" in *LGD* (1752), 79–85.

[5] Deed to John Bell, May 12, 1769, Delaware Land Records, Deed Records, Vol. 1, Book S, fols. 183–185, De-Ar.

[6] Bridgewater Township in Somerset Co., N.J.

[7] John Vining.

[8] *Liberari facias*: Lat. "writ of execution issued by the court to the sheriff in cases where a jury of inquiry found that land of the defendant could satisfy debt in a judgment within seven years. It ordered the sheriff to deliver the defendant's land to the plaintiff for that period or until the debt was paid" (*GRCC*, 117). The law of the Lower Counties directed that such a writ should be issued in cases where "the said Lands and Hereditaments so to be exposed, cannot be sold" (*LGD* [1752], 81).

[9] David Finney (1725–1806) was a New Castle Co., Del., lawyer and later a justice of the Delaware Supreme Court. He had earlier consulted with JD on recovering lands in Kent Co. that Finney had inherited from an uncle and was seeking to recover further tracts (docs. 2:14 and 2:15). It appears Finney believed he had legal title to the Martins' tracts. See notes for *David Finney et al. v. James Byrne* (PHi-Logan); *PBF*, 21:128–30.

[10] On May 11, 1769, the Martins' tracts were sold at a second public auction to recover the £533.0.6 plus interest owed to Bell. Bell was the highest bidder, purchasing the lands for £1,000. On June 15, 1769, Bell sold the Martins' four tracts to Finney for £1,000. See Indenture between John Bell and David Finney, June 15, 1769, Delaware Land Records, Deed Records, Vol. 1, Book S, fols. 175v–178, De-Ar; Deed to John Bell, May 12, 1769, ibid., fols. 183–185, De-Ar.

[11] Possibly Peter Allaire. JD paid a fee of six shillings for a writ of *scire facias* in the case of *Peter Allaire v. John Bell* on June 29, 1767 (PHi-Logan).

[12] John Bell (d. 1778) was a Philadelphia merchant, although he may have been in the process of moving to New Jersey. By September 1769, he was a resident of Somerset Co.

43
A Citizen [William Hicks], Excerpt of "The Nature and Extent of Parliamentary Power Considered . . . ," *The Pennsylvania Journal*, February 25, 1768

This excerpt builds on the argument presented by Hicks in doc. 4:35, above. For JD's reaction, see doc. 4:44, below.

The NATURE *and* EXTENT *of*
PARLIAMENTARY POWER Considered,
In some Remarks upon Mr. PITT'*s* SPEECH *in the House of Commons*, *previous to the Repeal of the* STAMP-ACT.

> "If there by any one so credulous as not to apprehend the fatal consequences of this FORMIDABLE POWER, I cannot but wonder at that man's security." *Demosthenes*'s 2*d Philipic*.[1]

[*Continued from our last.*][2]

THE advocates for the sovereignty of *Great-Britain* enumerate amongst the other obligations by which we are bound, the favours which she has constantly conferred, and the support which we have continually received. If we could reasonably suppose a whole political body actuated by the same passions which may influence an individual, then, indeed there would be some foundation for our grateful acknowledgements; but when we plainly perceive that the bounties which *Great-Britain* is said so lavishly to have bestowed upon us, are meted out in the common political measure, with an evident intention *finally to promote her own particular benefit*, we can only say that her actions are the result of good policy not of great generosity. As for the support which they have given us in times of danger, if it did not immediately arise from the same motive which has produced their other favours, I am still amazed that it should even be mentioned by those who have lavished so much blood and treasure, for the maintenance of an *imaginary ballance*, or in defending those who never thanked them for their defence.

The most superficial examination must serve to convince us that the battles of *Great-Britain* could no where have been fought with so much advantage as in the woods of *America*; where her troops could be supplied with all the necessaries of life upon the easiest terms, and, from whence all the money which they expended immediately returned in immense payments for the extraordinary importations of her manufactures which the exigencies of the war required. Thus were the whole expences of the *American* war very far from lessening the strength or riches of the nation; while her forces, which were not sufficient to make any considerable impression upon the body of her natural enemy, were enabled to lop off one of its limbs.[3] In affecting this glorious purpose, I will venture to mention the assistance which they received from

the provincial troops as an aid of more importance than is generally allowed. I will even take the liberty to assert, that the colonists, in proportion to their *real ability*, did more for the general cause than could reasonably have been expected, if not more than *Great-Britain* herself. This assertion I fancy will gain more credit now than it would have gained some time ago; since the eyes of the world are at last open, and they must, if they are not wilfully blind, plainly discover, that the estimates of our wealth which have been received from ignorant or prejudiced persons, are, in every calculation, grosly erroneous. These misrepresentations, which have been so industriously propagated, are very possibly the offspring of political invention, as they form the best apology for imposing upon us burthens to which we are altogether unequal. The easy faith which every absurd information obtained, and the precipitate measures, which were the consequence of this unreasonable credulity, must sufficiently convince us, that while we are within the reach of parliamentary power, we shall not be suffered to riot in a superfluity of wealth, or to acquire any dangerous degree of strength. Whatever advantages may hereafter present themselves, from an increased population, or more extended trade, we shall never be able to cultivate them to any valuable purpose; for, how much soever we may possess the ability of acquiring wealth and independence, the partial views of our selfish brethren, supported by the sovereignty of Parliament, will most effectually prevent our enjoying such invaluable acquisitions.

If any alteration in our system of agriculture, should furnish us with a sufficiency of the necessary articles for the establishment of the most valuable manufactories, and an increase of population should enable us to carry them on to the greatest advantage, the manufacturers of *Great-Britain*, jealous of such a formidable encroachment, would easily obtain the interposition of our sovereign directors; who would very naturally ordain, that we should export our unwrought materials to be laboured by our more skilful brethren, and dispatch our superfluous inhabitants in search of another vacant world: And, if the extent of our commerce should draw into our hands the wealth of the *Indies*, the same unlimitted authority would always carefully provide ways and means for conveying the whole into the treasury of *England*. Perhaps some *G—lle*,[4] refining upon the system of his predecessor, may make the powers of legislation answer the purposes of oppression as effectually as the severest taxation.

The measures which have already been pursued almost give to conjecture the force of conviction; since no man can have been so inattentive to the most interesting facts as not to know that the power of parliament, exerted in the single instance of restraining our trade, has already reduced us to *inconceivable distress.* Denied the means of acquiring specie sufficient for the purposes of a general circulation, and limitted in the emission of our paper currency, men of considerable real estates become unable to answer the most trifling demands; and, when urged by creditors, perhaps as much perplexed as themselves, their lands are sold by execution for less than half their former value. This, as one of the most striking inconveniences, attending the late unseasonable exertion of parliamentary power, I have selected for observation, from a very extensive catalogue of grievances which it has already produced, and

of which we are at this moment most severely sensible. I am led to a choice of this particular fact from a consideration of the fatal consequence by which it may possibly be attended, should the merchants of England immediately demand a rigid payment of the general ballance due to them. It is not an easy matter to conceive how much our property may be affected by so unseasonable a demand; since the calamity would, by a regular connection, extend from the lowest to the highest member of society. But, as it was never my intention to enter into a minute detail of facts, I shall content myself with offering such loose, desultory observations as may serve to direct others in their researches after more particular information upon the most interesting subject. In the further pursuit of this design, I shall just take the liberty to observe upon the resolves of the Commons, of *February* 1766;[5] that the severe censures which they so liberally bestow upon us, are evidently inconsistent with the principles upon which they are supposed to have voted the repeal of the Stamp-act.

From these resolves we may very reasonably suppose that the repeal is more immediately founded upon the *inexpediency* of the act, than upon a conviction that they had exerted an *unconstitutional power*. Had they been willing to allow this act as invasive of an indisputable right, they would not so severely have censured us for our daring opposition, and lavished such praises upon those whose selfish views or slavish principles made them so readily subscribe to the infallibility and omnipotence of parliament.— A peaceable submission to the first attacks of encroaching power, is altogether incompatible with the genius of liberty; nor could it reasonably be expected, that, in such a sudden and dangerous invasion of our most inestimable rights, the form of opposition could be perfectly model'd by the hand of prudence. Violent and precipitate as our measures were, they wanted nothing but success to sanctify them; since the most superficial observer cannot but have discovered, that, in the political world, right and wrong are merely *arbitrary modes*, totally dependent upon the rise and fall of contending parties.

The people of England very justly dissatisfied with the tyrannic conduct of a weak prince, made the boldest struggles for the support of their languishing liberty, in their first ill-directed efforts under the unfortunate *Monmouth*,[6] the justice of their cause could not save them from the pains and penalties of *open rebellion*: But when a prince of military abilities gave them his powerful assistance, they suddenly effected the preservation of their freedom and distinguished so important an event by the title of *a glorious revolution*; so much influence has success in rating the merit of our political conduct.

When the Committee of the House resolve in the most general and expressive terms, that the authority of Parliament over the colonies is *sovereign and supreme in every respect whatever*, there is no reasoning against so formidable a resolution, supported by the power of the whole Kingdom. We can only remark that the same house has heretofore resolved to take under their own particular direction, the rights of the people, the privileges of the Lords, and the sovereignty of the Crown; and, for a long time maintained this unnatural usurpation.

If they did not suffer the passions of the man to influence the judgement of

the Senator, they would never treat that as a point of honour which should only be considered as a matter of right.

If, upon a cool, dispassionate enquiry, it may appear that the Commons of *Great-Britain* have no *natural or acquired superiority* over the freemen of America, they will certainly do us the justice to acknowledge this very reasonable independence, and not wickedly endeavour to enslave millions to promote the honour and dignity of a few ambitious individuals.

In supporting this doctrine of independence, I have established as an incontrovertible truth, this very accurate definition of my Lord C. J. *Hale*—[7] That every act of Parliament is a *tripartite indenture of agreement between the three estates of the Kingdom*.[8] If this maxim be not disputable, I very humbly conceive, that every consequence which I have drawn from it, is fairly and logically deduced; for it cannot, but with the most glaring absurdity, be supposed, that the parties to these political agreements may legally bind those who are not, in any wise privy to them.

The very spirit of the English constitution requires, that general regulations framed for the government of society, must have sanction of *general approbation*; and, that no man shall be deprived of life, liberty or property, but by the force of those laws to which he has voluntarily subscribed. These principles once acknowledged as the foundation of English liberty, how can the colonists be said to possess the *natural rights* of *mankind*, or the *peculiar privileges* of *Englishmen*, while they are every day liable to receive laws framed by persons ignorant of their abilities—unacquainted with their necessities, and evidently influenced by partial motives? If my zeal for the good of my country has not greatly clouded my judgment, I still dare so far depend upon the principles which I have established, as to assert, that, while the power of the British parliament is acknowledged *sovereign & supreme in every respect whatever*, the liberty of America is no more than a flattering dream, and her privileges delusive shadows.

While I relate matters of fact, from the best evidence which I am capable of receiving, if I have misrepresented them, I lie open to contradiction; and, when I recapitulate the principles from which I have drawn my train of reasoning, I am not so obstinately attached to my own opinion as to be proof against conviction. If I am guilty of any errors in the course of this unconnected performance, they must be attributed to my not having received sufficient information, or to my want of ability in using the materials which I had acquired. I have never wilfully misrepresented a fact, nor designedly drawn from it a falacious consequence. I have not laboured to establish any favourite system, and, with the vanity of a projector,[9] supported it at the expence of my veracity.

But however trifling this performance may appear, both my head and my heart have co-operated in its production, and I really sat down "to write what I thought, not to think what I should write."

Ardeo, *mihi credite—incredibili quodam amore patriæ—*
quod volent denique homines existiment; *nemini ego possum esse bene de republica merenti non amicus*. CICERO.[10]

A CITIZEN.

[1] Dem. 6.6.
[2] See doc. 4:A35, below. Brackets in the original.
[3] A reference to the British conquest of French Canada during the French and Indian War.
[4] Grenville.
[5] These resolves, which led to the act repealing the Stamp Act of 1765 and to the Declaratory Act of 1766, had been published in the *PG*, May 1, 1766.
[6] James Scott, first duke of Monmouth (1649–1685), was Charles II's eldest illegitimate son. His failed attempt to overthrow James II in the Monmouth Rebellion of 1685 resulted in his execution the same year. Some 1,300 of Monmouth's suspected supporters were tried in the western assizes, and most were sentenced to death or transportation. See also doc. 4:36, n. 8, above.
[7] Sir Matthew Hale (1609–1676) was a lawyer, chief justice of the King's Bench, and writer known for his posthumously published works *The History and Analysis of the Common Law of England* (1713) and *Historia Placitorum Coronæ (1736)*.
[8] A reference to a quote Hicks cited in an earlier section of this essay published in the *PJ*, Feb. 11, 1768 (doc. 4:A33, below). The quote reads: "*Those laws therefore that I call Leges scriptæ, or such as are usually called statue laws, which are originally reduced into writing, before they are enacted, or receive any binding power; every such law being formally made, as it were an* INDENTURE TRIPARTITE, *between the King, the Lords, and the Commons; for without the concurrent consent of all these three parts no such law is or can be made*" (Matthew Hale, *The History and Analysis of the Common Law of England* [London: J. Nutt, 1713], 2).
[9] Projector: "A schemer; a person who lives by his or her wits; a promoter of bogus or unsound business ventures; a cheat, a swindler" (*OED*).
[10] "*Ardeo, mihi credite . . . incredibili quodam amore patriæ . . . quod volent denique homines existiment: nemini ego possum esse bene merenti de re publica non amicus*": Lat. "I burn, believe me . . . with an unbelievable love of my fatherland . . . Indeed, let men suppose what they wish; I cannot but be a friend to one deserving well of the Republic" (Cic. *Prov. cons*. 23–24).

44
To [William Hicks], [c. February 1768]

This letter reveals that JD and William Hicks had previously discussed Hicks's essay, "The Nature and Extent of Parliamentary Power Considered . . ." (docs. 4:35 and 4:43, above, and 4:A30, 4:A32, 4:A33, and 4:A35, below), and that JD had urged Hicks not to publish it, believing it would undermine the *Farmer's Letters*. Hicks not only proceeded to publish the first piece but drafted an additional essay (doc. 4:48, below) denouncing JD's moderation as dangerous to the cause of American liberty. It appears that Hicks sent a draft of this piece to JD sometime after the initial publication of "The Nature and Extent of Parliamentary Power Considered . . . ," prompting the heated exchange seen here and in docs. 4:45 and 4:46, below. Hicks published his additional essay in *The New-York Gazette; and the Weekly Mercury* on February 29, and in *The Pennsylvania Journal* on March 10.

When {I} ~~You spoke to Me about your Intentions of publishing a~~ {saw your} Piece on the Extent of parliamentary Power in Mess^rs^. Bradfords Paper,[1] I thought the Publication {of it} at this ~~Time Jus~~ Time, an Unkindness to Me, after what had past between Us on that Subject— The Farmer's Letters are intended to unite the

Colonies in an immediate Opposition to a very late Act of Parliament;[2] ~~and~~ {which} for many Reasons ~~the Subject~~ demanded instant Consideration— No recent Event called for the publication of ~~the~~ your piece— There seem~~s~~{d} therefore no Occasion for dividing the Attention of the public— The Principles laid down by You contradict those upon which my Reasonings were founded— And in our {last} Conversation I had told You, that {in my Opinion, ~~the~~ you{r}} advancing such a general Denial of the Power of parliament, would injure the Cause I ~~had~~ endeavoured to defend—

I ~~thought~~ {imagined} these Observations were sufficient to influence a person, who I flattered Myself entertaind all the Tenderness of Friendship for Me— Judge then of my Surprize, when today I found another Attack, ~~was to be made upon~~ {more severe than I could expect} from most of my Enemies, was to be made upon Me, {by a Man I love,} ~~with the friendly Design, that~~ {with ~~I know not what~~ Design{.} ~~to call it,—~~that "} "the Attention of the World which might languish over a long continued Publication, may be revivd by the Appearance of Controversy."[3]

JD.

ALDftS (PHi-RRL)

[1] The *P.J.*

[2] The Revenue Act of 1767.

[3] Probably a line from the letter (not found) that accompanied Hicks's second essay. See Hicks's discussion of this line in doc. 4:45, below.

45
From William Hicks, [c. February 1768]

When I Yesterday sent for your Perusal the little political Essay[1] w[hi]ch I inclos'd, your having interpreted it to be an overt Act of high Treason could not have surpriz'd me more than the Construction You were pleas'd to put upon it.[2]

You think the Publication of my Piece on the Extent of Parliamentary Power "an Unkindness to You, after what had pass'd between Us." My Heart acquits me of ~~all~~ {any} unfriendly Intention. My Piece was written long before the Farmer's Letters were thought of— I told you of my Design to publish it in ~~N[ews~~*?*] one of the weekly Papers{;} and You made no Objection to it's Publication, but that You thought I had urgd our Claim to Liberty too far. To this I replied that the Warmth of my Zeal would make your Moderation appear to greater Advantage.

"No recent Event called for the publication of my Piece" I can not but again repeat ~~that~~ what I have already asserted,—that there never was, and I believe never will be a Time when [~~We may~~*?*] our political Demands could be press'd with greater Propriety— "The Principles laid down by me contradicted those upon w[hi]ch your Reasonings were founded" They did indeed differ in one single Point; and that too a Point of considerable Importance; but that this Difference in Sentiment should be considerd as criminal and offensive, is to me a Matter of the highest astonishment. I regarded the Principles upon w[hi]ch I attempted to Reason

as ~~in~~ strictly constitutional— I could not but think that the Concessions w[hi]ch both M^r^. Delaney[3] and yourself appeard too ready to make, would in the End prove fatal to the Cause of Liberty; but in {exerting} my weak Endeavours to check the Progress of this conciliating Spirit, I had as much Apprehension of losing my Life as of losing your Friendship. I did not even conceive that an Attempt "to divide the Attention of the World" could have drawn upon me the least Reproach. Supposing that We were both actuated by the purest Patriotism, I am surely excusable for contributing my {mite} towards the Support of the general Cause; and if it is allowd that We both have written with a View of acquiring Reputation, I have the best Apology to offer. The Applause of the World could not afford but a trifling, temporary Gratification to You— To me it might have brought a more substantial Benefit— Your Fortune is independant, and your Business extensive. My Circumstances are so contracted, that I must depend ~~upon the~~ for Subsistence upon the good Opinion w[hi]ch the World may entertain of my Abilities; and any little Endeavours w[hi]ch I may use to secure that can not but be thought justifiable. The Resentment You express at my intending—"an Attack [~~more~~*?*] upon **YOU** more severe than any You could expect from most of your Enemies" appears to me more capricious and ill founded than any I was ever expos'd to. For Heaven's Sake what Attack have I made upon **YOU**, or in what Instance have I deviated from that Friendship w[hi]ch I ever very sincerely profess'd? I have at all Times warmly interested myself in every Event w[hi]ch concernd your Reputation or Welfare. I have, both in public and in private, given ~~that~~ to your political Productions that Merit to w[hi]ch I thought They were {justly} entitled; and {if,} through the whole of that Piece for w[hi]ch You so severely reproach me, You can find any exceptionable Passage to justify your Resentment, I will submit to it without repining. When I proposd "an Appearance of Controversy to revive the Attention of the World w[hi]ch might languish under a long continued Publication" I saw no Absurdity or Indelicacy in the Proposal. I believe your warmest Friends would not consider it as a Piece of bad Policy; and, if any of those, upon an impartial Examination of my Conduct, will assert that I have said or done anything offensive or injurious to your Character, I will endeavour to attone for my Offence by the humblest Concessions: but, while, [~~I~~] in my own Mind, I stand absolvd from every unfriendly Design, I must consider your Reproaches as most unreasonably severe— I have ever carefully sought your Esteem, and cultivated a Connection with You upon too unequal Terms. You have had it in your Power to confer Favors— I ~~have~~ am so unhappy as to have receivd Them, without any Ability to return Them. I shall continually acknowledge Them with Gratitude, and ever be but too sensible of their Weight: Yet when I reflect upon the Severity with w[hi]ch You reproach a Man who never designedly gave You any Cause of Offence—a Man {too} whose perplexd, distressful Situation requires more than friendly Protection, I can not avoid thinking that You are too well acquainted with the Importance of that Friendship w[hi]ch You have so capriciously withdrawn from

Your most obligd h[umb]l[e] Servant

Wm. Hicks

Saturday Afternoon

ALS (PHi-RRL)

[1] Probably a draft of doc. 4:48, below.
[2] See doc. 4:44, above.
[3] Referring to Dulany, *Considerations*. See headnote to doc. 4:18, above.

46
To William Hicks, [c. February 1768]

If for one Friend to tell another, {without divulging the unhappy suspicion to any person {besides;}} that he thinks himself "unkindly" used {by that other} is "capriciously to withdraw ~~his~~ Friendship,"[1] ours to be sure is dissolved— But if to forgive the taunting cruel Expressions of ~~such~~ passionate Moments, ~~is a act{proof} of Friendship, I am still your Friend~~, & to ~~hope~~ {wish} that the author of them ~~will~~ repent{ing} of ~~the~~ the Pain he ~~gives~~ causes {may continue to love the Man he has injured,} is a proof of Friendship, I am still your Friend—[2] **JD**

Saturday Evening

ALDftS (PHi-RRL)

[1] Doc. 4:45, above.
[2] Indeed, when Hicks died in 1772, JD became the guardian of his children. See JD's agreement with Isaac Hicks and Gilbert Hicks of June 10, 1772 (PHi-Logan).

47
From Thomas Adam, March 4, 1768

Charles Town So[uth] Carolina March 4th 1768

Sir

I wrote you some time ago, & sent Sundry papers, respecting Conrade Keemhlies affair,[1] to which, I have had, no answer you'll be kind enough, to write me by the return of this vessell, by which this goes on, by the first opportunity. & in the mean time I Remain

Sir
Your very h[um]ble Serv[an]t
Tho[s]. Adam[2]

ALS (PHi-Logan)

[1] Possibly doc. 4:3, above. On the "affair," see ibid., n. 2.
[2] Addressed: "[per] Cap[t.] Masson." Thomas Mason was commander of the brigantine *Prince of Wales*. The ship's arrival from South Carolina was reported in the *PG*, March 17, 1768.

48
A Citizen [William Hicks], Essay on Parliamentary Authority, *The Pennsylvania Journal*, March 10, 1768

This additional essay was included in a Philadelphia pamphlet edition of *The Nature and Extent of Parliamentary Power Considered* (Evans, No. 10985). Hicks explained his decision to publish this essay in a letter received by JD on March 31 (doc. 4:53, below) and JD forgave him in a reply of the same date (doc. 4:54, below).

From the NEW-YORK GAZETTE.[1]

Suo quemque judicio homines odisse aut diligere, et res probare, aut improbare debere, non pendere, ex alterius vultu ac nutu, nec alieni momentis animi circumagi. LIVY.[2]

NOTHING can be more unjustifiable, or indeed more contemptible, than for a man to declare opinions of private characters, or censures of public measures, which are not the result of his own deliberate judgement; but formed under the influence of friendly prejudice. The council of a friend may lead and direct me in my researches after truth; but no man ought to place such boundless confidence in the judgement of another, as to deprive himself of those advantages which he might receive from the exercise of his own reason. Those sentiments which I have taken up on the credit of my friend, may be considered as a body of mercenary troops, with whose strength I am not sufficiently acquainted, and upon whose firmness I can never safely depend; while those opinions which are the laboured protection of my own brain, may be regarded as a kind of national militia, known by repeated experience, and trusted with implicit confidence. The partiality which we too frequently shew to the offspring of our own political invention, may sometimes indeed expose us to deserved ridicule; but will not our bigotted attachment to the judgment of those who have gained our confidence, lead us into absurdities as great, and errors much more fatal? Those gentlemen who have generously devoted their pens to the service of their country, and have given such repeated proofs of their extensive abilities, as well as of their *sincere attachment* to the cause of liberty, are justly entitled to our gratitude and applause; but our regard for the *man* should never lead us to adopt the maxims of the *politician*, without the most cautious enquiries into their truth and utility.

When Science had reached her meridian height in Greece, the Athenians, who were the most polite and learned of the Greeks, carried this *dangerous inattention* so far, that they resigned the consideration of all public matters to those few who possessed the art of ingratiating themselves, by tickling their ears with the most elegant orations.— Eloquence then was a talent most cultivated; and measures of the highest importance were less influenced by the unpolished sense of the judicious patriot, than by the fascinating language of the venal orator. Faction, discontent,

and at length the total ruin of the common wealth, were the consequences of this unpardonable indolence, and upon the strength of this instance alone, I may venture to assert, that no people can ever continue long in the exercise and enjoyment of liberty, unless they maintain resolution enough *to think for themselves*.

America has never yet seen, and perhaps never will see, any time when this doctrine could be inculcated with greater propriety. The advocates for parliamentary power would stretch it out to a most unlimited extent, while the friends of the colonies have confined their defence to that particular part which was first invaded, and from the loss of which the most fatal effects would immediately ensue. The right of taxation, as it had involv'd in itself every other *disposing authority*, was at first controverted with the greatest warmth; but the success of our opposition produced no more than a temporary remission of an ill tim'd oppressive burthen; guarded with such *salvo jure*,[3] as plainly evinced the principles upon which this concession was made. This *formidable reservation* produced such a spirit of diffidence and timidity, that so far from extending their demands to all the rights of a free people, the modest requisitions of our firmest patriots seem to have reached no further than to the preservation of those privileges most immediately necessary to our welfare. They are fearful of urging all their pretensions to liberty, lest the hand of power should impose some more rigid restraint. They are even industrious in framing reasons to support that branch of paliamentary [*sic*] power, which they very reasonably believe too firmly establish'd to be shaken by any opposition. This is the conduct of an artful politician, not of a steady patriot. To wave one legal demand for the better securing another, may, in the common occurrences of *private life*, be a justifiable piece of policy; but, in matters of *national concern*, where the happiness of a whole community is at stake, compositions of this kind are of the most dangerous nature; and, tho' a superiority of power may justify a peaceable submission, yet nothing can excuse the basely relinquishing our claim to *all the rights of free men*. Let power be lodg'd in the hands of one, or one hundred, it ever was, and ever will be, of an encroaching nature; and, if a selfish motive of *temporary expediency*, should draw from the present inhabitants of the colonies any *unguarded concessions*, they will serve to rivet the chains of slavery upon their wretched posterity.

Sciat regium Majestatem difficilius a summo Fastigio ad medium detrahi,
quam a mediis ad Ima præcipitari. LIVY.[4]

If we exert ourselves in a timely opposition to the first advances of an enchroaching power, we may reasonably flatter ourselves with a hope of succeeding; but if we supinely wait 'till this usurped authority is confirmed by time, and strengthened by the common arts of usurpation we shall vainly endeavour to check its *irresistible progress*. Common sense, and common experience, most incontestably prove, that too much caution can not be used in dermining [*sic*] the nature and extent of all delegated power. The principles upon which such delegation is established, should be carefully guarded against, every doubtful or equivocal construction, and framed

upon a plan so clear and simple, as to be easily comprehended by the meanest capacity. This is the peculiar merit and happiness of the English constitution; and to this Great-Britain owes both her present grandeur and her former glory. Enlightened by her example, and flattered with a hope of successfully following her footsteps, shall we not prudently use the same measures to produce the same effect.

The form of the British government, and the nature of our connection with it, are so essentially different from every colonization with which we are aquainted, that we cannot be directed by precedents drawn from any former establishment. Our situation is indeed of the *first impression*, and our conduct must therefore necessarily be regulated by *general constitutional principles*. These principles must lead us through the labyrinth of our present dispute; and by them we shall be enabled to support the most extensive of our demands. Without any great assistance, from the arts of reasoning, we shall very easily discover that those political distinctions which have *even amongst ourselves* too generally prevail'd, are absolutely inconsistent with the spirit of the English government. To deny that the parliament of Great-Britain have any right to dispose of our acquired property, and at the same time to assert their power to restrain our *natural liberty*, is really advancing such a paradox in policy, as I shall never attempt to reconcile.

If the preservation of our liberty is to us a matter of as much importance as the security of our property, from whence can this absurd distinction have arisen? We are told that the power which the parliament of Great-Britain have usurped, to limit our trade and restrain our manufactures, is founded in the very nature of the relation between an infant colony and its parent stock; but no one has ever favoured us with such a definition of this same *parental authority*, as might serve to maintain their *doctrine of dependence*. The advocates for parliamentary power have indeed repeatedly urged this *relative superiority*, to silence the clamours of the discontented colonists; but no one has at any time endeavoured to support these *specious pretensions* by the force of reasoning, or ever attempted to prove, that a British colonist and a Spartan helot,[5] were to be considered in the same light. I will flatter myself that my countrymen are already too well acquainted with the nature and extent of their constitutional rights, to require any more arguments to evince the fatal tendency of that subordination to which our enemies still labour to reduce us. I only wish to convince them, that a concession which most of our own writers appear too ready to make, may be attended with the most dangerous and fatal consequences; and that it cannot, with any appearance of reason, be exacted from us. We have heretofore, with the greatest warmth and unanimity, denied to the parliament of Great-Britain the power of raising money upon us by any *internal tax*, and we boldly remonstrated against the stamp-act, as an act of violence and oppression. How inconsistent then must our conduct appear, if we willingly subscribe to that authority which "*can limit our trade*, *restrain our manufactures*, *and bind us in every respect*, *but that of taking money out of our pockets without our consent*;"[6] since it cannot but be perceived, that this *restraining power*

will have as pernicious an effect, both upon our liberty and our property, as any other with which our enemies could wish to curb us. It has repeatedly been alledged, that this restraining authority is essential to the welfare of Great-Britain—that it has grown up with the colonies from their infancy, and is become a necessary ingredient in their constitution. It is readily allowed that such a regulating power ought to be lodged somewhere, for the benefit of the whole community; but when we pay this attention due to the interest of the mother country, let us not be shamefully negligent of our own preservation, by conceding such an extensive, *unlimitted authority* as may at any time be exercised to our own ruin. Under a pretence of regulating our trade we may be stripped of our property; and with an appearance of limitting our manufactures, we may insensibly be robbed of our liberty. To depend for the security of all that is valuable in life, upon that opposition which all mankind have a right to make against acts of violence and oppression, would be expecting relief from a remedy which is too often worse than the disease itself. There cannot indeed be a juster principle in all free governments, than that those who have received any delegated power, are accountable to their constituents for any abuse of their trust: But no man of common sense, can ever consider this *dangerous resource* as a sufficient security against all those mischiefs which so frequently attend the lodging an unlimitted authority in the hands of any individual.

This reservation, which is so reasonably implied in every social compact, should indeed never be totally forgotten; but to rely on *that alone* for safety, and in consequence of this ill-plac'd confidence, to relax from that rigid caution, which distinguish'd the conduct of our prudent ancestors, would most deservedly draw upon us a charge of folly and presumption. Such is the weakness and depravity of human nature, that in every political contract, the welfare of the people should depend as little as possible upon the will and discretion of the magistrate. "*Est sapientis judicis cogitare tantum sibi a populo esse permissum*, *quantum commissum et creditum sit*, *et non solum sibi potestatem datam verum etiam Fidem habitam esse miminisse*. Cic. pro Cluent."[7] In every commission of power, where the utmost force of reason, and every art of political caution have been exerted to guard the interest and happiness of the governed, so imperfect is the state of human knowledge, that something will still depend upon the will of the magistrate. It is therefore essential to the constitution of every free government, that the magistracy should not only be considered as acting by virtue of the *power* which is expressly committed to them, but as bound by the *confidence* necessarily reposed in them, to exercise that power for the general benefit of those from whom they received it. A breach of faith immediately dissolves the political contract, and those who are injur'd, have an indisputable right to use any measures for redress of their grevances; but those, whose judgements are most corrected by an intimate acquaintance with antient and modern history, can very easily discover how little dependence is to be placed on so violent and precarious a remedy.— It is, and ought ever to be preserv'd as a check upon the ambition of our rulers; but let it ever

be remember'd, that the safety and happiness of every nation will depend less upon the excellence of their original constitution, than upon their continued care to preserve its principles inviolate. Our political determination should be govern'd by the same reasoning which constantly influences the prudent dispensation of our establish'd laws, where but very little attention is paid to arguments drawn from a *temporary expediency*. Let us now endeavour to apply what has already been offered, to the purpose for which it was designed, and let us reduce the state of what we at present contend for, to the simplest position. Can we, with any appearance of consistency, boldly deny to the parliament of Great-Britain, a right to dispose of our acquired property, and yet tamely concede a power of restraining our *natural liberty?* Can we explain this paradox to the apprehension of common sense? Or can we reconcile this conduct to the duty which we owe to ourselves and our posterity? Is wealth of more importance to us than freedom, or can we expect to enjoy the one when we have lost the other? Should we not, with great reason, laugh at the folly of that man, who might think to guard his domestic treasure against the invasions of the nightly robber, by carefully shutting up his windows, while his unshut doors offered him an easy passage? And would not this absurdity assume the face of madness, if, in pursuit of his extravagance, he should leave unguarded every passage to his wealth and person, depending altogether for their security upon that opposition which he might justly make to any such illegal attack? Exposed to artifice which he might never detect, or invaded by a power which he might be unable to resist, we should very reasonably expect that he would fall a sacrifice to his own extravagant presumption.

It has been urged that this power of regulating and restraining our trade, has grown up with the colonies, and is become a part of their constitution. This argument can prove nothing, because it proves too much; since the same mode of reasoning will sanctify all those encroachments upon our liberty which have from time to time been made by the *lawless power* of a wicked minister, or by the envious partiality of a jealous Parliament. Incapable of framing laws for our own government, we willingly received them from the hands of others; and too weak to contend, we patiently submitted to a power which we could not resist: But this conduct, which was the result of an *over ruling necessity*, can never, with any degree of propriety, be urged against our present endeavours to resume and secure the rights and privileges of British subjects. When we come to take a review of that variant, inconsistent form of government which we have reciev'd at different periods of time, from the hands of arbitrary ministers, we cannot but discover numberless deficiencies;—not barely defects in form, but such imperfections as must inevitably destroy the very basis of the liberty. Alarm'd with this discovery, do we not very reasonably require that the constitution of the colonies should be regulated by the most excellent model which bas [*sic*] been approved by the greatest politicians, and admir'd by all the world. The King of Great-Britain, is King of America, and he may boast as loyal subjects in his colonies as any in his domestic dominions. Why then are we denied that protection to which every subject

is entitled? Or why are the liberties of our more fortunate brethren to be guarded by every precaution which their own prudence could suggest, while the rights of the *neglected Americans*, are not only expos'd to the encroachments of the royal power, but absolutely lie at the mercy of their fellow subjects?

In every government, not regulated by particular charters, we have a council vested with all the legislative and judicial powers of the British Peers; and yet this so important and formidable a body is instantly rais'd by the warmth of ministerial sunshine, and ceases to exist the moment that is withdrawn.— Our judges too hold their commissions *durante bene Palcito*,[8] and, by the last act of ministerial policy, they are to be rendered more compleatly independent of the people, and more subject to the influence of a royal instruction. The Parliament have devised a method of raising money for the support of government, and that minister who may have the management of American affairs, may arbitrarily dispose of this supply in such pensions and salaries as may most effectually advance his own interest, and reward his numerous dependents.[9] With a constitution so imperfect, and unequal to the support of liberty, how can we weakly imagine that our legislature shall provide for our safety by necessary and equitable laws; or that our judges will secure our property by honest impartial judgments?

Those who are best acquainted with the delicate machinery of the English government, and who plainly perceive how precarious and fluctuating its balance is, have ever cautiously exerted themselves to guard against the most distant appearance of danger. They have gone so far as to consider the power of creating any additional number of peers, as a dangerous prerogative; and, in the bill of rights it is expressly declared, as essential to the preservation of liberty, "that every judge shall hold his commission *quamdiu se bene gesserit*."[10] Thus will the history of our mother country, and an examination of its happy constitution, sufficiently explain to us the dangerous nature of our present situation, and evidently prove that we cannot be too early or too urgent in petitioning for the establishment of such a well digested system of government, as may secure to us and our posterity all those rights and privileges which our forefathers heretofore happily enjoyed.

> "*Hæc primo paulatim crescere*, *interdum vindicari*. *Post*, *ubi Contagio*, *quasi Pestilentia invasit*, *Civitas immutata*, *Imperium ex justissimo atque optimo*, *crudele*, *intolerandum factum*." Salust Bell. Catil.[11]

A CITIZEN.

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[1] *The New-York Gazette; and the Weekly Mercury*, Feb. 29, 1768.

[2] "*Suo quemque iudicio et homines odisse aut diligere et res probare aut improbare debere, non pendere ex alterius vultu ac nutu nec alieni momentis animi circumagi*": Lat. "Each man ought to judge for himself whom to love and whom to hate, what actions to approve of and what to disapprove of; he must not wait upon another man's look or nod, nor must he be driven hither and thither by the motives which sway another man's mind" (Liv. 39.5.3).

[3] *Salvo jure*: Lat. "without prejudice to" (*BLD*).

[4] "*Sciat regum maiestatem difficilius ab summo fastigio ad medium detrahi quam a mediis ad ima*

præcipitari": Lat. "Let him consider, that it is more difficult to pull down the majesty of kings from the highest to the middle stage, than it is to precipitate it from the middle to the lowest" (Liv. 37.45.18).
[5] The helots were a subjugated class of ancient Sparta, sometimes described as slaves, who primarily worked as agricultural laborers in the Spartan-controlled territories of Laconia and Messenia (*OCD*).
[6] Paraphrase of *The Speech of Mr. P---*, 33.
[7] "*Est enim sapientis iudicis cogitare tantum sibi a populo Romano esse permissum quantum commissum sit et creditum, et non solum sibi potestatem datam verum etiam fidem habitam esse meminisse*": Lat. "For it is the part of a wise judge, to think that he has just that power permitted to him by the Roman people, which is committed and entrusted to him; and to remember that not only is power given to him, but also that confidence is placed in him" (Cic. *Clu*. 58.159).
[8] *Durante bene placito*: Lat. "During good pleasure" (*BLD*). See doc. 4:36, nn. 3 and 5, above.
[9] Revenue from the Townshend Acts was to be used to pay some colonial governors and judges, placing the duty of paying judges' salaries, previously vested in the colonial assemblies, in the hands of Parliament.
[10] 1 W. & M., sess. 2, c. 2 (1689): "An Act for Declaring the Rights and Liberties of the Subject, and Settling the Succession of the Crown," known as the Bill of Rights of 1689 (9 *SAL* 67–73). Hicks erred in ascribing this provision to the 1689 Bill of Rights. It is provided for by the Act of Settlement of 1701 (10 *SAL* 357–60, at 360). *Quamdiu se bene gesserit*: Lat. "As long as he shall behave himself well; during good behavior" (*BLD*). See doc. 4:36, n. 3.
[11] "*Hæc primo paulatim crescere, interdum vindicari; post ubi contagio quasi pestilentia invasit, civitas inmutata, imperium ex iustissumo atque optumo crudele intolerandumque factum*": Lat. "These vices at first advanced but slowly, and were sometimes restrained by correction; but afterward, when their infection had spread like a pestilence, the state was entirely changed, and the government, from being the most equitable and praiseworthy, became rapacious and insupportable" (Sall. *Cat*. 10.6.)

49
From Edward Lloyd III, March 11, 1768

Wye the 11th. Mar[ch] 1768

Sir,

Having acted no other than the part of an Agent in the Affair of Vining, whose Bond I put into your Hands to put in Suit. I did not think myself Authorised to give any Other Fee, save what you might [~~*illegible*~~]{judge} proper to make charge of at the completion of the Suit. However, on thinking that Fees were usually given in the intermediate time, I wrote for advice and having rec[eive]d it—conformable thereto I now send you, by the fav[o]r of Mr. Mein,[1] Five pistoles;[2] the Sum named to me, as what is thought proper on the occasion. being offer'd as an Extra Fee—

I Shall be glad to know if you have got Judgment, or when you will be able to get it.

I am Sir
Y[ou]r mo[st] Obed[ien]t Serv[an]t
Edwd Lloyd

ALS (PHi-RRL)

[1] Perhaps Andrew Mein (died c. 1773), an emigrant from Scotland who resided in Talbot Co., Md.
[2] Pistole: A Spanish gold coin, sometimes referred to as a doubloon, equivalent to four Spanish dollars or roughly sixteen shillings and six pence sterling. See McCusker, *Money and Exchange*, 11, 323.

50
A.B. [Samuel Adams?], Letter to Messieurs Edes and Gill, *The Boston-Gazette*, March 14, 1768

This letter, suggesting that the town of Boston thank the Farmer, forms a set with the following documents: an announcement of official plans to thank him (doc. 4:A36, below), the letter to the Farmer (doc. 4:52, below), and JD's response (doc. 4:72, below). The Boston Sons of Liberty also sent the *Farmer's Letters* to John Wilkes on June 6, 1768.[1]

Boston, *March* 9, 1768.

Messieurs EDES *&* GILL,[2]

AT a Time when publick Liberty is in Danger, from Measures not so obviously fatal to common Discernment, to shew the Tendency of such Measures, and their Repugnancy to the Rights and Privileges of a free People, is an Employment worthy the ablest Head and the most benevolent Heart. This has been lately done in a masterly Manner, by the worthy and patriotic writer of the Farmer's Letters, published in your Paper,[3] which so highly deserve the Encomiums they universally meet. The Colonies on this Continent are under the greatest Obligations to this Gentleman, which common Gratitude oblige them to manifest by some publick Act. And I would propose that this Town at their next Meeting should take into Consideration, and adopt some proper Method to evince their Regard to a Gentleman who has so gloriously laboured for the common Good. Such a publick Tribute, (paid in this Case to exalted Merit) may answer a very valuable Purpose, further than that of proving to the World, that we are not destitute of the noblest Passion by which the human Breast is animated. It may possibly excite other Gentlemen to exert themselves in the same Way, and thus be a Means of restoring and continuing that Liberty, which may gracious Heaven e'er long grant us fully to enjoy. Your's,

A.B.[4]

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[1] *PJA*, 1:214–16.

[2] Benjamin Edes (1732–1803) and John Gill (1732–1785) were the publishers of *The Boston-Gazette*.

[3] The *Farmer's Letters* ran in *The Boston-Gazette* from Dec. 21, 1767, to Feb. 29, 1768. See Appendix B.

[4] Possibly the work of Samuel Adams (1722–1803), a Boston politician and leading advocate for colonial rights. Adams subsequently served as a delegate to the Continental Congress and as governor of Massachusetts. See Kaestle, "Public Reaction," 332.

51
The Farmer Toasted in Boston on the Anniversary of the Repeal of the Stamp Act, *The Massachusetts Gazette* (Boston), March 24, 1768

It was common for men to demonstrate their patriotism and political loyalty at public events by giving toasts. During this period, JD was often the only individual American toasted. If there are multiple reports of toasts for the same occasion, we note only one in Appendix A. Space considerations mean the list of toasts is not comprehensive.

Friday last, the 18th of March, being the Anniversary of the Repeal of the Stamp-Act, the Tops of a Number of Houses and Stores, as also the Vessels at the Wharves and in the Harbour, were decorated with Colours;—some Pieces of Cannon on Trucks preceded by a Drum, and attended by a Concourse of People, went through the Town, and fired in most of the capital Streets:— At Noon a Number of principal Gentlemen assembled at the British Coffee-House and at the Bunch of Grapes Taverns, in King street, where they had liberal Entertainments:— The following TOASTS (as we have them from some who were present) were drank by a select Company of Gentlemen at the Coffee House, and the Afternoon spent in decent and rational Joy.

[*"The Farmer" was toasted third out of eighteen.*]

52
William Cooper et al., "To the Ingenious Author of Certain Patriotic Letters," *The Massachusetts Gazette* (Boston), March 24, 1768

This letter was the first of numerous expressions of appreciation addressed directly to JD for the *Farmer's Letters*. For his 1801 *Writings*, JD chose this address "out of many" to represent how the *Letters* were received.[1] He also included his response (doc. 4:72, below), published in *The Boston-Gazette* on April 25. Boston's letter of March 24 was reprinted in *The Pennsylvania Journal* on April 7, followed by a comment that "*This is the FIRST Honour of the kind that was ever conferred by a City on any Person in America*."

Boston, March 24, 1768.

AT an Adjournment of the Meeting[2] of the Freeholders and other Inhabitants of this Town, the following Letter was reported by the Committee appointed for that Purpose,[3] *viz*.

To the ingenious AUTHOR of certain patriotic
Letters, subscribed A FARMER.
MUCH RESPECTED SIR!

WHEN the Rights and Liberties of the numerous and loyal Inhabitants of this extensive Continent are in imminent Danger—when the inveterate Enemies of these Colonies are not more assiduous to forge Fetters for them, than diligent to delude the People, and zealous to persuade them to an indolent Acquiescence: At this alarming Period, when to reluct is deemed a Revolt, and to oppose such Measures as are injudicious and destructive, is construed as a formal Attempt to subvert Order and Government; when to reason is to rebel; and a ready Submission to the Rod of Power, is solicited by the Tenders of Place and Patronage, or urged by the Menace of Danger and Disgrace: 'Tis to YOU, worthy SIR! that AMERICA is obliged, for a most seasonable, sensible, loyal and vigorous Vindication of her invaded Rights and Liberties: 'Tis to YOU the distinguished Honour is due; that when many of the Friends of Liberty were ready to fear its utter Subversion: armed with Truth, supported by the immutable Laws of Nature, the common Inheritance of Man, and leaning on the Pillars of the BRITISH Constitution; You seasonably bro't your Aid, opposed impending Ruin, awakened the most indolent and inactive to a Sense of Danger, re animated the Hopes of those, who had before exerted themselves, in the Cause of Freedom, and instructed AMERICA in the best Means to obtain Redress.

Nor is this Western World alone indebted to your Wisdom, Fortitude and Patriotism; GREAT BRITAIN also may be confirmed by You, that to be truly great and successful she must be just: That to oppress AMERICA is to violate her own Honours, defeat her brightest Prospects, and contract her spreading Empire.

To such eminent Worth and Virtue, the Inhabitants of the Town of BOSTON, the Capital of the Province of the MASSACHUSETS BAY, in full Town Meeting assembled, express their earliest Gratitude: Actuated themselves by the same generous Principles, which appear with so much Lustre in your useful Labours, they will not fail warmly to recommend, and industriously to promote that Union among the several Colonies, which is so indispensably necessary for the Security of the Whole.

Tho' such superiour Merit must assuredly, in the closest Recess, enjoy the divine Satisfaction of having served, and possibly saved this People; tho' veiled from our View, You modestly shun the deserved Applause of Millions; permit US to intrude upon your Retirement, and salute The FARMER, as the FRIEND of AMERICANS, and the common Benefactor of Mankind.

The above Letter was read, and unanimously accepted by the Town, and ordered to be published in the several News Papers.

Attest. WILLIAM COOPER,[4] Town Clerk.

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[1] *PWJD*, 1:137–42.

[2] Likely the Boston town meeting scheduled for March 22. See *The Boston Evening-Post*, March 21, 1768.

[3] The decision to thank JD was made at a Boston town meeting, moderated by Jamis Otis, on

March 14 (doc. 4:A36, below). The committee members were Samuel Adams; Dr. Benjamin Church (1734–1778), an early Patriot leader and the first director general and chief physician of the hospital of the Continental Army who was later convicted of criminal correspondence with Great Britain; John Hancock (1737–1793), a wealthy merchant who was later president of the Continental Congress and governor of Massachusetts; John Rowe (1715–1787), a prominent merchant who owned one of the ships involved in the so-called Boston Tea Party and may have been involved himself, though he later remained neutral during the Revolutionary War; and Dr. Joseph Warren (1741–1775), a physician, Patriot leader, and major general in the Massachusetts militia who was killed at the Battle of Bunker Hill.
[4] William Cooper (1720–1809) served as Boston's town clerk from 1761 until his death.

53
From William Hicks, March [31, 1768]

As You have very probably seen printed in Bradford's Journal of the 10th Instant that Number of the Citizen[1] which was so unfortunate as to give You Offence, I can not but think it necessary to acquaint You of the Manner in which it was publish'd. As soon as I perceived that this unlucky Piece had offended You, I conveyd it to Dr: Jones;[2] and desired that He would publish it in one of the New York Papers,[3] if He thought it might answer any valuable Purpose. I meant this as an Appeal to his Judgement, without making him acquainted with the Reason of it. His particular Friendship for You, and the Applause which He had so liberally bestow'd upon the **Farmer** gave me Room to expect the most impartial, unprejudiced Judgement. His conveying it to the World, with the Introduction which He thought proper to annex to it,[4] convinced me that He discovered Nothing exceptionable in it. Here it would have rested, and never have travelled through any other Paper, had I not discovered a great many very material Errors in the Printing.[5] This determined me to republish it in Bradford's Journal, that I might have an Opportunity of correcting all the ~~E~~{B}lunders of the first Impression. I had no other Motive; and I hope You will do me the Justice to believe that I did not mean to aggravate that Resentment which I had so innocently and unexpectedly excited. I should not even now have given You this Explanation of my Conduct, if I had not some Reason to imagine that it had been offensive;—'tho' my Heart acquits me of all Intention to offend.

Wm. Hicks

[*JD*:] <receivd March 31st—1768—>

ALS (PHi-RRL)

[1] Doc. 4:48, above.
[2] Dr. John Jones (1729–1791) was a prominent New York physician and professor of surgery at King's College (now Columbia University). Jones and JD were first cousins once removed. See doc. 2:38.
[3] *The New-York Gazette; and the Weekly Mercury*, Feb. 29, 1768.
[4] Jones's introduction read: "Mr. GAINE, The following Piece is written upon a Subject so interesting to every AMERICAN, who knows how to set a just Value upon his Freedom and Property, that I make no

Doubt you will think it merits a Place in your Paper: It is peculiarly adapted to the most attentive Consideration of those Gentlemen who now offer themselves as Candidates at the approaching Election for Representatives, who, without a competent Knowledge of the Principles here delineated, and a becoming Spirit to support them, I will venture to assert, can never be qualified to support the just Rights and Privileges of their Electors and Countrymen, let their Pretensions or Parties be what they will."

[5] The version of the essay published in *The New-York Gazette; and the Weekly Mercury* includes many typographical errors, especially in the Latin quotations.

54
To William Hicks, March 31, 1768

~~The~~ {Your} kindness ~~with which You give~~ {in favoring Me with} Me an Explanation[1] ~~of your Conduct, to which~~ I was not entitled {to} induces Me to believe, that You still retain a ~~Share of Your former~~ {Part of that} Esteem for Me, in which I have thought Myself so happy— Friendship~~s~~ I hold to be sacred; and therefore these two Laws of it have with Me the highest Obligation—{First—} Whatever "Offence" within the possibility of Reconciliation a Friend may give Me, to conceal ~~the~~ {his} Fault as I would a Secret affecting my {own} Life, least by publishing the Action I might injure him in the Opinion of others {who would not judge of him so t~~a~~{e}nderly as I should}— Secondly— ~~Whatever~~ {Whenever such an} Unkindness is done Me by a Friend, candidly to ~~acquaint~~ {inform} him {~~with~~ {of} my Sentiments,} and then to convince him by my Behavior, that ~~the same Temper~~ {my Heart is {equally} incapable} of lightly renouncing its Attachments, or being ~~unbecomingly~~ {improperly} influenced by them—

By these Rules I have conducted Myself with Regard to You, and can truly say I am

your affectionate—
John Dickinson

March 31st—1768

ALDftS (PHi-RRL)

[1] Doc. 4:53, above.

55
JD et al., Opinion on a Fraud Case, *The Pennsylvania Gazette*, March 31, 1768

John Gualdo (d. 1771), an Italian-born Philadelphia merchant, complained that Richard Smith, another Philadelphia merchant, defrauded him by illegally seizing and selling a large quantity of his merchandise in payment for a bond while he was out of town. Before this opinion was published, Gualdo placed an advertisement in *The Pennsylvania Journal* on March 17, giving "hearty thanks" to the gentlemen who met with him at Mr. Sage's and hoping they were "fully convinced" of his in-

jury. Although Gualdo believed JD and the eleven others who heard his complaint informally were "very respectable and judicious gentlemen," he nevertheless did not accept their decision and published an appeal to the public in *The Pennsylvania Gazette* on April 7.

Philadelphia, 3*d Mo*. 21*st*, 1768.[1]

WE whose names are subscribed, having met at Capt. Sage's,[2] on the 11th of this month, and having heard the complaint of JOHN GUALDO, against RICHARD SMITH,[3] are clearly of opinion, that the said JOHN GUALDO'S charge of fraud and injustice against the said RICHARD SMITH, is without foundation.

JOHN REYNELL,[4]
ISRAEL PEMBERTON,
JOSHUA FISHER,[5]
WALTER SHEE,[7]
JOHN KEARSLEY, jun.[9]
ROBERT RITCHIE,[11]
WILLIAM HICKS,
JOHN DICKINSON,
OWEN JONES,[6]
DANIEL WILLIAMS,[8]
DAVID M'MURTRIE,[10]
BENJAMIN MARSHALL.[12]

[1] The use of a plain numerical dating system, as opposed to the pagan months and days, indicates that this arbitration procedure was facilitated by Quakers.

[2] Probably Alexander Sage, who kept a public house in Philadelphia.

[3] Richard Smith was a signer of the December 1766 statement by merchants, on which JD commented (doc. 3:139), resolving not to take as payment any of the notes issued by another set of merchants. See *PG*, Jan. 1, 1767.

[4] John Reynell (1708–1784) was a Quaker merchant.

[5] Joshua Fisher (1707–1783) was a Quaker merchant and cartographer.

[6] Owen Jones (1711–1793) was a Quaker merchant who served as provincial treasurer from 1768 to 1776.

[7] Walter Shee (c. 1722–1782) was an Irish-born merchant and insurance broker who served as collector of customs for Philadelphia during the Revolutionary War.

[8] Daniel Williams (1717–1794) was a Quaker merchant who operated a store on Front St.

[9] Dr. John Kearsley, Jr. (d. 1777), was a physician who became a prominent Loyalist and was imprisoned in 1775 for resisting Patriot authorities and passing intelligence to the British. JD was on the Pennsylvania Committee of Safety that recommended his imprisonment. See *American Archives, Fourth Series: Containing a Documentary History of the English Colonies in North America*. ed. Peter Force. 6 vols. (Washington, D.C.: M. St. Clair Clarke and Peter Force, 1837–1846), 3:1819.

[10] David McMurtrie (c. 1709–1782) was a Scottish-born merchant who subsequently moved to Bedford (now Huntingdon) Co., Pa., where he had acquired land.

[11] Robert Ritchie (died c. 1787) was a merchant and land agent.

[12] Benjamin Marshall (d. 1778) was a Quaker tinsmith and merchant who later served as an assessor for the City of Philadelphia.

56
Anonymous, "To the Merchants and Traders of Philadelphia," *The Pennsylvania Gazette*, March 31, 1768

In response to the *Farmer's Letters*, on March 1, 1768, a group of Boston merchants elected a committee to draft nonimportation resolutions. The merchants unanimously approved the resulting articles on the evening of March 4 and sent letters urging merchants in other towns to cooperate in the nonimportation movement on March 16. Philadelphia merchants and traders met on March 26 to consider the proposal from Boston.[1]

On Saturday last, at a Meeting of the Merchants and Traders of this City, at the London Coffee-House, to consider of a Letter from the Merchants in Boston, the following Piece was read.

To the MERCHANTS and TRADERS of the City of Philadelphia.

Gentlemen,

THE worthy and patriotic Writer of the Farmer's Letters has clearly demonstrated, that the Liberties of the *British* Colonies, in *America*, have been most cruelly violated by the late parliamentary Impositions on Paper, Glass, *&c.* FOR THE SOLE PURPOSE OF RAISING A REVENUE UPON US WITHOUT OUR CONSENT. Every Lover of his Country must therefore rejoice in seeing those Measures taken, which are most likely to obtain Redress of our present Grievances.

The Merchants of *Boston* have unanimously resolved to suspend the Importation of Goods from *Great-Britain* during Twelve Months, provided the Colonies of *New-York*, *Pennsylvania*, &c. think proper to adopt the same Measure, and the act, so justly complained of, be not repealed. The Efficacy of such a Resolution has been most happily experienced by the Abolition of the *Stamp-Act*, and cannot, if now agreed to by us, fail of obtaining a speedy and effectual Relief from *this Grievance*. Our Prudence and Virtue had all the Success then that could be expected; nor is there a single Circumstance against us *now*, that did not militate against us *then*. On the other Hand, we have many Reasons to encourage our Perseverance in asserting our just Rights, that did not subsist at that Time.

In the first Place, we have that happy Example. Secondly, We have the two most popular Men in the Kingdom, Lord *Chatham*, and Lord *Cambden*, *on our Side*, *who have repeatedly declared*, *that we could not be taxed without our Consent*. Thirdly, The Efforts we lately made, evidently prove, that we cannot suffer any great Inconvenience from agreeing to the above Measure; but rather, that such Determination will be universally beneficial, by inclining us to be more frugal,

affording our Merchants Time to collect their Debts, and enabling them to discharge those they owe to the Mother Country.

But suppose that a few Individuals might suffer a present Disadvantage by a Prosecution of this Measure, will any Man offer that as a Plea for not subscribing to a Proposal, evidently calculated to promote his Country's Good? Dare he bring Self-Interest into the opposite Scale, and be the Means of entailing lasting *Infamy* and *Mischief* on himself, his Posterity, and his Country?— The Opinion I have always had of my Countrymen, obliges me to think we have no such sordid Spirits among us, but that every one will lend a willing Hand to perfect what *Boston* has begun.

If we do not exert ourselves now, when TAXED by Parliament under the exploded Notion of VIRTUAL REPRESENTATION, when shall we exert ourselves? Is there any thing in the *Name* of the *Stamp-Act*, that ought to make it more reasonable to oppose *that*, than to oppose *this?* The Merchants of this City are now called upon by their vigilant Neighbours to unite with them in a Measure which is greatly consistent with our Safety, and particularly well adapted to our Circumstances: Let us not, therefore, by Lukewarmness, Self-Interest, or Disaffection to the Public Weal, destroy the noble and necessary Zeal that is now spreading from Province to Province, and give Occasion to future Ages of lamenting our too submissive and pusillanimous Conduct.

I am clearly of Opinion, that the Fate of the late Act wholly depends on the Conduct of the Merchants in this City at this Crisis. If they enter, as I doubt not they will, into the same spirited and unanimous Resolutions they did two Years past,[2] the exemplary Behaviour of so respectable a Body, will be followed by every other Colony, which has not already embraced the same Measure.

The Influence of such a general Conduct upon the Merchants, Traders and Manufacturers in *Great-Britain*, will indubitably be as great as we can wish; and if *they* are *properly* affected by this Conduct, we know of a Certainty how the rest of the Nation will *think* and *act*.

On the other Hand, if the Merchants of this Town will not join with our Brethren of *Boston* in their Resolution, the other Colonies will grow languid in the Cause, and we may thank ourselves for the present, and every future Burthen our inexcusable *Sleepiness* may encourage the present, or any future *Greenville* to lay upon our Backs.

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[1] Charles M. Andrews, "The Boston Merchants and the Non-Importation Movement," *Transactions* [of the Colonial Society of Massachusetts] 19 (1917): 159–259, at 201–02.

[2] "The Resolution of Non-Importation Made by the Citizens of Philadelphia" was drafted in protest of the Stamp Act of 1765 (PHi-Treasures).

57
From Edward Lloyd III, April 1, 1768

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wye the 1st. Apr[il] 1768

Sir

I have your fav[ou]r by Mr. Mein, this morn[ing] deliver'd me.[1]

I remember to have mention'd to you, that in discharge of the Bond Mr. Vining pass'd, He might pay Dollars at Six Shill[ing]s [per]—This being the rate of Exchange our money (old Tenor)[2] merited at at [*sic*] that time. Shou'd He not pay Dollars, but paper money of y[ou]r province, It will be easy to regulate the difference—

I will transmit Y[ou]r L[e]t[te]r im[m]eadiately to Gov[erno]r Sharpe,[3] from Whom I expect, you will receive advice relative to the Subject of your enquirey; Having myself Resign'd the Office of Agent,[4] I cannot transact—further in that Matter—

I am Sir
With peculiar Esteem,
Y[ou]r mo[st] Obed[ien]t h[um]ble Serv[an]t
Edwd Lloyd

Will you be pleased to Do us the fav[ou]r to make our best Respects acceptable to Mrs. Dickinson, and to y[ou]r Bro[the]r & his Lady—[5]
Permit me to offer you my thanks, for accomplish[in]g this Matter of Vining's so sattisfactorily—[6]

ALS (PHi-RRL)

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[1] Letter not found.

[2] A reference to Maryland's previous paper currency, retired in 1765. See McCusker, *Money and Exchange*, 194.

[3] Horatio Sharpe (1718–1790) was lieutenant governor of Maryland from 1753 to 1768. Although the absentee proprietor, Frederick Calvert, officially remained the governor of Maryland, Sharpe was the chief executive in the colony and usually referred to as "governor."

[4] Lloyd resigned his position as agent and receiver general for all proprietary revenues in March 1768.

[5] JD's mother, Mary Cadwalader Dickinson, his brother Philemon Dickinson, and his brother's wife, Mary Cadwalader Dickinson.

[6] The missing letter to which Lloyd is responding likely carried the news that JD had obtained a judgment against Vining.

58
Monitor [Arthur Lee], Monitor's Letters, No. I, *The Boston Evening-Post*, April 4, 1768

Inspired by the *Farmer's Letters*, Arthur Lee of Virginia wrote a series of essays against the Townshend Acts under the pseudonym "Monitor," which were published

in William Rind's *Virginia Gazette* (Williamsburg) between February and April 1768.[1] They were later collected and published in an edition with the *Farmer's Letters* and a preface written by Lee's brother, Richard Henry Lee (doc. 4:210, below).

DIVIDE & IMPERA.[2]

DIVIDE and TYRANNIZE.

WOULD to Heaven I could hang a comet on every letter of this motto, to warn my countrymen of the danger that threatens their liberties, from the adoption of this maxim into the British counsels, respecting America. When the Stamp-act had raised so universal an opposition, both in America and Great-Britain, that the execution of it was impracticable, it was repealed; and however joyous that event might be, yet in its effects it may be fatal. It is but too evident, that the enemies to our liberties have drawn from it this dangerous lesson, to change the mode of that act, not the measures which dictated it; that is, to *sap*, not to *storm* our freedom. To accomplish this, two things were necessary; to divide us among ourselves, and to divide us from those who declared themselves our friends in Great-Britain. In pursuance of this plan, implicit obedience was required in one colony only at first, to an act of Parliament which touched their internal policy, and was effectually a tax.[3] It was hoped the *rest of the colonies* would not interest themselves in the fate of *one*; but look with silence and unconcern on this violation of American freedom, in the British Parliament's disposing of the property of the people of New-York, and suspending their government.

Thus were we to be divided, and our liberties seized upon by such degrees, as should not alarm us into opposition, till it was too late; and as they well knew, that the majority of those who opposed the Stamp-act in Great-Britain, did it not from any friendship to our liberties and rights (a ground of opposition confined to Mr. Pitt, and a few others) but from a persuasion that it would operate injuriously to their own interests; these were to be drawn off by the never-failing cord of self-interest; for which purpose a duty was laid on those British manufactures, which we were supposed to be under a necessity of using, for the purposes of a revenue; that is, to save the money of the people of Great-Britain, who must otherwise be taxed to furnish this revenue. Well might Mr. Townshend say, when he presented this bill to the House, *that the Americans would raise no statues to him*;[4] for he knew the baleful tendency of it to their dearest rights. His words, however, furnish us a very salutary hint, which we should not neglect. They manifest his expectation, that we should feel its injuries, so as to make us execrate its author.

In this manner was the great plan of division accomplished, in this manner our enemies have purposed our final ruin. For, to speak in the words of the great Sir Thomas Wentworth,[5] on a similar occasion, in the time of Charles the first, *They have taken from us what? What shall I say? Indeed, what have they left us? They*

have ravished from us all means of supplying the King, and ingratiating ourselves with him, taking up the root of all property.[6] If the Parliament of Great-Britain, over which we have no earthly restriction, may give and grant our property for the purpose of a revenue, in whatever manner it be affected, the root of all our property is effectually taken up, and we at best are but tenants at will.[7] But I desist from any farther exposition of the unconstitutional oppression and injustice of these proceedings; taking it for granted, that no one can be unacquainted with what has been so often, and so fully set forth, particularly in the late excellent and unanswerable LETTERS of the FARMER.[8]

The evil being known, what shall be the remedy? I shall offer my sentiments in a few words. Let us, as a Patriot[9] said, when the liberties of England were in like danger from James the first,[10] *petition and petition the King again, as we usually do to God, and without ceasing, till he hear us*.*

Let us study to pursue the plan of these great men, who first formed the petition,[11] and then the bill of rights.[12] A noble Duke, in a late debate on American freedom, said, *the* Americans *were not mentioned in the bill of rights*. Let us then frame a petition of rights, and never desist from the solicitation, till it be confirmed into a charter of liberty.

Huc parvi properemus et ampli
Si patriæ *volumus si* nobis *vivere cari*.[13]

Let every colony contend which shall stand foremost in petitioning our most gracious Sovereign against the billeting act, and the suspension of the Legislature of New-York;[14] shewing that we consider these as wounds to American liberties; thro' that of one colony. Let us petition against the giving away our money by the British Parliament, as did the county of Durham, and the palatinate of Chester.[15] Let us, in the mean time, by our frugality and industry in manufacturing for ourselves, convince our adversaries of their mistake in one grand point, that we are under a necessity of using the manufactures of Britain. To accomplish these noble and necessary purposes, let *the people of every county instruct their members to petition, and let associations be formed to promote manufactures*; that we may manifest to all the world, how unanimously we are determined, both with hand and heart, to maintain our freedom, and frustrate the designs of those, who, by *dividing, would enslave us*.

MONITOR.[16]

* Petit's Jus Parliam. p. 281.[17]

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[1] Arthur M. Schlesinger, Sr., *Prelude to Independence: The Newspaper War on Britain, 1764–1776*, rev. ed. (Boston: Northeastern University Press, 1980), 125. An extant copy of *The Virginia Gazette* (Rind; Williamsburg), where this essay was originally published, was not found.

[2] *Divide et impera*: Lat. more commonly translated as divide and rule, divide and govern, or divide and conquer.

[3] The Quartering Act of 1765 (5 Geo. 3, c. 33).

[4] This quotation, a thinly veiled jab at the Earl of Chatham, was widely reported in the American press. See *PG*, April 30, 1767; *PC*, April 27–May 4, 1767; *The Boston Evening-Post*, May 11, 1767; and *The Virginia Gazette* (Purdie & Dixon; Williamsburg), May 21, 1767.

[5] Thomas Wentworth, first earl of Strafford (1593–1641), was a leading English statesman in the period preceding the English Civil War. Early in his career, Wentworth sought to curb the royal prerogative and supported 3 Car. 1, c. 1 (1628): "The Petition Exhibited to His Majesty by the Lords Spiritual and Temporal, and Commons . . . ," known as the Petition of Right of 1628 (7 *SAL* 317–20). Subsequently, however, he became a strong supporter of Charles I and was executed at the insistence of Parliament following a controversial tenure as lord deputy of Ireland.

[6] This is a close paraphrase of the version of Wentworth's 1628 speech recorded in Hume, *History*, 5:163.

[7] Tenant at will: A situation in which "lands or tenements are let by one man to another, to have and to hold to him at the will of the lessor, by force of which lease the lessee is in possession. In this case the lessee is called 'tenant at will,' because he hath no certain nor sure estate, for the lessor may put him out at what time it pleaseth him" (*BLD*).

[8] Lee praised the "Farmer" in subsequent "Monitor" essays, noting "his very useful letters" in No. VI and his hope that the *Farmer's Letters* would "for ever guard us against the baleful arts of these sinister friends," the enemies of American liberty in No. VII. See *The Farmer's and Monitor's Letters, to the Inhabitants of the British Colonies* (Williamsburg: W. Rind, 1769), 83, 86.

[9] John Delbridge (1564–1639), an English merchant and member of Parliament from Devon.

[10] James I (1566–1625) ascended to the throne of Scotland (as James VI) in 1567. Upon the death of Elizabeth I (1533–1603), he became king of England and Ireland as well, forming a personal union between the three kingdoms, and ruled until his death. A proponent of the divine right of kings, James I frequently clashed with the English Parliament.

[11] In 1628, as a condition for granting the Crown any future taxes, Parliament required Charles I to assent to the Petition of Right (3 Car. 1, c. 1), which curtailed the monarch's power to collect revenue without the consent of Parliament, impose martial law, deprive free subjects of life or liberty without due process, and quarter troops in private dwellings.

[12] The Bill of Rights of 1689 (1 W. & M., Sess. 2, c. 2) asserted the rights of Parliament and the English people, including Parliament's sole right to raise revenue, in the aftermath of the Glorious Revolution.

[13] "*Hoc opus, / hoc studium parvi properemus et ampli, / si patriæ volumus, si nobis vivere cari*": Lat. "Let us, great or small, further this task, these studies, / If we wish to be dear to our country and ourselves" (Hor. *Epist*. 1.3.27–29).

[14] Referring to the Quartering Act of 1765 and the New York Restraining Act of 1767.

[15] Referring to the resistance of the counties palatine of Durham and Chester to the imposition of taxes by Parliament in the late 14th century. During the medieval period, these counties were not represented in the House of Commons and their laity had traditionally enjoyed immunity from taxation by Westminster. See Christian D. Liddy, "The Politics of Privilege: Thomas Hatfield and the Palatinate of Durham, 1345–81," in *Fourteenth Century England IV*, ed. J.S. Hamilton (Woodbridge, UK: Boydell Press, 2006), 61–79, at 71–75. See also doc. 4:32, nn. 12 and 13, above.

[16] Dr. Arthur Lee (1740–1792) was a Virginia physician and a fervent advocate of colonial rights. Shortly after publishing the *Monitor's Letters*, Lee traveled to London to study law. He subsequently served as a Patriot spy, diplomat, and member of Congress during the Revolution. He and JD remained friends until 1779, when JD voted in Congress against his continuing as a diplomat. See Arthur Lee to JD, Sept. 19, 1779 (PHi-Logan).

[17] William Petyt, *Jus Parliamentarium: Or, the Ancient Power, Jurisdiction, Rights and Liberties, of the Most High Court of Parliament, Revised and Asserted. In Two Parts* (London: J. Nourse et al., 1739), 281.

59
A Puritan, Excerpt from a Letter to Messieurs Edes & Gill, *The Boston-Gazette*, April 4, 1768

In this letter, of which only the first paragraph pertains to JD, "A Puritan"[1] explains his intention to publish a course of letters warning against "POPERY" in America. The author declines to elaborate here on what precisely he considers to be popery, but he claims to have found "*worshippers of the Beast*" across the continent. A subsequent essay published in *The Boston-Gazette* on April 25 suggests that the growing power of the Anglican Church, which retained some Roman Catholic customs, such as the sign of the cross, may have contributed to A Puritan's alarm.

Messieurs EDES & GILL,

WHILE the generous Farmer has been employing his shining Talents, in awakening a Continent to a sense of the Danger their civil Rights are in from incroaching power: While it is grown fashionable, for men of ingenuity and public spirit, with a noble ardor: to warn us against a tame submission to the iron rod; and LIBERTY, LIBERTY, is the Cry: I confess I am surpriz'd to find, that so little attention is given to the danger we are in, of the utter loss of those *religious Rights*, the enjoyment of which our good forefathers had more especially in their intention, when they explored and settled this new world.

[1] Puritan: "A member of a group of English Protestants of the late 16th and 17th centuries, who regarded the reformation of the Church under Elizabeth I as incomplete and sought to remove any remaining elements of church practice (such as ceremonies, church ornaments, the use of musical instruments, and in some cases episcopal authority) which they considered corrupt, idolatrous, or unscriptural" (*OED*). Massachusetts Bay was founded by Puritan emigrants, who brought their fear of "papism" to America.

60
Anonymous, "Extract of a Letter from a Gentleman in Newport," *The Pennsylvania Gazette*, April 7, 1768

Extract of a letter from a gentleman in Newport,[1] *to his friend in Philadelphia*.

"I entirely agree with you that the FARMER'S Letters are the *best pieces* which have been published on the subject.

"The FARMER of *Pennsylvania* is almost ADORED in this little Colony.— We toast him next to Lords *Chatham* and *Cambden*—call him the AMERICAN PITT, and are ambitious to give him his deserved Praise.— As for my part, I am greatly obliged to him for the Instruction as well as Pleasure which I have received from his pen.— He hath struck out *many thoughts entirely new*, adduced *Authorities full to*

his points, with which I was before unacquainted; and arranged his arguments *with so much skill*, that they with united Force incontestably demonstrate the illegality of Great-Britain taxing the colonies. *America* is greatly indebted to a number of writers who have stood forth and warmly vindicated her rights, but no one but a *Dulany*, in my opinion, can equal the *Farmer*. While other writers, contented with lightly touching the subject, have made it their principal business to warm the passions, and rouse the resentment of the colonies, the FARMER *of Pennsylvania* goes to the bottom—deduces taxation from its origin, and evinces that taxes were always considered as the free gifts of the people;—and in the course of his argument shews, that colonial taxation was unprecedented before the Greenvillian administration. That important point of which Mr. *Greenville* was ignorant, or affected not to understand the difference between external and internal taxes, he hath elucidated, and proved that it was not a distinction without a difference. The parliament of Great-Britain, it is acknowledged, have a right to regulate the trade of the whole British empire, but impositions for the regulation of trade, and taxes for levying money on the colonies, are distinct propositions, and do not by any means involve each other. To infer from the right of *Great-Britain* to regulate the trade of the colonies, her right to take our money out of our pockets, is a kind of logic which *America* cannot understand. It might with as much truth be inferred from that proposition, that she hath a right to wrest our estates from us, and sell us as slaves. To regulate the trade of the colonies is allowed to *Great-Britain*, but, under colour of protecting the colonies, and supporting their civil government, to lay a tax upon them, is to lay the ax to the very root of the tree of Liberty, and I hope will never be conceded by *America*. In regulating the trade of the colonies, great attention ought to be exercised, and the consequences of such regulations should be deliberately considered. Rather than to violate the rights of the colonies, it is the interest of *Great-Britain*, in her regulations of trade, to grant them the greatest indulgence; for commerce delights and flourishes in a free air; and the FARMER hath proved, that the flourishing state of *Great-Britain*, is owing to the trade she carries on with these colonies. Sensible of this, *Postlethwait*,[2] and a cloud of writers, which the FARMER hath quoted on this occasion,[3] have given it as their sentiments, that the colonies ought to receive from the parent state the greatest commercial indulgence. But instead thereof—severe restrictions and impositions have been lately laid on the trade of *America*.—[4] Restrictions and impositions not only incompatible with the interest of *Great-Britain*, but utterly inconsistent with the liberty of the colonies.—Amazing infatuation! Unprecedented cruelty! I must here abruptly finish my observations on a few of the FARMER'S letters. I could proceed with pleasure, but it would carry me beyond the bounds of a letter. I cannot avoid however adding, that all which I have read breathe the same *temperate*, but *animated* spirit of liberty, are wrote with peculiar *elegance* and *perspicuity*; and discover a *thorough knowledge* of the English *history* and *laws*. If it should not be inconsistent with the FARMER'S

plan, I should be extremely glad if he would favour the public with a definition of the word CONSTITUTION, as applied to the British government. During the late and present dispute with the parent state, that word hath been, and is frequently used, but I imagine its meaning is not thoroughly understood. With the principal fundamental laws of the British empire most people are acquainted; and since the memorable stamp-act, the inhabitants of these colonies are very much improved in their knowledge of the history of *England*, and the frame of the British government.—This knowledge a few have gained principally by their own study and application, but all of them in part, and the bulk of them, are entirely indebted for it to the instructive pieces which have been wrote and published on the subject of our rights by Americans. But the ideas involved in the complex term *constitution*, I believe are not clearly perceived by those whom I have conversed with, at least I have not yet heard or seen a satisfactory definition of that term. The FARMER of *Pennsylvania* hath settled the meaning of the word TAX to the public satisfaction; and he, if any man on the continent can do it, is able to give his reader clear and definitive ideas of the word *constitution*. If you are acquainted with him, I would be obliged to you if you would hint at this matter to him. Heartily wishing for the continuance of American Liberty.

I am, &c."

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[1] Prior to the American Revolution, Newport, R.I., was the fifth largest city in British America, with a population of more than nine thousand by 1775.

[2] Malachy Postlethwayt.

[3] Doc. 4:26, above.

[4] The Townshend Acts.

61
Philo Patriæ, Letter to My Dear Countrymen, *The New-London Gazette* (Conn.), April 8, 1768

My Dear Countrymen,

YOU well remember when the stamp act came over to America, what consternation, grief, distress and distraction seized the British American colonies; except such individuals as expected to share the spoils of America, and were willing to sacrifice their country to their own profit, we were universally perswaded that act struck low at the root of all our privileges as men and Englishmen; and resolved to endure all hardships rather than submit to it. When, by the favor of Almighty God, through the goodness of the king, and the wisdom and justice of the parliament, that act was repealed, you can't have forgot the general joy, transport and gratitude which warmed the hearts of Americans. We indeed knew that a resolve was past, that the parliament of Great Britain had a right in all things to bind the colonies;[1] but we presumed that august body would never exercise that claim in a way inconsistent with our privileges as Englishmen.

Yet you have sorrowfully convinced that the party which was powerful enough to get the stamp act passed, have resolved to exercise the power which was then claimed, *in all things to bind the colonies*. An act is now passed for the purpose of raising a revenue in America, and granted to the crown out of the pockets of the Americans, *for defending, protecting and securing his Majesty's dominions in America, and making adequate provision for defraying the charges of the administration of justice, and the support of civil government among them*.[2] 'Tis plain that this is as much a tax upon the colonies, and as much without their consent, as was the stamp act, or as would be a tax on our lands, our chimnies, our windows, or any thing else. We are again filled with consternation, the people seem to be struck with a kind of stupid amazement not knowing what course to take. The tax is raised by a duty on glass, paper, tea, &c. and seems to look as if it was a favor to us, because there are to be drawbacks in Great Britain on divers of the articles on which the duties laid on the articles here, so that these articles come cheaper to us than they did before: and by this gilded pill, it would be no wonder if many unthinking people were induced to swallow the poison as a very wholesome medicine.

We are obliged to many worthy writers who have endeavored to point out the danger, and fatal consequences of this act; but to no one, that I have seen, so much as to that great and worthy patriot the FARMER; who in a series of letters has set that affair in a clear and strong light, and instructed his countrymen in the nature of that act, and its pernicious and deadly consequences to America. To the FARMER, these colonies owe the greatest thanks, as a wise, calm, dispassionate, judicious writer; a gentleman well acquainted with the British constitution, the foundation of the rights and claims of the American colonies. He has clearly shown us, that if once the late act is received and takes place in these colonies, we are absolutely undone, and reduced to a state of miserable slavery: He has demonstrated, that the raising money upon us for the purpose of a revenue, without our consent, in what way soever it is done, is a taking from us the essential rights of Englishmen, and tearing up the British constitution by the roots: for that power which has a right to take one penny from us, has as good right to take all we have. As this act provides that the revenue raised shall be for protecting, defending and securing his Majesty's dominions in America, and to make adequate provision for defraying the charge of the administration of justice, and support of civil government; it supposes the colonies have not done so themselves in time past, and that it is to be injuriously presumed they will not do so in time to come: and it will take our money to defend the conquered provinces and the British trade on the frontiers, which are no immediate profit, but rather a loss to us: It will make our rulers independent of the people, and put in their power, in kingly governments to distress and oppress us as they please, and leave us no possible way of relief, but that of sending our complaints three thousand miles over the ocean, in effect, to the ministers that appointed them and made them independent on [*sic*] us: it puts it in the power of the minister to create as many officers, collectors of duties

and taxes, with all their tribes of understrappers, &c as he pleases; to appoint them what salaries he thinks fit; to settle as many pensions, as, in his opinion, will be for the honor of the king and kingdom, and the advantage of his Majesty's dominions in America; and oblige us to pay them.

The FARMER has demonstrated that the duties at present imposed can by no means be sufficient to answer these purposes, therefore farther [*sic*] taxes and duties must needs be laid upon us, for the purposes abovesaid, and maintaining a standing army to secure our obedience: the more are laid, the more need there will be of farther and larger impositions to support more officers, and go through the charge of collecting and spreading the money. In consequence of those regulations, the assemblies of these colonies will be of as little importance as town meetings: while the bubble which has led our brethren, the good people of England, to think favorably of these regulations, viz. *lessening the national debt*, is a point which the very plan itself, and the manner of executing it, confutes and shews to be impossible. This excellent writer has clearly shown us that if this act be received it will be a precedent for all other taxes and impositions that a minister may think needful to protect, &c. defray the charges, &c. and these will be forever needful, as long as a minister has friends and dependants who want to be served, or there is a copper of money to be got in America. Whether this act takes place or not, the worthy FARMER deserves the thanks and blessings of all America, to have a STATUE erected in every heart, and his name to be had in everlasting remembrance.— If we are not animated by his advice to use every lawful method and exert every nerve to escape the fatal snare, this the Americans may be certain of, that after all the toil of their fathers, the blood and treasure they have spent, the fatigues they have undergone that they might enjoy liberty and the fruits of their own labours; they will henceforth have nothing to do but labour for others, nor any thing else to bequeath to their posterity but the cursed legacy of *slavery*.

PHILO PATRIÆ.[3]

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[1] The Declaratory Act of 1766.

[2] The Revenue Act of 1767. See 27 *SAL* 505–12, at 505.

[3] *Philo patriæ*: Lat. lover of his country.

62
Timothy Tickle, Excerpt from "A Whip for the American Whig, No. II," *The New-York Gazette; and the Weekly Mercury*, April 11, 1768

This excerpt is drawn from an extended newspaper exchange in New York City over the potential establishment of an Anglican episcopate in the colonies, a controversy that soon expanded and drew JD's attention (see doc. 4:75, below). Although fear of an Anglican bishop in the colonies was long standing, anti-episcopal partisans, closely associated with the politically influential Livingston family, had first denounced an American bishop as a threat to liberty in a series of essays titled "The American

Whig" in *The New-York Gazette; or, the Weekly Post-Boy* beginning on March 14, 1768.[1] In return, Anglican luminaries responded in *The New-York Gazette; and the Weekly Mercury* with "A Whip for the American Whig."[2] This document and doc. 4:67, below, are notable examples of pro-episcopal voices praising JD's position on colonial rights in the *Farmer's Letters*. Such plaudits quickly faded once JD's anti-episcopal position became widely known after his contribution to debate.

Several Gentlemen in *America*, when they apprehended the Liberties of the Country were injured, engaged with a generous and noble Spirit in the Vindication of them. The Author[3] of the *Considerations on the Propriety of imposing Taxes in the British Colonies*, the *Pennsylvania Farmer*, and others I could mention, are striking Instances of this. These worthy Patriots, disinterested in their Views, and regardless of the dirty, selfish Designs of any particular Party, enlisted in the Cause of Freedom, and acquitted themselves with Honour. Their Aim was to unite their Countrymen, and animate them with the Spirit of Liberty; yet so as to inspire them with the Affection to the Mother Country, and shew how much Interest of both depends on their Harmony, and mutual Adherence to the Principles of our Constitution. This was acting on the Part of real Patriots; for which the worthy Authors are justly entitled to the hearty Thanks of every Friend to *Britain* and *America*.

[1] The authors of "The American Whig" series included: William Livingston (1723–1790), a New York attorney and politician; Rev. Noah Welles (1718–1776), a Connecticut Congregational minister; William Smith, Jr.; John Morin Scott (1730–1784), a New York attorney; Rev. Charles Chauncy (1705–1787), a Massachusetts Congregational minister; and Rev. Francis Alison (1705–1779), a Pennsylvania Presbyterian minister. See Christopher F. Minty, *Unfriendly to Liberty: Loyalist Networks and the Coming of the American Revolution in New York City* (Ithaca, N.Y.: Cornell University Press, 2023), 45–46.

[2] The authors of "A Whip for the American Whig" series included Rev. Thomas Bradbury Chandler (1726–1790), a New Jersey Anglican minister; Rev. Charles Inglis (1734–1816), a New York Anglican minister; Rev. Myles Cooper (1735–1785), a New York Anglican minister; Rev. Samuel Seabury (1729–1796), a New York Anglican minister; and Isaac Heron, a New York watchmaker. See ibid.

[3] Daniel Dulany.

63
To James Otis, Jr., April 11, 1768

Dear Sir,

I beg you will pardon the Liberty I take, In desiring you to add to the favors you have already conferrd upon me, by transmitting the inclos'd to your much honor'd Fellow-Citizens.[1] To attempt to express my sense of [th]e Obligations I owe them, would lead me to many words, which after all my Labors would convey But an extremely faint Idea of what I feel— Permit me therefore to wave the Subject, by rendering to you, now deservedly Plac'd at the Head of such excellent Citizens, my most hearty Thanks for the kind offices which I am sure, your friendship has lately

perform'd towards me.[2] Retain I beseech you a Place for me in your Affections, notwithstanding the Distance by which I am so unhappily seperated from you— I desire this the more boldly, because I am certain that I profess two Qualities, that render any man dear to You— I mean, an inextinguishable Love for my Country in General, and a particular Affection for the town of Boston. May God Almighty Grant her all the prosperity a people can know; & that She may always retain that esteem for me, which is the Great Ornament of my Life, and the great Delight of my Soul—

With the utmost Satisfaction I can acquaint you, that all America is rousing in Assertion of her Liberty— I am this moment told, that the Assembly of Virginia have just publish'd the most Spirited Resolves—[3] A Second Defeat of Greenvillian Art and Malice, I trust in heaven, will convince Great-Britain, that it is as difficult to cheat as to fright us into Servitude, and that she ought to leave us in the peaceable Enjoyment of that Liberty, which Americans receiv'd with their Birth, and are resolv'd to retain, till their Death.

With the sincerest Wishes for your Happiness, I am Dear Sir,

Your most affectionate and
most humble Servant
John Dickinson

P.S. This is the best
made Pensylvania
Paper I can get—[4]
Philadelphia april 11th—1768

C (MHi-Warren-Adams).

[1] Doc. 4:72, below.

[2] Otis had been elected moderator of the town meeting that had voted to thank the Farmer. See doc. 4:52, above, and doc. 4:A36, below.

[3] On April 7, 1768, the Virginia House of Burgesses adopted resolutions denouncing the Townshend Acts and asserting that colonists were "to be bound by such Laws only, respecting their internal Polity or Taxation, as are consented to by Representatives chosen by themselves." See *JHB* (1766–69), 157–58.

[4] The Townshend Acts taxed paper imported into the colonies. See JD's note in doc. 4:34, above.

64
Anonymous, "To the Printer," *The New-York Journal*, April 14, 1768

To the PRINTER,[1]

SIR, *New-York*, *Monday*, *April* 12.

NOtwithstanding the many excellent Pieces that have appear'd in the Papers to make us sensible of our Rights, the Violation they have sustain'd, and the Danger we are in of losing them irretrievably; Yet, to my Surprise and Grief, I find some among us, as careless and indifferent as if all was well, or they were entirely unconcern'd.— In vain the generous Farmer of Philadelphia, with pathetic[2] Energy pours forth the eloquent Language of his patriotic Heart—to kindle in

our Breasts the same sacred Fire that warms his own; in vain our Brethren in the neighbouring Colonies, while they are straining every Nerve for their own Security and Relief, are anxiously solicitous for ours, make it a common Cause, and resent the Injunction laid upon us, *of complying with the Billeting-Act*,[3] *under Penalty of the Suspension of our Legislature*,[4] as an equal Injury done to themselves; in vain the noble Assembly of Boston with decent Firmness and irresistable Strength of Reason and Argument, Petition and Remonstrate and write to his Majesty, and to every Man in England from whose Influence they had the least Reason to hope Assistance and Redress.[5]

In vain the *Virginia Monitor*,[6] with the Spirit and Argument of a *Philadelphia Farmer*, embarks in the same Cause, explains and asserts our Rights, shews the injury they have sustain'd, and the Danger of our Situation, displays a lively Picture of the Horrors of Slavery that seem just ready to surround us, animates his Countrymen to a vigorous Exertion of all their Powers of self-Defence, points out the Constitutional Means of Security, And shews that the same Spirit which produced the first Memorial, Remonstrance and Petition that appear'd against the Stamp-Act, and the memorable Resolves of 1765,[7] still subsists in full Vigour in that loyal and respectable Colony. But, to *some* among us, in vain do all these our worthy Brethren in the different Colonies, resent the Injuries offer'd us, as if done to themselves. *Some* (I would hope there are not many such) are so stupidly unconcerned, as not even to *read* what their Countrymen have with painful Study, *written* for the common Security of all that is valuable in Life! If we should be so unhappy as to find among us a sufficient Number of these *mean*, *selfish* Men, to disappoint the patriotic Designs of the rest for obtaining Redress of our Grievances, we shall become contemptible and odious to all the British Colonies!— I shall blush that I am a *New-Yorker*.

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[1] John Holt (1721–1784), the printer of *The New-York Journal*, was a former merchant and postmaster from Williamsburg, Va.

[2] Pathetic: "Expressing or arising from passion or strong emotion; passionate, emotional; earnest" (*OED*).

[3] The Quartering Act of 1765.

[4] The New York Restraining Act of 1767.

[5] On Jan. 20, 1768, the Massachusetts House of Representatives adopted a petition to the king protesting the Townshend Acts. The House also forwarded letters of protest to the Earl of Shelburne; Lt. Gen. Henry Seymour Conway; Charles Watson-Wentworth, second marquess of Rockingham (1730–1782); Lord Camden; the Earl of Chatham; Augustus FitzRoy, third duke of Grafton (1735–1811); Frederick North, Lord North (1732–1792); and Dennys DeBerdt (De Berdt; c. 1694–1770), a London merchant and the agent of the Massachusetts Assembly. See *JHRM* (1767–68), 121–22; and *The Boston Post-Boy*, March 21, 1768.

[6] Two of the "Monitor" essays were printed in this issue of *The New-York Journal*, No. I (doc. 4:58, above) and No. V.

[7] On Dec. 18, 1764, the Virginia House of Burgesses adopted an address to the king, a memorial to the House of Lords, and a remonstrance to the House of Commons protesting the Stamp Act's infringement upon the rights of the American colonies (see *JHB* [1761–65], 302–04). The House of

Burgesses also passed a series of resolutions on May 30, 1765, asserting the colonists' equal rights as British subjects and insisting that "the Taxation of the People by themselves, or by Persons chosen by themselves to represent them" was "the distinguishing Characteristick of *British* Freedom" (*JHB* [1761–65], 359–60).

65
Philo Patriæ, Letter to My Dear Countrymen, *The New-London Gazette* (Conn.), April 15, 1768

My Dear Countrymen,

SINCE I wrote my first letter[1] I have read with great pleasure in the Boston Gazette of March 21st, the vote of the town of Boston to return their thanks to the Pennsylvania FARMER,[2] for his course of letters, wherein like a true patriot and sincere lover of his country, he has with great wisdom and judgment, stated and defended the just rights of his country, and shewn wherein they are taken from them by the late act of p—t;[3] and the fatal consequences that will follow from the receiving and submitting to that act[4] by America. I heartily wish all the towns in America would imitate the example of Boston, and that just honor might be paid, by all his countrymen, to that truly patriotic FARMER.— I can't but feel an anxious concern for some methods of relief from the burdens laid on us by that act of parliament, and from the dismal fruits that are like to grow out of that bitter root. I have a great desire that my country may continue forever united to Great Britain, and am persuaded if that union is broken, it will prove the ruin of one or other of these countries, and probably of both. Yet, I am not so fond of union with any mother, as to be content to become a slave, or willingly see my country in a state of slavery.

The important question is, what shall be done? What can lawfully be done to prevent this dreadful state?

Among the various methods which I have seen proposed, that which appears to be the wisest and best to be entered upon immediately and with resolution, is the method first projected and resolved on by the town of Boston, and since countenanced by the lower house of assembly in that province.[5] That is certainly a lawful and laudable measure: It is wise, it is necessary for this country to go into a strict course of industry and frugality; these are virtues; and there can be no law against them: The practice of them will prevent all unnecessary expence, and is indeed absolutely necessary to prevent our poverty and ruin. It is certainly a wise resolution to purchase no foreign luxuries, nor any foreign goods but what are necessary for us; no power on earth can make us buy what we will not buy, and what we cannot pay for. 'Tis also a wise resolution to promote and encourage our own manufactures, that we may as fast as possible make such things as are now necessary, become less so, or not at all necessary to be purchased from abroad.— It is constantly asserted by such as understand trade, that the ballance of our trade

with Great Britain is vastly against us, and all the money the colonies can get with all we export of our own produce, is not sufficient to pay the ballance, nor has been sufficient for these hundred years past; and by the restrictions now laid on our trade, we are like [t]o get much less money from abroad than w[e] have been wont to do, and yet by the burdens add duties laid on us by the late act of p—t, we must remit a vast additional sum to Great Britain: So that if we continue to purchase foreign goods as in times past, 'tis easy to see that we shall be very soon in the case of the Egyptians, we shall have nothing left to pay for them, but our bodies and our lands:[6] and therefore it is absolutely necessary to enter upon these measures immediately and resolutely if we would escape swift destruction.

You have all, my dear countrymen, a right to judge whether God Almighty has given your bodies and souls unto you, or whether they belong to other men; and of consequence whether your labours are your own or theirs; and you have seen it demonstrated that it is an essential right of mankind, and particularly of Englishmen, that no other person or power on earth may seize the fruits of their labours or take from them their property without their own consent: you know that you have no representatives in parliament, and that you never gave your personal consent to the late act of p—t imposing duties on sundry articles of American imports. Many of you also know that you could buy those articles cheaper in other countries than in Great Britain, exclusive of the duties now laid on them; but have been prohibited, by p—t, to purchase them elsewhere. Now if you cannot do without them; may not purchase them elsewhere; and yet must pay duties on them, against your will and consent, when imported from Great Britain; you may easily see that you have no right to the fruits of your own labours, and therefore no right to your bodies or your souls, but hold them by the lenity of the British p—t. But if the contrary is true, then you may lawfully refuse to purchase one single article on which the duties are laid, or any other, and may make them for yourselves as fast as you can.

We may lawfully forego the use of foreign TEAS, an article which has cost America many millions, which money, if it had been saved in this country, would have prevented our being, at this day, in such low circumstances, and so deeply in debt. Surely we may very lawfully and laudably sacrifice our inclination to that agreable axotick,[7] to the interest and freedom of our country. In the name of astonishment, shall we, for the sake of gratifying an appetite for a simple herb, be instrumental to entail poverty and slavery upon our posterity to the latest day of time? we may lawfully do what we can to export the fruits of their labours and our manufactures, as fast as we can make and spare them, to other countries, and pay our debts.

It is lawful for us to wear coarse cloaths, and the skins of beasts, and whatever our own country will supply us with; and ought we not for our own sakes, and the sake of our posterity, to be content with any thing that will support our lives, preserve our health, and keep us warm? Certainly 'tis ten thousand times more eligible to

enjoy freedom in this state, than to be slaves in large and well *glazed* houses,[8] with fine cloaths, tea, wine or punch; and to have the pleasure of swallowing English beer and cheese; rustling in silks and ribbons, or glittering with jewels: all which we shall neither use nor wear any longer than our masters judge they need them *to protect*, *defend and secure us*, *and to make adequate provision to defray the charge of the administration of justice and the support of civil government*.[9]

It is lawful for us to petition that august body the British p—t, and endeavour to convince them that they have been mistaken (as the wisest men may be) and have misapprehended our state, capacities and rights.

It is lawful for us, by an humble petition to approach the royal throne, and address a gracious king who loves his subjects in America as well as in Great Britain, who has always shewn a tender regard to the privileges of all, and never desired to infringe them: which has been the amiable character of his royal grandfathers and family.

It is lawful for the freemen of Connecticut; and in all other colonies in America, to instruct their representatives in such a manner to address his majesty and the British parliament; and to address those noble friends in Britain who have smiled on us heretofore, and pray their assistance to obtain the continuance of our privileges entire.

And it is neither unlawful nor impossible to make it evident that we are as loyal subjects to King George the third, as any he has in his dominions, and as heartily attached to his royal family: that we have always been, and it is reasonable to presume we shall still be, ready to shew our duty and affection to him, by granting him such supplies of money or service as we judge our abilities will reach, and to our utmost, promote his honor and service.

As these measures are indisputably lawful, let us, my dear friends, for God's sake, for our own sake, and for the sake of our posterity, pursue them to the utmost of our power. If all these fail, our God and our fathers God will find out some other way for our relief.

PHILO PATRIÆ.

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[1] Doc. 4:61, above.

[2] This vote led to the appointment of the committee that produced doc. 4:52, above.

[3] Parliament.

[4] The Revenue Act of 1767.

[5] See headnote to doc. 4:56 and doc. 4:64, n. 5, above.

[6] An allusion to Gen. 47:18.

[7] That is, "exotic."

[8] That is, houses with many windows.

[9] A paraphrase of the Revenue Act of 1767. See 27 *SAL* 505–12, at 505.

66
The Merchants of the Town of Norwich, Conn., "To the Ingenious Author of Certain Patriotic Letters," *The New-London Gazette* (Conn.), April 15, 1768

A LETTER from the Merchants of the Town of NORWICH, to the ingenious Author of certain patriotic LETTERS, subscribed a FARMER.

MUCH ESTEEMED SIR,

FROM an anxious Concern for the Happiness of our Country, glowing with the warmest Effusions of a grateful Heart, the Merchants of the Town of Norwich *beg Leave to Address you, and deposite this Testimony of their Friendship, for so wise and so virtuous a Benefactor.*

When Death seemed so ready as to leave but a fearful Hope of Safety, your kind work revived our drooping Spirits, and, we may say it with the Voice of all, saved a sinking Land.

The Justness of your Thoughts, the Plainess and Energy of your Stile, animated by the noble and exalted Spirit which breathes through the whole of your Letters, all join to make us Admire the Greatness of your Mind, whilst we extol the unbounded Goodness of your Heart.

Posterity, who must reap the Fruits of your Toil in the Fields of Freedom, will raise in every Bosom an Altar to your Memory: The numerous Herd; the bending Harvest; the busy Street; the swelling Sail; the peaceful Shade; the social Fireside; and all the various Pleasure of the Year, shall hand thy Name to Ages yet unborn.

Forgive us dear Sir, if we intreat you still to bless us with your watchful Care; and O! may you live, long live,—that future Infancy may be taught by thee.

67
[A Son of Liberty], "To the Printer," *The New-York Journal*, April 21, 1768

TO THE PRINTER,

SIR, *New-York, April* 13, 1768.

IN your last *Journal*,[1] I gave my Countrymen a Word of Caution, against what I believe to be a wicked Design of the *American Whig*,[2] whom I take to be *a Snake in the Grass*, a lurking Enemy, bent upon Mischief; who under the specious Pretence of Zeal for Religious Liberty, (which no Body pretends to restrain, and which is as dear to Episcopalians as to Whigs, or any other Denomination whatsover) would raise needless Fears, Jealousies, Ill-will and Divisions among us, and thereby divert our Attention from the Dangers that threaten our political Liberty, and the necessary Means for its Preservation. This I believe to be the real and principal Design of the Whig, and when I have told my Reasons for this

Opinion, I believe I shall not be singular in it. But whether I am mistaken or not, with Respect to this Design, I am certainly not mistaken as to the Effects, that, if not check'd and prevented in Time, must, whether foreseen and intended or not, naturally result from its Prosecution: These are, Disaffection, Disunion and Distrust among ourselves; our Attention, our Counsels, our Power, will be divided and weaken'd, we shall lose all Confidence in each other, our Enemies will gather Strength from our Weakness, and we shall have no Power of Resistance left. Let us only, a little, consider our Situation.

We *Americans* are a Body of People who claim and possess several Rights and Privileges, some of which are common to us all, some belong to particular Societies of different Sorts, and some to Individuals. Before any Disputes among ourselves can arise concerning these Rights, there must be something nice and intricate in the Nature of the Case, otherwise there could be no Dispute; for how can a Dispute arise about a Matter that is quite plain and selfevident? Every such Dispute therefore, necessarily occasions a Division among ourselves,—and in order to settle the Difference between the Parties, we must interest ourselves on both Sides of the Question. While the Matter is in Suspence, it is not to be expected that every Person who hears of, and in some Measure becomes engaged in it, will fully consider, or understand the Case, and act as an impartial Judge. No,—Interest, Connection with the Parties, imperfect Information, Inattention, Passion, Prejudice, &c. in every such internal Dispute, will divide us into at least three Parties,—one on each Side of the Question, the other, Neuters,

Now if those Rights that we all possess in common, are invaded, Common Prudence and Interest, directs us to unite in repelling the Invader: But the Rights that we are in Danger of losing, are common to us all,—of every Denomination,—and we are all equally concerned in their Defence and Preservation. Common Sense then, directs us in such a Case, to wave all Matters of private Dispute among ourselves, that so our whole Force may be collected and exerted in Defence of our Common Interest; we may thus easily defeat an Enemy, who if we were divided into the different Parties of which we are composed, would infallibly subdue us all, one after another. When an Enemy is at Hand that would plunder us all of our whole Property, is this a Time to dispute and determine the Differences between ourselves? When a City is on Fire is it a proper Time to determine the particular Property of the Inhabitants? What then shall we think of a Man who manifestly labours,—who impertinently introduces every far fetch'd Pretence, who makes use of all the Arts of Misrepresentation,—caluminates, reviles, abuses, insults,—and forms Conclusions against Probability, against Reason,—in order to embroil all America, and our Friends in England, in a Dispute concerning the respective Rights of Churchmen and Presbyterians? Judge my Countrymen! is this Man a Friend or an Enemy? This *Whig*, in his Advertisement in Parker's last Paper,[3] artfully endeavours to screen himself from all possibility of Detection, by raising

a Suspicion against every Person that should write any Thing against him. He tells, *the Public to beware of every Writer who while he affects a Zeal for our Civil Liberties*, *will not declare his Abhorrence of ecclesistical Tyranny*— That is, every Writer in favour of our Rights, who don't join in the same Cry with the *Whig*, and, like the Demon *Anarchy* in Milton,[4] help to promote the Strife, are to be suspected! According to this Rule, the Pennsylvania *Farmer* must fall under Suspicion. I beg the Readers Attention to the following Transcript, from his 12th Letter, the 6th, 7th and 8th Paragraphs.[5]

["Our *vigilance* and our *union* are *success* and *safety*. Our *negligence* and our *division* are *distress* and *death*. They are *worse*— They are *shame* and *slavery*. Let us equally shun the benumbing stillness of *over weening sloth*, and the feverish activity of that *ill formed zeal*, which busies itself in maintaining *little*, *mean* and *narrow* opinions. Let us with a truly wise *generosity* and *charity* banish and discourage all *illiberal distinctions*, which may arise from differences in situation, forms of *government*, or modes of *religion*. Let us consider ourselves as *men—freemen—Christian freemen—separated from the rest of the world*, and *firmly bound together* by the *same rights*, *interests*, and *dangers*. Let *these* keep our attention inflexibly fixed on the *great objects*, which we must *continually regard*, in order to *preserve those rights*, to *promote those interests*, and to *avert those dangers*.

"Let these *truths* be indelibly impressed on our minds—*That we cannot be happy without being free*—that we cannot be free, *without being secure in our property*—that we cannot be secure in our property, *if without our consent*, *others may*, *as by right*, *take it away*—that *taxes imposed upon us by parliament* do thus take it away—that *duties laid for the sole purpose of raising money*, are taxes—that attempts to lay such duties *should be instantly and firmly opposed*—that this opposition can never be effectual, *unless it is the united effort of these provinces*—that therefore *benevolence of temper towards each other*, and *unanimity of counsels*, are essential to the welfare of the whole—and lastly, that for this reason, every man amongst us, who in any manner would encourage either *dissention*, *dissidence*, or *indifference*, between these colonies, is an ENEMY to *himself* and to his *country*.

"The belief of these truths, I verily think, my countrymen, is indispensably necessary to your happiness. I beseech you therefore, * 'teach them diligently unto your children, and talk of them when you sit in your houses, and when you walk by the way, and when you lie down, and when you rise up.'"][6]

What then must we think of the *American Whig?* does he not fall exactly under the Description, is he not the very Man this excellent Writer points out, and cautions us to beware of? [Let the Reader pause here, and think, whether the Name would

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* *Deuteron*. *vi*. 7.

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not be much more proper and significant, if instead of the *American Whig*, that Author should be stiled the *American Pest*, and treated accordingly.][7] Indeed it is no Wonder the *Whig* should clash with the *Farmer*,—their Tempers and Principles are essentially different and the Tendency of their Writings as opposite as Light to Darkness. If I am not greatly mistaken, this is not the only Occasion upon which the *Farmer* and the *Whig* have been in Opposition, it is more than barely probable, they were so at the memorable Congress in this City.—[8] Let the *Whig* clear himself if he can.

I have already declared what I believe to be the true Character and Design of the *American Whig*, which was my sole Reason for endeavouring to detect, and put my Countrymen upon their Guard against him. Before I have done with him, I believe the Reader will be convinced that my Opinion is well supported. He seems to triumph in his salacious Discovery that I have assumed a Name to which I have no Right. He has discover'd he says, that I am not a *Son of Liberty* but a *Tory*. Whether this notable Conclusion does most Honour to his *Judgment* or his *Heart* I shall not take upon me to determine. However as I shall demonstrate that my Actions have always exactly corresponded with the Name I have assumed, in the only Sense in which it was ever in the Eyes of the Public, a respectable Name of Distinction, every one is at liberty to Judge, whether the Whig's Error proceeded from want of Peneration [*sic*], or from Consciousness—of pretending to one Thing and meaning another, himself, and therefore concluding that I did the same.

[*The Arrival of the Packet*, *obliges us to leave out the Remainder of this Piece till next Week*,[9] *which we hope the Author will excuse*.][10]

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[1] "A Son of Liberty" published his initial essay "To the PRINTER" in the April 7, 1768, issue of *The New-York Journal*. A notice in *The New-York Journal* of April 14 noted that the publisher had received this essay, but it had arrived too late to include it in that edition.

[2] See the headnote to doc. 4:62, above.

[3] James Parker published *The New-York Gazette; or, the Weekly Post-Boy*, where the quoted advertisement appeared on April 11.

[4] John Milton (1608–1674) was a poet and intellectual best known for the epic poem *Paradise Lost*. Milton personifies Chaos as the "Anarch old," both a place that separates Heaven from Hell and a spirit who suggests Satan return from Hell to seek revenge. See Milton, *Paradise Lost. A Poem Written in Ten Books* (London: P. Parker et al., 1667), 2:988–1009.

[5] Doc. 4:40, above.

[6] Brackets in the original.

[7] Brackets in the original.

[8] The Stamp Act Congress of 1765.

[9] The remainder has not been found.

[10] Brackets in the original.

68
Advertisement for the *Farmer's Letters*, *The New-York Journal* (supplement), April 22, 1768

Just published and to be sold at the Printing-Office, at the Exchange, Price 1s. 6d. A Pamphlet, entitled,

LETTERS from a FARMER IN PENNSYLVANIA,
TO THE
BRITISH COLONIES

THIS excellent Performance, which fully explains and unanswerably defends the Rights of the British Colonies, was reprinted upon the Suggestion of many of the Inhabitants, as well as the Printer's own Opinion, that it ought to be kept in every Family, and be thoroughly consider'd, understood, and taught to the rising Generation; to the End that the Principles of our happy Constitution may be universally known and established; that so these Colonies may never want Men to assert and maintain the Rights and Privileges of British Subjects— Yet the Sale of these useful Pamphlets, has hitherto been very inconsiderable, so that they are like to be a great Loss to the Printer— Unless his Townsmen will be so good as to prevent it by purchasing the Book.

69
From John Swint, April 22, 1768

Charlestown So[uth] Carolina April 22nd 1768

S[i]r,

Th{r}ough the recomendations of M[r] Thomas Adams[1] Merch[an]t here, have taken the Liberty to transmit you a Power, to recover the Value of the Inclosed protested Bill Value 20 £ your Currency;[2] Drawer Conrad Keehmle, you will please to act in my behalf as for your Self, assuring you Sir, I shall concur with every measure you may find expedient for the recovery of the said Debt—

The Witness to my Signing the power, named George mich[ae]l Kroft,[3] is Residenter in Philadelphia, should you want him—

Your Compliance with this Request will be esteemd a singular favour Conferred on

S[i]r
Your much obliged
most h[um]ble Serv[an]t
John Swint[4]

ALS (PHi-Logan)

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[1] See headnote to doc. 4:3, above.

[2] Enclosure not found.
[3] George Michael Kraft (Kroft; 1737–1788) was a Lutheran tanner of German heritage in Philadelphia.
[4] Dr. John Hendrick Swint (Schwint; d. 1781) was a physician who practiced medicine in Charles-Town and its environs.

70
From John Vining, April 23, 1768

Sir,

My indisposition has prevented my waiting on you for these 10 days past I am stil scarcly able to [creep] about— You will much Oblidge me to send ~~me~~ an Acco[un]t of the Debt & Interest due on my bond to Lord Baltimore w[hi]ch was put in suit at the Instance of Colo[l] Lloyd.— I never ment to delay that suit upon any other reasons than an expectation of prevailing upon Colo[l]. Lloyd not to insist upon the Advance on Maryland money as that and Pennsylvania[s?] were equal & passed at the same rate at the time the bond was given— And I do declare in the most Solemn manner that I knew not one tittle that the Maryland paper Currency was near expiring, or the terms on w[hi]ch that fund was established or no inducement would have made me execute such a bond, at least not with out having the value— I am induced to believe if you had known the circumstances relative to this affair you would not have brought the suit—especially as I was always ready to pay the sum in the Condition of bond with Interest in our Currency and I never heard that any advance would be requested until long after the bond was given.— When Colo[l] Lloyd was at Dover about 6 or 7 Years past I told him I had the money to discharge that bond, his answer was, that as he was not to return immediately home it would be inconvenient for him to receive it then.[1] I did not count out the money in order to make it a [leg]al tender indeed I believed a Man of his rank would take such a proposal amiss however this might have been, the Fact is indubitably so if there be truth in God or Man—

All that now remains is to discharge the Debt (as Colo[l] Lloyd doth {[not]} incline to do me that Justice I think to be my due) I am informed if Dollars are paid a 6/ [per] or £20. [per] C[entu]m[2] those persons that have bonds for the payment of Maryland money are oblidged to take Dollars in [Lieu] of Maryland money— I have with me some where about £400 in different species of money and shall take it as a great favour if you will receive it, the rest shall be paid in 2 Months. I find Dollars hard to get.— I suppose I could borrow as much as would discharge the bond with what I have but I never yet borrowed £10. in my life & should be now Sorrow to be drove to that necessaty when I have some thousands of pounds due to me, w[hi]ch the scarcity of Cash ~~will~~ makes hard to be got without greatly distressing the people. If notwithstanding you insist upon having the whole money immediately I must endevour to borrow what may be

wanting— I owe no money of the least consequence but this, and to be executed for it would give me concern—

I am Sir
April 23d 1768 your most Obedient
NB pray send me an answer by my boy—[3] H[um]ble Servant
John Vining

ALS (PHi-RRL)

[1] Edward Lloyd attested to not knowing about Vining's offer to pay the bond. See doc. 4:8, above.
[2] See doc. 4:57, above.
[3] Though JD's response has not been found, it is clear from Vining's next letter he was not immediately required to pay in full. See doc. 4:A75, below.

71
The Freemen of Lebanon, Conn., "To the Ingenious Author of the Letters, Subscribed a Farmer," *The Boston Evening-Post*, April 25, 1768

JD's published reply is below, doc. 4:130. This reply was subsequently satirized in doc. 4:132, below.

At a Meeting of the Freemen[1] of the Town of LEBANON, in the Colony of *Connecticut*, April 11. 1768, the following Letter was reported, viz.

To the ingenious Author of the Letters subscribed
A FARMER.

SIR,

THE Freemen of this Town, interested in, and sensibly affected with, the calamity and distress to which they, in common with their American brethren, are and must be subjected by the operation and consequences of several acts of the British Parliament,[2] imposing various duties, &c. whereby their property is to be taken from them, and applied without their consent, for the express purpose of raising a revenue to the crown, have seen with sensible pleasure your generous efforts in the glorious cause of endangered liberty; wherein, with clear knowledge and solid argument, you have vindicated the rights of America, demonstrated that any attempts to deprive her of them are inconsistent with the genuine spirit of the British constitution, and equally impolitic and injurious; wherein, with penetrating sagacity and certain prescience, you have warned her of the infinite danger of an indolent acquiescence in principles which, extended to their genuine length, will end in the total subversion of her constitutional freedom, and an utter alienation of those kind affections, which, but for hard and unequal measures, would last forever, equally strong and mutually beneficial to this and the mother country; with just and persuasive eloquence have you strengthened the hands and encouraged the further needful exertions of the generous multitude, engaged in that noble cause, asserted its righteousness, pointed out the best and, we trust, sure

means of obtaining redress, while justice and candor are part of the British throne; but whether they succeed or not, your excellent and judicious letters exhibit the true interest and only re-remaining [*sic*] policy of these colonies, to so clear and conspicuous view, that they cannot fail reap important advantage, from your prudent and wise instructions.

Permit us, therefore, respected Sir, amidst applauding millions, to pay you the small tribute of our warmest thanks for your generous and truly patriotic labours, to penetrate the vail of your modest retirement, and congratulate you as *One* born for the most noble and exalted purpose, and as having erected a monument which will last when those of marble and brass are mouldered to dust, and transmit a grateful remembrance of the FARMER to latest posterity.

THE above letter was unanimously accepted by the Freemen of said Town, and ordered to be published.

Attest. W. WILLIAMS,[3] Town-Clerk.

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[1] During the same meeting, the freemen of Lebanon adopted instructions for their representatives, Maj. William Williams and Capt. William Symmes (Sims; c. 1707–1796), asking them to urge the legislature to send a letter of grievances to the king, to adopt policies discouraging unnecessary consumption of British goods, and to encourage American manufactures of iron, glass, and other products. See *The Boston Evening-Post*, April 25, 1768.

[2] The Townshend Acts.

[3] William Williams (1731–1811) was a prominent Son of Liberty and later signer of the Declaration of Independence.

72
A Farmer [JD], "To the Very Respectable Inhabitants of the Town of Boston," *The Boston-Gazette*, April 25, 1768

To the PRINTERS of the BOSTON GAZETTE.

GENTLEMEN,

YOU *are desired to publish the inclosed*. *Your's*,

A FARMER.

GENTLEMEN,

IT is impossible for Me to express the reverential Gratitude, with which I receive the very great Honor, You have been pleased to confer upon Me by your late Letter.[1]

The Rank of the Town of *Boston*, the Wisdom of her Counsels, and the Spirit of her Conduct, render, in my Opinion, the Approbation of her Inhabitants, inestimable; and therefore I shall ever place this Testimony of it, among the chief Blessings of my Life.

Love of my Country engaged Me in that Attempt, to vindicate her Rights and assert her Interests, which your Generosity has thought proper so highly to applaud; and if my humble Labors prove useful to the good People of these Colonies—A Glory! beyond which my Ambition never wished to rise—I am persuaded, that this

happy Effect must flow from the Influence and Lustre bestowed upon them by your favorable Notice.

Never, untill my Heart becomes insensible of all worldly Things, will it become insensible of the unspeakable Obligations, which as an American I owe to the Inhabitants of the Province of *Massachusetts-Bay*, for the Vigilance with which they have watched over, and the Magnanimity with which they have maintained the Liberties of the British Colonies on this Continent.

May the same sacred Zeal for the common Welfare, the same Principles of Loyalty to our excellent Sovereign, of Affection to his illustrious House, and of Duty to our beloved Parent Kingdom, which have uniformly actuated and guided your Colony, animate and direct every other, so that at Length that Union in Sentiments and Measures may be firmly formed, which as You, Gentlemen, most justly observe, "is so indispensably necessary for the Security of the Whole."[2]

Amongst my warmest Wishes these will ever be—that the Province of *Massachusetts-Bay* may rejoice in a perpetual Prosperity; that the Town of *Boston* may always flourish with a Dignity becoming the Capital of so very respectable a State; that the Purity of her Intentions, the Prudence of her Designs, and the Vigor of her Actions, may constantly confound the Machinations of her Enemies; and that the Virtues of her present Inhabitants may be transmitted down from Age to Age, that so the latest Posterity in these Colonies, may never want faithful Guardians of American Freedom.

A FARMER.

Pennsylvania,
April 11*th*, 1768.

To the very respectable Inhabitants of the Town of BOSTON.

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[1] Doc. 4:52, above.
[2] Ibid.

73
A Dissenter, *Letter from a Gentleman at a Distance to His Friend at Court*, [n.p., c. April 26, 1768]

A Letter from a Gentleman at a Distance to his *Friend* at *Court*.

Dear Sir,

SINCE you are pleased to enquire what are my Sentiments respecting the right of the British Parliament to lay Taxes on the Colonies, to raise a revenue, *&c*? I think, the best answer to your question, that can be given, in a few words, is by way of reference to the very excellent and adapted letters, signed A FARMER. The ingenious and discerning Author, has, I conceive, made it sufficiently evident that such a Taxation is Unconstitutional, destructive to England and her Colonies, enslaving to his Majesty's most dutiful Subjects, and, if not repealed, will naturally,

and unavoidably produce those dreadful effects, which perhaps, it was designed to prevent.

Dat veniam Corvis, *vexat censura Columbas*.[1]

But how can You, Sir, in *New-England*, join the other Colonies in complaining of Slavery on account of such a Taxation, when, at the same time, you are enslaving and persecuting one another, in matters of much greater Importance, than *meerly* a temporary interest can possibly be? Don't you, under colour of Law, abridge many faithful Subjects, and good Christians, of the rights of Conscience, by taking away their Estates to support a ministry in the Church, which they verily believe is Fundamentally wrong? Is not taking away their money to support *another* Gospel, in effect, to hinder them of a preached Gospel, and the administration of holy Ordinances, as an appointed means to save their Souls? Perhaps you will say, the tenth part of the incomes of the land in *England*, is taken from the Farmer, and improved to support a Ministry, which they, at least, many of them do not attend: very true; and they complain of it as a hardship. But then if you duly consider the matter, you may see their and your circumstances are not Parrallel, For, the Lands in *England* were conquered at the expence of its Sovereign, and the conquerer had an allowed right to give away the tenth to particular Uses, as in fact he did. So that the tenth part of the income is of the same nature with your parsonages, and given as a part of the revenue, of an *Ecclesiastical* Benefice. But yours are purchased Lands, or conquered at the sole expence of the first settlers, and in no part at the expence of the Crown: therefore, every one has an equal right to improve his own free estate to his own use, excepting what is necessary for the support of civil Government, and such a Ministry in the Church, as he thinks is of divine appointment. By what right therefore, have several of your Colonies in *New-England*, made such an establishment as to take away the incomes of many free Estates, to support a Ministry, which the Owners of them cannot in Conscience attend?[2] Hereby, if I mistake not, many of your Houses of publick Worship are built; and the Worship in them upheld by unrighteousness; and the Spoils forcibly taken from honest Men.

Let it never be said, Dear Sir, that you complain of being taxed without your consent, if you hereafter join with those Assemblies that encourage the taxing your Christian Brethren, to support a Ministry, which they esteem as dangerous to Men's Souls, as Ratsbane is to their Bodies. Especially, methinks, you should be afraid to speak a word against a Parliamentary tax on the Colonies in *New-England*, unless you are convinced that the many remonstrances, laid in before your Assemblies, against taxing your Brethren, in the other case, were well grounded, and will exert yourself for their relief for the future. Let me tell you, Sir, that I know several of your Towns in *New-England*, which had fine parsonages, and originally settled Churches upon *Calvanistic*[3] Principles, both as to Doctrine, and Government. Those same Towns are now inhabited *mostly* by Men of quite different Principles, and they, by a *major vote*, have called and settled *Pelagion*,[4] *Arminion*,[5] and *Arian*[6] teachers;

utterly exploded the Doctrine and Discipline of their Predecessors, the first Settlers; have given the use of those fine Personages, to their new Teachers, and laid heavy Taxes to support them, upon those that adhere to the plan of the first Settlement of the Churches in those Places.[7] By this means they do all that is in their Power to hinder their Neighbours from enjoying the publick Ministry of the Word and Ordinances of GOD, according to the Dictates of their Consciences, and agreeable to those summaries of Doctrine and Discipline, which are expressly approved, by *Church* and *State* in the British Dominions. Now, Sir, doth not this Conduct of yours, if it is not speedily Redressed, leave you very little Ground to Hope; but such things are the Beginnings of Sorrow? I must honestly tell you, that it appears to me, that poor *New-England* is ripening apace for some higher Degrees of Persecution, though possibly the other Colonies may escape. "Surely oppression maketh a wise man mad;"[8] for the wisest men are most sensible of such injuries.

You, Sir, profess a great dread, besure some of the Clergy have warmly opposed an *American* Bishop: but if he should have no power over those that dissent from the state Establishment, nor be allowed to intermeddle with any of our *Civil* nor *Ecclesiastical* affairs, though I am not of that Church; I don't see sufficient reason to hinder our Episcopal Brethren of a ruler over them agreeable to their own Constitution; since they need Government as much as others. Nay, Further, his coming might be a means of delivering you in *New-England* from present persecutions; and of preventing greater. And should it be fully known at Home, that you do all you can to hinder some of your Fellow Christians from the free enjoyment of the rights of Conscience, may it not be justly expected, that our Gracious SOVEREIGN will judge it highly necessary for the Peace and Happiness of his People in general, as well as for the Benefit of the Episcopal Church in particular, to send over an eminently wise and pious Bishop, to be *Primus inter pares*;[9] and order all Ecclesiastical, Protestant Constitutions to stand upon an equal footing? And no longer suffer his subjects to "bite and devour one another;"[10] and undo a fine Country by mutinous Distractions?

April 26, 1768.
A DISSENTER.

Evans, No. 41838

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[1] "*Dat veniam corvis*, *vexat censura columbas*": Lat. "The censure pardons the crows and harasses the doves" (Juv. 1.2.63).

[2] While Anglicans, Quakers, and Baptists were supposed to be exempted from the local taxes that supported Massachusetts's established Congregational churches, the so-called Separate Baptists, devoted adherents of Calvinism, often lacked the necessary certificates of church membership that the law required. See *LPJA*, 2:32–36.

[3] Calvinism: "The doctrines of John Calvin the Protestant Reformer (1509–1564), particularly his theological doctrines on grace, in which Calvinism is opposed to Arminianism" (*OED*).

[4] Pelagian: "A believer in the doctrines of Pelagius or his followers, esp. in the denial of the transmission of original sin, and in the principle that human will is capable of good without the assistance of divine grace" (*OED*).

[5] Arminian: "Of, relating to, characteristic of, or following the doctrines of Jacobus Arminius (1560–1609), a Dutch Protestant theologian, who rejected the Calvinist doctrine of predestination" (*OED*).
[6] Arian: "Of, pertaining to, or adhering to the doctrine of, Arius, a presbyter of Alexandria in the 4th cent., who denied that Jesus Christ was *consubstantial*, or of the same essence or substance with God" (*OED*).
[7] This critique was aimed at the growing body of ministers within New England's established Congregational churches, such as Charles Chauncy of Boston, who rejected elements of Calvinism. See John S. Oakes, *Conservative Revolutionaries: Transformation and Tradition in the Religious and Political Thought of Charles Chauncy and Jonathan Mayhew* (Cambridge: James Clarke, 2016), 65–71.
[8] Eccles. 7:7.
[9] *Primus inter pares*: Lat. "'first among equals'; designating the most senior or prominent in a group otherwise of the same rank or position" (*OED*).
[10] Gal. 5:15.

74
[JD], An Address Read at a Meeting of Philadelphia's Merchants, *The Pennsylvania Journal*, April 28, 1768

In response to the Townshend Acts, some towns adopted resolutions of nonconsumption and nonimportation, boycotting British goods. Boston merchants pledged nonimportation measures in March 1768 and made an appeal to merchants in New York and Philadelphia to join them. New York merchants followed suit in April after a failed attempt to meet in March.[1]

Renewing the resistance efforts of late March (doc. 4:56, above), Philadelphia's radical merchants organized a meeting on April 25 to discuss a voluntary association against importing British goods after October 1, 1768, and chose JD to make an address.[2] The address did not have the intended effect, and few signatures were collected in favor of nonimportation. Philadelphia merchants delayed joining the boycott until early 1769.

JD's address was printed without attribution in *The Pennsylvania Journal* and later appeared as a broadside and in other colonial newspapers and British magazines, sometimes with the added line "*Supposed to be wrote by the ingenious Author of the* FARMER'S *Letters*."[3] Likewise, *The Gentleman's Magazine* (London) and John Almon's collection of American Revolutionary documents state that the address was "*written by Mr. Dickenson, author of the Farmer's Letters*."[4]

JD's address discusses several points also made in an essay on the Townshend Acts by Benjamin Franklin, which was reprinted in *The Pennsylvania Chronicle* on the same day.[5] Both JD's address and Franklin's essay include discussions of restrictions on steel mills, hatters, Portuguese wine, and fisheries; the transfer of British convicts into the colonies; the encroachment of parliamentary power through the Stamp Act of 1765, Quartering Act of 1765, Declaratory Act of 1766, and Townshend Acts; colonial judges serving during pleasure rather than during good behavior, as in Britain; the allotment of funds from the Revenue Act of

1767 to pay for colonial governors' and judges' salaries; and nonimportation and nonconsumption as a means of securing redress. Noting these similarities, a critic accused JD of plagiarizing Franklin. See doc. 4:129, below.

THE FOLLOWING ADDRESS
Was read at a Meeting of the MERCHANTS, at the *Lodge*,[6] in *Philadelphia*,
on *Monday*, the 25th of *April*, 1768.

Gentlemen, *Friends*, *and Fellow Citizens*,

YOU are called together to give your Advice and Opinion, what Answer shall be returned to our brethren of *Boston* & *N. York*, who desire to know, whether we will unite with them, in stopping the Importation of Goods from *Great-Britain*; until certain Acts of Parliament are repealed, which are thought to be injurious to our Rights, as Freemen and *British* Subjects.

Before you come to any Resolution it may be necessary to explain the Matter more fully.

When our Forefathers came into this Country, they considered themselves as Freemen, and that their coming and settling these Colonies did not divest them of any of the Rights inherent in Freemen; that, therefore, what they possessed, and what they or their Posterity should acquire, was and would be so much their own that no Power on Earth could lawfully, or of Right, deprive them of it without their Consent. The Governments, which they, with the consent of the Crown, established in the respective Colonies, they considered as political Governments, "where (as Mr. Locke expresses it) Men have Property in their own Disposal."[7] And therefore (according to the Conclusion drawn by the same Author in another Place) "No Taxes ought or could be raised on their Property without their Consent given by themselves or their Deputies,"[8] or chosen Representatives.

As they were Members of one great Empire, united under one Head or Crown, they tacitly acquiesced in the superintending Authority of the Parliament of *Great-Britain* and admitted a Power in it, to make Regulations to preserve the Connection of the whole entire. Though under Colour of this, sundry Regulations were made that bore hard on the Colonies; yet, with filial Respect and Regard for *Great-Britain*, their Mother Country, the Colonies submitted to them.

It will be sufficient here just to enumerate some of the most grievous.

1. The Law against making Steel or erecting Steel Furnaces,[9] though there are not above 5 or 6 Persons in *England* engaged in that Branch of Business, who are so far from being able to supply what is wanted, that great Quantities of Steel are yearly imported from *Germany*.

2. Against Plating and Sliting Mills and Tilt Hammers;[10] though Iron is the Produce of our Country, and from our Manner of building, planting, and living; we

are under a Necessity of using vast Quantities of Nails and Plated Iron, as Hoes, Stove-Pipes, Plates, *&c*. all which are loaded with double Freight, Commissions, *&c*.

3. The Restraint laid on Hatters, and the Prohibition of exporting Hats.[11]

4. The Prohibition of carrying Wool or any Kind of Woollen Goods manufactured here, from one Colony to another. A single Fleece of Wool or a Dozen of home made Hose carried from one Colony to another is not only forfeited, but subjects the Vessel, if conveyed by Water, or the Waggon and Horses, if carried by Land, to a Seizure, and the Owner to a heavy Fine.[12]

5. Though the *Spaniards* may cut and carry Logwood directly to what Market they please, yet the *Americans* cannot send to any foreign Market, even what the Demand in *England* cannot take off, without first carrying it to some *British* Port, and there landing and re-shipping it at a great Expence and loss of Time.[13]

6. Obliging us to carry *Portugal* and *Spanish* Wines, Fruit, *&c*. to *England*, there to unload, pay a heavy Duty and re-ship it,[14] thus subjecting us to a great Expence, and our Vessels to an unnecessary Voyage of 1000 Miles in a dangerous Sea.

7. Imposing a Duty on *Madeira* Wines, which, if re-shipped to *England*, are subject to the Payment of the full Duties there without any Drawback for what was paid here.[15]

8. The emptying their Jails upon us and making the Colonies a Receptacle for their Rogues and Villains;[16] an Insult and Indignity not to be thought of, much less borne without Indignation and Resentment.

Not to mention the Restrictions attempted in the Fisheries,[17] the Duties laid on foreign Sugar, Molasses, *&c*. I will just mention the Necessity they have laid us under of supplying ourselves wholly from *Great-Britain* with *European* and *East-India* Goods, at an Advance of 20, and as to some Articles even of 40 per Cent. higher than we might be supplied with them from other places.[18]

But as if all these were not enough, a Party has lately arisen in *England*, who, under Colour of the superintending Authority of Parliament are labouring to erect a new Sovereignty over the Colonies with Power inconsistent with Liberty or Freedom.

The first Exertion of this Power was displayed in the odious Stamp-Act. As the Authors and Promoters of this Act were sensible of the Opposition it must necessarily meet with, from Men, who had the least Spark of Liberty remaining, they accompanied it with a Bill still more odious, wherein they attempted to empower Officers to quarter Soldiers on private Houses, with a View, no Doubt, to dragoon us into a Compliance with the former Act.[19]

By the Interposition of the *American* Agents and of some *London* Merchants who traded to the Colonies, this Clause was dropt, but the Act was carried, wherein the Assemblies of the respective Colonies were ordered at the Expence of the

several Provinces, to furnish the Troops with a Number of Articles, some of them never allowed in *Britain*. Besides, a Power is therein granted to every Officer, upon obtaining a Warrant from any Justice; (which Warrant the Justice is thereby empowered and ordered to grant, without any previous Oath) to break into any House by Day or by Night, under Pretence (these are the Words of the Act) of searching for Deserters.[20]

By the spirited Opposition of the Colonies, the first Act was repealed; but the latter continued, which, in its Spirit differs nothing from the other. For thereby the Liberty of the Colonies is invaded and their Property disposed of without their Consent, no less than by the Stamp-Act. It was rather the more dangerous of the two, as the Appearance of the Constitution was preserved, while the Spirit of it was destroyed, and thus a Tyranny introduced under the Forms of Liberty. The Assemblies were not at Liberty to refuse their Assent, but were to be forced to a litteral Compliance with the Act. Thus, because the Assembly of *New-York* hesitated to comply, their Legislative Power was immediately suspended by another Act of Parliament.[21]

That the Repeal of the Stamp-Act might not invalidate the Claims of Sovereignty now set up, an Act was passed, asserting the Power of Parliament to bind us with their Laws in every respect whatever.[22] And to ascertain the Extent of this Power, in the very next Session they proceeded to a direct Taxation; and in the very Words in which they dispose of their own Property, they gave and granted that of the Colonists, imposing Duties on Paper, Glass, *&c*. imported into *America*, to be paid by the Colonists, for the Purpose of raising a Revenue.[23]

This Revenue when raised, they ordered to be disposed of in such a Manner as to render our Assemblies or Legislative Bodies altogether useless, and to make Governors, & Judges, who hold their Commission during Pleasure,[24] and the whole executive Powers of Government; nay, the Defence of the Country, independant of the People, as has been fully explained in the *Farmer's Letters*.

Thus with a Consistency of Conduct, having divested us of Property, they are proceeding to erect over us a despotic Government, and to rule us as Slaves. For "a despotical Power, says Mr. *Locke*, is over such as have no Property at all."[25] If, indeed, to be subject in our Lives and Property to the arbitrary Will of others, whom we have never chosen, nor ever entrusts with such a Power, be not Slavery, I wish, any Person would tell me what Slavery is.

Such then being the State of the Case, you are now, my Fellow Citizens, to deliberate; not, whether you will tamely submit to this System of Government—That I am sure your Love of Freedom and Regard for yourselves and your Posterity will never suffer you to think of—But by what Means you may defend your Rights and Liberties, and obtain a Repeal of these Acts.

In *England*, when the Prerogative has been strained too high, or the People oppressed by the executive Power, the Parliament, who are the Guardians and

Protectors of the People's Liberties, always petition for Redress of Grievances, and enforce their Petitions, by withholding Supplies until they are granted.

Our Assembly, I am told, has applied for Relief from these Acts of Parliament.[26] But having nothing left to give, they could not enforce their Application by withholding any Thing.

It is, however, in our Power, in a peaceable and constitutional Way, to add Weight to the remonstrance and Petition of our Representatives, by stopping the Importation of Goods from *Britain*, until we obtain Relief and Redress by a Repeal of these unconstitutional Acts.

But this, it may be said, is subjecting ourselves to present Loss and Inconvenience.

I would beg Leave to ask, whether any People in any Age or Country ever defended and preserved their Liberty from the Encroachments of Power, without suffering present Inconveniences. The *Roman* People suffered themselves to be defeated by their Enemies, rather than submit to the Tyranny of the Nobles. And even in the Midst of War, the Parliament of *England* has denied to grant Supplies, until their Grievances were redressed; well knowing that no present Loss, Suffering, or Inconvenience, could equal that of Tyranny or the Loss of public Liberty. To cite an Example, which our own Country furnishes; you all remember that in the very Heighth of the late terrible *Indian* War, our Assembly and that of *Maryland* chose rather to let the Country suffer great Inconvenience, than immediately grant Supplies on Terms injurious to the public Priviledges and to Justice.[27]

As then we cannot enjoy Liberty without Property, both in our Lives and Estates; as we can have no Property in that which another may of Right take and dispose of as he pleases, without our Consent; and as the late Acts of Parliament assert this Right to be in them, we cannot enjoy Freedom until this Claim is given up, and until the Acts made in Consequence of it be repealed. For so long as these Acts continue and the Claim is kept up, our Property is at their Disposal, and our Lives at their Mercy.

To conclude, as Liberty is the great and only Security of Property; as the Security of Property is the chief Spur to Industry, (it being Vain to acquire what we have not a Prospect to enjoy); and as the Stopping the Importation of Goods is the only probable Means of preserving to us and our Posterity this Liberty and Security, I hope, my Brethren, there is not a Man among us, who will not chearfully join in the Measure proposed, and with our Brethren of *Boston* and *New-York* freely forego a present Advantage; nay, even submit to a present Inconvenience for the Sake of Liberty, on which our Happiness, Lives, and Properties depend. Let us never forget that our Strength depends on our Union, and our Liberty on our Strength.

"*United we conquer*, *divided we die*."

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[1] When the first meeting on March 31 had low attendance, another meeting was scheduled for April 7, during which the participants committed to nonconsumption and nonimportation (*The New-York Gazette; and the Weekly Mercury*, April 4, 1768; *The New-York Journal*, April 7, 1768). Most New York merchants had subscribed to the agreement by April 14. See *The New-York Journal*, April 14, 1768.

[2] News of New York merchants joining the boycott movement, which appeared in the April 11–18 issue of the *PC*, may have motivated Philadelphia's merchants to revisit the issue.
[3] See *The Newport Mercury*, May 9–16, 1768; and *The Boston Evening-Post*, May 23, 1768.
[4] *The Gentleman's Magazine* (London), September 1768, 418–21; and *A Collection of Interesting, Authentic Papers, Relative to the Dispute between Great Britain and America; Shewing the Causes and Progress of That Misunderstanding, from 1764 to 1775* (London: J. Almon, 1777), 223–26.
[5] Benjamin Franklin's letter to the printer of *The London Chronicle*, Jan. 5–7, 1768, reprinted in the *PC*, April 18–25, 1768. See also *PBF*, 15:3–13.
[6] Likely the Masonic Hall on Lodge Alley, which ran west from Second St. half a block north of Walnut St.
[7] Locke, bk. II, c. 15 §174.
[8] Paraphrase of ibid., c. 11 §142.
[9] The Iron Act of 1750.
[10] Ibid.
[11] 5 Geo. 2, c. 22 (1732): "An Act to Prevent the Exportation of Hats out of Any of His Majesty's Colonies or Plantations in America . . . ," known as the Hat Act of 1732. See 16 *SAL* 304–08.
[12] The Wool Act of 1699 (10 & 11 Will. 3, c. 10).
[13] The Navigation Act of 1660 (12 Car. 2, c. 18). See 7 *SAL* 452–60, at 459.
[14] Ibid., at 458.
[15] The Sugar Act of 1764. See 26 *SAL* 33–52, at 34.
[16] 4 Geo. 1, c. 11 (1717 OS): "An Act for the Further Preventing Robbery, Burglary, and Other Felonies, and for the More Effectual Transportations of Felons . . ." (13 *SAL* 471–75). See also 6 Geo. 1, c. 23 (1720): "An Act for the Further Preventing Robbery . . ." (14 *SAL* 292–95). The transportation of felons originally applied only to England, and it was extended to Scotland in 1766. See 6 Geo. 3, c. 32 (1766): "An Act to Extend an Act Made in the Fourth Year of the Reign of King George the First, Intituled, an Act for the Further Preventing Robbery. . . ." See 27 *SAL* 174–76.
[17] Likely a reference to the 1766 proclamation issued by Newfoundland governor Hugh Palliser, first baronet (1723–1796), which excluded fishermen from the mainland colonies from the cod fishery of Newfoundland and Labrador. The Board of Trade subsequently overruled Palliser's proclamation. See W.B. Kerr, "Newfoundland in the Period before the American Revolution," *PMHB* 65, no. 1 (1941): 56–78, at 75–76.
[18] See the Molasses Act of 1733 (6 Geo. 2, c. 13), the Sugar Act of 1764, and the Revenue Act of 1766 (6 Geo. 3, c. 52). The Sugar Act of 1764 introduced duties on European and East Indian goods that were retained in the Revenue Act of 1766.
[19] The Quartering Act of 1765.
[20] Ibid., 26 *SAL* 305–18, at 316.
[21] The New York Restraining Act of 1767.
[22] The Declaratory Act of 1766.
[23] The Revenue Act of 1767.
[24] See doc. 4:36, nn. 3–5, above.
[25] Locke, bk. II, c. 15 §174.
[26] Speaker Joseph Galloway allowed the Assembly to write instructions to its agents in London, Richard Jackson (c. 1721–1787) and Benjamin Franklin, to join with agents of other colonies in respectful application to Parliament. See *Pa. Votes* (1768), 71–72.
[27] See doc. 4:38, n. 41, above.

75
A.B. [JD], "The Centinel. No. VI," *The Pennsylvania Journal*, April 28, 1768

Fears of an Anglican establishment in the colonies had flared periodically throughout the eighteenth century. Yet when Rev. Thomas Bradbury Chandler, an Anglican minister in New Jersey, published *An Appeal to the Public, in Behalf of the Church of England in America* lamenting American Anglicans' lack of access to sacramental functions and requesting that Parliament appoint an Anglican bishop in the colonies, it garnered an unusually vehement response. The request for more parliamentary interference in the colonies alarmed many, especially religious dissenters in Pennsylvania, who prized the religious liberty guaranteed under the 1701 Charter of Privileges. Many colonists linked Chandler's proposal with the new taxation measures as part of a concerted effort to subjugate them totally under ministerial rule.[1]

In late 1767, Presbyterian minister Rev. Francis Alison, a former tutor in the Dickinson family, planned a response. But, perhaps influenced by the success of the *Farmer's Letters*, he discarded his initial idea to write a single lengthy rejoinder himself and invited JD and the Presbyterian merchant, politician, and judge George Bryan (1731–1791), to join him. Beyond his fame as the author of the *Farmer's Letters*, JD was also a known advocate of religious liberty, a friend to Presbyterians, and an adept constitutional scholar, all of which he had demonstrated during the royal government controversy (see docs. 3:19 and 3:99). Bryan was also a logical participant. Like Alison, he was Irish-born and had felt the weight of the Anglican establishment at home. Like JD, he had been a fierce opponent of the royal government campaign and the Stamp Act of 1765.[2] The three men, and possibly others, published nineteen "Centinel" letters in *The Pennsylvania Journal* from March 24 to July 28, 1768.[3]

Although we have no word from JD himself about his work on these letters, the tone, style, and content of three, signed "A.B.," clearly bear his stamp: Nos. VI, VII, and VIII (this letter and docs. 4:78 and 4:80, below). These letters, written in JD's scholarly, footnoted style, depart from the others in focusing more on the constitutional and political dangers of an Anglican episcopate than religious or theological issues. A fourth letter signed A.B., No. XVI (doc. 4:105, below), may also be JD's work, but it concentrates more on ecclesiastical matters than the three earlier A.B. letters. Later in life, JD became known as a scholar of religion, but at this point it, does not seem to have been his focus.[4]

Responses to the Centinel were concentrated in Pennsylvania and focused on reiterating Chandler's arguments that an American bishop would serve his Anglican flock without threatening the civil or religious liberties of dissenters. The first response, "A Church-man" writing two "Anti Centinel" numbers in *The*

Pennsylvania Journal on June 16 and September 29, set the tone. "[T]he Reader," he wrote, "is not to expect that I should offer any new Arguments on the Subject." The Centinel's chief opponent, Rev. William Smith (1727–1803), Anglican minister, provost of the College of Philadelphia (now the University of Pennsylvania), and JD's client in the 1758 libel trial (docs. 1:44–57), published seventeen letters under the title of "The Anatomist."[5] Countering arguments that Anglican episcopacy opened the door to "Popery," Smith emphasized the Protestant bona fides of the Church of England, defended the efforts of Anglican missionaries in America, and lamented the persecution of Anglicans in the colonies by hostile Presbyterians and Congregationalists. Subsequently, a defense of the Centinel by Alison, titled "The Remonstrant," appeared in *The Pennsylvania Journal* on October 6 and ran for four numbers, ending November 3.[6] In these essays, Alison emphasized the efforts of Anglicans to suppress dissenters in both England and America and defended the actions of Presbyterians and Congregationalists. An admirer of the Centinel, "Philander," summarized anti-Anglican sentiments about the dispute when he wrote, "Most unfavorable are the times for such controversies, and every friend to liberty must lament, that a number of ambitious Missionaries could raise so disagreeable a dispute, when our public affairs call for the closest union in councils, and uniformity in measures."[7]

After JD's contributions appeared in April and May, the disputants recognized his voice in them, and rumors of his authorship spread. In June, Chandler himself suspected JD to be among the principal authors against the episcopacy. They "are supposed," he wrote, "to be Dr. Alliston Vice-Provost of the College in Philadelphia, assisted by a Number of his Presbyterian Brethren, and Mr. D-----n, the very popular Author of the Farmer's Letters."[8] Suspicion of JD's authorship had already spread northwards. In New York, "Z.," who may have been anti-Anglican New Yorker William Livingston, wrote, "even that *Whig*, that champion for liberty, the FARMER himself, is one of the best writers against an American Episcopate."[9] By July, Chandler was convinced. "The *Farmer* I believe to be a great rascal," he wrote, "and there can be no prospect of his friendship."[10]

The CENTINEL. No. VI.

LIBERTY is a most tender Plant, that thrives in very few Soils; neglected, it soon withers and is lost; but is scarce ever recovered. Nothing less than a supreme Regard to this inestimable Blessing, could have induced me to undertake the disagreeable Task of a Disputant. I conceived it was dangerously attacked by Doctor Chandler[11] and his Associates in their Attempt to introduce diocesan Bishops among us, and my Design was to shew the manifest Tendency of this Innovation, to undermine and demolish that religious Freedom by which these Northern Colonies are so remarkably distinguished from every other Country; and under the Auspices of

which, joined with an excellent Frame of civil Government, they have beyond all Example grown up and prospered. In some future Papers I shall pursue the Subject; but at present, I wave it, to make Room for the following Letter, just received from an ingenious Correspondent; who considers the Manner in which our civil Liberties must be violated, by this Scheme of an American Episcopate. As his Reasoning appears to be clear and demonstrative, I shall be much obliged to him for the Continuance of his Correspondence.

To the Author of the CENTINEL.

SIR,

AT a Time when the Liberties of America are at Stake; when Claims are set up destructive of our Rights as free-born Subjects, we cannot be too much on our Guard against any Measure, that has a Tendency to give Colour or Strength to those Claims: Nor ought we to give it the less Opposition, because it may have been undertaken with a different Design.

In this Light I view the Application for an American Episcopate, lately made, by some of the Missionaries from the Society for propagating the Gospel. I would fain acquit the Applicants of any Intention to infringe the civil Rights of the Colonists; and yet I am clearly of Opinion the Application has a direct Tendency to this, and therefore ought to be opposed.

I shall not enter on any Disputes about *uninterrupted Succession*, *the Divine Right of Episcopacy*, &c.[12] These are Subjects to which I am altogether a Stranger. I apprehend Christianity can well consist with the Enjoyment of civil Liberty; and that a man may worship God and be "accepted with him"[13] without becoming a Slave, or parting with the Rights of a British Subject.

It is not more lamentable, than true, that the Clergy of all Denominations, and in every Age, have discovered a Fondness for Power, and have seldom been scrupulous about the means of procuring it: nor have they used it with Moderation when obtained. This might be improved as an Argument against every Attempt they may make to encrease their Power. But waving this, I shall at Present consider the Subject in another View, and endeavour to shew that the Application of Dr. Chandler and his Brethren, is in itself a dangerous Attack upon the civil Liberties of this Country. If this can be made evident, I hope the Missionaries will not only decline every Attempt of the like Nature for the future, but that they will, from a Regard to the Liberties of the Colonies, unite with their Fellow-subjects in opposing any Steps that may be taken, in Consequence of the Application already made; and that the Doctor will admit, that the Opposition, neither arises from a Spirit of Persecution, nor from Disaffection to Monarchy.

It is well known, that the far greater Part of those who first settled the Northern Colonies, left their native Country, and took Shelter in the Wilds of America, in

order to be free from the Persecution of Ecclesiastical Rulers, and to enjoy the Liberty of worshipping God in a Way agreeable to their Consciences. * Although they disclaimed the Jurisdiction of Ecclesiastical Courts,[14] they retained their Allegiance to the King, and claimed the Protection of the British Crown. In Conformity therefore to the Principles of the British Constitution, to which they strictly adhered, they accepted from the Crown a Grant for the Lands they settled, and Charters declarative of their Rights and Privileges.

In Consequence of these Grants, both they and their Posterity ever since, as free-born Subjects, have always claimed, and do still claim, not only *the sole Right of disposing of their Property*, but also *of making*, *with the Consent of the Crown*, *such Laws and Regulations*, *as they think most convenient*, *for their internal Police and Government*.

Without the full Enjoyment of these Rights, it is impossible for them to preserve the least Shadow either of *Liberty* or *Property*. For what *Property* can any Man

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* "*It must be acknowledged*, *that it was the* unhappiness *of New-England and the adjoining Parts*, *to be first planted and inhabited by Persons who were generally disaffected to the Church by Law established in England*; *and many of them had taken Refuge in those Parts*, *on Account of their Sufferings for Non Conformity here at Home*."— Account of the Foundation, Success, &c. of the Society for propagating the Gospel. *Anno* 1706; *Page* 10.[15]

That it was their unhappiness thus to suffer is plain enough—but that it was the unhappiness of the Northern Colonies to be settled by conscientious Non-Conformists *is not so clear*.

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have in that which another can by Right take and dispose of as he pleases? ‖ Or what *Liberty* has he, whose Conduct must be regulated by the Pleasure of another? A Government without the Consent of the Governed, is with me, the very Definition of Slavery.

It is readily granted that the Colonies are dependent States, united under one Head; and with the other British Dominions, form one entire Empire. It is also admitted, that the Parliament of Great-Britain, as the supreme legislative Power, has a superintending Authority to regulate and preserve the Connection between the several Parts and Members of the Empire. But this does not imply, either a Power of disposing of the Property of the Subjects in the several inferior legislative Jurisdictions; nor of making Laws, for their internal Government. Both of these, by the Constitution and Charters of the several Colonies, are lodged, where Nature and Reason and Justice point out that they ought to be lodged; with the Representatives of the People.

Sufficient Caution is taken that this Power may not be abused. The Laws in the Colonies must be made "as near as conveniently can be, agreeable to the Laws and Statutes and Rights of the Kingdom of England:" ‡ They must receive the Sanction of

the Governor, or the King's Representative: And even after that, a Power is reserved to the Crown of repealing, within a limited Time, any Law that may be enacted.

Every Application * therefore, to any other than the Legislatures of the respective Colonies, for Laws or Regulations relative to our internal Police, I consider as an Attack upon the Liberty of the Colonies. The Regulating of Church-Discipline, and establishing particular Forms of Religion is certainly a Matter of internal Police. If the Parliament, or any other Power upon Earth, may establish in the Colonies any Form of Religion, or the Heirarchy they please, they can grant to the Members of that establishment what Immunities and Exemptions they see fit and inflict Penalties upon such as do not conform. If they may, without the Consent of the Colonies, establish Bishopricks and Bishops among us, they may appoint Revenues for their Support, erect Spiritual Courts, and enforce Obedience to the Authority and Jurisdiction of those Courts. And if the People must yeild Obedience to such Laws and Establishments made not only without, but against their Consent, I would gladly know wherein their Liberty can consist.

In vain did our Ancestors leave their Native Land, and fly into the Wilderness to avoid Spiritual Tyranny, if those who established it in England, can extend it to America. In short, if the Parliament is to interfere, and regulate one Part of our internal Police, why not every Part? If they among whom we have no Representatives; who from the Distance between them and us, must be unacquainted with our Condition, Circumstances, &c. they in whose Election we have no Choice, over whose Conduct we have no Check, as the Laws they make for us, will not affect them; if our Superiors in Britain, can bind on us religious Establishments, and rule us by Laws made at the Distance of Three Thousand Miles, we may boast of our Liberty, as we please, but it is no more, than

"The baseless Fabrick of a Vision." †

I am, Sir,

Yours, &c. A.B.

‖ *See* Lock *on Government*.[16]

‡ *The Words of the Charter from K. Charles* 2*d. to W. Penn*.[17]

* *Dr. Chandler, in his Appeal, tells us,* "*Application has been made to* our Superiors;" *and in sundry Places he calls upon the* "Nation" *to establish Episcopacy in America. Who these Superiors are, he does not Explain: but by the Nation he must Mean the Parliament; for the Nation has no Mode of Acting, but by its Representatives in Parliament*.[18]

† *Shakespear*.[19]

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[1] Rohrer, *Folly of Revolution*, 105–06.

[2] Nybakken, *The Centinel*, 19–26.

[3] Two additional numbers appeared under the "Centinel" name in the *PJ*, Nov. 24 and Dec. 8, but they are different enough from the others in quality and tone that they cannot be considered the work of the

original authors. For other reprintings of the "Centinel" letters and commentary, see Hooker, "John Dickinson on Church and State"; and Nybakken, *The Centinel*.

[4] See correspondence between JD and Presbyterian minister Samuel Miller in PPL and the Princeton University Library.

[5] *PJ*, from Sept. 8 through Dec. 29, 1768.

[6] Nybakken, *The Centinel*, 16; *PJ*, from Oct. 6 through Nov. 3, 1768.

[7] *PG*, Dec. 8, 1768.

[8] Thomas Bradbury Chandler to Daniel Burton, June 24, 1768 (LOC Transcripts, Correspondence of the Society for the Propagation of the Gospel in Foreign Parts, ser. B, vol. 24, no. 94), cited in Hooker, "John Dickinson on Church and State," 83; cited as no. 95 in Nybakken, *The Centinel*, 19.

[9] Z. [William Livingston?], "A Kick for the Whipper. No. III. By Sir Isaac Foot," *The New-York Gazette; or, the Weekly Post-Boy*, June 6, 1768.

[10] Chandler to Samuel Johnson, July 7, 1768, in *Samuel Johnson, President of King's College, His Career and Writings*, ed. Herbert Schneider and Carol Schneider, 4 vols. (New York: Columbia University Press, 1929), 1:444.

[11] Thomas Bradbury Chandler.

[12] Proponents of apostolic succession, including the Anglican, Roman Catholic, Eastern Orthodox, Oriental Orthodox, and select Lutheran churches, maintain that the authority to perform certain sacramental functions (notably ordination and confirmation in the Anglican context) is reserved to bishops ordained in an unbroken succession by the laying on of hands dating back to the Apostles and modeled in Acts 1:16–26.

[13] Acts 10:35.

[14] Ecclesiastical courts: "A system of courts in England, held by authority of the sovereign, and having jurisdiction over matters pertaining to the religion and ritual of the established church, and the rights, duties, and discipline of ecclesiastical persons as such" (*BLD*).

[15] *An Account of the Society for Propagating the Gospel in Foreign Parts, Established by the Royal Charter of King Willian III* . . . (London: J. Downing, 1706), 10.

[16] Paraphrase of Locke, bk. II, c. 11 §140. See also doc. 4:32, n. 18, above.

[17] "The Charter of Charles the Second . . . Unto William Penn," in *Collection of Charters*, 3.

[18] Chandler, *Appeal*, 1, 58, 61–63, 74–75, 96, 114.

[19] Shakespeare, *The Tempest*, 4.1.168.

76
"Extract of a Letter from a Gentleman in Virginia," *The Pennsylvania Gazette*, April 28, 1768

Extract of a Letter from a Gentleman in Virginia, *dated April* 3.

"We are anxiously expecting here, that some Resolves of Frugality and Industry will be entered into by the Merchants of Philadelphia. The Influence of so large a Place will be extensive, and the lesser Towns will be ambitious to follow the Example. We look upon feeling Arguments as sometimes very powerful. Such prudent Resolves will make them feel at Home, and exert themselves in our Favour. We admire the FARMER, and flatter ourselves, your City and Province will act worthy so great an Honour, by, your spirited Conduct."

77
An American Mariner [John Macpherson, Sr.], A Poem on the Farmer, *The Pennsylvania Gazette*, April 28, 1768

Messieurs HALL and SELLERS,

The FARMER*'s Letters discover such a thorough Knowledge of the* British *Constitution*, *and such patriotic Principles in the Author*, *as justly entitle him to the Tribute of Thanks*, *as well as the sincere Esteem*, *of every one who loves Liberty*, *and abhors Oppression*. *These Considerations have induced me to beg you will give the following Lines a Place in your* Gazette. *The latter Part of them is addressed to my Countrymen*, *who are now upon the Brink of Ruin*, *but who*, *I hope*, *will yet*, *by a lawful Exertion of their Power*, *be able to frustrate the Designs of those*, *who are Enemies to the* British *Constitution in general*, *and the distressed* Americans *in particular*. *Your humble Servant*,

AN AMERICAN MARINER.[1]

HAIL worthy FARMER! LIBERTY'S best Friend!
Sure, unborn Millions will thy Works commend.
Thus will they say, when thou art in thy Grave,
"The FARMER'S Aims were noble, loyal, brave,
"Much he deserv'd, who strove his native Land to SAVE *.

Rouse, rouse, my Countrymen, the FARMER view,
Who labours for your dear sweet Babes, and you;
He, watchful Guardian, well defends our Cause,
Points out our Duty, and explains our Laws,
He proves himself sufficient for the Task,
While crafty *Greenville*'s Acts[2] he does unmask.
He sees the Chains forg'd for your Infant Race,
If ever these despotic Acts take Place.
They are but Preludes, which to Ruin tend,
THEN ROUSE IN TIME, and your JUST RIGHTS DEFEND.
May Heav'n direct you how to find the Means,
To keep from dire Confusion's mournful Scenes.

Should the *Britannia*,[3] by a dreadful Blast,
And want of faithful Pilots, lose a Mast;
She may be wreck'd upon a foreign Shore,
And ne'er in Triumph plough the Ocean more.
Great GOD forbid that such her Fate should be,
We love *Britania*—BUT WE WILL BE FREE.

* *See the Address from the City of* Boston, *to the Author of the* Farmer's Letters.[4]

[1] Capt. John Macpherson, Sr. (MacPherson, McPherson; 1726–1792), was a privateer, inventor, and well-to-do resident of Philadelphia at his mansion, Mount Pleasant. His son, John Macpherson, Jr. (MacPherson, McPherson; 1754–1775), was indentured to JD as a legal apprentice. The elder Macpherson's sentiments towards JD changed after he suspected JD had colluded with his wife to have him declared insane and imprisoned for more than one hundred days in an outbuilding on his property. See docs. 4:189, 4:212, and 4:213, below.

[2] Macpherson seems either to confuse Grenville with Townshend or to imply that Grenville, although unofficially, was the true originator of the Townshend Acts. Richard Henry Lee also attributes the acts to Grenville (doc. 4:210, below). JD himself credits the Townshend Acts to Grenville in "Letter VII" of the *Farmer's Letters*, writing, "Now I do verily believe, that the late act of parliament, imposing duties on paper, &c. was formed by Mr. *Greenville*, and his party" (doc. 4:32, above); "Letter VIII," in which he attributes the passing of the Revenue Act of 1767 to "the ingenuity of Mr. *Greenville* and his party" (doc. 4:33, above); and in an April 11, 1768, letter to James Otis in which he calls the Virginia resolves denouncing the Townshend Acts "A Second Defeat of Greenvillian Art and Malice" (doc. 4:63, above).

[3] The personification of Britain as a woman, she shares her attributes of a helmet, spear (or trident), and shield with the Greek Athena and Roman Minerva.

[4] Doc. 4:52, above.

78
A.B. [JD], "The Centinel. No. VII," *The Pennsylvania Journal*, May 5, 1768

The CENTINEL. No. VII.
To the Author of the CENTINEL.

SIR,

I HAVE already endeavoured to shew from the principles of Liberty, that the British Parliament ought not to interfere in the civil Police of the Colonies; and that any Application to that august Body, directly or indirectly, to make Laws for us, or to establish among us any Form of Church-Discipline, deserves to be treated as an Attack upon our civil Liberties. I shall further evince this, from the Sentiments of those who gave, and the Conduct of those who received, the several provincial Charters: This will tend not only to enforce the Arguments already advanced, but to give a clearer View of our Constitution, by tracing it back to its first Principles. *

Before I proceed, it may not be amiss to offer a few Reflections on the Nature of Charters.

I have heard it advanced by Men, who ought to know better, that the People derive their Rights and Liberties from the Charters granted by the Crown. Nothing can be more groundless than this. A People derive their Liberty from God, the Author of their Being. § When for the Sake of Security and other Advantages they enter into Society, and form Governments, individuals part with some of their natural Rights, freely giving up such as are inconsistent with Government, and invest their chief Magistrates with such Power as is deemed necessary for the Defence, Protection,

and Security of the whole. Hence it appears, that Obedience and Protection are relative Terms: where the one is not granted, the other is not due.

It is to be observed, that different Nations, according to the Degree of Strength, Valour, Understanding, and public Virtue, or Vigor of Spirit, that prevailed in them, have surrendered more or less of their natural Rights. But as Power is of an encroaching Nature; ever on the Watch to extend its Sway; and ever tenacious of what it has obtained; hence it comes to pass, that the wisest and best Nations, those endowed with the greatest Degree of Ability, Bravery, and public Spirit, have often found it difficult to guard against the Encroachments of their Rulers, and to defend their Liberty against the Attacks of wicked Princes.

Our Ancestors, whether we trace our Origin from the ancient Britons, Picts, Scots, Saxons or Angles, preserved an unconquerable Love of Liberty. Though they paid a ready Obedience to Government, and revered the just Authority of their Kings, yet they kept the legislative Power in their own Hands; and obliged their Princes to swear, "that they would hold, keep and defend the just Laws and Customs, *quas vulgus elegerit*", (which the People should choose) † . But as some of their Kings, influenced by wicked designing Ministers, endeavoured to subvert the Liberties of the People, and to establish arbitrary Government, it became necessary to reduce them to Reason, and to ascertain the Limits of their Power. This gave Rise to Charters; which are no more than solemn Declarations of the Rights inherent in the People, and the Privileges they are intituled to under that Government to which they are Subject; and which being granted, or in other Words acknowledged, and subscribed by the King, or supreme Magistrate, bound his Power, and limit his Prerogative. Of this Nature is that commonly called *Magna-Charta*; the great Charter of England; which is only an Abridgement of the ancient Laws and Customs of the Realm. Of the same Nature is the Petition of Rights,[1] granted by King Charles the first, and confirmed at the Revolution.[2] Charters therefore, are not to be considered as mere Matters of Favour, conferred by the Grace of the Prince, but Declarations of the Rights and Privileges inherent in the People.

Thus at the Settlement of a Colony far distant from the Mother-Country, when the King grants a Charter to the Colonists, with Power to make Laws for their good Government, it is not to be supposed, that they derive that Power from the Charter. It was inherent in them as Freemen. They enjoyed it before in their native Country. They carried it with them. And when settled in the new Country might have exercised it, though no Charter had been granted. ‡ It was prudent indeed to receive a Charter, in order to settle their Rights, to direct the Mode of exercising their Privileges, & to ascertain the Bounds of Royal Prerogative with Regard to them, and the Authority of the Crown to which they acknowledged Allegiance.

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* "*I wish the Maxim of* Machiavel *was followed*; *that of examining a Constitution at certain Periods*, *according to its first Principles*; *this would correct Abuses and Supply Defects*."[3]
Lord *Cambden*'s *Speech*. &c.[4]

§ *Ab eo Libertas, a quo Spirites*. "*We are born free, as we are born rational*; *Age that brings one, brings the other too*." Locke *on Govt*. 61.[5] *Again*, "*voluntary Agreement gives political Power to Governors, for the Benefit of the Subjects, and secures them in the Possession and Use of their Properties*." Ibid 173.[6]

† *See the* Coronation Oath.[7]

‡ *Thus the former Colony of* Plymouth *in New-England, acted for many Years without Charter or Commission.— See* Hutchinson's *History of Massachusetts*.[8]

For my own Part, I am sorry the Charters which have been granted are not explicit enough. It is indeed to be lamented, that the Prerogative of the Crown, or the Privileges of the People should ever be liable to Dispute, in any single Branch of either. By means of this, the Public has often suffered great Inconveniences. Had the Rights of the People been fully and clearly expressed in these Charters, according to the Spirit of the English Constitution, and the Ideas that even then prevailed in the Minds of People, it might have prevented Claims that have lately been set up, and Disputes that threaten the Peace of the Empire. Lesser Matters in Government may be reformed without any ill Effects, while the ancient Constitution remains entire; but when the very Nature of the Government is attempted to be changed, and the Foundations of it to be overturned, it is hard to say, what may be the Consequence.

It is a first Principle in the Constitution of England, that the Happiness of the Subject is the End of Government, and that the Safety of the People is the supreme Law. As then the People are supposed to be the best Judges of what will promote their own good, and most interested in what concerns their own Safety, it is an established Maxim, that no human Laws, can, or ought to bind them, unless made with their consent. This is the glorious Privilege of Britons; a Privilege of the most inestimable Value; so essential to Liberty, that without it, a State can make no Pretensions to Freedom.

Whatever Reason there might be for granting particular Indulgences to those who with great Danger, Fatigue and Expence undertook to settle Colonies in the Wilds of America, and thereby to extend the British Dominions, and encrease the Power, Wealth and Influence both of the Crown, and Inhabitants of Britain, yet surely there could not be the least Shadow of Reason for depriving them of the Privileges of the British Constitution. Had there been the most distant Prospect of this, it is not to be imagined, that Freemen, much less Men of Rank & Fortune, such as many of the first Adventurers were, would ever have hazarded the Attempt. Far different were their Views. In going abroad to settle Colonies, they considered themselves intituled to all the civil Rights and Liberties of British Subjects, at the same Time that they were freed from the Oppressions of Ecclesiastical Courts, as well as from some particular Customs, Tenures[9] and Usages,[10] which by the Common and Statute Law, were confined to certain Districts in England.

Thus in every Charter granted to the Colonies, the Rights of English free-born

Subjects, are confirmed to the Colonists; and in particular a Power of making Laws for their internal Government. It is indeed provided, that the Laws so made shall not be repugnant to the Laws of England: a Provision founded on Wisdom and good Policy. For a Simularity of Manners and Customs is a great Bond of Union among Subjects of the same King. In some Charters, particularly those granted to People who left their native Country from religious Motives, a Liberty of Conscience in the Worship of God, is allowed to all Christians, except Roman Catholicks. ¶ The only Stipulation in Favour of any particular Denomination, is that found in the Charter granted to *William Penn*;[11] which provides, that "If any of the Inhabitants of said Province *(Pennsylvania)* to the Number of Twenty, shall at any Time hereafter be desirous, and shall by any Writing or by any Person deputed by them, signify such their Desire to the Bishop of London for the Time being, that any Preacher or Preachers to be approved of by the said Bishop, may be sent unto them for their Instruction; then such Preacher or Preachers shall and may reside within the said Province, without any Denial or Molestation whatsoever."[12] But even this supposes in the People here, a Power of establishing by Law any particular Church or Denomination of Christians they see proper; and the utmost this Reserve can be construed to mean, is no more than this, that in Case of an Establishment, the Preachers above-mentioned shall be *tollerated*. §

Thus were the Colonists left to the Enjoyment of the Rights and Liberties of British Subjects, and their Power of making Laws for their internal Police acknowledged

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¶ *See the Charters of* Massachusetts Bay, Connecticut, Rhode-Island, *&c*.[13]

§ *King Charles and his Council saw that* William Penn, *a Person of Note among the Quakers*, *had asked a Grant of Land in North-America*, *with Powers of Government*, *as an Asylum for his Sect*, *then grievously harrassed and persecuted for Non-Conformity to the established Religion*. *They observed*, *that Laws destructive of Liberty of Conscience*, *had been made in the Colonies already settled*, even by those who had fled from the like Tyranny themselves; *and they might easily suppose that the Quakers would in like Circumstances*, *act the same Part*; *they therefore took care to secure to such few Episcopalians*, *as might take up their Residence in this Quaker Settlement*, *full Liberty of Conscience*. *To the Honour of the Friends*, *it ought however to be mentioned*, *that the Precaution was altogether needless*; *for the Charter of Privileges from* William Penn *to the People establishes unalterably an entire Liberty in religious Matters*; *declaring that no one shall ever* "*be compelled to frequent*, *or maintain any religious Worship*, *&c*. *against his Mind*."[14]

N.B. *This is also established by* Act of Assembly.[15]

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and confirmed. Accordingly no sooner were they settled in this new Country, than they exercised this Power in its full Extent; particularly in Relation to Church-Government and religious Establishments. ‡

The Conclusions therefore, which I would draw from the Premises are these;

that the making of Laws for internal Police, is essential to Liberty; that this Power is, by the respective Charters, confirmed to the Legislatures of the several Colonies, and has been accordingly exercised by them; and that the regulating or establishing of religious Denominations, is a Part of that internal Police: for any Persons therefore, to apply to any other than the Legislatures of the Colonies to which they belong, for an Establishment, or other public Support or Preferrence of their Sect, is very derogatory of the Authority of those Legislatures; injurious to the Rights and Liberties of Americans; and subversive of the Constitution of their Country.— "There is a Way which seemeth Right unto a Man, but the End thereof are the Ways of Death."— *Prov*, xiv. 12.

I am, Sir,
Yours, &c.

A.B.

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‡ *As in*, Virginia, Maryland, *&c. where the Episcopal Clergy are supported by public Taxes*; *and as in* Massachusetts Bay, Connecticut *and* New-Hampshire, *where the Congregational and Presbyterian Ministers are maintained by legal Assessments*, *to which however neither Baptists*, *Quakers*, *nor Episcopalians are contributory*.—[16] *The Church of Ireland*[17] *derives her Establishment*, *Articles*, *Forms*, *&c. wholly from Irish Acts of Parliament*; *no Arch-Bishop or Bishop of the Church of England has any Jurisdiction over her*; *and in some lesser Matters*, *she differs from her sister Church*.

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[1] That is, the Petition of Right of 1628. See doc. 4:58, n. 11, above.

[2] That is, the Bill of Rights of 1689, enacted following the Glorious Revolution. See doc. 4:58, n. 12.

[3] JD cited the same maxim, from Machiavelli, *Discourses on Livy*, bk. III, c. 1, in "Letter XI" of the *Farmer's Letters*. See doc 4:39, above.

[4] Reprinted in the *PC*, Dec. 21–28, 1767. See doc. 4:32, n. 21, above.

[5] Locke, bk. II, c. 6 §61.

[6] Ibid., c. 15 §173.

[7] In the 1640s, there was extensive debate on the meaning of the coronation oath and whether to translate this phrase as "which the people *have chosen*" or "which the people *shall choose*." The latter suggests that the prince is bound to agree to any future laws the people will propose. Thus interpreted, the coronation oath was understood as a protector of the subject's liberties, and holding the king to it was a form of non-violent resistance. However, the coronation oath adopted following the Glorious Revolution did not contain this phrase. JD likely drew on the work of Algernon Sidney when drafting this passage. See Glenn Burgess, *Absolute Monarchy and the Stuart Constitution* (New Haven, Conn.: Yale University Press, 1996), 145–46, 145 n. 78; 1 W. & M., sess. 1, c. 6 (1689): "An Act for Establishing the Coronation Oath" (9 *SAL* 3–5); and Sidney, *Discourses Concerning Government* (London, 1698), 410.

[8] Thomas Hutchinson, *The History of the Colony of Massachusetts-Bay* (Boston: T. and J. Fleet, 1764), 343–45. Thomas Hutchinson (1711–1780) was a Massachusetts politician and historian who, at this time, was serving as lieutenant governor of Massachusetts. He subsequently served as royal governor of Massachusetts from 1771 to 1774.

[9] Tenure: "The mode or system of holding lands or tenements in subordination to some superior, which, in the feudal ages, was the leading characteristic of real property" (*BLD*).

[10] Usage: "[A] reasonable and lawful public custom concerning transactions of the same nature as

those which are to be effected thereby, existing at the place where the obligation is to be performed, and either known to the parties, or so well established, general, and uniform that they must be presumed to have acted with reference thereto" (*BLD*).

[11] William Penn (1644–1718) was an English aristocrat, Quaker, and the founder of Pennsylvania.

[12] *Collection of Charters*, 9.

[13] That is, the Massachusetts Charter of 1691, the Connecticut Charter of 1662, and the Rhode Island Charter of 1663. See *The Charter Granted by Their Majesties King William and Queen Mary, to the Inhabitants of the Province of the Massachusetts-Bay in New-England* (Boston: B. Green and J. Allen, 1699); *The Charter Granted by His Majesty King Charles II. to the Governour & Company of the English Colony of Connecticut in New-England in America* (New London, Conn.: T. Green, 1718); and *The Charter Granted by His Majesty King Charles the Second, to the Colony of Rhode-Island and Providence-Plantations in America* (Boston: J. Allen, 1719).

[14] *Collection of Charters*, 43.

[15] "The Law Concerning Liberty of Conscience," passed Jan. 12, 1706. See 2 *SALP* 171.

[16] See doc. 4:73, n. 2, above. See also William G. McLoughlin, *New England Dissent, 1630–1833: The Baptists and the Separation of Church and State*, 2 vols. (Cambridge, Mass.: Harvard University Press, 1971), 1:421–39.

[17] That is, the established state church of Ireland, led by the archbishop of Armagh and the archbishop of Dublin. The Church of Ireland subscribes to the Anglican Thirty-nine Articles of Religion. See doc. 4:105, n. 13, below.

79

N.N. [Benjamin Franklin], "The British Editor to the Reader," in *Letters from a Farmer in Pennsylvania . . .* (London: John Almon, [c. May–June] 1768)

While Benjamin Franklin was in London as an agent of the Pennsylvania Assembly from 1764 to 1775, he encouraged publication of the *Farmer's Letters* in Great Britain and wrote this preface. At first, some suspected he was the author of the *Letters*.[1] Franklin's cautious tone is indicative of his moderate public stance, yet he wrote many pieces in London before the Revolution to explain and support the American cause. Privately he acknowledged that the *Letters* "have been universally read in the Colonies, and have had a prodigious Effect in spiriting the People up against the late Duties."[2] JD reproduced this preface, with minor changes, in his 1801 *Political Writings*.[3]

THE
BRITISH EDITOR
TO THE
READER.

WHEN I consider our fellow-subjects in *America* as *rational creatures*, I cannot but wonder, that during the present wide difference of sentiments in the two countries, concerning the power of parliament in laying taxes and duties on *America*, no application has been made to their *understandings*, no able and learned pen among us has been employed in *convincing* them that they are in the wrong; proving clearly, that by the established law of nations, or by the terms of

their original constitution, they are taxable by our parliament, *though they have no representative in it*.

On the contrary, whenever there is any news of discontent in *America*, the cry is, "Send over an army or a fleet, and reduce the dogs to *reason*."

It is said of choleric people,[4] that with them there is *but a word*, *and a blow*.

I hope *Britain* is not so choleric, and will never be so angry with her colonies as to *strike* them: But that if she should ever think it *may be* necessary, she will at least let the *word* go before the *blow*, and reason with them.

To do this clearly, and with the most probability of success, by removing their *prejudices*, and rectifying their *misapprehensions* (if they are such) it will be necessary to learn what those prejudices and misapprehensions are; and before we can either refute or admit their reasons or arguments, we should certainly know them.

It is to that end I have handed the following letters (lately published in *America*) to the press here. They were occasioned by the act made (since the repeal of the Stamp-act) for raising a revenue in *America* by duties on glass, paper, *&c.*

The Author is a gentleman of repute in that country for his knowledge of its affairs, and, it is said, speaks the *general sentiments* of the inhabitants. How far those sentiments are right or wrong, I do not pretend at present to judge. I wish to see first, what can be said on the other side of the question. I hope this publication will produce a *full answer*, if we can make one. If it does, this publication will have had its use. No offence to government is intended by it; and it is hoped none will be taken. N.N.

London, *May* 8,
1768.

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[1] Benjamin Franklin to William Franklin, March 13, 1768, *PBF*, 15:74–78, at 75. See also Benjamin Franklin to Jean-Baptiste LeRoy, Jan. 31, 1769, *PBF*, 16:33–34, at 33.

[2] Benjamin Franklin to Jean-Baptiste LeRoy, Sept. 21, 1768, *PBF*, 15:205–06, at 206.

[3] *PWJD*, 1:135–36.

[4] An excess of choler, one of the four bodily humors, was believed to produce cantankerousness.

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A.B. [JD] and Anonymous [Francis Alison*?*], "The Centinel. No. VIII," *The Pennsylvania Journal*, May 12, 1768

This letter includes a postscript focused on the position and claims of the Church of England in the American colonies, as well as detailed notes on church history and the nature of the primitive episcopacy. Francis Alison's knowledge of these subjects makes him a likely co-author.

The CENTINEL. N^{o} VIII.

My Kingdom is not of this World. St. John's Gospel, xvii. 36.[1]

To the Author of the CENTINEL.

SIR,

MY View in these Letters is not to combat any religious Denomination, nor to oppugn the theological Opinions of any Man or set of Men, but to defend the Liberties of my Country. Had any other Society of Christians applied in the same Manner for an Establishment, I should have thought it my Duty to object to it, and as far as my Influence could extend, to oppose the Design. Bishop, Priest, Presbyter or Pastor have no Magic in them to justify with me, any Attempt prejudicial to public Liberty.

It is very unfortunate that any Dispute should be raised in America, at a crisis, when union of Sentiment and Design, seem essentially necessary for preserving our civil Rights. ‡ A ship's Crew quarrelling in a Storm, or when an Enemy is within Gun-shot, does not argue a greater Degree of Infatuation. For what Purpose, or with what View it is started at this critical Time, I do not willingly allow myself even to conjecture. For the Sake of their Country, their Posterity, and themselves, I hope the Friends and Lovers of America, will consider themselves no further concerned in this Dispute, than as it relates to civil Liberty.

For the Debate, as I view it, is not concerning a Bishop, nor concerning episcopal Discipline; but about the Manner of introducing the Bishop, and establishing that Discipline in America.

It is evident from sundry Parts of the *Appeal*,[2] that Application has been made to our Superiors in Britain to procure an Act of Parliament to establish Episcopacy in the Colonies. § But it must be allowed, that whether the present Attempt "for establishing an American Episcopate," was begun by some of the Missionaries, or set on Foot by the Society for propagating the Gospel, who, as Dr. Chandler says, (page 53) "have *ever been watching* for seasonable Opportunities of exerting themselves to obtain it," they could have not hit upon a Time more unfavourable to American Freedom. However I hope the Friends of the Colonies, whether of the Episcopal, or any other Church, will unite in opposing an Attempt, which is in itself an open acknowledgement of the Claims which the Enemies of America have lately set up, and which are totally subversive of our Rights and Liberties.

Suppose the Application had been made to the Parliament of Ireland, or to the Legislature of Virginia, to establish Episcopacy in New-England, in what Light would it have appeared. Or suppose Scotland were at this Day a seperate Kingdom, and the Presbyterians of Pennsylvania and Maryland should apply to the Legislature of that Kingdom, to establish the Kirk of Scotland and her Discipline in America, how would the Application be resented?

The British Empire consists of several Provinces united in Allegiance to one Prince. The Legislative Power of and for each Province, consists of the King or his Representative, with the Deputies of the People in that Province. Tho' Great-Britain is now united in one Legislative Body or Parliament, it was, not many Ages

since, divided into several Districts, with distinct Legislatures in each. At that Time it was not pretended, that the Laws of one, bound the Subjects in another Province. Each, with the Consent of the Sovereign, or his Representative, enjoyed the Right of Legislation for itself. Britain, since its Union into one Legislative Body, has acquired greater *Power*; but whether it has thereby acquired a *Right* to make Laws to bind the other Parts of the Empire, remains to be proved. There is certainly a Difference between *Power* and *Right*; nor does the one follow as a Consequence of the other. For if Power gave Right, then would the strongest have a Right to whatever he pleased to seize on: and "the High-way Man would have a Right to my Purse, who demands it with a Pistol at my Breast. * "

But why shall not the Episcopalians be upon an equal footing with their Neighbours? § I answer; are they

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‡ *This Affair seems to have risen in the Time of the* Stamp-Act. *How some People love to fish in troubled Waters!*

§ *Appeal*. *Page* 52.— *We are told*, "*An Order was obtained from the Crown for* a Bill to be drawn and laid before the Parliament, for establishing an American Episcopate; *but when the Affair was in a fair Way of being speedily accomplished*, *the Death of Queen Anne*[3] *that excellent Princess*," *put a stop to it*. *And we are further informed that* "*in the Beginning of the next Reign*," (*George the first*)[4] "*the Attempt was renewed*, *and the Prospect of Success was most encouraging*; *but it proved abortive*." *The Archbishop of Canterbury*,[5] *and the Bishop of London*,[6] *had on this latter Occasion proposed*, *that part of the Lands in St*. *Christophers*, *which had belonged to the French Clergy*,[7] *should be applied to support two Bishops*; *one to be settled in the Islands*, *the other on the Continent of North-America*.— *Page* 80, *we are assured* "*no Reason has been given to suspect a Departure from the general Plan aimed at*." *Again*, *same Page*, *it appears that his Majesty is to fix the Places of Residence for the Bishops*.

* *Locke*.[8] § *See Appeal*, *Page* 42.

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not on an equal footing? Are they not permitted, as freely as any other Denomination, to form a "voluntary Society" ¶ for the public Worship of God, in the Way they think most agreeable to him.

"They have no Bishop to ordain the inferior Clergy, to govern the Church and confirm Adults." What hinders? Perhaps it may be said they cannot have a Bishop, unless sent from England, because the *Succession* must not be *interrupted*; and that he can not be sent from England, placed in a Diocese, and endowed with a Revenue according to his Rank, without the Appointment of his Majesty, as supreme Head of the Church, and without an Act of Parliament.

Before I answer to this, I should be glad to see the Edict by which Christ has enjoined the unbroken Succession of Bishops † . Next I would be glad to know how the Christian Church was supplied with Bishops for the first three Centuries, when there was no civil Power interposed to establish them. Whether a settled Revenue is

essential to a Bishop; or whether the Church of England in America (as it is called) is so peculiarly different from all other Christian Churches, that even under the fullest and freest State of religious Liberty, it can not enjoy the "Form of its Ecclesiastical Government and Discipline, without an Act of Parliament to establish it."

Religion and Government are certainly very different Things, instituted for different Ends; the Design of the one being to promote our temporal Happiness; the Design of the other to procure the Favour of God, and thereby the Salvation of our Souls. While these are kept distinct and apart, the Peace and Welfare of Society is preserved, and the Ends of both answered. But by mixing them together, Feuds, Animosities and Persecutions have been raised, which have deluged the World in Blood, and disgraced human Nature.

In the middle and eastern Governments of North-America, the Legislatures have, with great Wisdom, taken care to keep the Church distinct from the State.[9] They have made Laws to secure to the People in general and to each Member in particular, the full Enjoyment of their civil Rights, Interests, and Properties; and have armed the Magistrate with Power to enforce the Execution of these Laws. But at the same Time individuals are left at full Liberty to unite themselves into Societies ‡ for the public Worship of God, in such a Manner as they judge acceptable to him, and effectual to procure eternal Life and Happiness. This indeed may be disagreeable to those, who complain, that "Altars are set up against Altars, and Churches against Churches, and that those who are rejected by one, may be received by another;" ‖ but certainly Nothing can be more consistent with Reason and Religion, or more agreeable to the sincere Lovers of Liberty.

How long we shall enjoy the Happiness of this Constitution, if Establishments can be imposed on us without our consent, is very uncertain. Let us therefore with one Heart and with one Mind unite in Support of our common Rights, and resolve to "stand fast in the Liberty wherewith Christ hath made us free, and be not entangled with the Yoke of Bondage."[10]

I am, Sir,
Yours, &c.
A.B.

To what this spirited Correspondent has here said, I have added some Notes, to shew that if the Episcopalians in this Country are under any Difficulties, they arise from themselves; either because they have adopted some confined Notions concerning the Episcopal Character; or from an arbitrary and needless Association of State

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¶ *Ibidem*, *Page* 30. "*The Church considered with relation to Civil Power*, *is in the very Nature of it a voluntary Society*" *says Dr. Chandler*.

† Eutichius,[11] *elected Patriarch of Alexandria*, *A.D*. 933. *says*, "*That the twelve Presbyters constituted by* Mark[12] *in the See of Alexandria*, *chose one of their Number to be Head over the Rest*, *and the other Eleven laid their Hands on him*, *blessed him and made him*

Patriarch."—[13] Jerom,[14] *more ancient than he*, *relates*, *that* "*at Alexandria from* Mark *to* Heraclius[15] *and* Dionisius[16] *Bishops*, *the Priests always took one of their Number*, *whom they set in the highest Place and called him Bishop*."—[17] *Arch-Bishop* Cranmer,[18] *a great Name in the Church of England*, *in his Answers to Edward the* VI.[19] *says*, "*That tho*' *in the Admission of Bishops there be divers comely Solemnities used*, *yet they be not of Necessity*, *but only for good Order and seemly Fashion*; *his Ministrations are good without them*."—*Again*, "*He that is appointed a Bishop needeth no Consecration by Scripture*, *for Election and appointing thereunto is sufficient*." *See* Stillingfleet's Irenicum, *Cap*. viii.—[20] *No Protestant Church*, *save those of England and Ireland*, *makes any Account of this unbroken Succession of Bishops*.[21]

‡ *In some of the Colonies indeed*, *one religious Society is forbidden*, *not on Account of Religion*, *but on Account of certain political Principles*, *which are supposed to be inconsistent with the good of the State*. *How far the Fears which those Governments have conceived against that Society are well-founded*, *I will not undertake to say*. *In* Pennsylvania, *where it is tolerated*, *no inconveniences have arisen*.[22] *However*, *it is not to be denied*, *that the Magistrate has a Right to prohibit the propagating of Opinions or Doctrines*, *which are contrary to human Society*, *or to those moral Rules*, *which are necessary to the preservation of human Society*.

‖ *Dr.* C's Appeal.— *Page* 31.

Establishment with Church-Government in their Ideas of it; or lastly from an assuming Disposition, which prompts them to claim the Superiority over their Neighbours, who reject Episcopacy.

For if the same Priviledges, which other Denominations enjoy, would satisfy their Clergy, why did not the Episcopal Ministers of New-York and New-Jersey, instead of sending seven Petitions to England for Bishops,[23] proceed to chuse one of their Number to be their Superior, and voluntarily agree to be governed by him. Thus their Hierarchy might have been compleated, without lordly Revenue, state Appointment, or giving ground of Jealousy to others. The Moravian Bishops; who stand on this Footing, never gave any Umbrage.[24]

But a voluntary Episcopate, in the primitive Way, or as other Societies enjoy their Forms of Discipline, will not satisfy the Missionaries. *They* and their People are *the Church*, *the American Church*; as it were emphatically and exclusively; all others are Hereticks or Schismaticks. *They* are *the Church of England in America*; nay, *the national Church*, and of the national Religion; and must be raised upon the Depression of all other Churches, whose Members are already termed *Dissenters* † and roundly denied any natural Right to Civil or Military Offices § .

These extravagant Claims of some of the Missionaries, in behalf of about twenty five thousand of their People, dispersed among a Million or more of British Subjects, who are settled between Nova-Scotia and Maryland, are very alarming; especially as many of the Episcopal Laity are utterly averse to the invidious Scheme. But the Course they take to obtain what they seek for, by applying to England for

an Act of the State in their Favour, is most presumptuous, unconstitutional, and subversive of Liberty and Justice.

How these enterprizing Geniuses came to be authorised to transact for all British America, or at least for all the Episcopalians in it, does not appear. It is very remarkable, the Bustle about Bishops seems to be confined to Colonies generally settled by People averse to Prelacy,[25] in which "it would, (as Dr. Chandler himself confesses, Page 47) without Dispute be improper to have any:" whilst in Virginia, and Maryland, where a numerous Episcopal Clergy are provided for under Acts of Assembly, and where the Pleas of Usefulness and Necessity would have some Meaning, there is little said concerning them. Doubtless if the People of those Provinces, who are generally Friends to the Episcopal Church found it expedient to compleat their religious Establishments, they would pass Laws for the Purpose, and carefully ascertain and limit the Duties, Priviledges, and Authority of these spiritual Superiors; which from the peculiar Circumstances of the Colonies; from the Uncertainty of the Law on this Subject; but especially from the encroaching Disposition which this Order of Men has shewn in all Ages, would be absolutely necessary.

If the Propriety of establishing Diocesan Bishops in the Colonies was ever so apparent and the Right of Parliament to interfere in our internal Police ever so clear, yet the Colonists would scarce think it prudent to have an Affair so delicate, and so nearly connected with public Liberty, regulated in England. The People there, very remotely interested in the Consequences, would probably leave it to the Clergy themselves, to form the Plan; as seems to have been the Case, at the Close of Queen Anne's Reign, when the Design of *establishing an American Episcopate by Act of Parliament*, was on the Carpet before. But I hope we are not so infatuated as willingly to trust this momentous Affair to such interested Management. Let us then speak and act for ourselves, and be watchful that our Rights and Priviledges be not violated, under the specious Pretence of advancing the Interests of Religion.

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† *See* Appeal, *throughout*.

§ *Ibid*: *Page* 109.

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[1] This line is actually from John 18:36.

[2] Chandler, *Appeal*.

[3] Anne (1665–1714) reigned as queen of England, Scotland, and Ireland from 1702 until the Act of Union of 1707 (5 Ann., c. 8) and then as queen of Great Britain and Ireland until her death.

[4] George I (1660–1727), born Georg Ludwig of Hanover, ascended to the throne as Anne's closest living Protestant relative and reigned as king of Great Britain and Ireland from 1714 until his death.

[5] Most Rev. Thomas Tenison (1636–1715) served as archbishop of Canterbury from 1694 until his death. When the Society for the Propagation of the Gospel in Foreign Parts was chartered in 1701, he became its president.

[6] Rt. Rev. John Robinson (1650–1723) was consecrated as bishop of London in March 1714.

[7] That is, the island of St. Kitts. Prior to the War of Spanish Succession (1701–14), the island had been jointly occupied by British and French settlers.

[8] Paraphrase of Locke, bk. II, c. 16 §186.

[9] The degree to which church and state were separate varied among the colonies. Rhode Island had no established church or religious taxation, but voting and holding office were limited to Protestants. Massachusetts, New Hampshire, and Connecticut supported the Congregational establishment with public taxation, though some dissenting Protestants were exempt from contributing (see doc. 4:73, n. 2, above). These colonies also required officeholders to take anti-Catholic oaths. New Jersey and Pennsylvania had no established church or religious taxation but excluded Catholics from holding public office. The Lower Counties likewise had no religious establishment, and voting and holding office was limited to Christians, with Catholics excluded as representatives since 1734. New York established the Church of England in four of its counties, where it was supported by public taxation, and disenfranchised Catholics and Jews. See Ralph E. Pyle and James D. Davidson, "The Origins of Religious Stratification in Colonial America," *Journal for the Scientific Study of Religion* 42, no. 1 (2003): 57–76, at 66–68; *LPJA*, 2:32–36; and Thomas J. Curry, *The First Freedoms: Church and State in America to the Passage of the First Amendment* (New York: Oxford University Press, 1986), 62–72.

[10] Gal. 5:1.

[11] Eutychius (Sa'id ibn Batriq; 877–940) was the Melkite patriarch of Alexandria and one of the first Egyptian Christians to write in Arabic (*ODLA*).

[12] St. Mark the Evangelist, traditionally identified as the author of the Gospel of Mark, is also recognized as the founder of the episcopal see of Alexandria (*ODCC*).

[13] This passage, from Eutychius's chronicle *Nazm al-Jauhar*, was translated into Latin and published by the English jurist and biblical scholar John Selden (1584–1654) as *Eutychii Ægyptii, Patriarchæ Orthodoxorum Alexandrini* (London: R. Bishop, 1642), xxix–xxx.

[14] St. Jerome (Eusebius Sophronius Hieronymus; c. 347–419) was an early Christian priest and theologian best known for his Latin translation of the Bible known as the Vulgate (*ODLA*).

[15] St. Heraclas (died c. 247) was patriarch of Alexandria from c. 231 until his death (*ODLA*).

[16] St. Dionysius, "the Great" (died c. 265), was patriarch of Alexandria from 247 until his death (*ODLA*).

[17] Jerome, Epistle 146 §1.

[18] Most Rev. Thomas Cranmer (1489–1556), consecrated as archbishop of Canterbury in 1533, was aligned with the Reformed wing of the Church of England, which deemphasized apostolic succession.

[19] Edward VI (1537–1553) reigned as king of England and Ireland from 1547 until his death.

[20] Edward Stillingfleet, *Irenicum: A Weapon-Salve for the Churches Wounds, or the Divine Right of Particular Forms of Church-Government*, 2nd ed. (London: H. Mortlock, 1662), 391–92.

[21] The Scottish Episcopal Church and the Church of Sweden also maintained claims to apostolic succession. For Moravian claims to apostolic succession, see n. 24, below.

[22] The penal laws enforced against Catholics in Great Britain were also widely applied in the American colonies. Among the mainland British colonies, only Pennsylvania (including the Lower Counties) allowed Catholics to celebrate Mass publicly. Even there, however, Catholics had been prohibited from holding public office since 1689. See Robert Emmett Curran, *Papist Devils: Catholics in British America, 1574–1783* (Washington, D.C.: Catholic University of America Press, 2014), 195–200.

[23] Likely a reference to the 1765 petitions submitted to George III, the archbishops of Canterbury and York, the bishop of London, the Society for the Propagation of the Gospel, and Oxford and Cambridge universities. See Rohrer, *Folly of Revolution*, 92.

[24] According to Moravian tradition, in 1467, the first bishop of the Unitas Fratrum was chosen by lot and then consecrated by a Waldensian bishop named Stephen. In 1735, Rt. Rev. David Nitschmann (1696–1772), a missionary of the renewed church, was consecrated by Rt. Rev. Daniel Ernst Jablonski

(1660–1741), a surviving bishop of the Unitas Fratrum. See Craig Atwood, "The Use of the 'Ancient Unity' in the Historiography of the Moravian Church," *Journal of Moravian History* 13, no. 2 (2013): 109–57, at 115–17, 156–57.

[25] Prelacy: "The system of church government by prelates or bishops. . . . Frequently derogatory" (*OED*).

81
A Freeborn American [Charles Thomson], "To Messieurs Hall and Sellers," *The Pennsylvania Gazette*, May 12, 1768

In a continuation of the debate over nonimportation (see docs. 4:56 and 4:74, above), Charles Thomson draws on the Farmer's arguments to convince Philadelphia Quaker merchants to follow the example of Boston, New York, and other colonial ports in boycotting British goods. Still, they refused to join the boycott at that time, preferring to petition the king.[1]

To Messieurs HALL and SELLERS.

Lancaster County, *May* 5, 1768.

GENTLEMEN,

By inserting the inclosed into your useful paper, *you will oblige many of your country friends*, *particularly*, *your constant reader*,

PHILANDER.[2]

"A PEOPLE is travelling *fast* to *destruction*, when individuals consider *their* interests as *distinct* from those of the public: Such notions are *fatal* to their *country*, and to THEMSELVES: Yet many there are so *weak* and *sordid*, as to assist" (and to be *silent* in *such* a cause, is to *assist*) "those whose projects plainly tend to the ruin of the country in which they live."—[3] Such are the sentiments of the excellent *Farmer*, whose spirited writings deserve daily perusal, and whose service to his country demands the warmest thanks of every *American*.

It is a precept often inculcated in those patriotic letters—to *unite* in the cause of liberty, to exert ourselves IMMEDIATELY, *vigorously* and *unanimously*, in the most firm, but peaceable manner, for obtaining relief. It is frequently urged, and proved with all the evidence of demonstration—that the sacred cause of liberty should be espoused by *every man* on *every* occasion, to the *utmost* of his power;—that all DELAYS are *dangerous* and *injurious*;—that we are NOW in a situation *as bad* as in the time of the *Stamp-Act*;—that therefore all the prudent measures used *then* should be used *now*. If these things are *evident* and *interesting*; if these things are *important*, and *absolutely necessary*; if *childrens children*, "to the ending of the world,"[4] are most *deeply* concerned; if our *freedom* and *happiness* depend on our *prudence*, *unanimity* and *vigor*; if our vigilance and UNION are SUCCESS and *safety*; if our *negligence* and DIVISION are DISTRESS and *death*— What *monstrous* opinions! What contemptuous sentiments! What *despicable* thoughts must we form of those *prodigies* of meanness, who are *calm* spectators of their country's

ruin! who cannot call forth a *generous* resolution in their *stoic* souls; who under the powerful arguments of *honor*, *justice* and *truth*, are, notwithstanding, *unable* to extend a thought beyond the *narrow* bounds of *self*, and have such *sordid* dispositions, as to *triumph* in their dexterity to gain a few *farthings*, even with the *destruction* of their *country*, and the loss of their *own* liberty. Peace to all such! May they enjoy, in its *full extent*, the *satisfactory* thought of having *betrayed* their country! May they *always* find in their breasts a verdict of conscience suitable to such *uncommon merit!* But are there *any* warm'd with the love of *freedom*, and yet are too *timorous* to lead in her cause—are there any (capable of a generous thought, yet) *dazzled* with the *splendor* of so *sublime* a character as that of *a son of liberty*—do any shun the just applause of thousands through *a criminal modesty*—to such only I address myself; of such only would I choose to think; all others are to be ranked among the callous slaves of Turkey or Japan!— *servum pecus!*[5] a servile herd!

The *Farmer* has long since sounded the alarm; the *Monitor*[6] is now blowing the trumpet; many places have shaken off the shackles of indolence, and are rousing in their own defence; examples of public spirit are crowding in upon us; and yet—where is that vigorous exertion amongst us, so *long expected*, so *anxiously desired?* Are not our eyes and our ears *agreeably fatigued*, I may say, with the patriotic resolutions of the Eastern towns? And shall the *merchants* of *Philadelphia* fail in a testimony of *their* regard for their country! Shall one *immortal assembly*[7] stand *alone*, *unbefriended*, *unseconded*, in the glorious cause of liberty? And shall a *harmless petition*, a *prudent resolve*, be thought by another *too much* for her cause! Shall *one man*, by his writings, display all the horrors of slavery to his country, and yet shine out almost the *only monument* of its public spirit! Shall the prejudices of a *party* prevent *union* in a cause interesting to *all!* Shall the unhappy divisions of *one* province obstruct the welfare of *thousands!* Heaven forbid it! May the example of *Pennsylvania* never promote a like negligence in the other colonies!— *To you*, *ye respectable* MERCHANTS *and Citizens of Philadelphia!* to you do we, at this critical conjuncture, address ourselves (I speak in the name of the public) upon you are fixed the eyes of your customers, of your hearty well-wishers, of your *country*, and I may add, of GOD himself. Your influence is *great* and extensive. We *revere* you; we regard you as the *grand promoters of commerce*, fain would we esteem you as the *firm supporters of liberty*. Long, *very* long have we waited for *spirited resolutions* from *you*, for *your* encouragement of industry and frugality. We *entreat* you to consider *your* interests as *inseparably connected* with those of the public. We *urge* you to act in concert with *Boston* and *New-York*.[8] Do not *blast* their *noble attempts*. Why may *you not* follow their *glorious* example? Where is the *enormous sin*, the *mighty guilt* of assisting one's country! Is it not *noble* even to *fall* in a *great* attempt?— The spirit of liberty spreads from place to place; let not *your negligence stop* its progress. Kindle the *generous flame* in *your* breasts, and it will "run, and be

glorified."[9] Smaller towns will *ambitiously rise* "as *your* example fires." *Zeal* in a *good cause* has done *wonders!*—

"Nations will not *think* until they *feel*. A dry *remonstrance* has *little* force with those whose interests it *opposes*. They cannot *understand* such reasoning. But make it their *interest* to understand it, and *then*—rejected remonstrances become as *clear* as proofs of *holy writ*."[10] This, respectable gentlemen, you have in your power. Use it then, use it for the good of your country. Stop your importations, and at *home*, I had almost said,—*they starve*. *America* is their grand mart. Cease to *buy*, and you make them our *staunchest* friends. A *home-made* coat is not such a *terrible* thing! The *skin* of a *son of liberty* will not *feel* the *coarseness* of a *homespun shirt!* The *resolution* of a *Pennsylvanian* "should be made of *sterner stuff*"[11] than to be *frighted* at the bugbear—*fashion!* Let a *number* unite in a *determination* to wear our *own* manufactures, and I am bold to say they *cannot* be censured;—they will be *imitated*, they will be *admired*. But alas! some of us *in the country* surmise a more formidable reason than *the mighty*, *the monstrous evil* of being—out of fashion! We suspect some of you may say—shall I utter it!— "Perhaps—after all—we may—be disappointed, and—what shall we do with the goods now lying in our stores?" In the name of your injured country, how *dare* you *speak*, how dare you *think* in so *narrow*, so *contracted* a manner? *Is* there, *can there be for some years*, of our *own* manufactures *sufficient* to supply our wants? And shall we not be obliged so long to buy of *you!* Is a present and comparatively *small* advantage equal to the *scandal*, the *vexation*, the *enormous burden* of *slavery?* a never-ending, ever-growing slavery! Is not *competence* with *quietness* better than *abundance* with *oppression!* Is not a *handful* with *peace* better than a *houseful* with an *aking heart!* Are not the good wishes, the esteem of the living, the blessings of thousands yet unborn, and the approbation of the "judge of all the earth,"[12] matters *worthier* the desires of every reasonable man, than the precarious possession of a few pounds, of which the iron hand of bondage *will soon strip* him? Shall the public suffer for the petty insignificant advantage of some individuals? Individuals abounding in wealth and plenty! Shall we sell our all as "for as much trash as may be grasped *thus?*"[13] Will you disappoint all the wishes, the prayers, the resolutions made, entered into, and now continued, in expectation of the compliance of *Philadelphia*, by the *very* respectable inhabitants of *Boston*, *New-York*, and a multitude of other towns, whose names will be recorded in the annals of fame with the greatest testimonies of honor? Will any of you, I say, *dare* disappoint the wishes, the prayers, the expectations of so many *thousand prudent respectable* men? If you *do*, if you *dare* to do it for a few *pence*, *shillings*, and *pounds*, if you dare to do it for *many* pence, shillings and pounds, the curses of thousands await you. Hear thou, whoever thou art, that *meanest* such a thing, the *curses* of *thousands* await thee, and *thy conscience* shall be a *gnawing* worm unto thee— Charity would persuade me, there are none among you who would *harbour* so mean a thought: Reason tells me, there is none can lay

his *hand* upon his *heart*, and *seriously* say, "I do *well* in thus *deserting* my country; I do *well* in thus *preferring* the sale of a few *goods* to the restitution of their rights and privileges to my relations, friends, acquaintance, province, and to the public in general." I know, my countrymen, you do *not* repent of your conduct two years ago:[14] I know you feel a *generous indignation* at the thought. Your *judgments*, I am confident, *approve* of your conduct at that time. Will you then contradict your *judgments?* and that, at a time when you *have all* the reasons to assert your rights that you had *then*, and many *more!*— While we in the country are enquiring of our friends and neighbours, "have the merchants met! have they come to resolutions? are they acting like *Americans?*" and are answered "not yet! not yet! but we hope, they will soon," we are amazed, we are vexed. We *long* to see a *decent* and *becoming zeal* in defence of our rights, especially when *negligence* will establish a *precedent* for taxes and burdens for ever increasing.— Were a cry made, *your house is on fire! haste! it will soon be in flames!* If the owner answers, *perhaps I shall scorch my hands*, *or singe my cloaths*, *and therefore shall not try to extinguish it*, would not he be thought *mad!* And is not he as *mad*, who neglects, tho' the alarm has been sounded from *Nova-Scotia* to *Florida*, to extinguish the flames of his country, *now kindled*, constantly *gaining* strength by *delay*, which will *soon* rage *beyond resistance*, and devour all before it. *Now* is the time for exertion; if not, when *shall* we exert ourselves? When the chains of slavery are rivetted *upon us!* When the harpies of *custom-house-officers*, of *excise-gatherers*, of *stamp-masters* (for after a while we shall have enough of *them too*) when all the *intolerable* evils of arbitrary power shall have *preyed* upon our *vitals*, shall have *snatched* the *refreshing draught* from the *thirsty mouth*, and *bread*, the support of life, from the *hungry wretch*— will *that* be the time for *exertion? That* the time for *exertion*, when *custom* and *submission* will have given them a *fancied right* to our *subjection* and *slavery? That* the time, when this *fancied right* will be *firmly asserted* and *maintained* with all the might of *Britain!* Alas! your case will then be altered. Your houses will then be crouded [*sic*] with soldiers: Your frontiers lined with forts, under *pretence* of defending you. Instead of the *respectable*, the *opulent* merchants of *Philadelphia*, you will be but a—*miserabile vulgus!*[15]—a miserable *mob!* It is well known, that in *France* to say a man is a *merchant*, is to give him a most odious character; it is to say—he is a *rogue!* And why should it be otherwise? For a man to labour with all the *industry* and *confidence* of a *Briton*, and yet know he has a master, who can, when he pleases, take from him his all, is it not to act so *inconsistently* as even to *make* us suspect him? May such a situation be *far* from you, but may *vigilance* and *caution* be always with you. Upon you are centered the expectations of *all British America*. Upon *your* concurrence, your *speedy* concurrence, depends the success of the measures entered into by the northern towns. Consider then, the *importance* of *your* resolutions to your country, and act *worthy* the stations in which it has pleased GOD to place you. Consider the happiness or misery of your posterity depends upon

you. By all that is dear then, we *urge* you, we most *ardently beseech* you, join with *New-York* and *Boston*. Shame us not, we intreat you: Let it not be a *scandal* to be a *Philadelphian*—a *Pennsylvanian*. Scorn *all thoughts* of *delay*. A few years more, and we shall not be able to *buy*, nor *you* to *import*. Oppression will be *increasing* day after day; for, you may depend upon it, the people of England will throw upon *you* as *much* of *their* burden as they can. UNION makes the *weak* STRONG, and STRENGTH makes them SAFE. To be *firm* and *true* in the righteous cause of one's country, can *never* be *rebellion*; it is a *patriot virtue! Divide and destroy*, is the motto of your enemies. Nobly disappoint them: *Unite* in the *good* cause. Try the *harmless* experiment you *did* two years ago, and ensure the blessings of thousands. Think of a *Hampden*,[16] of a *Sidney*.[17] Make it your *ambition* to answer the *wishes*, the *expectations*, the *prayers* of every *lover* of his *country*, of *every son* of *liberty*, of *every one* that *deserves* the *name* of

A FREEBORN AMERICAN.

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[1] Petitions to the king, House of Lords, and House of Commons were signed by Speaker of the Pennsylvania Assembly Joseph Galloway on Sept. 22, 1768. See *Pa. Votes* (1768), 128–32.

[2] Although the word *philander* had already taken on erotic connotations in the 18th century, Thomson likely chose the name to evoke a platonic love of mankind (*OED*).

[3] A paraphrase of doc. 4:40, above.

[4] Shakespeare, *Henry V*, 4.3.60.

[5] Hor. *Epist*. 1.19.19.

[6] See doc. 4:58, above.

[7] That is, the Massachusetts Assembly. In response to the *Farmer's Letters*, on Feb. 11, 1768, it adopted a letter addressed to the assemblies of the other American colonies, urging a united stand against the Townshend Acts. The Massachusetts circular letter insisted that because colonists could not "by any possibility, be represented in the parliament," the new duties, passed "with the sole and express purpose of raising a revenue," were "infringements of their natural and constitutional rights" (*The Boston Chronicle*, March 14–21, 1768). The Pennsylvania Assembly reconvened on May 9 after two and a half months of adjournment, and Speaker Galloway presented the circular letter on May 10. The House took no action. See *Pa. Votes* (1768), 77–82.

[8] See headnotes to docs. 4:56 and 4:74.

[9] 2 Thess. 3:1 in the Douay-Rheims Bible. While Thomson was a Presbyterian, he was also a biblical scholar and may have preferred this Roman Catholic translation to that offered in the Authorized (King James) Version and other Protestant translations.

[10] Docs. 4:36 and 4:39, above.

[11] Shakespeare, *Julius Cæsar*, 3.2.101.

[12] Gen. 18:25.

[13] Shakespeare, *Julius Cæsar*, 4.3.27.

[14] Referring to Pennsylvania's actions against the Stamp Act of 1765. See doc. 3:78.

[15] JD concludes doc. 4:32, above, with this phrase, though translates it as "A miserable tribe." See ibid., n. 20.

[16] John Hampden. See doc. 4:18, n. 61.

[17] Algernon Sidney (1623–1683) was a Whig politician and polemicist executed for allegedly plotting to overthrow Charles II. His posthumously published treatise *Discourses Concerning Government* (1698), justified the right of revolution and became an important source for Americans resisting Britain.

82
The Society of Fort St. Davids, Tribute to JD, *The Pennsylvania Gazette*, May 12, 1768

This tribute was the first public recognition of JD as the Farmer. Before this, several candidates were proposed as the author. Governor Francis Bernard (1712–1779) of Massachusetts suspected it was someone in New York. Thinking along these lines, Benjamin Franklin guessed Oliver DeLancey (c. 1716–1785) of New York, a future Loyalist. Lord Hillsborough suspected Franklin. Some suspected Daniel Dulany. One person who knew, JD's law apprentice, John Macpherson, Jr., who made copies of the letters, suggested JD, Joseph Galloway, or a New Englander. It is unknown how the members of the Society of Fort St. Davids (David's) came by their knowledge of the Farmer's true identity.[1]

This tribute was later translated published in the June 30 issue of *La Gazette de Québec* (doc. 4:A49, below), making it the earliest known French-language article about JD. A notice also appeared in Philadelphia's *Der Wöchentliche Pennsylvanische Staatsbote* on May 17 (doc. 4:86, below). In 1789, JD expressed regret for the publication of this tribute, explaining that the "Approbation exceeded all Bounds of Propriety" and that it had drawn upon him "a Charge of Vanity."[2]

On Tuesday last,[3] *by order of the* GOVERNOR[4] *and* SOCIETY *of* Fort St. Davids,[5] *fourteen Gentlemen*, *members of that Company*, *waited upon* J--n D--k-ns-n, *Esq*; *and presented the following address in a Box of* HEART OF OAK.

RESPECTED SIR,

WHEN a man of abilities, prompted by love of his country, exerts them in her cause, and renders her the most eminent services, *not to be sensible* of the benefits received, is STUPIDITY; *not to be grateful* for them, is BASENESS.

Influenced by this sentiment, we, the Governor and Company of *Fort St. Davids*, who, among other inhabitants of *British America*, are indebted to you for your most excellent and generous vindication of liberties dearer to us than our lives, beg leave to return you our heartiest thanks, and to offer you the greatest mark of esteem, that, as a body, it is in our power to bestow, by admitting you, as we hereby do, a member of our society.

When that destructive project of *taxation*,[6] which your integrity and knowledge so signally contributed to baffle about two years ago, was lately renewed under a *disguise*,[7] *so artfully contrived* as to delude millions, YOU, Sir, *watchful* for the interests of your country, *perfectly acquainted* with them, and *undaunted* in asserting them, ALONE detected the monster concealed from others by an altered appearance, exposed it, stripped of its insidious covering, in its own horrid shape, and, we firmly trust, by the blessing of GOD on your wisdom and virtue, will again

extricate the *British* colonies on this continent from the cruel snares of oppression; for we already perceive these colonies, ROUSED *by your strong and seasonable call*, pursuing the salutary measures advised by you for obtaining redress.

Nor is this all that you have performed for your *native land*. *Animated* by a *sacred zeal*, *guided* by *truth*, and *supported* by *justice*, you have PENETRATED TO THE FOUNDATIONS OF THE CONSTITUTION, have *poured* the clearest light on the most important points, hitherto involved in a darkness bewildering even the learned, and have *established*, with an amazing force, and plainness of argument, the TRUE DISTINCTIONS and GRAND PRINCIPLES, that will fully instruct ages yet unborn, what rights belong to them, and the best methods of defending them.

To merit far less distinguished, ancient *Greece* or *Rome* would have decreed statues and honors without number: But it is *your fortune* and *your glory*, Sir, that you live in *such times*, and possess *such exalted worth*, that the ENVY of those, whose DUTY it is to applaud you, can receive no other consolation, than by withholding those praises in public, which all honest men acknowledge in private that you have deserved.

We present to you, Sir, a small gift of a society not dignified by any legal authority: But when you consider this gift as expressive of the *sincere affection* of many of your fellow citizens for your person, and of their *unlimitted approbation* of the noble principles maintained in your unequalled labours, we hope this testimony of our sentiments will be acceptable to you.

May that all-gracious being, which in kindness to these colonies gave your valuable life existence *at the critical period* when it would be most wanted, grant it a long continuance, filled with every felicity; and when your country sustains its dreadful loss, may you enjoy the happiness of heaven, and on earth may your memory be cherished, as we doubt not it will be, to the latest posterity.

Signed, by order of the Society
JOHN BAYARD,[8] *Secretary*."

The box was finely decorated, and the inscriptions neatly done in letters of gold. On the top was represented the CAP OF LIBERTY[9] on a spear, resting on a cypher of the letters J.D. Underneath the cypher, in a semicircular label, PRO PATRIA.[10] Around the whole the following words—

THE GIFT OF THE GOVERNOR AND SOCIETY OF FORT ST. DAVIDS, TO THE AUTHOR OF THE FARMER'S LETTERS, IN GRATEFUL TESTIMONY OF THE VERY EMINENT SERVICES THEREBY RENDERED TO THIS COUNTRY. 1768.

On the inside of the top—

THE LIBERTIES OF
THE BRITISH COLONIES IN AMERICA
ASSERTED,
WITH ATTIC ELOQUENCE,
AND ROMAN SPIRIT,

BY
J -- -- N D -- -- K -- NS -- N, * ESQ:
BARRISTER AT LAW.

On the inside of the bottom—

ITA CUIQUE EVENIAT,
UT DE REPUBLICA MERUIT.[11]

On the outside of the bottom—A sketch of *Fort St. Davids*.

* *The name at length*.

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[1] Kaestle, "Public Reaction," 333 n. 19.
[2] JD to Matthew Carey, January 6, 1789, Charles Francis Jenkins Autograph Collection, PSC-Hi.
[3] May 10.
[4] William Vanderspiegel (d. 1768), a Philadelphia merchant.
[5] The Society of Fort St. Davids was a Philadelphia fishing club located at the Falls of the Schuylkill River. Fort St. Davids refers to the log cabin lodge constructed by the club on the river. Though the Society granted his admission on April 16, JD was not honored until May 10. See Charles V. Hagner, *Early History of the Falls of Schuylkill, Manayunk, Schuylkill and Lehigh Navigation Companies, Fairmount Waterworks, etc.* (Philadelphia: Claxton, Remsen, and Haffelfinger, 1869), 9–11, 14–15.
[6] The Stamp Act of 1765.
[7] The Townshend Acts.
[8] John Bubenheim Bayard (1738–1807) was a merchant and one of the leading Sons of Liberty in Philadelphia.
[9] Cap of liberty: "the conical cap given in the Roman times to slaves on emancipation, and often used as a republican symbol." Also called a "*Phrygian bonnet*" (*OED*).
[10] *Pro patria*: Lat. for one's country.
[11] "*Ita cuique eveniat ut de re publica quisque mereatur*": Lat. "Thus let each receive what he has deserved of the republic" (Cic. *Phil*. 2.46.118).

83
The Freemen of Mansfield, Conn., "To the Ingenious Author of Certain Patriotic Letters," *The New-London Gazette* (Conn.), May 13, 1768

TO the ingenious Author of certain patriotic LETTERS, subscribed A FARMER.
MUCH RESPECTED SIR,

THE Freemen of the Town of Mansfield deeply Impressed with a grateful Sense of your generous and beneficent Offices, in so happy and vigorous a Defence of the violated Rights and Liberties of America, as is contained in your most seasonable Letters of Address to your Countrymen, have ordered that in their Name this public Acknowledgement be made of their Obligations to you, and of the Conceptions they have formed of your eminent Worth and Virtue, which to them appears the more singular and striking as the Enemies of America were become so confident of fastening the Fetters they had forg'd for her, and many of her Friends were ready to despair of Relief, and upon the Point of indolently yielding to their Fate.

In this alarming Crisis, you, Sir, have boldly step'd forth to plead her bleeding Cause, and nobly asserted and fully demonstrated her natural and constitutional Rights— You have awakened the Attention of the Careless and Secure, and raised the Hopes of the Fearful and Timorous, and in the most loyal and sensible manner have pointed out the Way to save your country from impending ruin.

We know not which to admire most, the Greatness of your Mind, or the Goodness of your heart, both which are rendered more illustrious by your modestly avoiding the Applauses you so justly deserve, nor can we imagine a Friend to the British Constitution, and the Cause of Virtue and Liberty, on either Side the Atlantic who reads your spirited Letters, but must feel a glowing Esteem of your generous Principles, and a tender Regard to your distinguished Worth— But especially America must ever own herself indebted to you, for your noble Exertions on her Behalf; and you will live in the Memory and Esteem of a free People, to latest Ages.

Permit us, Sir, to intrude so far on your Retirement, as to offer this most sincere Testimony of our Gratitude for your beneficent Services, and of our Esteem for your singular Merit, and to express our warmest Wishes that you may long live to bless the Age and Country in which Providence has so happily cast you, and dictate the great Axioms of Liberty to Posterity, and finally leave an Example of Virtue, Wisdom and Happiness; and may your future Reward be as distinguishingly glorious, as your present Satisfaction of conscious Virtue, must be peculiarly great.

84
From Bennet Allen, May 15, 1768

Sir

In the List of outstanding Debts deliver'd in to me by his Lordship's[1] late Agent Col. Lloyd, I find a Bond of John Vining (bearing Interest), £65..0..0. Gold Currency. I am likewise inform'd that Recovery has been obtain'd by you upon that bond; & that his effects are come into your Hands.— As I have now taken upon myself the whole management of his Lordship's Revenue; I beg the favor of you by the first opportunity, to settle the account with me, in order to my including the Balance in my next Remittance to his Lordship.

I am, Sir, your obed[ien]t
humbl[e] Ser[van]t
B[t]. Allen[2]

Annapolis May 15. 1768

ALS (PPL-JDP)

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[1] Lord Baltimore.

[2] Rev. Bennet Allen (c. 1736–1819), a graduate of Wadham College, Oxford, and Anglican minister, was appointed agent for Lord Baltimore in 1768, succeeding Edward Lloyd. Allen, who had arrived in

the colony only a few years prior to his appointment, proved unpopular with both his parishioners and local officials. At the outset of the Revolutionary War, he returned to England, where he continued to feud with old rivals from his time in Maryland, killing Lloyd Dulany (1742–1782), brother of Daniel Dulany, in a London duel.

85
Reply to the Society of Fort St. Davids, *The Pennsylvania Chronicle*, May 16, 1768

GENTLEMEN,

I VERY gratefully receive the Favour you have been pleased to bestow upon me, in admitting me a Member of your Company;[1] and I return you my heartiest thanks for your Kindness.

The "Esteem" of worthy Fellow Citizens is a Treasure of the greatest Price; and as no Man can more highly value it than I do, Your Society in "expressing the Affection" of so many respectable Persons for me, affords Me the sincerest Pleasure.

Nor will this Pleasure be lessened by reflecting, that you may have regarded with a generous *Partiality* my Attempts to promote the Welfare of our Country; for the *Warmth* of your *Praises* in commending a Conduct you *suppose* to deserve them, gives Worth to these Praises, by proving *your* Merit, while you attribute Merit to *another*.

Your Characters, Gentlemen, did not need this Evidence to convince *Me*, how much I ought to prize *Your* "Esteem," or how much You deserved *Mine*.

I think Myself extremely fortunate, in having obtained your favourable Opinion, which I shall constantly and carefully endeavour to preserve.

I most heartily wish you every Kind of Happiness, and particularly that you may enjoy the comfortable Prospect of transmitting to your Posterity those "Liberties dearer to You than Your Lives," which GOD gave to You, and which *no inferior Power* has a Right to take away.

[1] See doc. 4:82, n. 5, above.

86
Summary of News Regarding the Farmer, *Der Wöchentliche Pennsylvanische Staatsbote* (Philadelphia), May 17, 1768

Heute vor acht tagen machten, auf verordnung des Guvernörs und der Gesellschaft von Fort St. David, 14. Herren, Mitglieder selbiger Gesellschaft, dem Herrn J—n D-ck-nson die auswartung, und überreichten ihme in einer zierlich ausgearbeiteten eichenen büchse ein danksugungsschreiben für seine America gethanen grosse dienste, in vertheidigung derer Rechten und Freyheiten der Brittischen Colonien in diesem welttheile, durch die herausgebung Seiner

unvergleichlichen briefe, unterschrieben der Landmann (oder Farmer).[1] Worauf Herr D-ck-nson eine höfliche und seiner geschicklichkeit gemässe antwort ertheilte.[2]

Herr D-ck-nson hat gleichfalls der stadt Boston und andern städten öffentlich gedanket für die an ihn in den Zeitungen eingerückte aufwartungsschreiben, wegen seiner vertheidigung der rechten und Freyheiten der Americaner.[3]

[1] Doc. 4:82, above.
[2] Doc. 4:85, above.
[3] Doc. 4:72, above.

87
From Thomas Warner, May 21, 1768

Sir

When the Ladies and Gentlemen of our Party did themselves the honor of dining with you, they fully intended in a few days from that time to visit Bethlehem, but as I had a Commission from my Brother M^r^ William Warner[1] to look out for a purchase for him, I prevailed upon the party to change their route to joyn me in that search, and as I heard, that one M^r^ Pidgeon[2] had a Farm to dispose of, we went to Trenton, and we fortunately dined at Bristol,[3] where we had the pleasure of paying our respects to your good Mother, which she communicated to your Brother, who, from a politeness peculiar to himself, did us the favor of calling upon us the next morning, and conducted us to M^r^ Pidgeons, M^r^ Salters,[4] and M^r^ Biles's,[5] and insisted upon our spending the afternoon and evening of that day with him, which we embraced with the greatest pleasure.

It gave me pleasure to hear, from your most obliging letter of the 11^th^ instant,[6] that your health was so good, as to tempt you to go the Circuit,[7] and I most sincerely wish the journey may contribute to the establishing~~,~~ {it;}, but I am much afraid, that your attention[s?] to business will prevent the good effects arising from exercise.

Nothing has made our party so happy since they have been upon the Continent, as the distinguishing marks of Civility they have received from a person of your most amiable Character, and they beg leave to joyn the Voice of the whole Continent, in wishing you every happiness, that this life can afford.

I think myself particularly indebted to you for your good wishes, and the honor you have done me, in admitting me to a correspondence with you, and you may depend, I will acquaint~~ed w~~{y}ou with the greatest punctuality of every step, that is taken in support of M^rs^ Pearne's[8] Claims—

The Ladies and Gentlemen of our Party joyn with me in most respectful complim[en]ts to your Mother, yourself, and Brother and his Lady, and to the rest of your Family, I am, with great regard

Sir—
Your most obliged and

most obedient humble ser[van]t
Thomas Warner[9]
Philadelphia.
May the 21st, 1768.

ALS (PPL-JDP)

[1] William Warner (c. 1728–1771) was a treasurer of Antigua. See *Antigua and the Antiguans: A Full Account of the Colony and Its Inhabitants*, 2 vols. (London: Saunders and Otley, 1844), 1:225.
[2] Possibly William Pidgeon, who owned land adjoining the tract that JD had obtained from the St. Clairs in 1766 and subsequently transferred to his brother, Philemon. See Hunterdon Co. Deeds, 1:374–75, 377–79, Nj-Ar.
[3] Bristol is a borough in Bucks Co., Pa.
[4] Possibly Joseph Saltar, son of Richard Saltar (c. 1699–c. 1763).
[5] Benjamin Biles owned land adjoining the Dickinson lands near Trenton.
[6] Letter not found.
[7] Likely the Supreme Court Circuit, established in 1767 (doc. 4:14, n. 4, above). The Supreme Court held a session in Lancaster Co., Pa., on May 23, 1768 (see doc. 4:88, below). JD's records also indicate that he attended the Chester Co., Pa., Court of Common Pleas and Quarter Sessions, scheduled for May 31 (PHi-Logan).
[8] The Pearne family resided in Antigua.
[9] Thomas Warner (d. 1779) was speaker of the assembly of Antigua.

88
From William Buchanan, May 24, 1768

Sir

On the evening of the 22d I was Accidentaly inform[e]d of your Circuit Court being to Sit at Lancaster on the 23d Ins[tan]t which was not in my power {to} Reach, although I wo[ul]d have try[e]d, but having no advice from you made me doubt whether you intended trying the Actions with Lowrey & Leveys Trent & Co[mpany][1] at this Court notwithstanding your former letters[2] give me expectations of their being try[e]d the first court that Sho[ul]d be held at Lancaster & the delay of which is Really to me very disstressing, pray cou[l]d you not prevail on the Att[orne]ys for the Pleantif[f]s[3] to give us tryal at Philad[elphia] next September— The Invoice deliver'd by Galaspy with the goods he sold Smallman for which I am sued,[4] is not signed nor do I know if it be his hand writing, the only person {that can prove} the Identity Lives low down in Maryland— will his probate[5] Certify[e]d under the County Seal be Sufficient in case they deny the Inv[oic]e or must that evidence Attend at tryal the latter will be uncertain and expencive if Obtained youl please Advise me in this and when tryal therein may be expected[6]

I have a son turned of Seventeen years of age[7]—tolarably well prepared for & very desirous of engageing in the study of the Law. I sho[ul]d be glad to know if you wo[ul]d take such an apprentice & your terms which hope youl make as easey as possible

P.S.
at the Request of a friend I take the liberty of troubling w[i]t[h] the care of the Inclos[e]d letter[8] that gent[le]m[an] being now in Philad[elphia]

I am
Sir
your h[um]ble Serv[an]t
W^m^ Buchanan
Pipe Creek 24^th^ may 1768

ALS (PHi-Logan)

[1] William Trent (1715–1787), an Indian trader, land speculator, and former partner of George Croghan, was in partnership with Levi Andrew Levy (1734–1829), Joseph Simon (Simons; 1712–1804), and David Franks (1720–1793) of Philadelphia from 1760 to 1769. Levy, Simon, and Franks were among the early Jewish settlers of Pennsylvania. See Henry Necarsulmer, "The Early Jewish Settlement at Lancaster, Pennsylvania," *Publications of the American Jewish Historical Society* 9 (1901): 29–44.
[2] JD's letters to Buchanan have not been found.
[3] See headnote to doc. 4:106, below.
[4] See doc. 4:14, above.
[5] Probate: "The official proving of a will; the legal process involving this. Also: the officially verified copy of the will delivered to the executors together with a document issued under the seal of the court, certifying that it has been proved and granting them authority" (*OED*).
[6] Buchanan's cases were heard by the Supreme Court in Lancaster Co., Pa., in November 1768. See doc. 4:154, n. 2, below.
[7] Robert Buchanan (1751–c. 1783).
[8] Enclosure not found.

89
To Edward Lloyd III, May 31, 1768

Sir,

I am very much obliged to You for acknowledging so early by M^r^. Cadwalader[1] the Receipt of the money sent by M^r^. Mein, as I am sensible your Goodness induc~~ed~~ You to give me that Satisfaction—

When I did myself the Honor of introducing my Cousin to You, ~~tho[ugh] I entertain the highest Idea of his merit,~~ I ~~di~~ did not imagine, tho[ugh] I ~~entertain~~ {have} the highest Idea of his merit, that He would recommend himself ~~with such~~ in so happy a manner, as I understand He has done. Permit Me, Sir, to assure You, that the Prospect of a Connection with {~~the persons~~} your highly esteemed Family, gives Me a Pleasure, which I cannot express, without dwelling too much on that Affection for the~~m~~ {Persons of it} which I have always been taught to entertain{.} ~~for them.~~

Such an Event is in every Respect most sincerely to be wishd for by my Cousin & all his ~~Relations~~ {Friends}—yet, if I am truely acquainted with, my own Heart, I woud not desire his Hopes to take place, if I was not convincd, that the amiable Lady he admires, will have {in approving him} all possible Certainty of that Happiness, to which She is entitled.

~~I have known my Cousin from his Infancy~~

If I was [~~*illegible*~~] ignorant of the Generosity of your Sentiments, Sir, I should be more cautious how I express myself on this Subject; but to You I shall speak without Reserve, as I ~~know~~ {am ~~eert~~ confident} You will judge without Suspicion.

I have known my Cousin from his Infancy. He ~~has [*illegible*~~] {[~~*illegible*~~]} {has good} Sense, & great Prudence. In Honor {& Integrity} he yields to no Man living; and joins the most manly Spirit to one of the sweetest Tempers I ever met with. He is of {a} very chearful Disposition, without ~~the least Tincture of~~ Wildness; and tho[ugh] a Man of Business, yet, I think all who see him, must allow that he is extremely polite.

These Qualities have procured him an uncommon Degree of Esteem in this City. I never heard the least Censure past upon him; nor do I believe there is any person who will ~~dare to~~ say a~~ny Thing~~ disrespectful {Thing} of him, unless Envy, the Scourge of little Minds, should excite some of that {repining} Class, to ~~blame [*illegible*~~] {blame.} As to my Cousin's Fortune—it falls far short of his Worth. My Uncle[2] has told me what he has given {~~to~~} {& intends to give} to him, amounting to four thousand five hundred Pounds {at present} according to his Co[m]putation, which I think a very low one. I told him so—but his answer was, that he woud act in such a Manner, as not to leave the least Possibility of his having over rated what he gave. He designs to do himself the Pleasure of writing to You; and whatever he says, I make no Question, will receive all the Credit due to his many Virtues, & excellent Character.

The Hurry of our Courts in the midst of which I now write, scarcely permits Me to address You on this pleasing occasion— Yet I cannot conclude without assuring You {in the strongest Manner,} that no Family in the World can be more disposed {than ours is} to love the very valuable Addition, which, I hope will be shortly made to it—

I beg, Sir, You will be so good as to present my Compliments with the greatest Respect to M~~is~~{r^{s}} Lloyd, Miss Lloyd, M^{r}. & M^{rs}. Lloyd, & M^{r}. R. Lloyd—[3]

I am &c

May 31st—1768

ALDft (PHi-Logan)

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[1] See doc. 4:57, above. John Cadwalader (1742–1786) was JD's maternal first cousin and a dry-goods merchant who married Edward Lloyd's daughter Elizabeth on Sept. 25, 1768. During the Revolutionary War, he served as a brigadier general in the Pennsylvania militia.

[2] Presumably Dr. Thomas Cadwalader (c. 1707–1779), John Cadwalader's father and younger brother of JD's mother, Mary Cadwalader Dickinson.

[3] Lloyd's wife, Ann Rousby Lloyd (1721–1769), whom he married March 26, 1739; his daughter Elizabeth Lloyd (1742–1776); his son Edward Lloyd IV (1744–1796) and daughter-in-law Elizabeth Tayloe Lloyd (1750–1825), married Nov. 19, 1767; and his son Richard Bennett Lloyd (1750–1787).

90
X., Review of the *Farmer's Letters* in *The Gentleman's Magazine* (London), June 1768, 293.

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34. *Letter from a Farmer in Pensylvania to the Inhabitants of the British Colonies*.

These letters were lately published in America, and the editor of this edition[1] says, in a preface,[2] that they speak the general sentiments of the inhabitants, and that he has published them here to give Great Britain an opportunity to produce a full answer, by shewing that *the Americans are taxable by our parliament*, *though they have no representative in it*. Not to preclude any future answer to the pretence that a British Parliament cannot tax the Colonies because they are not represented, it may be here observed, that admitting the principle, a British Parliament cannot legally tax the inhabitants of London.

Let the inhabitants of London be supposed only 30,000;[3] the livery, who alone have votes for members of parliament, amount but to 8,000;[4] but if those that have votes only are represented, and the whole number taxed, three fourths of the inhabitants of London are taxed illegally: it cannot be said that though the livery chuse members the freemen chuse the livery, and so are represented by them as they are represented by the members, for the livery of every company chuse themselves; i.e. they determine which of the yeomanry shall be summoned to take the gown.

The same may be said with respect to the inhabitants of a county, a very small portion of them have votes for the Knights of the shire;[5] a very small proportion of them therefore is represented in the manner that the Americans pretend is necessary to give a power of taxation.

The question is not what our constitution might be, but what it is; and at present, according to our constitution, a house of commons, chosen by the citizens, freeholders, and burgesses *of a certain class* in this kingdom, shall be deemed to represent all British Subjects, though they be neither such citizens, freeholders, nor burgesses.

Either to be legally represented in a British parliament it is not necessary to have a vote immediately or remotely for member of parliament, or great part of the inhabitants of Great Britain are not legally represented: and if those only that are legally represented can be legally taxed, great part of the inhabitants of Great Britain are taxed illegally. But if by a parliament chosen as our constitution prescribes, i.e. by *persons of a particular class only*, all British subjects are legally represented, then he that lives in Pensylvania is, to all intents and purposes, as effectually and legally represented by a parliament so chosen, as he that lives in London; and the right of taxation can with no more shew of reason be denied of the one than of the other.

X.

[1] The London edition of the *Farmer's Letters*, edited and published by Benjamin Franklin.
[2] Doc. 4:79, above.
[3] This appears to be an estimate of the adult male population of the square mile known officially as the City of London. As a parliamentary constituency during the 18th century, it elected four members of the House of Commons. The total population of greater London in this period was approximately 750,000.
[4] Livery company: "Any one of the City of London companies which originated as regulatory trade associations and which retain distinctive livery or dress for ceremonial occasions" (*OED*). Examples include the Worshipful Company of Goldsmiths and the Worshipful Company of Saddlers. These organizations arose out of London's medieval guilds and retained extensive powers in the governance of the City of London throughout the 18th century. Prior to 1832, members of the livery companies enjoyed the exclusive right to elect the City of London's four members of Parliament.
[5] Knights of the Shire: "In English law. Members of parliament representing counties or shires, in contradistinction to citizens or burgesses, who represent boroughs or corporations. A knight of the shire is so called, because . . . it was formerly necessary that he should be a knight" (*BLD*).

91
From Christopher Gadsden, June 4, 1768

Charles Town 4th. June 1768[1]

D[ea]r Sir,

I Rec[eive]d the very valuable present[2] you sent me [per] Mason last Voyage[3] & I assure You am not a little mortify'd that he slipt away without my Acknowledgment of it, I live in a retired part of the Town & very rarely go without my Walls unless of a Sunday to Church & he is like the Ghost in Hamlet here & there & Every where—[4]

It is a very great Pleasure to me to find the many deserved Compliments the Farmer Receives on his meritorious performance, & as they seem really to flow from Gratitude & Sentiment they give me a better Opinion of the World than I have for some Time entertain'd—

I know you must feel that you deserve them, & {that you} may ~~you~~ long live to enjoy the Applauses of all worthy men is the sincere Wish of

y[ou]r Affec[tiona]te h[um]ble Serv[an]t
Christ Gadsden[5]

ALS (PPL-JDP)

[1] Addressed: "To / John Dickenson Esqr. / In / Philad[elphi]a / [per] Capt. Mason / Q[uem] D[eus] C[onservat] [Lat. whom God saves]." Capt. Thomas Mason's vessel, *Prince of Wales*, left Philadelphia around May 22 and had arrived back by June 16. See *PC*, May 9–16, 1768; and *PJ*, June 16, 1768.
[2] Probably a copy of the *Farmer's Letters*.
[3] Mason had previously sailed from Philadelphia for South Carolina in the first week of April and arrived back the first week of May. See *PG*, April 7, May 5, 1768.
[4] In William Shakespeare's *Hamlet*, the ghost of Hamlet's father appears twice at the guards' platform at Elsinore and once in Hamlet's mother's closet.
[5] Christopher Gadsden (1724–1805) was a Charles-Town merchant who represented at various times the parishes of St. Philip and St. Paul in South Carolina's Assembly and was later a delegate to the Continental Congress, an officer in the Continental Army, and lieutenant governor of South Carolina.

92
James Galbreath et al., Address to JD from the Grand Jury of the Court of Assize for Cumberland County, Pennsylvania, and Answer, *The Pennsylvania Gazette*, June 9, 1768

The colonial American grand jury, an institution with origins in medieval England, had evolved by the eighteenth century to function as a mediator between the government and the public. As grand juries increasingly served to protect the individual from the arbitrary power of the government, they also became overseers of public works and morals. Grand juries included men from all ranks of society, with the highest-status member typically serving as the foreman.[1]

An account of this address and JD's reply was published in Philadelphia's *Der Wöchentliche Pennsylvanische Staatsbote* on June 14.

On the 18th Day of last Month, the Grand Jury of the Court of Assize[2] for Cumberland County, presented the following ADDRESS to J--N D--K-NS-N, Esq;

WORTHY SIR,

WHILE your seasonable Appearance, and spirited Vindication of the Liberties of the Colonies, demand the grateful Acknowledgments of *British America*, we, however inconsiderable, could not acquit ourselves to our own Breasts, were we entirely silent when such a Friend of Freedom, and public Benefactor, appeared among us.

The deep Researches you have made into the *British* Constitution; your natural and easy Manner of deducing thence the Privileges of *Britons*, and, by necessary Connection, of their Sons, in the most distant Climates; and Force of Argument, through the whole Performance, exhibit to the World your Genus [*sic*], and procure the Admiration of the Learned: But, Sir, the Zeal that glows in every Page; your sacred Zeal in Defence of the Rights of the *British* Colonies, will intitle you to the endeared Affection of every good Man, of every Lover of his Country, of all who, unbiassed by sordid Views, wish the Prosperity of rising Generations.

You, Sir, have taught the Colonists, that their chartered Privileges are not of Courtesy; but the essential Rights of *Britons*, of Freemen, with which they were born, and which they brought with them from *Britain*, inherent and unalienable; and, tho' recognized by Charters, what Charters could not bestow.

You, Sir, have solidly proved, that tho' the P--------t of *G----t B-----n*[3] may adjust the Trade and Commerce of the various Branches of the extensive Empire, as will best promote the Happiness of the whole, yet every Provincial Assembly has, must have, the Power of Taxation; or, *American Britons* are no more Freemen, nothing but Slaves, and Vassals of Power.

Proceed, Sir, and let not the Discouragements of Envy damp your Zeal. Envy must in Time die. You have the Joys of a patriotic Breast, the Applauses of the Worthy and Good; and dared Envy speak, she would call you happy.

Whilst the patriotic FARMER is receiving from opulent Cities, and honourable Corporations, the Tribute of Gratitude, deign, Sir, to accept our humble, but sincere Acknowledgments. Tho' we are little, very little, among the many who have become your Tributaries, yet, believe it, Sir, we love our Country; we love our Liberty; we cannot but be grateful to her generous Votaries; and we wish the grateful Remembrance of your Name may be transmitted to distant, very distant Generations.

Carlisle, *May* 18, 1768. JAMES GALBREATH,[4] *Foreman*.

To which he was pleased to make the following Answer.

GENTLEMEN,

I THANK you for this kind Address, *and am extremely glad to find my Conduct so much approved of by you*.

As the Approbation of worthy Men will always give me Pleasure, *I hope you never will have any Reason to change the favourable Sentiments of me*, *which you now entertain*.

I sincerely wish Prosperity to you, *Gentlemen*, *and to your County*.

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[1] Sally E. Hadden, "South Carolina's Grand Jury Presentments: The Eighteenth-Century Experience," in *Signposts: New Directions in Southern Legal History*, ed. Hadden and Patricia Hagler Minter (Athens, Ga.: University of Georgia Press, 2013), 89–109; George J. Edwards, Jr., *The Grand Jury: Considered from an Historical, Political and Legal Standpoint, and the Law and Practice Relating Thereto* (Philadelphia: G.T. Bisel Co., 1906); Mark Kadish, "Behind the Locked Door of an American Grand Jury: Its History, Its Secrecy, and Its Process," *Florida State University Law Review* 24, no. 1 (1996): 1–77, at 10–11.

[2] Courts of assize were periodic courts held in Pennsylvania counties and presided over by justices of the Supreme Court. These courts, though not named as such by statute, functioned in the role of English courts of assize.

[3] Parliament of Great Britain.

[4] Possibly James Galbreath (Galbraith; 1703–1786), a justice of the peace of Cumberland Co., Pa.

93
From Elizabeth Moland St. Clair, June 12, 1768

Eliza[beth] Town June, 12th. 1768

My Good Friend

I am now Honourd. with a Visit from my poor, destresed, Mother,[1] she really appeares to be in want, says she has been with Capt. Hay, & my Sister,[2] but can get no reliefe from them, She has run her self in dept, and [lacks?] the Money to pay it, therefore I beg of you to [advan]ce to her, on my Account the Amount of her Bills

[wh]ich I think is forty five Pounds, I should be greately Obliged to you, to aske her for them to see what they are, that I may have the satisfaction at least, to know, that I am not Squandering a way my Poor little substance, for a Worthless Brother,[3] who I know she has in the House with her, If you love the poor remains, of my Dear Papa's Famiely Bestow a little good advise, on my Good Mother, tell her not to lay her selfe open to the insults of a Parsel of Vagab[on]d by runing in de~~p~~{b}t, without haveing it in her power to pay them I was very sorry I could not have the pleasure of seeing you when I was a Philad[elphia] first because I have a most sincear friendship for you, and secondly because I had business with you, I was much afraid my Sister Grace w~~h~~{o}uld be ruined, therefore sent for her, she is now with me. but what to do with Joseph,[4] I know not, unless you will advise me. he is taken from his School,[5] and Cap[t]. Hay will not alow him, to return to his House, to attend his learning, there fore he must be inevitably ruined, if there is not some step's taken immediately to prevent it, I am willing to do every thing in my Power, to serve my little Brother, & Sister, but know not [how to] go about {it} I am not able to support them, all together, m[y selfe] if from the Farme, I could get enough saved Yearly, [to pay*?*] for Joseph's Schooling, and Cloathing, it is all I ask, I would give him, and my Sister grace, House room, Washing, and diet mending, and Makeing[6] for nothing. but the Rent is yearly disposed of, one way, or other, befor the Year is out, without my haveing the Pleasure, of seeing any of the Fam{i}~~e~~ly, benefits by it, and all by the Bad management, of that very, Famely I now pray for your advise how to act, for the best you have allways been my guide, do not, desert me now.
Love to M[rs]. Dickinson, I long to see her hope she is well my Dear Little Jack,[7] Joyns with me in ~~love~~{best} Regards to you

I am with great regard
your much Obliged Friend
Eliz[a]. S[t]. Clair.

ALS (PHi-Logan)

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[1] Catherine Hutchinson Moland.

[2] Capt. David Hay and Hannah Moland Hay.

[3] Either John Moland, Jr. (1739–1776), whose bequests from his father were revoked by a codicil dated Nov. 29, 1760, Thomas Moland, or William Moland. John Moland, Sr., granted his wife, Catherine, free use of their estate while she remained "sole," on the condition she did not converse with their son Thomas, to whom he bequeathed only one shilling.

[4] That is, Joseph Moland, Elizabeth Moland St. Clair's younger brother.

[5] Elizabeth St. Clair subsequently asked for JD's assistance in paying a Mrs. Stoute of Lancaster Co., Pa., for costs incurred in Joseph's schooling. See docs. 4:193 and 4:196, below.

[6] Make and mend: "(of a craftsperson, seamstress, etc.) to make articles *for* a specified person" (*OED*).

[7] Sir John St. Clair, fourth baronet (born c. 1764), was the St. Clairs' second child to be named after his father. He later served as an ensign in the 61st Regiment of Foot during the Revolutionary War, seeing action against the French and Spanish during the siege of Minorca (Menorca; 1781–82). See Douglas R. Cubbison, *On Campaign against Fort Duquesne: The Braddock and Forbes Expeditions, 1755–1758, through the Experiences of Quartermaster Sir John St. Clair* (Jefferson, N.C.: McFarland & Co., 2015), 127–28.

94
From Catherine Hutchinson Moland, [June 1768]

Sir of all the troubles that I have bore Since Mr molands[1] Deathe thers none Gives me more uneasiness than your hard oppinion of me in thinking that I am Extravagant[2] when I can make it apepear as other wise in Court or before ~~4~~{fo{u}re} honest Gentlemen

I heartily wish that this may find you in health and your Deare mama

and am your Well wisher
and most ob[e]d[ien]t Serv[an]t
Catherine Moland[3]

ALS (PHi-Logan)

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[1] John Moland, Sr.

[2] Elizabeth Moland St. Clair asked JD to write to her mother, who kept running into debt, and "bestow a little good advise" on her (doc. 4:93, above). Assuming JD fulfilled St. Clair's request, this letter could be in response to JD's advice.

[3] Addressed: "Second Streete / Philadelphia / [per] / Elexr / Baird."

95
A Sympathizing South-Briton, "Political Controversy," *Lloyd's Evening Post* (London), June 20, 1768

POLITICAL CONTROVERSY.

CERTAIN it is, that the whole people are the public, and the best judges whether things go well or ill with the public. True it is, that they cannot all see distant dangers, nor watch the motions, or guess the designs, of neighbouring states; but every Cobler can judge, as well as the Statesman, whether he can sit peaceably in his stall if he is paid for his work; or the market where he buys his victuals be well provided or not; and whether a Dragoon or Parish-officer comes to him for his taxes. Every man too, even the meanest, can see in a public or sudden transaction, from plenty to poverty, from happiness to distress, whether the calamity comes from war, famine, and the hand of God, or from oppression, mismanagement, or the villainies of men. In short, the people often judge better than their superiors, not having so many biasses to judge wrong.[1]

Observations made by a North-American.
Audi alteram partem.[2]

I Am humbly of opinion, that were we not a people stupified by luxury and the opium, *vice*, we should better understand our own national complexion, and be alarmed at that precipice of impending ruin on which Britannia has set her

unguarded feet. But the Pensylvanian Farmer has well observed, "Some states have lost their liberty by *particular accidents:* but this calamity is generally (*universally*) owing to the *decay of virtue*. A people is travelling fast to destruction, when individuals consider their interests as *distinct* from those of the public. Such notions are fatal to their country and to themselves." * —[3] Will not this gives [*sic*] the most exact description of our present national character and condition? A stronger likeness could not be taken by the most masterly pencil in Britain. Nevertheless, there is little prospect of any impression being made thereby on the instruments of perdition. For, as Montesquieu has remarked in his Spirit of Laws. *slavery is ever preceded by sleep*.[4] It resembles a mortification in the human body, which produces a lethargy.

And it is a most certain truth "that Liberty is never so much in danger, as when the people believe there is the least."[5] The subtle advocates of enslaving power, have accordingly used every artful method to cover and conceal the pernicious design of their plan: all flattering and delusive appearances have been put on, and the eye diverted from any attention to the destructive tendencies. Advantages are even taken of the frailties and follies of mankind: "for nations in general are more apt to *feel* than to *think*."[6] This gives the enemy of the public all his opportunity, and at this door of incogitancy, and a general dissipation, tyranny has stolen in upon nations. That is a fine passage of Cicero's cited by our Pennsylvanian; "The Republic is always attacked with greater vigour than it is defended: for the audacious and profligate, prompted by their natural enmity to it, are easily impelled to act upon the least nod of their leaders; whereas the honest, I know not why, are generally slow, and unwilling to stir; and neglecting always the beginning of things, are never rouzed to exert themselves but by the last necessity; so that through *irresolution* and *delay*, when they would be glad to compound at last for their quiet, at the expence even of their honour, they consequently lose them both."[7]

This same Farmer has breathed the true

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* Letters from a Farmer in Pennsylvania to the Inhabitants of the British colonies.

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spirit of a man, and a loyal subject of the Protestant British Government, when he says, "For my part, I regard Great Britain as a bulwark happily fixed between these colonies and the powerful nations of Europe. That kingdom is our advanced post or fortification, which remaining safe, we, under its protection, enjoying peace, may diffuse the blessings of religion, science, and liberty, through remote wildernesses. It is therefore incontestibly our duty, and our interest, to support the strength of Great Britain. When, confiding in that strength, she begins to forget from whence it arose, it will be an easy thing to shew the source, &c. &c."[8]

Let North Americans teach us to think and reason.
A Sympathizing South-Briton.

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[1] This paragraph is from *Cato's Letters*, 1:88–89. This text originally appeared in *The London Journal*, Jan. 21, 1720 (OS), and was widely republished in various pamphlet editions.

[2] *Audi alteram partem*: Lat. "Hear the other side; hear both sides. No man should be condemned unheard" (*BLD*).

[3] Doc. 4:40, above. The original passage does not include "(*universally*)."

[4] Montesquieu, bk. XIV, c. 13.

[5] Doc. 4:39, above. The original passage reads: "Liberty, perhaps, is never exposed to so much danger, as when the people believe there is the least."

[6] Ibid. The original passage reads: "Indeed nations, in general, are not apt to *think* until they *feel*."

[7] While intended as a note for "Letter XI," this quotation was appended to "Letter XII" in the initial printings in Pennsylvania. See doc. 4:40.

[8] Ibid.

96
James Angell et al., "An Address from the Moderator and Freemen of the Town of Providence . . . to the . . . Farmer," *The Providence Gazette*, June 25, 1768

On June 11, *The Providence Gazette* reported that a town meeting held June 6 had appointed a committee to draft an address of thanks to JD. The meeting was adjourned to June 20, when the committee was to report.

An ADDRESS from the MODERATOR *and* FREEMEN *of the Town of* Providence, *in the Colony of* Rhode-Island, *and* Providence *Plantations*, *convened in open Meeting*, *the Twentieth Day of* June, 1768, *to the Author of a Series of Letters*, *signed*, *A FARMER*.

SIR,

IN your Retirement, "near the Banks of the River *Delaware*,"[1] where You are compleating, in a rational Way, the Number of Days allotted to You by Divine Goodness, the Consciousness of having employed those Talents, which GOD hath bestowed upon You, for the Support of our Rights, must afford You a Satisfaction, vastly exceeding that which is derived to You from the universal Approbation of Your Letters. However, amidst the general Acclamations of Your Praise, we, the Moderator and Freemen of the ancient Town of *Providence* cannot be silent; although we would not offend Your Delicacy, or incur the Imputation of Flattery, in expressing our gratitude to You.

Your Benevolence to Mankind, fully discoverable from Your Writings, doubtless caused You to address Your Countrymen, whom You tenderly call *dear* and *beloved*, in a Series of Letters, wherein You have, with great Judgment, and in the most spirited and forcible Manner, explained their Rights and Privileges, and vindicated them against such as would reduce these extensive Dominions of his

Majesty to Poverty, Misery, and Slavery. This Your Patriot exertion in our Cause, and indeed in the Cause of all the human Race in some Degree, hath rendered You very dear to us, although we know not Your Person.

We deplore the Frailty of Human Nature, in that it is necessary that we should be frequently awakened into Attention to our Duty, in Matters very plain and incontrovertible, if we would suffer ourselves to consider them. From this Inattention to Things, evidently the Duty and Interest of the World, we suppose despotic Rule to have originated, and all the Train of Miseries consequent thereupon.

The virtuous and good Man, who rouses an injured Country from their lethargy, and animates them into active and successful Endeavours for casting off the Burdens imposed on them, and effecting a full Enjoyment of the Rights of Men, which no human Creature ought to violate, will merit the warmest Expressions of Gratitude from his Countrymen, for his Instrumentality in saving them and their Posterity.

As the very Design of instituting Civil Government in the World, was to secure to Individuals a quiet Enjoyment of their native Rights, wherever there is a Departure from this great and only end, impious force succeeds. The Blessings of a just Government, and the Horrors of brutal Violence are both inexpressible. As the latter is generally brought upon a People by Degrees, it will be their Duty to watch against every the smallest Attempt to "innovate a single Iota"[2] in their Privileges.

With Hearts truly loyal to the King, we feel the greatest Concern at divers Acts of the *British* Parliament, relative to these Colonies. We are clear and unanimous in Sentiment, that they are subversive of our Liberties, and derogatory to the Power and Dignity of the several Legislatures established in America.

Permit us, Sir, to assure You, that we feel an ineffable Gratitude to You, for sending forth Your Letters at a Time when the Exercise of great Abilities was necessary. We sincerely wish that You may see the Fruit of Your Labours. We, on our Parts, shall be ready at all Times to evince to the World, that we will not surrender our Privileges to any of our Fellow Subjects; but will earnestly contend for them, hoping that the ALMIGHTY will look upon our righteous Contest with gracious Approbation. We hope that the Conduct of the Colonies, on this Occasion, will be peaceable—prudent—firm—and joint; and such as will shew their Loyalty to the best of Sovereigns, and that they know what they owe to themselves, as well as to *Great-Britain*.

Signed by Order,
JAMES ANGELL,[3] *Town-Clerk*.

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[1] Doc. 4:18, above.

[2] Doc. 4:40, above.

[3] James Angell (c. 1723–1785) served as Providence's town clerk from 1758 to 1775. He subsequently served as a colonel in the Rhode Island militia and commanded a brigade during the Revolutionary War.

97
To James Otis, Jr., [June 21–July 4, 1768]

The Maryland House of Delegates debated the Massachusetts circular letter in June 1768, despite Lieutenant Governor Horatio Sharpe's request to disregard it. Ultimately, the House endorsed the letter, calling it "replete with just principles of liberty," and wrote their own list of grievances in the form of a petition to the king. Sharpe responded by proroguing the Assembly, noting that he would have been forced to end the session in response to these actions had the House not already completed its business.[1]

My Dear Sir,

Hearing of a Vessel sailing for your Port, I inclose To you the Message of Gov[r]: Sharpe to the Assembly of maryland, with their Answer—[2] I hope they will very quickly come to your Hands, & Give sincere Pleasure to you & your Glorious Fellow-Citizens, by shewing what a wretched Success, the vile attempt of an infamous Administration, to disunite the Colonies; has met with.

I write in a great Hurry— may God almighty prosper all the Undertakings of Boston, & may her virtue save not only herself, but those miserable deluded people, who are willing to embrace Destruction— I am with inexpressible Affection, Dear Sir,

[*signature excised*][3]

Please to inform me, whether it is indisputable; that a Pension has been granted to Gov[r]: Hutchinson,[4] out of the American Revenue,— I should be very glad, if it is possible, to have the Words of the Grant.—[5]

C (MHi-Warren-Adams)

[1] Aubrey C. Land, *Colonial Maryland: A History* (Millwood, N.Y.: KTO Press, 1981), 259; *Md. Votes* (1768), 202–07.

[2] Sharpe's message of June 20, 1768, and the reply were printed in *The Maryland Gazette* (Annapolis), June 30, 1768, and the *PC*, June 27–July 4, 1768.

[3] The surviving letter is a copy in the same hand as docs. 4:19, 4:34, and 4:63, above, so the removed signature was not JD's. A photostat copy in PHi-JDPP includes JD's signature, but it is a separate slip of paper pasted onto the document, the result of a modern effort to repair the original.

[4] At the time of this letter, Thomas Hutchinson was lieutenant governor of Massachusetts; the governor was Francis Bernard. Resistance leaders such as Otis viewed Hutchinson, who held several high offices simultaneously, as a pawn of the ministry, and his house had been ransacked by a mob during the Boston Stamp Act riots of 1765.

[5] In late 1767, a rumor circulated in Massachusetts that Lt. Gov. Hutchinson and other executive officers would be paid from the funds raised by the new Townshend Acts, undermining the established practice of allowing the Assembly to determine and pay his salary. See Bernard Bailyn, *The Ordeal of Thomas Hutchinson* (Cambridge, Mass.: Harvard University Press, 1974), 118–20. The possibility

of pensions in the colonies subsequently generated a line in JD's "Song of Liberty." See doc. 4:103, below.

98
To Edward Shippen IV, July 1, 1768

This letter was likely sent as a notice from John Morris, Jr., to Edward Shippen IV on April 7. It was then passed to JD, who added his signature, redated the document, and sent it back to Shippen in July.

After the matter was referred to Joseph Richardson, Joshua Howell, and Peter Knight, they returned a report dated January 9, 1769, finding in favor of Thomas Adam for £443.12.6. The court issued a writ of *fieri facias*[1] on January 10, and on April 10, the inquisition found Keehmle's real estate insufficient to satisfy the debt within seven years. On November 7, the court issued a writ of *venditioni exponas*[2] for Keehmle's estate, which Johnathan Clark purchased at auction for £490 on April 21, 1770, and Adam recovered his debt.[3]

Thomas Adams
v
Conrad Kehmley
} In the Supream Court

And now by Consent the former Reference[4] is Set Aside and all Matters in Variance are Referred to Joseph Richardson, Joshua Howell & Peter Knight or any two of them;[5] If either party neglect or refuse to Attend on three days Notice, The Referrees are to proceed Ex parte;[6] Notice to be given to John Dickinson Esq^{r}. Attorney in Fact & at Law for the Plaintiff; [*JD*:] <Judgment to be Entred as of April Term 1768—>

M^{r}. Shippen is desired to Enter this Reference on the Docket of the Supreme Court by

[*JD*:] <**Dickinson** for P[lainti]ff>
Morris[7] [pro] Defend[ant]

[*JD*:] <Philad[elphi]a July 1st. 1768—
To Edw[ar]d Shippen[8] Esq^{r}>
~~Philad[elphi]a Ap[ril] 7th. 1768—~~

LS (PHi-Logan)

[1] Writ of *fieri facias*: Lat. "(That you cause to be made.) In practice. A writ of execution commanding the sheriff to levy and make the amount of a judgment from the goods and chattels of the judgment debtor" (*BLD*).

[2] Writ of *venditioni exponas*: Lat. "You expose to sale. This is the name of a writ of execution, requiring a sale to be made, directed to a sheriff when he has levied upon goods under a *fieri facias*, but

returned that they remained unsold for want of buyers; and in some jurisdictions it is issued to cause a sale to be made of lands, seized under a former writ, after they have been condemned or passed upon by an inquisition" (*BLD*).

[3] *Supream Court Docquett for April Term 1768*, 57; *Supream Court Docquet for September Term 1768*, 49; *Supream Court Docquet for April Term 1770*, 82, 86, Appearance and Continuance Dockets, Supreme Court of Pennsylvania, PHarH-Ar.

[4] On Oct. 22, 1767, the attorneys had agreed to refer the matter to Walter Shee, Townsend White, and Robert Morris (PHi-Logan). See also doc. 3:131.

[5] Joseph Richardson (1706–1770) was a Quaker merchant who at times represented Philadelphia Co., Pa., in the Assembly. Joshua Howell (1726–1797) was a Quaker merchant, member of the Philadelphia Common Council, and one of the attorneys for the trustees of the Pennsylvania Land Company. Peter Knight (1722–1802) was a Philadelphia merchant and wharf owner.

[6] *Ex Parte*: Lat. "On one side only; by or for one party; done for, in behalf of, or on the application of, one party only. A judicial proceeding, order, injunction, etc., is said to be *ex parte* when it is taken or granted at the instance and for the benefit of one party only, and without notice to, or contestation by, any person adversely interested" (*BLD*).

[7] Probably John Morris, Jr. (1739–1785), a Philadelphia attorney who later served as secretary of the Pennsylvania Provincial Convention in 1776 and acting attorney general of the state in 1777.

[8] Edward Shippen IV (1729–1806), trained at the Middle Temple, was appointed prothonotary, or principal clerk, of the Pennsylvania Supreme Court in 1765.

99
To James Otis, Jr., July 4, 1768

PHILADELPHIA, July 4th, 1768

Dear Sir,—

I inclose you a song for American Freedom.[1] I have long since renounced poetry. But as indifferent songs are frequently very powerful on certain occasions, I venture to invoke the deserted muses. I hope that my good intentions will procure pardon with those I wish to please, for the boldness of my numbers.

My worthy friend, Dr. Arthur Lee, a gentleman of distinguished family, abilities and patriotism, in Virginia, composed eight lines of it.[2]

Cardinal de Retz[3] always inforced his political operations by songs. I wish our attempt may be useful. I shall be glad to hear from you, if you have a moment's leisure to scribble a line to, dear sir, your most affectionate, most obedient servant,

JOHN DICKINSON

Rpt (Tudor, *Life of Otis*, 322)

[1] Doc. 4:100, below.

[2] Lee's brother-in-law, Dr. William Shippen, Jr. (1736–1808), later claimed that JD had stolen credit for the Liberty Song, but Lee never made such an accusation. See William Shippen, Jr., to [Richard Henry Lee], Aug. 25, 1770, *Lee Family Papers, 1742–1795*, Mf, Roll No. 2, ViU.

[3] Cardinal de Retz (Jean François Paul de Gondi; 1613–1679), played a major role in the Fronde (1648–53), a series of civil wars in France.

100
JD and Arthur Lee, "Song of Liberty," [c. July 4, 1768]

Also called "A New Song," this is America's first patriotic song. JD wrote it with help from Arthur Lee, probably in response to Philadelphia merchants' refusal to join with other colonies in resisting the Townshend Acts.

Set to the tune of "Heart of Oak," a popular British patriotic anthem, like his *Farmer's Letters*, the song gained instant popularity. It was printed in newspapers throughout the colonies and in Britain,[1] and sung in taverns and political meetings around the colonies.[2] On August 14, 1769, Boston lawyer John Adams (1735–1826) wrote in his diary that he and 350 Sons of Liberty sang the "Liberty Song" at a dinner. "This," Adams proclaimed, "is cultivating the Sensations of Freedom."[3] The song's success also prompted a parody (doc. 4:145, below),[4] and its lines continued to resonate for years after it was published.[5] Perhaps its most significant contribution to American political discourse was popularizing the phrase "by *uniting* We stand, by *dividing* We fall," which, though not coined by JD, was not used widely before the publication of the song.[6] The phrase evolved from being a staple in the rhetoric of resistance to become both a state and national motto. It is, for example, the official motto of the Commonwealth of Kentucky, and it was widely invoked after the terror attacks of 9/11.

Although the owner of this manuscript, the New England Historic Genealogical Society, filed it with JD's letter of July 6 (doc. 4:102, below), differences between this copy and published versions of the song suggest that this was the original draft that accompanied JD's letter of July 4 (doc. 4:99, above). Most of the lyrics are in the hand of JD's clerk, Jacob Rush, with edits by JD. The notes inserted at the top and bottom of the first page are in an unknown hand (*h1*). Having second thoughts about the boldness of his original language, JD sent a revised copy with his letter of July 6, though that version has not been found. The version of the song that was published in *The Boston-Gazette* on July 18 was similarly titled "A SONG. Now much in Vogue in *North-America*."

[*h1:*] <New Song now much in Vogue in No[rth] America{^{X}}>

A Song
To the Tune of "Heart of Oak &ce"

Come, join Hand in Hand, brave Americans[7] all,
And rouse your bold Hearts at fair Liberty's[8] Call;

No tyrannous Acts shall address[9] your just[10] Claim,
Or stain with Dishonor America's[11] Name—[12]
In Freedom[13] we're born, and in Freedom[14] we'll live
Our Purses[15] are ready,
Steady, Friends,[16] Steady
Not as Slaves,[17] but as Freemen[18] our Money we'll give.[19]

Our worthy Forefathers—Let's give them a Cheer—
To Climates unknown[20] did courageously[21] steer;
Thro[ugh] Oeeeans to Deserts for[22] Freedom they came,
And dying bequeathd Us their Freedom and Fame—[23]
In Freedom[24] we're born &ce

Their generous Bosoms all Dangers despisd,
So highly, so wisely, their Birthrights they priz'd;
We'll keep what they gave, We will piously keep,
Nor frustrate their Toils on the Land and[25] the Deep—
In Freedom[26] we're born &ce

The Tree their own Hands had to Liberty rear'd
They live{d} to behold growing strong and rever'd;
With Transport then cry'd, "Now our Wishes we gain,
For our Children shall gather the Fruits of our Pain"—[27]
In Freedom[28] we're born &ce

Let us too remember our Infants, our Wives
The helpless, endearing Delights of our Lives,

[*in lower margin*, *h1*:] <[X] And they shall sing a New Song.>[29] [*page break*]

From cruel oppressors and insolent Lords,
Imploring Defence more by Weakness than Words—[30]
In Freedom[31] we're born &ce

How sweet is each Labor for them We endure,
That they shall enjoy all the Profit, secure—
No more such {sweet} Labors Americans[32] know,
If Britons shall reap what Americans[33] sow—[34]
In Freedom[35] we're born &ce

The plundering Troops soon in Swarms will appear,[36]
Like Locusts deforming the Charms of the year;
Suns vainly will rise, Showers vainly descend,
If We are to drudge for what others shall spend—
In Freedom[37] we're born &ce

Then join Hand in Hand brave Americans[38] all,
By uniting We stand by dividing We fall;
In so righteous a Cause[39] let us form a full Band,[40]
The Envy and Dread of each slave-making-Land—[41]
In Freedom[42] we're born &ce

All Ages shall speak with Amaze and Applause,
Of the Courage We'll Shew in Support of our Laws,[43]
To di{y}e we dont fear[44]—but to serve we disdain—
[*JD*:] <*> We had better not be, than not Freemen[45] remain—[46]
[*JD, in left margin*:] <*For Shame we abhor—but, We value not Pain.>
In Freedom[47] we're born &ce

[*JD*:] <This Bumper[48] I crown for our Sovereign's Health,
And this for Britannia's Glory and Wealth;
That Wealth and that Glory immortal will[49] be—
If She is but just—and if We are but free—[50]
In Freedom[51] we're born &c>

ADDft (MBNEH-AFHFP)

[1] Twenty-one extant versions of the song have been located. At least fourteen newspapers in the American colonies printed versions in 1768: *PG*, July 7 (doc. 4:103, below); *PJ*, July 7; *PC*, July 4–11; *The New-York Gazette; or, the Weekly Post-Boy*, July 11; *The Maryland Gazette* (Annapolis), July 14; *The Boston-Gazette*, July 18; *The New-York Gazette; and the Weekly Mercury*, July 18; *The Virginia Gazette* (Purdie & Dixon; Williamsburg), July 21; *The New-London Gazette* (Conn.), July 22; *The Connecticut Journal* (New Haven), July 22; *The Providence Gazette*, July 23; *The Boston Evening-Post*, Aug. 22; *The New-Hampshire Gazette* (Portsmouth), Sept. 2; *The Boston Chronicle*, Aug. 29–Sept. 5. William Rind also published a version in his July 1769 edition of the *Farmer's and Monitor's Letters* (for the preface to that edition, see doc. 4:210, below). The same year, the song also appeared in at least six British publications: *The Public Advertiser* (London), Aug. 31; *The Scots Magazine* (Edinburgh), September 1768; *The Gazetteer and New Daily Advertiser* (London), Sept. 1; *The Westminster Journal* (London), Sept. 3; *The Caledonian Mercury* (Edinburgh), Sept. 7; *The Derby Mercury* (Derbyshire), Sept. 9. Additionally, the printing office in Salem, Mass., advertised its intention to sell copies of the song in *The Essex Gazette* (Salem), Aug. 2–9, 1768, but none have been found.

[2] *The Boston-Gazette*, Aug. 8, 1768; *The Boston Evening-Post*, Aug. 22, 1768 (doc. 4:A62, below); *The Boston Evening-Post*, Sept. 26, 1768; *The South-Carolina Gazette; and Country Journal*, Oct. 4, 1768.

[3] *Diary and Autobiography of John Adams*, vol. 1, *1755–1770*, ed. L.H. Butterfield (Cambridge, Mass.: Harvard University Press, 1961), 341–42.
[4] See also "*The Parody* parodized, Or the MASSACHUSETTS Song of LIBERTY," *The Boston-Gazette*, Oct. 3, 1768. The Dover Freemen also published their own version of the song, titled "A NEW SONG," in *Lloyd's Evening Post* (London), Sept. 25–27, 1769.
[5] See *The Boston Evening-Post*, July 18, 1774.
[6] See *The Boston-Gazette*, April 30, 1770; *The Newport Mercury*, Jan. 25, 1773; *The Boston-Gazette*, Oct. 25, 1773; *The Massachusetts Gazette; and the Boston Post-Boy*, Dec. 13–17, 1773; *PJ* (supplement), May 20, 1774; and Abigail Adams to John Adams, May 1, 1796, *Adams Family Correspondence*, vol. 11, *July 1795–February 1797*, ed. Margaret A. Hogan et al. (Cambridge, Mass.: Belknap Press of Harvard University Press, 2019), 79–81.
[7] Underlined four times.
[8] Underlined four times.
[9] All twenty-one extant published versions use the word "suppress" instead of "address."
[10] The version published by Rind in July 1769 uses "free" instead of "just."
[11] Underlined four times.
[12] Rind's version uses "stamp the word SLAVE, on AMERICA'S name" instead of "stain with Dishonor America's Name."
[13] Underlined three times.
[14] Underlined three times.
[15] Rind's version uses "*money is*" instead of "Purses are."
[16] Rind's version uses "*boys*" instead of "Friends."
[17] Underlined four times.
[18] Underlined four times.
[19] Rind's version renders the final line of the chorus as "*Let's give it as* Freemen, *but never as* Slaves."
[20] Rind's version uses "they knew not" instead of "unknown."
[21] Rind's version uses "full bravely did" instead of "did courageously."
[22] Rind's version uses "in" instead of "for."
[23] Seven of the twenty-one extant versions use the word "Name" instead of "Fame": *PG* (doc. 4:103); *The New-York Gazette; or, the Weekly Post-Boy*; *The Maryland Gazette* (Annapolis); *The New-York Gazette; and the Weekly Mercury*; *The Virginia Gazette* (Purdie & Dixon; Williamsburg); *The New-London Gazette* (Conn.); and *The Providence Gazette*.
[24] Underlined three times.
[25] Ten versions use the word "or" instead of "and": *The New-York Gazette; or, the Weekly Post-Boy*; *The Boston-Gazette*; *The New-York Gazette; and the Weekly Mercury*; *The Boston Evening-Post*; *The Public Advertiser* (London); *The Scots Magazine* (Edinburgh); *The New-Hampshire Gazette* (Portsmouth); *The Westminster Journal* (London); *The Caledonian Mercury* (Edinburgh); and *The Derby Mercury* (Derbyshire).
[26] Underlined three times.
[27] Rind's version of this stanza reads: "The Tree their own hands had to *liberty* rear'd, / Deep rooted in earth, grew strong and rever'd: / Then, from all assaults, we this tree will maintain, / And leave to our children the fruit of our pain."
[28] Underlined three times.
[29] Pss. 33:3, 40:3, 96:1, 98:1, 144:9, and 149:1 refer to "a new song," and the phrase also appears in Isa. 42:10 and Rev. 5:9 and 14:3.
[30] All extant published versions omit this stanza.
[31] Underlined three times.
[32] Underlined three times.
[33] Underlined three times.

[34] This stanza appears only in the *PC* and *The Connecticut Journal* (New Haven). In both versions, the text was modified to JD's specifications in doc. 4:102, below.
[35] Underlined three times.
[36] In all extant published versions, this line instead reads: "Swarms of Placemen and Pensioners soon will appear." In all the American newspapers except *The Boston Chronicle*, *The Boston Evening-Post*, and *The New-Hampshire Gazette* (Portsmouth), a note accompanies this line: "The Ministry have already begun to give away, in Pensions, the money they lately took out of our Pockets without our consent." The note does not appear in the British newspapers.
[37] Underlined three times.
[38] Underlined four times.
[39] Underlined four times.
[40] In all extant published versions except Rind's, the phrase "form a full Band" instead reads: "hope to succeed." In Rind's version it reads: "let us form a full Band" instead reads: "we must surely succeed."
[41] In all extant published versions the last line of the stanza instead reads: "For Heaven approves of each generous deed."
[42] Underlined three times.
[43] Underlined four times.
[44] All extant published versions use "can bear" instead of "dont fear."
[45] Underlined three times.
[46] All extant published versions combine elements from this line of the stanza with the inserted text, resulting in a single line. Nineteen read: "For Shame is to Freemen more dreadful than Pain;" *The New-York Gazette; or, Weekly Post-Boy* varies slightly: "For Shame is to Freeman more dreadful than Pain;" while *The Derby Mercury* (Derbyshire) reads: "For Shame is to Freedom more dreadful than Pain."
[47] Underlined three times.
[48] Bumper: "A cup or glass of alcoholic drink filled to the brim, esp. for a toast" (*OED*).
[49] All extant published versions use the word "may" instead of "will."
[50] Rind's version of this stanza reads: "Here's a health to our King, and the Nation at home, / AMERICA and BRITAIN should ever be one: / In *liberty*'s cause, we united shall stand / The envy and dread of each neighbouring land."
[51] Underlined three times.

101
From Philemon Dickinson, July 5, 1768

Dear Brother,

We expected you ~~t~~ would have been with us before this time; & no excuse, but one, that you can offer, will~~,~~ be thought sufficient—

The Strawberries are just going, but the Raisberries are ripening— Currants in plenty, & all vegetables that are in Season— Geese, Ducks & chickens, are now in perfection, & I have kept some ~~Portuguese~~ Portugal Roasters ~~up~~on purpose for you—

I write this by M^r^. A. Hunt,[1] which will be good Oppor[tunit]y to send the remainder of Bainburidges Money by as he wants it,[2] I have paid Leonard the £100—

Pollys[3] Breast continues very hard & painfull, & we imagine it will break in 8 or 10 Days—the child[4] is very hearty & well— we have a good Nurse for her, that

has plenty of milk— we impatiently wait to hear of John's Success—

Polly & all the family desire to be remember'd to you

Yours most Affectionate Brother
Philemon Dickinson

Belleville 5 July 1768

PS. I have counted the Money you left here rec[eiv]ed from Killen,[5] wh[i]ch wants 10/– look over what you took out—

ALS (PHi-RRL)

[1] Probably Abraham Hunt (1741–1821), a prominent merchant who was appointed by Benjamin Franklin as deputy postmaster at Trenton, N.J., in 1764.

[2] Dr. Absalom Bainbridge (1742–1807) graduated from the College of New Jersey (now Princeton University) in 1762 and practiced medicine in Maidenhead (now Lawrenceville), N.J., until about 1773. On June 1, 1768, he had mortgaged 300 acres in Maidenhead Township, Hunterdon Co., to JD for £500. See Hunterdon Co. Mortgages, Vol. 1, p. 82, NjFlCoC.

[3] Philemon's wife, Mary Cadwalader Dickinson.

[4] Mary Dickinson (1768–1822), Philemon and Mary's first child, was born on June 11.

[5] Likely a payment on William Killen's bond to JD. See doc. 4:29, n. 4, above.

102
To James Otis, Jr., July 6, 1768

Dear Sir,

I inclosd to You the other Day the Copy of a Song,[1] composed in great Haste— I think it was rather too bold— I now Send a corrected Copy,[2] which I like better— If You the Bagatelle worth publishing, I beg it may be this copy— If the first is publishd, before this comes to hand, I shall be much obliged to You, if You will be so good as to publish this with Some little note, "that this is a true Copy of the original"—

In this Copy, I think it may be well enough to add between the fourth & fifth Stanzas, these Lines—

How sweet are the Labors that Freemen endure,
That they shall enjoy all the Profit, secure—
No more such sweet Labors Americans know,
If Britons shall reap what Americans sow.
In Freedom we're born &c.[3]

I am, Dear Sir, with the utmost Sincerity,
your most affectionate
and most h[um]ble Serv[an]t
John Dickinson
Philadelphia
July 6th—1768

ALS (MBNEH-AFHFP)

[1] Doc. 4:100, above, enclosed in JD's letter of July 4, doc. 4:99, above.
[2] Enclosure not found.
[3] JD had apparently eliminated this stanza in the revised draft enclosed in this letter. Despite his intention to restore the lines, the stanza only appeared in two of the twenty-one surviving published versions: the *PC*, July 4–11, 1768, and *The Connecticut Journal* (New Haven), July 22, 1768.

103
[JD and Arthur Lee], "Song of Liberty," *The Pennsylvania Gazette*, July 7, 1768

For a draft of this song, see doc. 4:100, above.

A SONG.

To the Tune of HEART OF OAK, *&c.*

COME, join Hand in Hand, brave AMERICANS all,
And rouse your bold Hearts at fair LIBERTY's Call;
No *tyrannous Acts* shall suppress your *just Claim*,
Or stain with *Dishonour* AMERICA's Name.
In FREEDOM we're BORN, and in FREEDOM we'll LIVE,
Our Purses are ready,
Steady, Friends, Steady,
Not as SLAVES, but as FREEMEN our Money we'll give.

Our worthy *Forefathers*—let's give them a Cheer—
To *Climates unknown* did courageously steer;
Thro' *Oceans* to *Desarts* for *Freedom* they came,
And dying bequeath'd us their *Freedom* and *Name*.—
In FREEDOM we're BORN, *&c.*

Their generous Bosoms all Dangers despis'd,
So *highly*, so *wisely*, their BIRTHRIGHTS they priz'd;
We'll keep what they gave, we will piously keep,
Nor frustrate their Toils on the Land and the Deep.
In FREEDOM we're BORN, *&c.*

The TREE their own Hands had to LIBERTY rear'd,
They liv'd to behold growing strong and rever'd;
With Transport then cry'd, "Now our Wishes we gain,
For our Children shall gather the Fruits of our Pain."
In FREEDOM we're BORN, *&c.*

Swarms of *Placemen* and * *Pensioners* soon will appear,
Like Locusts deforming the Charms of the Year;
Suns vainly will rise, Showers vainly descend,
If *we* are to *drudge for* what *others* shall *spend*.

In FREEDOM we're BORN, *&c*.
Then join Hand in Hand, brave AMERICANS all,
By *uniting* We stand, by *dividing* We fall;
IN SO RIGHTEOUS A CAUSE let us hope to succeed,
For Heaven approves of each generous Deed.—
In FREEDOM we're BORN, *&c*.
All Ages shall speak with *Amaze* and *Applause*
Of the *Courage* we'll shew IN SUPPORT OF OUR LAWS;
To DIE we can *bear*—but, to SERVE we *disdain*—
For SHAME is to *Freemen* more dreadful than PAIN.—
In FREEDOM we're BORN, *&c*.
This Bumper I crown for our SOVEREIGN's Health
And this for BRITANNIA's Glory and Wealth;
That Wealth and that Glory immortal may be,
If *she* is but *just*—and if *we* are but *free*.—
In FREEDOM we're BORN, *&c*. D.

* The *Ministry* have already begun to *give* away, in PENSIONS, the *Money* they lately took out of our Pockets, WITHOUT OUR CONSENT.[1]

[1] In a letter to James Otis, Jr., JD had inquired about a pension granted to Lt. Gov. Hutchinson funded by revenue from the Townshend Acts. See doc. 4:97, above.

104
A Farmer [JD], "To the Merchants of the Town of Norwich, in Connecticut," *The Pennsylvania Gazette*, July 7, 1768

A draft of this reply appears in doc. 4:107, below.

To the MERCHANTS *of the Town of* NORWICH, in CONNECTICUT.

Gentlemen,

I THANK you for the Letter with which you have been pleased lately to favor me,[1] and receive a very sincere Satisfaction in finding any Performance of mine approved by Persons, who have a proper Value for the inestimable Blessings of Liberty—more especially, as you think you have Reason to commend "*the Goodness of my Heart*."

I form no wish for *any other Fame*, than to be esteemed an HONEST MAN, and a LOVER OF MY COUNTRY, though indeed *such* is perhaps a Wish too ambitious for me, as I cannot but acknowledge, that I think *any other Fame* inferior beyond all Degrees of Comparison to *this*.

The great Duties of Humanity are, to *please our Creator*, and to *do good to our Fellow-Creatures*; and as all our Actions derive their Worth from the *Intention* with which they are done, whatever Display of Ability or Knowledge a Man may make, yet if the Exertion does not proceed from a Regard to the *Will of* GOD, or the *Welfare of Men*, that Person merits, in my Opinion, a very slender Share of Praise.

My Motive for addressing the Inhabitants of the *British* Colonies on this Continent, was not, I think, illaudable; and having thus attempted only to do my Duty, I sought not to be "*admired*;" but must confess, that—to promote the Interest of my Country, and to be *loved* by those who love her, is the "unbounded" Passion of my Soul.

Impressed with these Sentiments, I can pass by, not only without Resentment, but with true Complacence, the Conduct of those who strive to *injure me*, because I strive to *serve them*; and with Sincerity of Heart I declare, that were my Countrymen universally thus unkind—a Misfortune which Divine Providence has graciously prevented! I should still delight in my Endeavors for their Benefit, and if I can judge of my Firmness on such a Trial, could, amidst their Reproaches, chearfully lay down my Life *for them*, if thereby they should be enabled to utter their Reproaches in Safety.

That I shall prove such a "Benefactor" to you and your "Posterity," as you believe I shall, the Applauses of your "Friendship" cannot encourage me to hope; but be pleased to assure yourselves, Gentlemen, that my Wishes are the warmest for your and their Prosperity. A FARMER.

[1] Doc. 4:66, above.

105
A.B. [JD*?*], "The Centinel. No. XVI," *The Pennsylvania Journal*, July 7, 1768

Though it bears the same pseudonym as letters VI, VII, and VIII (docs. 4:75, 4:78, and 4:80, above), differences in style and content mean this letter cannot be attributed to JD with certainty.

The CENTINEL. N° XVI.
To the AUTHOR *of the* CENTINEL.

SIR,

THE Readiness, with which you published the Letters, I sent you, emboldens me to offer some farther Thoughts on the Subject. I have endeavoured to show that the Church or rather every Church in *America* has a Right in itself to provide for its own Discipline and Government, that if Civil Laws are necessary for the Support of its Clergy, or for the Regulation of its Members, they ought to be made by the Legislatures of the respective Colonies; and therefore that any Application to the Parliament of *Britain*, or any Power on Earth, other than the Legislatures of the Colonies, to establish any Sect or Denomination of Christians in his Majesty's American Colonies, is an Infringement of the Rights of the People, and as such ought to be resented. I shall now consider what it is, that Doctor Chandler and the Applicants petition for, and hope to convince you, that it is not a Minister of Christ, a Publisher of the Gospel, nor Officer of the Christian Church, but a dangerous

Engine of State. This will appear if we consider for what Purposes he is wanted, with what Powers he is to be invested; and in what Manner he is to exercise those Powers.

The Liberty of America has ever been a Matter of Envy to the Bigots and High flyers, as well as to the Favourers and Abettors of arbitrary Power in England. Instances of this might be given, from the Times of *Laud*,[1] and *Bancroft*[2] down to the Time of those *venerable* Bishops, who with one Accord entered their warm Protest against the Repeal of the American Stamp Act.—[3] And it might easily be shewn, that whenever Attempts have been made at Home to encrease the Power of the Crown, or subvert the British Constitution and the Liberties of the People, the Liberty of *America* has at the same time been invaded. Nor is this to be wondered at; for while America remains a sacred Asylum, the Shackles of Slavery cannot well be fixed upon Britons, nor can ecclesiastical Tyrants exercise arbitrary Sway.

But what is particularly worthy of Observations is, that every Attempt upon American Liberty has always been accompanied with Endeavours to settle Bishops among us. Thus in the Reign of *Charles* I. when *Laud* attempted to subjugate the Colonies, then in their Infancy, he was not content with contriving to cramp their Trade by foolish Proclamations, § but to complete their Mortification and effect their Ruin, was upon the Point of sending them a Bishop, with a military Force to back his Authority. ‡ The same Attempt was revived in the latter End of Queen *Anne*'s Reign: and had not God in his Providence interposed, and blasted the Designs of the Enemies of Britain, the same Year might have been remarkable, for the Downfal of Protestantism, the Introduction of the Pretender,[4] and the Revival of Popery in England, and for the Establishment of Bishops in *America.* The unsettled State of the Nation after the Accession of *George* I. gave the Enemies of that Prince and of their Country some faint Hopes of accomplishing their Design; and, therefore, in the Year 1714, while the Spirit of Rebellion was kindling into a Flame, and the Friends of Popery and the Pretender were forming their Party and preparing to overturn the Government, and the Religion of their Country, the same restless Spirits, who in the last Reign had laboured to get Bishops established in *America*, "renewed their Attempt and made one vigorous Effort to accomplish" what they call their "grand Affair." But (Thanks to the great Over-Ruler of Events) the Designs of both "proved abortive." The Rebellion was quashed,[5] and the Scheme of an American Episcopate dropt of Course: Some Persons however still continued to keep Sight of the great Object and as they are always "watching for seasonable Opportunities of exerting themselves to obtain it."[6] we find it resumed with great Warmth not long before the Rebellion in 1745.[7]

With what Views a Bishop is so earnestly desired for America, and for what Purposes he is sent, we are now to enquire. "His Authority," we are told, "shall

operate only on the Clergy of THE CHURCH and not on the Laity."[8] The Bishop spoken of in the New Testament is ordered to feed the Flock, and take Care of the Church of God.[9] But the American Bishop is to exercise no Authority over the Laity or private Members of the Church, over which he presides. His Business is to "ordain, *unite*," *support* and govern the Clergy. ¶ Over these his Power is to be absolute. He is to hold no

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§ *Rushworth,* Second Part. P. 718.[10]

‡ *Heylin*'s Life of Laud. P. 369.[11]

¶ *A Confirmation*[12] *is also mentioned as one of the important Offices of a Bishop*, *and great Stress seems to be laid on it*, *by Doctor C. But how high soever the popish Church and its adherents may rate Confirmation*, *and the uninterrupted Succession*, *the Doctor ought to know*, *that the Church of England*, *of which he professes himself a Member*, *considers them in no very favourable Light*. "Confirmation, *Penance*, Orders, *Matrimony and extreme Unction are not to be accounted for Sacraments*, *being such as are grown* partly of the CORRUPT Following of the Apostles, *partly are States of Life allowed by the Scriptures*. 25 *Art. of the Ch. of* Eng.[13]

Spiritual Court, P. 95. And yet he is to "have Power to suspend any Clergyman, to deprive him of his Benefice and not only silence and depose him but *excommunicate him from the Society of Christians*." ‖ All this he is to exercise "according to the Direction of and by Virtue of a Commission from the Diocesan," § who may reside at *London*, *Lambeth*,[14] or elsewhere. This, Doct. C. assures us is "the Plan of the American Episcopate, and that he does not know of a single Instance wherein Reason has been given to suspect a Departure from it". How well this Plan was calculated to answer the Views of a *Laud*, who wants to introduce arbitrary Government into Church and State, is easy to see: Nor will it be difficult to reconcile it with the Schemes of those, who laboured to introduce Popery and the Pretender.

But to add to the Weight and Importance of these Bishops, and the better to enable them to promote the Designs of the Minister, a hint is given that "the Government may hereafter see fit to invest them with some Degree of civil Power, worthy of their Acceptance;" that as "a Clergyman may be made a Justice of the Peace or a Judge of the Quorum; so Bishops may be invested with a proportionable Degree of civil Authority;"[15] † which can be nothing less than a Member of the upper House of Assembly or Governor of a Province. To this we are told, no one ought to object: For "all that the Happiness and Safety of the Public require, is, that the legislative and execute Power be placed in the Hands of such Persons as are possessed of the greatest Abilities, Integrity and Prudence; and it is hoped, says Dr. C. Bishops will always be *thought* to deserve this Character."

Let us now consider what a dangerous Engine of State this might be in the Hands of an enterprizing and ill-minded Minister. Where a Man's private Interest is united with the Interest of his Country, it is reasonable to suppose, he will heartily wish that Country may thrive, and will exert himself in Support and Defence of its Liberty; but this is not the Case with those who are sent from another Part of the World, to be Employed in Places of profit and power: Because they can bear no Affection to the Place where they sojourn; their sole Business being to advance themselves by following the Directions of their Principals: Neither will it be the Case with those who are taken into Offices, although Natives of the Land, because they are greater Gainers while they keep their Offices, than they can be by promoting and defending the Interest of their Country.

The People of *America* are to have no Concern in the Election of this Bishop. Over his Actions they have no controul. The Clergy, as they will hold their Livings at his Pleasure, must pay the same implicit Obedience to his Commands, which he himself will always pay to the Minister of State, whose Creature he is, and on whom his Hopes of Preferment depend.

I cannot therefore wonder if the Administration of a B---e[16] or a G-------e[17] is distinguished with an Attempt to introduce an American Episcopate.

I am, &c. *A.B.*

‖ *P.* 33. § *B.* 80. † *C.* 3.

[1] Most Rev. William Laud (1573–1645), archbishop of Canterbury from 1633 until his death, was a symbol of religious persecution for Whigs. After he imposed high church practices on the Puritan-minded clergy of the Church of England, he was arrested by order of the Long Parliament in 1640 and executed five years later.

[2] Most Rev. Richard Bancroft (1544–1610) was bishop of London from 1597, late in Elizabeth I's reign, and archbishop of Canterbury from 1604 to 1610 under James I. He was a vigorous opponent of Puritans.

[3] Possibly referring to the protest of members of the House of Lords against the repeal of the Stamp Act of 1765, printed in the *PG*, June 19, 1766, and signed by several bishops.

[4] The Pretender is a pejorative term used for the various Stuart claimants to the thrones of England, Scotland, and Ireland after the expulsion of James II in 1688. In this case it refers to James Francis Edward Stuart (1688–1766), son of James II.

[5] The Jacobite Rising of 1715, launched in the late summer, was rapidly suppressed by Hanoverian forces, with the fighting all but concluded by the time James Stuart landed in Scotland in December.

[6] Chandler, *Appeal*, 49–50, 52–53.

[7] The Jacobite Rising of 1745 was led by James II's grandson, Charles Edward Stuart (1720–1788), later known as "Bonnie Prince Charlie." Although the Jacobites enjoyed initial military successes and took control of much of Scotland, their invasion of England was repelled, and Stuart's forces suffered a crushing defeat at the Battle of Culloden on April 16, 1746.

[8] Chandler, *Appeal*, 79.

[9] Possibly a reference to 1 Pet. 5:2, which calls elders to "Feed the flock of God which is among you,"

and 1 Tim. 3:5, which asks, "For if a man know not how to rule his own house, how shall he take care of the church of God?" The qualifications and duties of bishops are discussed in 1 Tim. 3:1–7 and Titus 1:7–9.

[10] John Rushworth, *Historical Collections. The Second Part* . . . (London: J. Wright et al., 1680), 718. Rushworth (Rushforth; c. 1612–1690) was a lawyer, clerk-assistant to the House of Commons, and later a member of Parliament.

[11] Peter Heylyn, *Cyprianus Anglicus: Or, the History of the Life and Death, of the Most Reverend and Renowned Prelate William by Divine Providence, Lord Archbishop of Canterbury* . . . (London: A. Seile, 1668), 369. Rev. Heylyn (1599–1662) was a clergyman and historian supportive of Laud. There is no clear proof that Laud had military force at his disposal for sending over a bishop.

[12] Confirmation is a rite administered by bishops to mature baptized persons. In the Anglican tradition, it is held to convey special grace which confirms or strengthens the recipient in the Christian faith.

[13] This refers to Article XXV of the Thirty-Nine Articles of Religion, which defined the position of the Church of England regarding the English Reformation. Finalized in 1571, from 1714 the articles were printed in *The Book of Common Prayer* (1662), likely where A.B. read them.

[14] Lambeth Palace, located immediately across the river Thames from the Houses of Parliament in London, is the traditional residence of the archbishop of Canterbury.

[15] This and the succeeding quote are from Chandler, *Appeal*, 110, rather than p. 3 as cited in the footnote.

[16] John Stuart, third earl of Bute (1713–1792), was a tutor and advisor to the young Prince of Wales, George William Frederick, the future George III, throughout the 1750s. When George III ascended the throne in 1760, Bute entered the ministry and became prime minister in 1762. Bute's Scottish background and Tory politics made him suspect in the eyes of many English and colonial Whigs. Although Bute left office in 1763 and subsequently lost favor with George III, he remained a symbol of encroaching absolutism on both sides of the Atlantic.

[17] Grenville.

106
From George Ross, July 9, 1768

George Ross represented the plaintiff in the case of *Lowry v. Buchanan*. See related docs. 4:14 and 4:88, above, and 4:154 and 4:A21, below.

———————————————————

Sir,

It was not in my power till now to Answer yours[1] about Lowry &c ag[ains]t Buchannan et al—on Acc[oun]t of my Clyents being at Fort Pitt— since their Return have consulted with them & they are Inclined to Try the Causes here On Account of its being easier for the Evidences to Attend—

You Mention that [Nar[ratione]s?][2] are not filed in the Causes—this I did not know but thought they had been at Issue I shall therefore bring or send down Declarations so as to put the Causes at Issue the Next Court—

I should be glad to know whether you would Choose to have a struck Jury[3] or not if you should let us agree to have the Jury struck next August Court when M[r]: Shippen[4] who is also concernd with you will be here

I am with much Esteem

Yo[u]r very H[um]ble Serv[an]t
Geo: Ross[5]
Lanc[aste]r July 9th: 1768—

ALS (PHi-Logan)

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[1] Letter not found. JD had evidently written Ross about William Buchanan's desire to try the case at Philadelphia. See doc. 4:88.

[2] *Narratio*: Lat. "One of the common law names for a plaintiff's count or declaration, as being a narrative of the facts on which he relies" (*BLD*).

[3] Striking a jury: "The selecting or nominating a jury of twelve men out of the whole number returned as jurors on the panel. It is especially used for the selection of a *special* jury, where a panel of forty-eight is prepared by the proper officer, and the parties, in turn, strike off a certain number of names, until the list is reduced to twelve. A jury thus chosen is called a 'struck jury'" (*BLD*).

[4] Likely Edward Shippen IV. See doc. 4:98, n. 8, above.

[5] George Ross (1730–1779), a Lancaster lawyer, was a member of the Pennsylvania Assembly from 1768 to 1776, a member of the Continental Congress, and a signer of the Declaration of Independence.

107
Draft Letter to the Moderator and Freemen of the Town of Providence in New-England, [July 1768]

For the published version of this document, see doc. 4:108, below. This document also contains a draft of doc. 4:104, above.

~~Gentlemen,~~

~~Words can but very faintly express the Sentiments of Respect & Gratitude, with~~ which I receive the Kindness & Honor of your {late} Address to Me.

"The Consciousness of having employed" Myself in the best Cause—~~the~~{at} ~~Cause~~ of our {common} Country—"affords" Me indeed a ~~sincere~~ {great} "Satisfaction"; yet it would be an {unpardonable} Affectation ~~of Virtue~~ in Me to pretend, that such "Praise" as You {have} bestow{d}, by such Persons bestowed, did not give Me {a} very ~~great~~ {sincere} Delight: {For} ~~To be~~ {~~The~~} {To be} esteem~~ed~~{ed} & commend~~ed by~~{~~ation of~~}{ed by} those who themselves deserve to be esteemed & commended, ~~are sweet rewards of well meant Actions~~ {is one of the invaluable Rewards of ~~worthy~~ well meant Actions~~;~~{.}}

So highly ~~do~~ I prize the Approbation of the "Moderator & Freemen of the antient Town of Providence", ~~that~~ I shall constantly & zealously endeavor to merit its Continuance{.}; {X} ~~and I most heartily wish, that your "generous Resolution "not to surrender your Priviledges to any of your Fellow Subjects, but {with hearts truly loyal} earnestly to contend for them", may meet with Success equal to such distinguished Virtue {& Prudence.}~~

May You, Gentlemen, as I doubt not [~~*illegible*~~]{but} You will, by your wise yet Spirited Conduct, exhibit a noble Example ~~by "shewing" at the same Time, "your~~ {demonstrating, that these Colonies, may at the same Time "shew their} Loyalty ~~to~~

~~the best of Sovereigns, and that they know what they owe to themselves, as well as to Great Britain~~", and I most heartily wish ~~(see above X)~~ [*page break*]

Know then this Truth Gentlemen,

Words can but very faintly express the Sentiments of Respect & Gratitude, with which I receive the Kindness & Honor of your late Address to Me.

"The Consciousness of having employed" Myself ~~in the best Cause~~ {"for} the Support of our Rights", through a dutiful Devotion to ~~the Interests~~ my Country, "affords" Me indeed a great "Satisfaction"; yet it would be an unpardonable Affectation in Me to pretend, that such "Praises" as You have bestowed, by such Persons bestowed; did not give Me a very sincere Delight: For to be esteemed and commended by those, who themselves deserves~~{to}~~ be esteemed and commended, is one of the invaluable Rewards of well meant Actions.

So highly I prize the Approbation of the "Moderator and Freemen of the antient Town of Providence", that I shall constantly and zealously endeavor to ~~deserve~~ [~~*illegible*~~] {merit} its Continuance; and I most heartily wish, that your generous Resolution "not to surrender your Priviledges to any of your Fellow Subjects," may meet with a Success equal to such Virtue.

May You, Gentlemen, as I doubt not but You will, by your wise ~~yet~~ and spirited Conduct, exhibit a noble Example demonstrating, that these Colonies may at the same Time "shew their Loyalty to the best of Sovereigns, and that they know what they owe to themselves, as well as to Great Britain";{.} ~~their Yet dear Parent Country.~~ [*page break*]

~~I therefore~~ {Impressed with those Sentiments I} can pass by, not only without Resentment but with ~~affectionate~~ {[~~Defia~~*?*]} {[~~*illegible*~~]} {Sincere} Complai~~sance~~{cence}, those {~~unkind Persons~~} who strive to injure Me, because I ~~have~~ strive to serve them; and with the utmost Sincerity of Heart I declare ~~that such unkind Persons [*illegible*] I never entertained a single~~ {that were my Countrymen ~~thus~~ universally thus unkind, I should still delight in my Endeavors for their Benefit, X and if I can judge of my Firmness on such a Trial, could} chearfully lay down my Life for them, I [*at bottom of paragraph*:] {I amidst their Reproaches, if by my Death they should be enabled to utter their Reproaches in Safety.}

{Our} {Fellow Creatures, are the great Duties of Humanity: and {all Actions derive their Dignity from the Intention with which they are done.}} Whatever Display {therefore} of Ability or Knowledge a Man may make, yet if the Exertion does not proceed from a Regard to the Will of God or the Welfare of Men, that Person merits in my Opinion, a very slender Share of Praise. ~~If his Conduct flows from [these?] pure Sources,~~

My Motive for addressing the Inhabitants of the British Colonies was not {I ~~hope~~ think} illaudable; ~~Their Approba and on the strictest Review of my Conduct,~~ I cannot perceive, that my Affection for them has led Me {into any disrespectful

Expressions} against our most excellent Sovereign, or our yet dear ~~Moth~~ Parent ~~Coun[try~~] {~~King[dom~~]} {Countr[y,]} Offences, for which I never could forgive Myself. Having thus attempted {only} to do my Duty, I seek not to be "admired"~~;~~{:} but{—}to be loved~~,~~{:} by those who themselves deserve to be loved, is, I candidly confess, the "unbounded" Passion of my Soul.

That I shall be such a "Benefactor" to You & Your "Posterity," {as You ~~expect~~ believe [~~*illegible*~~]{Me} to be,} the Applauses of your "Friendship" [*continued from above after symbol* I:] cannot encourage Me to hope; but be pleased to assure~~s~~ {Y} ourselves, Gentlemen, that my ~~Heart~~ Wishes ~~for~~ are the warmest for ~~the~~ {Your & their} Prosperity

ALDft (PHi-RRL)

108
A Farmer [JD], "To the Moderator and Freemen of the Town of Providence in New-England," *The Pennsylvania Chronicle*, July 11, 1768

For the draft of this document, see doc. 4:107, above.

To the Moderator and Freemen of the Town of Providence, in New-England.

GENTLEMEN,

WORDS can but very faintly express the Sentiments of Respect and Gratitude, with which I receive the Kindness and Honor of your late Address to me.[1]

"The Consciousness of having employed" myself in "the Support of our Rights" through a dutiful Devotion to my Country, "affords" me, indeed a great "Satisfaction"; yet it would be an unpardonable Affectation in me to pretend, that such "Praises" as you have bestowed, by such Persons bestowed, did not give me a very sincere Delight: For to be esteemed and commended by those, who themselves deserve to be esteemed and commended, is one of the invaluable Rewards of well meant Actions.

So highly I prize the Approbation of the "*Moderator* and *Freemen* of the ANCIENT Town of *Providence*", that I shall constantly and zealously endeavor to merit it's Continuance; and so much I interest myself in your Prosperity, that I most heartily wish your generous Resolution, "not to surrender your Privileges to any of your Fellow-Subjects", may meet with a Success equal to such Virtue.

May you, Gentlemen, as I doubt not but you will, by your wise and spirited Conduct, exhibit a noble Example, demonstrating, that these Colonies may, at the same Time, "shew their LOYALTY to the best of Sovereigns, and that they KNOW WHAT THEY OWE TO THEMSELVES, as well as to *Great-Britain*."

A FARMER.

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[1] See doc 4:96, above.

109
Scrutator, "To the Printer," *The Gazetteer and New Daily Advertiser* (London), July 13, 1768

To the PRINTER

A Farmer of Pensylvania, who says he is now settled, after a variety of fortunes, near the banks of the river Delaware in that province, has lately ushered into the world twelve letters of his own writing, addressed to the inhabitants of the British colonies in America. These letters are the fruits of his leisure hours in retirement: their subject is the connection between those colonies and the mother country; their end to disprove the right of the mother country to tax those colonies in any manner whatever. It is said, in an advertisement prefixed by the British Editor to this farmer's letters,[1] that the author is a gentleman of repute in North America, for his knowledge of its affairs, and that he speaks the general sentiments of its inhabitants. How far these assertions may be true I know not; but of this I am certain, that the validity of his argument must stand on its own basis, and can borrow no degree of reasonable support from the author's character, or the prepossessions of his countrymen. Before we become acquainted with the real sentiments of a man on any topick whatsoever, his reputation for candour, knowledge, and good sense, may induce us to entertain a favourable idea of the justice and propriety of those latent sentiments. But from the very moment they are made public, their whole weight and merit is to be sought for in themselves; every particle of prejudice vanishes, or ought to vanish, and conjecture gives way to conviction or dissent. His sentiments being those of the generality of his compatriots, adds as small a share of strength to his argument, as his own particular and private reputation. Multitudes daily commit mistakes in their most essential concerns; whole nations have often been the victims of error; nay, the world has lain totally enveloped in darkness.

The subject of these letters is of the utmost importance, as well to Great Britain as to the Colonies themselves: it is a subject much canvassed both within doors and without: it affords matter for debate at every social meeting, and has been scrutinized with as much warmth, if not as much accuracy, by a city club, as by an American assembly or a British parliament. In a free state it is not only the privilege but the duty of every individual to think and to speak as well as to act, for the good of the whole community: so far, I mean, as the laws impose no restraint. Liberty, which under despotism is bounded by the will or caprice of the tyrant, in a free state is bounded only by the law of the land. Availing myself of this freedom, which in common with my fellow-subjects I happily enjoy, and in discharge of that duty, which I think every man owes to the community, whereof he is a member, I will proceed to the best of my ability, to examine the principles and doctrine this farmer has laid down, and the consequences he draws from such principles and

such doctrine. Our differences, I foresee, wherever we shall differ, will seldom so much respect premises as conclusions; for his facts, I believe, I shall give him general credit. Calmly and dispassionately as he has professed to treat this very important and interesting question, his argument deserves, at least, the profession of a calm and dispassionate examination: should a warm expression, through hurry or inadvertence, ever casually escape me, I trust I shall be able to find a match for it in the cool farmer's vocabulary, in spite of his professions.

He concludes his exordium by requesting, "That his letters may be read with the same zeal for the happiness of British America, with which they were wrote."[2] If he means by this request, and [*sic*] exclusive zeal for the happiness of the American colonies, in contradiction to that of the mother country, he will find it very difficult to obtain a compliance on this side of the Atlantic. But if he means nothing more than a zeal for their happiness, as parts, as subordinate parts, of the whole of the British empire, which whole he would have happy, every good and wise man, throughout the extent of that empire, will most heartily concur in the same liberal spirit.

The Farmer's first essay, in pursuance of his zeal, is an invective against the assemblies of the colonies themselves, and more particularly against that of his own beloved province, for "not having taken sufficient notice" as he expresses it, of the act of parliament for suspending the legislation of New York.[3] He confesses, at the same time, that "the assembly of the last-mentioned government acted imprudently in not complying so far as would have given satisfaction, as several colonies did, with a former act of parliament, requiring certain provisions to be made for the troops in America." He thinks they did wrong, but objects to the punishment: or if he admits they deserve punishment, he objects to the mode. "It was not (he says) necessary that this suspension should be caused by an act of parliament; the crown might have restrained the Governor of New-York, even from calling the assembly together, by its prerogative in the royal governments." The first observation I would make on these paragraphs is, that, although our farmer may perhaps speak the general sentiments of the inhabitants of America, as has been asserted, it clearly appears that he speaks not the sentiments of their general assemblies; that is, of probably the most prudent, sensible, and best informed men amongst the Americans. Two assemblies, particularly of the province he live [*sic*] in, have sat and adjourned without taking any notice of this act, tho' "nothing would have been more easy (as he himself declares) than to have borne their testimony against t [*sic*], without having recourse to inflammatory measures, by ordering their agents to represent to the King's ministers their sense of the suspending act, and to pray for its repeal." What are we to gather from this acquiescence, but a just sense in those assemblies, of the irrefragable right of the supreme legislature, the parliament of Great Britain, to controul by its authority all subordinate legislatures? for it is observed with the strictest truth by the farmer, that the act of suspension might as well be extended to all the British colonies, as to that of New-York. When we see in a common cause

a general acquiescence, may we not fairly infer a general approbation? And how much the more strongly, when dislike might have been shewn, without infringing upon duty, without deviating from respect?

The Farmer himself thinks the New Yorkists were in the wrong: yet he would have them, notwithstanding, escape with impunity, or at least disapproves of a parliamentary punishment. What can be his idea of a dependent legislature? Wherein can consist the supremacy of that power, which he recognizes as paramount, if it has no means of enforcing its authorities on its dependencies? Is dependence to be preserved at the will only of the dependent? Would it subsist for a moment on so infirm a security? Had the crown alone been offended by the disobedience of New York, the crown, by its representative, I mean the Governor, might no doubt, in the very manner which the Farmer has prescribed, have resented the insult. But this was not the case of a division or difference between the constituent parts of a legislature. It was not upper, or lower House, or both, against their head, but a subordinate assembly against a paramount parliament. It was an act of disobedience, not merely to sole, executive Majesty, in its distinct and separate political capacity; but to the aggregate, uncontroulable legislative Majesty of the King in parliament. It was an act of disobedience of an American colony, armed only with the petty privileges of corporational sub-legislation, against the united powers of the whole British legislature. The gentlest punishment, which supreme legislation can possibly inflict on subordinate legislation is by a temporary suspension of its legislative power. Such was the punishment actually inflicted on the assembly of New York by the parliament of Great Britain, for its peculiar and most unwarrantable refractoriness to the high behests of that parliament; and so just did it seem to the neighbouring colonies, who acknowledge themselves amenable to the same supreme authority: that, although, as the Farmer says, the cause was in some sense common, and the case might possibly be one day their own, they suffered it to pass, without a remonstrance, without a petition, without a prayer for its repeal.

The Farmer's second letter is written avowedly against another late act of parliamen [*sic*],[4] which he stiles unconstitutional, and equally destructive to the liberty of the colonies, with that which he has endeavoured (how vainly has been seen) to invalidate in his first. This gives him an opportunity of entering more deeply into the general subject of his letters. It is my purpose to follow him through each letter singly, letter for letter, with the perspectives of reason, and constitutional truth; and to examine with candour the justice of those claims, which, as a private individual, unauthorised by that people, on whose behalf he makes them, he has ventured to set up. Although his sentiments, however artfully veiled with a thin gauze of modesty, may perhaps be more conformable to those of the bigots and enthusiasts of the colonies, to those, I may say, of the American mob, and to those of certain mischievous MIS-LEADERS of the people, who seek their own aggrandizement under the mask of popalarity [*sic*]; I do not despair, that such as

common sense, with some reading and information, will dictate to me, may be found consentaneous to those of the soberest, most prudent, and, I will even add, most patriotic colonists, who see things as they are, as they must and ought to be, for their country's true interest, and not through a medium of fanatical phrenzy.

SCRUTATOR[5]

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[1] Doc. 4:79, above.
[2] Doc. 4:18, above.
[3] Ibid. The New York Restraining Act of 1767.
[4] See doc. 4:20, above. The Revenue Act of 1767.
[5] Scrutator: "One who examines or investigates" (*OED*).

110
Draft Fragment of *To the Public*, [July 1768]

This document fragment is the last two draft pages of *To the Public* (doc. 4:111, below). The first pages have not been found. JD included the first two paragraphs in the final published version but excluded the rest.

I know, some People have objected, that this conduct of our Province may encourage the Parliament & Ministry to pursue the most violent Measures, by ~~persuasions~~ inducing them to believe, that the Colonies are <u>disunited</u>;[1] and therefore, say these Objectors, ~~all~~ their Province may be justly chargd with all the Bloodshed & Calamities, that may follow in Consequence of the Encouragement they gave to the Parliament & Ministry.

But I answer to these Objectors, that the good Men who have promoted the pacifick Measures of this Province, have no doubt duly considered this Objection; & as it appears to have had no Weight with them, we may fairly conclude from the great Proofs they have given of their Wisdom in this Affair, that it did not deserve the least Regard.

We may therefore <u>now</u> justly rejoice, that We have reachd the most consummate Degree of virtue and Prudence in Politics. It is true, that ~~our Forefathers~~ those who have gone before Us, in settling & conducting this Province, did tolerably well for the Times in which they lived: but every impartial Reader of our public Transactions, that from the ~~first~~ {very} Beginning of the Settlement, there was a certain turbulent Spirit in our Forefathers, which never would suffer them to sit [*page break*] down in Silence and Submission under any Attack upon their Priviledges or Liberties:[2] Nor do I believe that the History of any People upon Earth can shew Instances of a more steady Attention to their Rights, or of quicker Alarms, on any Affront or Injury being offered to them.

However, tho[ugh] they had their turbulent Disposition for maintaining their Rights, as they were called, yet in Justice to their Memory we must acknowledge, that their Turbulence was of ~~that~~ {such a} kind, that ~~the turbu~~ {no other}

turbulence can be compard with it.[3] It was the Turbulence of Sense, {Spirit,} Virtue, Meekness, Piety, employed— Mistaken Men! as they thought, in Defence of publick Happiness. It was cautious: it was firm: it was noble: it was gentle: it was ~~religious:~~ {devout:}

In short, {Their Policy was like the Religion they profest; and [~~that had it~~*?*]} ~~it~~ would not have been Turbulence, if it had not been employed— Mistaken Men! as they thought, in Defence of publick Happiness.

How must they be delighted, if ~~Fate~~ Heaven permits them to take Notice of these worldly Things, to observe their wiser & more virtuous Posterity, preserving the public Tranquility[4] by takeing no Care of it.

AD (PHi-RRL)

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[1] Underlined four times.

[2] Pennsylvania's first twenty years were characterized by Quakers in the Assembly challenging William Penn for control of the legislative process. They insisted he had allotted himself too many powers, which threatened their rights. In 1701, they replaced Penn's constitution with one of their own, called the Charter of Privileges, diminished the power of the Provincial Council, nullified Penn's legislative powers, and concentrated power in the Assembly. See Calvert, *Quaker Constitutionalism*, 103–08, 130–34.

[3] At this time, peaceful protest against the government such as civil disobedience was conducted almost exclusively by Quakers and was little understood in an era that generally considered the breaking of laws to be seditious behavior and peaceful resistance to be futile. See ibid., 47–63.

[4] Underlined four times.

111
Pacificus [JD], *To the Public* (Philadelphia: [William Goddard], c. July 16, 1768)

Mistakenly ascribed to Joseph Galloway by some scholars, this first "Pacificus" letter was, in fact, JD's work, as the unused portion in his draft (doc. 4:110, above) proves. A second letter signed "Pacificus" and titled *To the Public* (doc. 4:113, below) appeared a week later. The second Pacificus letter, likely written by Galloway, responds to another JD publication, *Copy of a Letter from a Gentleman in Virginia, to a Merchant in Philadelphia* (doc. 4:112, below), and defends Philadelphia's Quaker merchants from charges of timidity.[1]

As the newly appointed secretary of state for the colonies, Lord Hillsborough, responded to the Massachusetts circular letter on April 21 with his own circular letter to the colonial governors, decrying the Massachusetts circular letter as inflammatory and a menace to Parliament's constitutional authority.[2] In a second letter dated April 22, he ordered Governor Francis Bernard to direct the Massachusetts Assembly to rescind and repudiate the Massachusetts circular letter. Should the legislators refuse, Bernard was to dissolve the Assembly.[3] Two months later, Bernard made Hillsborough's communication public, presenting his ultimatum to the Assembly.[4] On June 30, the Assembly voted against rescinding its

original circular letter by ninety-two to seventeen, prompting Bernard to dissolve it soon afterward.[5]

As documented by JD's Pacificus, the studied inaction of the Pennsylvania Assembly in relation to the Townshend Acts stood in marked contrast both to lawmakers' action elsewhere in the colonies and, as doc. 4:110 makes clear, to Quakers' own history of rights advocacy.[6] With biting sarcasm, JD condemns the Quaker-dominated Assembly's refusal to protest the Townshend Acts.

TO THE PUBLIC.

ALL lovers of PEACE and GOOD ORDER must surely observe with great pleasure the *prudent* behaviour of this province, while the other colonies in general, under pretence of asserting their invaded rights, are shewing a spirit of dissaffection, that may perhaps greatly DISTURB THE PUBLIC TRANQUILLITY.[7]

An attempt was lately made by a distant colony, to UNITE all these provinces in a firm resolution not to import any *British* manufactures, until the late acts of Parliament so universally complained of on this continent should be repealed.[8]

The measure was adopted with great zeal by *New-York*,[9] and some other governments, and *undoubtedly* would have spread throughout the rest, if it had not been STOPT IN ITS CAREER by the *cautious* inhabitants of this province. No body entertained the least doubt, but that the *union* of all the colonies in *this step*, would have procured *a more respectful attention* to our remonstrances, than any other measure, that human wit could invent: But we in this province judiciously started these strong objections, which the other provinces in their ardent zeal had totally, shall I say, weakly, overlooked. In the *first* place, we considered, that an UNION of these colonies in *any one* measure *not dictated* by his Majesty's ministers, had always proved disagreeable to them; and that it might imply a disrespect to his Majesty, to do any thing disagreeable to his Ministers, *Secondly*, we considered that our *quenching* the spirit of *union* throughout these colonies, might leave those hot headed people who first excited it, exposed to all the resentment of the *British* government, while WE should have the merit of weakening them, by preventing others from joining in their warm, or as some folks call them, patriotic proceedings. *Thirdly*, we *kindly* and *benevolently* considered, that if WE had joined in the measure proposed, and all the other colonies had followed our example, *as it is generally thought they would have done*, MILLIONS of men, women and children in *Great-Britain*, would have been reduced to the EXTREMEST MISERY, and their *cries* and *insurrections* would have COMPELLED the parliament to repeal the present acts, as they did the Stamp-Act; though perhaps their GENEROSITY will *now* induce them VOLUNTARILY to do it.

Every man of the least understanding who reflects upon this matter a single

moment, will perceive, that this was treating the parliament with all the reverence that men could shew. Here is no FORCE put on that august body. No ALARM given to them. They are left at *perfect liberty* of action; and to *satisfy* them, how ENTIRELY we rely on their GENEROSITY, we have ENCOURAGED them to indulge THEIR OWN INCLINATIONS, by convincing them, that these colonies are a DISUNITED people, and that therefore *Great-Britain* may treat us *as she pleases*. I question whether history furnishes an instance of *such confidence* being reposed by one people in another, on so important an occasion.

However, this conduct of the inhabitants of this province is trifling, in comparison to the conduct of our assembly, FOR PRESERVING THE PUBLIC TRANQUILLITY.

Our assembly *sat twice*, after we had received the acts of parliament, which are so universally detested on this continent; yet so desirous were the worthy members of PRESERVING THE PUBLIC TRANQUILLITY, that they would not so much as send over a *single* petition, or make a *single* resolve about them, but SHEWED that *they* were determined to bear a TAXATION by parliament of themselves and their constituents, in *peace* and *quietness*, rather than that the PUBLIC TRANQUILLITY *should be disturbed*. Upon their meeting the *third* time, they found, that *their peaceable intentions* had been frustrated by some enemies to the PUBLIC TRANQUILLITY, who by certain rash publications had deluded many into a notion, that the said acts of parliament were very destructive to these colonies. This notion begining GENERALLY TO PREVAIL, our worthy representatives thought it would become them to take some notice of those acts of which every body else was now taking notice. But in this measure they did not forget their constant love of *peace* and *good order* for four years past; and therefore instead of making inflamatory resolves, or sending over petitions or remonstrances that might *disturb the* PUBLIC TRANQUILLITY, or *disgust our* GOOD FRIENDS, his Majesty's ministers, they did the SLIGHTEST thing that could be done on *such an occasion*, that is, "they ordered their agents to join with the other agents in representations against the acts." So that if the other assemblies should be as desirous of *preserving the* PUBLIC TRANQUILLITY as ours is, not a disrespectful word would have been uttered, whereby the people might be induced to disturb *peace* and *good order*. Surely I may say with truth, that no assembly ever gave a stronger proof of their respect for the measures of his Majesty's ministers, or of their regard for the PUBLIC TRANQUILLITY.

Yet *this* part of their conduct deserves not to be mentioned, when we observe, that after having so far exceeded *others*, in their love of PUBLIC TRANQUILLITY, they have since exceeded even *themselves*.

The assembly of that turbulent distant colony beforementioned, which gave so much uneasiness to so many sober people, by their furious opposition to the Stamp-Act, tho' luckily they contributed so much to its repeal, by promoting a general congress, and by other measures, undertook on the 11th of *February* last,

to write a CIRCULAR LETTER[10] on the present important crisis of affairs, to the several assemblies on this continent, communicating their own *sentiments*, and the *measures* taken by them, *with design* as they say, "that the representations of the several assemblies, on so delicate a point, should HARMONIZE with each other." We find by the public papers, that the assembly of *Maryland* have been so RASH and WEAK as to appoint a standing committee to answer this letter, another circular letter from *Virginia*,[11] and to forward their petition to the king.[12] Besides, in their answer to a late message from their governor, they say, that they "think" that the representatives of the northern colony "have asserted their rights with a decent respect to their sovereign, and a due submission to the authority of parliament."[13]

With equal RASHNESS and WEAKNESS the house of burgesses in *Virginia*, have not only by a circular letter to the other colonies, endeavoured to promote that *harmony* just abovementioned, but in their letter dated *May* 9th last, in answer to the circular letter of the turbulent colony to the northward, they say, "that they APPLAUD them for their ATTENTION TO AMERICAN LIBERTY, and that the steps they have taken thereon, will convince them of their opinion of the FATAL TENDENCY of the acts of parliament complained of, and of their FIXED RESOLUTION to CONCUR with the other colonies in their application for redress."[14]

Influenced by a like RASHNESS and WEAKNESS, the assembly of *New Jersey*, by their speaker's letter of the same date thus express themselves.

"The freedom with which your house of representatives have communicated their sentiments upon a matter of SO GREAT CONCERN to all the Colonies, hath been received by this house, with THAT CANDOR, which the SPIRIT and DESIGN of your letter MERITS— And at the same time, that they acknowledge themselves OBLIGED TO YOU for communicating your sentiments to them, they have directed me to assure you, that they are desirous *to keep up a correspondence with you*, and to *unite* with the colonies, if necessary in further supplications to his Majesty, to relieve his distrest *American* subjects."[15]

With the same degree of WEAKNESS and RASHNEESS [*sic*] the Speaker of the house of representatives in *Connecticut*, in their name, and by their order, in a letter, dated the 11th of *June* last, thus expresses himself.

"The house very kindly accepted your letter, and are persuaded from the *importance of the cause*, the LAUDABLE ZEAL and the GENEROUS EXERTIONS of your province, FROM TIME TO TIME, in favour of her constitutional freedom, that it proceeded only from A HEARTY CONCERN FOR THEIR JUST RIGHTS, the COMMON INTEREST and the WELFARE of these colonies. This house are desirous ever to cultivate the strictest FRIENDSHIP and HARMONY with the neighbouring colonies, *and with none more than yours*, and will be always ready to receive with the utmost candor their opinion in any matters of general concern, and equally willing on all proper occasions to communicate their own sentiments on any subject of

our common welfare, IN FULL CONFIDENCE THAT THEY WOULD MEET WITH THE SAME FRIENDLY AND CANDID ACCEPTANCE. This house have also taken into their serious consideration the operation of the said acts of parliament, and are deeply sensible that this, in common with her sister colonies, must thereby be involved in great difficulties, WHICH ARE PERHAPS A PRELUDE TO STILL GREATER, and have pursued measures for obtaining redress similar to those adopted by the house of representatives of your province."[16]

Thus we find, that all these colonies have not only returned RESPECTFUL ANSWERS to the circular letters of the turbulent northern province, but have *applauded* her *conduct*, her *zeal* for the liberty of these colonies; and not contented with these things, have actually "HARMONIZED" with her in all their proceedings. So very little did these infatuated colonies consult *the preservation of the* PUBLIC TRANQUILLITY.

How different has been the conduct of our assembly? They remembered how *alarming* and *disgusting* to the parliament and ministry the *union* of these colonies was, in the time of the ever memorable *stamp-act*, and what severe epithets were bestowed in *Great Britain*, on the conduct of these colonies in that particular.

With a happy foresight therefore our assembly perceived, that any steps taken by them towards a "HARMONY" or UNION with the other colonies, FOR OBTAINING A REPEAL OF THE LATE ACTS, must bring upon them such reproaches from his Majesty's *ministers* and our *other friends* at home, as might tend to *disturb the* PUBLIC TRANQUILLITY.

Governed by *these prudent* considerations, when the letter from the northern colony was laid before them, after being *once* read, it was ordered to LYE ON THE TABLE, & with such *deliberate* NEGLECT & CONTEMPT did they, *of themselves*, treat it, that it was not even necessary for our governor to "exert his influence to defeat this *flagitious*[17] attempt to disturb the public peace, by *prevailing on the assembly* to TAKE NO NOTICE OF IT."[18]

How happily our *worthy representatives* CO-OPERATED with his Majesty's *worthy ministers* in their VIEWS and WISHES upon this occasion will clearly appear by considering Lord *Hillsborough*'s letter to the continental governors, dated *Whitehall*, April 21, 1768.

In that letter, speaking of the CIRCULAR LETTER from the northward, his Lordship uses these words—"As his Majesty considers *this measure* to be of a most dangerous and FACTIOUS tendency, calculated to *inflame* the minds of his good subjects in the colonies; to promote an UNWARRANTABLE COMBINATION, (to wit; in "*humble representations*" and "*dutiful supplications*") and to *excite* and *encourage* an open *opposition* to and *denial* of the AUTHORITY OF PARLIAMENT, and to *subvert* the TRUE PRINCIPLES OF THE CONSTITUTION, (to wit, in TAXING *the colonies* WITHOUT THEIR CONSENT.) It is his Majesty's *pleasure*, that you should, immediately upon the receipt hereof, exert your UTMOST

INFLUENCE to defeat this FLAGITIOUS ATTEMPT to *disturb the public peace*, by *prevailing upon the assembly* of your province TO TAKE NO NOTICE OF IT, *which* will be treating it with the CONTEMPT IT DESERVES."

Thus we perceive, *that his Majesty's ministers* HAD NO IDEA, that any HIGHER degree of "CONTEMPT" could be shewn by any assembly, than "NOT TO TAKE NOTICE" of the circular letter; and we have been so far *fortunate* as *voluntarily* to treat it with *that very* degree of "*contempt*" with which *they desire* we should.

Thus *substantially* and *literally* have we, *of our own mere motion* before it was requested of us, *complied with* and *fully satisfied* the UTMOST DESIRE of his Majesty's ministers, by STOPPING as much as we could, this "FACTIOUS *and* FLAGITIOUS *attempt* to disturb the public peace" by UNITING the colonies in their measures.

It is true, that the assembly of *Maryland* has had the audaciousness, to call the strong and elegant terms used by Lord *Hillsborough* in his letter, "*a few* SOUNDING *expressions*," by which THEY "will not be INTIMIDATED from doing what they think is right."[19] And it is also true, that the province of *Maryland* has always acted with great prudence and deliberation, so that one cannot but suppose, that such a message as they have lately sent, must proceed from some very dreadful apprehensions they entertain at present; and therefore on this account, perhaps, we who are so anxious to preserve "THE PUBLIC PEACE," may excuse this sarcasm on my good Lord *Hillsborough*. How beautiful does this prudent, peaceable, dutiful and SUBMISSIVE behaviour of this province appear, when put in contrast with such hot headed proceedings. What applauses do we not deserve, and shall we not receive—FROM HIS MAJESTY'S MINISTERS? And what *rewards* will those worthy men be entitled to, whose *loyalty* to their sovereign, and *duty* to *Great-Britain*, have lulled and composed us into so deep a love of PUBLIC TRANQUILLITY? With what *ease* might all public affairs be carried on, if all the other colonies could be persuaded to pursue the same pacific plan: The ministry and parliament would do *their* business, and *our* business too, in *peace* and *quiet*.

It is evident, that they are so *kind* and *generous*, as to be desirous of taking the whole *load* of government from off our shoulders, and relieving us from the *trouble* not only of the *executive*, but also, *totally* of the *legislative* authority; and *then*, we should have no public cares to employ ourselves in, but to *preserve the* PUBLIC TRANQUILLITY by SUBMITTING to the LAWS which our dear mother country should be so affectionate as to take the fatigue of making for us—and by getting money enough to pay the TAXES she lays upon us for our own defence.

I know, some people have objected, that *this* conduct of our province may ENCOURAGE the parliament and ministry to pursue the most violent measures, by inducing them to believe, that the colonies are DISUNITED; and therefore, say

these objectors, this province may be justly charged with all the bloodshed and calamities, that may follow in consequence of the encouragement they gave to the parliament and ministry.

But I answer to these objectors, that the good men who have promoted the pacific measures of this province, have no doubt duly considered this objection, and as it appears to have *no weight* with them, we may fairly conclude from the *great* proofs they have given of their wisdom in this affair, that it did not deserve the least regard.

PACIFICUS.

Philadelphia, July 16, 1768.

Evans, No. 11018

[1] On the authorship of the "Pacificus" letters, see Jacobson, "Puzzle."
[2] Hillsborough's circular letter was published in the *PC*, June 27–July 4, 1768, and the *PJ* and *PG*, July 7, 1768.
[3] *PFB*, 4:149–51.
[4] See *The Boston Chronicle*, June 27–July 4, 1768; *The Boston Evening-Post*, July 4, 1768; *The Boston-Gazette*, July 4, 1768; *The Massachusetts Gazette* (Draper; Boston), July 7, 1768.
[5] *JHRM* (1768–69), 88–98.
[6] Although New York City's merchants had embraced nonimportation, the New York Assembly did not respond to the Massachusetts circular letter until near the year's end. Before it could issue a formal statement, the governor, Sir Henry Moore, first baronet (1713–1769), dissolved the Assembly on Jan. 2, 1769. See *N.Y. Votes* (1769), 79–80.
[7] In his letter to Francis Bernard, Hillsborough described the Massachusetts circular letter as an attempt "to disturb the public tranquility." See *PFB*, 4:150.
[8] A reference to the nonimportation resolutions of Boston's merchants. See doc. 4:56, above.
[9] See doc. 4:74, n. 1, above.
[10] The Massachusetts circular letter had been read before the Pennsylvania Assembly on May 10. See *Pa. Votes* (1768), 80–82.
[11] The version of the Virginia circular letter directed to Massachusetts (*JHRM* [1768–69], 104–07) was published in the *PJ* and *PG*, July 7, 1768, and the *PC*, July 4–11, 1768. The version directed to Pennsylvania was later read by the Assembly on Sept. 13. See *Pa. Votes* (1768), 85–88.
[12] This was reported in the *PC*, June 27–July 4, 1768.
[13] *The Maryland Gazette* (Annapolis), June 30, 1768; and *PC*, June 27–July 4, 1768.
[14] See n. 11, above.
[15] *JHRM* (1768–69), 107–08. This letter appeared in the *PJ* and *PG*, July 7, 1768, and the *PC*, July 4–11, 1768.
[16] *JHRM* (1768–69), 108–09. This letter appeared in the *PJ* and *PG*, July 7, 1768, and the *PC*, July 4–11, 1768.
[17] Flagitious: "Of actions, character, principles, etc.: Extremely wicked or criminal: heinous, villainous" (*OED*).
[18] This is a paraphrase from Lord Hillsborough's letter of April 21. See *PC*, June 27–July 4, 1768, and *PJ* and *PG*, July 7, 1768.
[19] *Md. Votes* (1768), 202–03. This address appeared in the *PC*, June 27–July 4, 1768, and the *PJ* and *PG*, July 7, 1768.

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[JD], *Copy of a Letter from a Gentleman in Virginia, to a Merchant in Philadelphia* [Philadelphia, July 22, 1768]

A note in the Arthur Lee papers in Lee's hand declares this work "Wrote by Mr. Dickinson, and copied by me for the printer."[1] JD's letter elicited a broadsheet reply (doc. 4:113, below) signed Pacificus, most likely Joseph Galloway.

A Copy of a LETTER from a GENTLEMAN in *Virginia*, To a Merchant in *Philadelphia*.

SIR,

"I Have read, with much Attention, your Apology for the Merchants of Philadelphia;[2] and think you have great Merit, in attempting to vindicate a Conduct, which is deemed inexplicably spiritless by the Inhabitants of every other Colony.

"One would imagine there has been something very mysterious in the Behaviour of the Merchants of Boston, to have induced you to treat them with so much Contempt; if their Conduct, since the first Dispute with our Mother-Country, had not been manly, candid and ingenuous.

"You confess, that many of you opposed the *Suspension*, in Consequence of Advice received from your *particular Friends* in *London*, that prudent and pacific Measures would be most agreeable to the Ministry and Parliament; and that it was dangerous to provoke them. This, no doubt, influenced some among you— But, in my Opinion, we must look somewhere else for the real Cause of your Opposition: perhaps an Examination into the Nature and Design of the Stamp-Act, and the grevious one, to which you still bend the Knee, may discover the lurking Principle, upon which you acted.

"The Stamp-Act was intended to raise a Revenue in America: and the Produce of the several Duties were ordered to be paid into the Receipt of his Majesty's Exchequer, and there reserved, to be, from Time to Time, disposed of by Parliament, towards defending, protecting, and securing the American Colonies and Plantations.— This Act, in your Resolutions for Suspending the Importation of Goods from Great-Britain, you, without Ceremony, declared to be UNCONSTITUTIONAL;[3] you likewise entered into spirited Measures for obtaining a Repeal of it, which had an immediate and a desired Effect.— You observed, justly, that the Stamp-Act was *unconstitutional*—altho your Reasons, for believing it to be so, were not then explained. Your Opinion must have been founded upon this obvious Truth, That no Power on Earth had a Right to take Money out of your Pockets without your Consent, expressly declared by yourselves or your chosen Representatives.— Not content with barely remonstrating against the Stamp-Act— You also insisted 'That the many Difficulties you then laboured under, as a trading

People, were owing to the Restrictions, Prohibitions, and ill-advised Regulations made in the several *other* Acts of the Parliament of Great-Britain, lately passed to regulate the Colonies; which had encreased the Cost and Expence of many Articles of your Importation, and cut off from you all Means of supplying yourselves with Specie enough to pay the Duties imposed on you, much less, to serve as a Medium of your Trade.'[4]

"The Acts, against which, you spoke thus freely—still remain in full Force and Virtue; and when you obtained a Repeal of the Stamp-Act, glorious as it was—you obtained but a Part of your Demand.— The Repeal of it was well worth the Pains and Trouble it cost you.— It was indeed so replete with ministerial Venom, and proved such a general and oppressive Burthen, that Judges, Lawyers, Physicians, Parsons, Merchants, Farmers, nay Shool-Boys [*sic*] and Orphans, were alike subject to its baneful Influence.

"The Sufferings of all Ranks of People induced *them* to oppose it— Business was consequently at a Stand.— The civil Courts were shut, and you could sue no Man for the Recovery of a Debt— You were therefore *obliged* to sacrifice a very considerable Interest; and you determined to import no Goods from Great-Britain, until it was repealed.— This was *your* Virtue!— This *your* Resolution!— Your *Patriotism* and *private Interests* were so intimately connected, that you could not prostitute the one, without endangering the other: And you would have been particularly fortunate, if Great-Britain, when she repealed the Stamp-Act, had redressed all your Grievances; and had never thought of imposing new ones— You would, *then*, have been distinguished, in the Annals of America, among her best and most virtuous Sons, for a *timely* and *resolute* Defence of her Liberties; and the Virtues, which under the present Tax you have despised and slighted, would have been, tho' unmerited, your greatest Glory— But Charles Townshend, with an artful and penetrating Eye, saw clearly to the Bottom of your Hearts— He knew, that, the private Interests of the Merchants were the Rocks against which Greenville's favorite *Argo*[5] had unfortunately split; and that no Act of Parliament, for raising a Revenue in America, could be executed without *their* Consent and Approbation.

"To this Gentleman, you must attribute the Loss of your Reputation: and it was, certainly, *your* Misfortune, and the Misfortune of *all America*, that you did not know *him*, as well as he knew *you*,— He imposed Duties upon Paper, Glass, and Painters Colours;[6] Articles of Commerce, which will prove most grevious Taxes upon the Country in general; but cannot affect you, as Merchants: For it is notorious, that a Merchant must have his Profit on every Article of his Trade, let the Original Cost be what it may: 'The Purchaser of any Article, very seldom reflects that the Seller raises his Price, so as to indemnify himself for the Tax he has paid. He knows that the Prices of things are continually fluctuating, and if he thinks about the Tax, he thinks at the same Time, in all probability, that he might have paid as much, if the

Articles he buys had not been taxed. He gets something visible and agreeable for his Money; and Tax and Price are so confounded together, that he cannot separate, or does not chuse to take the Trouble of separating them.'—[7] Thus have the People of your Province been deceived into a Pacific Compliance with this particular Act, the Preamble of which declares it is intended to raise a Revenue in America. You did not esteem it your Duty, as Merchants nor as American Freemen, to oppose it; BECAUSE IT DID NOT DIRECTLY AFFECT YOUR PRIVATE INTERESTS. The Parliamentary Right, of Taxing America, you thought of little Consequence, when compared with your own Ease and Safety— You concluded, that although it was *unconstitutional*, it could not do much Harm in your Time, and, that, if your Posterity did not like it, or found it insupportable,—they might endeavour to *remove* it.— By such deceitful Reasoning, you persuaded yourselves you were discharging your Duty; when you were industriously riveting Chains upon your Descendants, who will have no great Cause of Obligation to you for such distinguished Favours— The Merchants in the Northern Colonies, despised these inglorious Motives: They were willing to lose their *whole Trade*, rather than suffer their Country to be enslaved—and for this Reason determined to suspend the Importation of Goods from Great-Britain, until the several Acts of P--------t[8] imposing Duties on America, were repealed.—[9] This was *their* Virtue! This *their* Resolution!— Your Opposition to this Measure, prevented it from taking Effect, and you may thank yourselves for the blessed Consequences which are like to follow.—

"These Reflections may appear harsh and uncharitable; but they are the Reflections of every man, who is not tinctured with the *local* Prejudices of your Province— Believe me, your Opposition to the Proposal of the Merchants of New-York and Boston, although it might have been founded upon specious Arguments, has done infinite Prejudice to the American Cause; and created great Jealousies in your Neighbours Breasts; which, nothing, but your determined Resolution to assist in removing those heavy Burthens, with which they and you are equally oppressed, will effectually heal— An Union, between the several Colonies in Sentiment and Action, is essentially necessary to their Preservation; and had not my Lord H-------h[10] been informed, that we were dis-united in both—he would never have treated the Inhabitants of the Massachusetts-Bay with so much severity; nor the other Colonies with such indignity. His Lordship imagined, from the Disunion of these Provinces, of which no Doubt he has had faithful Intelligence, that Dragooning of *One* would intimidate and silence the *Rest*; and his Judgment was founded upon a plausible Principle— However, 'there are things which at sometimes even Slaves will not bear;'[11] and I apprehend his Lordships Letter will prove too hard even for you to bear. This Letter is an express Declaration, that the Ministry intend to direct and influence our Assemblies, by threatning [*sic*] them with a Dissolution,[12] whenever they may have the Confidence, contrary to ministerial Mandates, to consult or promote the Safety, Honor and Interest of their Constituents. I hope your

Assembly will take the first Opportunity to resent the grossest Indignity ever offered to the Representatives of a free and loyal People, and shew no Symptoms of that Modesty of which Mr. Pitt so justly complained in the House of Commons.—[13] If a B— M—r[14] imagines he can intimidate an American Assembly, Threats, nay Punishments will be made use of to execute the most slavish Maxims; and the very Men, whom we may invest with Power to promote and secure our Interests, will *under such Influence*, effectually ruin us. For what Faith can we repose in our Assemblies, when they do not esteem themselves answerable to us for thir [*sic*] Conduct; *but to arbitrary Ministers*, who will always make it their Interest to oppress and enslave us? We had better have no Representatives, if we cannot, when we think proper, to instruct and direct them; and, at the same time, have a reasonable Assurance of their obeying our Orders. The People are to all Intents and Purposes, Masters.— Their Representatives are their dignified Servants— And we shall be justly chargeable with *political Suicide*, if we are stupidly fond of an Establishment, which, on the Principle of *ministerial Supremacy*, will destroy our Civil Existence.

"It is, certainly, a most cruel Dilemma, to be obliged to sacrifice every Thing that is most dear and valuable among Men, or to contend with our Mother Country.— But let us not, in this Case, distinguish Great-Britain from any other Power— To Freemen it must be indifferent, who their Oppressors are— If Britons oppress us, and strive might and main to enslave us—all pretended Ties of ancient Favours, Friendship, Duty, are destroyed: G—-B—,[15] France, or any Power on Earth, pursuing the same Measures, ought indiscriminately to be opposed.— I shall conclude this Letter with an historical Fact very applicable to the present Subject.

"The Privernates[16] had been several Times subdued by the Romans, and had as often revolted; but their City was at last retaken by the Consul Plautius—[17] In these distressed Circumstances they sent Ambassadors to Rome, to sue for Peace— Upon a Senator's asking them what Punishment they thought they deserved; one of them answered, 'That which is due to Men who think themselves worthy of Liberty.' Then the Consul asked them, whether there was any Room to hope, that they would observe the Peace, if their Fault was pardoned? 'The peace shall be perpetual between us,' replied the Ambassador, 'and we shall faithfully observe it, if the Conditions you lay upon us are *just* and *reasonable*; but if they are *hard* and *dishonorable*, the peace will not be of long Continuance, and we shall very soon break it.'

"Though some of the Senators were offended at this Answer, yet most of them approved of it, and said that 'it was worthy of a *Man* and of a Man that was *born free*:' acknowledging therefore the Force of the Rights of human Nature, they cried out, that 'those alone deserved to be Citizens of Rome, *who esteemed nothing in comparison of Liberty*.' Thus the very Persons, who were at first threatned with Punishment, were admitted to the Rights of Citizens, and obtained the Conditions

they wanted; the generous Refusal of the Privernates to comply with the Terms of a dishonourable Treaty, gained them the Privilege of being incorporated into a State, which at that Time could boast of the bravest, and most virtuous Subjects in the Universe."[18]

Evans, No. 10867

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[1] Ford, *Writings*, 435–36. For the date of publication see Joseph Sabin, *Bibliotheca Americana: A Dictionary of Books Relating to America, from Its Discovery to the Present Time*, vol. 4 (New York: J. Sabin & Sons, 1871), 532; and *Catalogue of the Books Belonging to the Library Company of Philadelphia*, vol. 3 (Philadelphia: T.K. and P.G. Collins, 1856), 1551.

[2] No such apology existed; rather, this was a device for JD to gain entrée into the subject.

[3] "The Resolution of Non-Importation Made by the Citizens of Philadelphia." See doc. 4:56, n. 2, above.

[4] Paraphrase from ibid.

[5] The vessel in Greek mythology on which Jason and his crew set out to find the Golden Fleece. In literary parlance, any vessel whose journey is directed at the obtaining of wealth is an *Argo*.

[6] The Revenue Act of 1767.

[7] Doc. 4:32, above.

[8] Parliament.

[9] See headnote to doc. 4:74, above.

[10] Hillsborough.

[11] Doc. 4:39, above.

[12] A reference to Lord Hillsborough's April 22 letter to Gov. Francis Bernard directing him to dissolve the Massachusetts Assembly if they refused to rescind the resolution that led to their circular letter. See *PFB*, 4:149–51.

[13] *The Speech of Mr. P---*.

[14] British Minister.

[15] Great-Britain.

[16] Residents of Priverno, a major city in central Italy, and long-time enemies of the Roman Republic who were subdued in the 4th century BC. Liv. 7.42., 8.19.

[17] Gaius Plautius Decianus, Roman consul in 329 BC. Ibid. 8.1

[18] The last two paragraphs, though paraphrasing much of Liv. 8.21, are taken from J.J. Burlamaqui, *The Principles of Natural and Politic Law, in Two Volumes*, vol. 2 (London: J. Nourse, 1763), 332–33.

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Pacificus [Joseph Galloway], *To the Public* (Philadelphia: William Goddard, c. July 25, 1768)

This document should not be confused with JD's work of the same title and pseudonym (doc. 4:111, above). David L. Jacobson argues convincingly for Joseph Galloway's authorship of this piece.[1] It responds to JD's *A Copy of a Letter from a Gentleman in Virginia, to a Merchant in Philadelphia* (doc. 4:112, above).

TO THE PUBLIC

AN anonymous letter having been published and thrown about the town, highly reflecting on a very respectable body of men in this city, it concerns the Public, at this

time, that some notice should be taken of the notorious abuse and ungentlemanly aspersions it contains, and the mischievous tendency of it in some measure set in a fair view—that the inhabitants of this province, and the neighboring colonies, may not be imposed on by the speciousness and asperity of the performance.

The author, who appears to be one of those warm spirits who have been for some time past inflaming the city into an ill-timed rash resolution, that he calls similar to one we formerly came into, to suspend the importation of dry goods,[2] till some oppressive acts,[3] imposing duties on several commodities, are repealed, has set out with boldly calling the merchants of *Philadelphia a spiritless set of people*, *who treat the other colonies with contempt*. This charge is of a high nature, and certainly flows from a temper no ways fit to direct a people, eminent for their caution, prudence and good sense, and who, on every occasion where it was necessary, have shewn themselves as well attached to the interests of *America* as any men in it—The author, on pretense of having found out some of the causes of the conduct of the merchants, and, with an apparent fondness for his own sagacity, charges them roundly with bending the knee to an act as oppressive as the stamp-act, because they will not follow his opinion implicitly, in coming into a measure which appears to many to be premature and highly imprudent, till the petitions of the colonies to the King and Parliament shall have been presented,[4] and the effects of them known, which we all know was the mode shewn in the case of the stamp-act;[5] but our author would mislead us into this step, because others have adopted it, when the only cause of our going into that mode, in the former instance, to obtain the repeal of the stamp-act, was because our petitions to the King and Parliament (which we conceived to be legal and decent) were rejected with a contempt that made every bosom glow with grief and resentment, and the suspension of importing dry goods absolutely necessary for our safety, as may be the case again, if the petitions of the colonies, now at home, should be treated with the same disregard.

The author has, indeed, been so abundantly liberal of abuse, that to answer those parts of his letter, would be treating him more like a reasoner and a man of candour than I think him intitled to: But I believe no man among us disputes, that the acts, at present complained of, have the like tendency with the stamp-act, to deprive us of the right of raising money on ourselves by our own legislatures, which he dwells much upon, and it has never been denied among us, that I have heard. But what can induce the author to intimate that the merchants of *Philadelphia* can be no longer esteemed among the virtuous sons of *America*, I cannot conceive, except he imagines that all men must implicitly yield to his judgment, which I must beg leave to think, cannot with any degree of modesty or reason be expected by any man but one who has a large share of vanity in his composition, and a very mean opinion of the spirit and understanding of our merchants, who, on every proper occasion, have evinced to the world as much firmness and public-spirit as those in the other colonies, or they hardly would have led the way in the first resolutions of

importing no goods till the stamp-act was repealed, as they certainly did, when their petitions were rejected at home, and I doubt not will readily repeat it, if the present petitions should prove ineffectual; which, however, is not yet to be presumed, from the people of *Boston*'s having intimated to their governor, that he has used foul play to prevent their petitions being received;[6] for what is the fate of those of the other colonies is not yet known.

It seems to me, the author of the pretended letter from *Virginia*, takes particular pains to fix up an opinion in the world, that the merchants of *Philadelphia* have *lost all reputation*, because they have not come into his dangerous and inconsiderate measures, urged with such indecency in his favourite performance. But let the author be assured, that rash and premature steps, in the present critical situation of *America*, would be more dangerous than the cool, '*inexplicably spiritless conduct*' he is pleased to impute to the merchants, and that it is not because it '*directly affects their private interest*'[7] that they do not adopt the measure, but from an unbiassed judgment, and firm opinion, that the step is improper, till the fate of the petitions are determined; for should they be rejected, the merchants own sense of their danger, and their native love of liberty, and public spirit, will lead them to the measure, if it is thought the next best method to be pursued.

I would by no means have it thought, that in offering my sentiments for moderation, I am either of opinion, that his Majesty's *American* subjects ought to acquiesce in the acts for raising an *American* revenue by the parliament of *Great-Britain*, or that the people of the colonies should submit to ministerial mandates, such as my Lord H—'s[8] letter to the *Massachusetts* colony.[9] I think them too contradictory to all notions of freedom ever to be tamely received—but from a real conviction, that the present measure recommended by my author, is premature, till the colony petitions are heard or rejected, I have offered my own sentiments, with those of many of the merchants, and respectable inhabitants of this province, relative to the *Virginia* letter, and its object, and sincerely wish no measure may be pursued of this sort, till advices are received of the fate of the colony petitions, which may soon be expected from home.

PACIFICUS

July 25, 1768

Evans, No. 11019

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[1] Jacobson, "Puzzle.".

[2] "The Resolution of Non-Importation Made by the Citizens of Philadelphia." See doc. 4:56, n. 2, above.

[3] The Townshend Acts.

[4] By July, the assemblies of Massachusetts, Virginia, New Jersey, Connecticut, and Maryland had already submitted petitions in opposition to the Townshend Acts. These were followed by similar petitions and addresses from the assemblies of New Hampshire, Pennsylvania, the Lower Counties, North Carolina, Rhode Island, New York, and Georgia later in the year. Notably, only Virginia and

Pennsylvania sent petitions to Parliament, as well as the king. The remaining colonies protested only to the king for fear that an appeal to Parliament would implicitly recognize its right to tax the colonies. See Thomas, *Townshend Duties Crisis*, 78, 84–85, 111–12.

[5] See doc. 3:91.

[6] In a petition of June 14, 1768, to Gov. Francis Bernard, which appeared in the *PJ* and *PG* of June 30 and the *PC*, June 27–July 4, the Boston Town Meeting claimed their petition against the Townshend Acts was "cruelly and insidiously prevented" from reaching the king. The petition was not transmitted by Bernard, but rather by House agent Dennys DeBerdt, and this deviation from protocol enabled the British government to refuse to accept the petition. See *PFB*, 4:199–200, 5:115–17.

[7] Doc. 4:112.

[8] Hillsborough.

[9] Likely Hillsborough's letter of April 22 to Gov. Francis Bernard, but possibly Hillsborough's circular letter of April 21. See headnote to doc. 4:111.

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From Richard Henry Lee, July 25, 1768

CHANTILLY,[1] VA.
JULY 25, 1768.

"SIR— As a friend to the just and proper rights of human nature, but particularly as an American, I acknowledge great obligation to you, for the wise and well-timed care, you have taken of our common liberty.

"Whilst men in general, are thoughtless and indolent, spirit and wisdom are necessary to rouse and inform minds, that incline to what is right, and wish happiness. You, sir, on this occasion, have the honour of giving a just alarm, and of demonstrating the late measures to be, at once, destructive of public liberty, and in violation of those rights which God and nature have given us.

"To prevent the success of this unjust system, an union of counsel and action among all the colonies, is undoubtedly necessary. The politician of Italy delivered the result of reason and experience, when he proposed the way *to conquest*, *by division*.[2] How to effect this union, in the wisest and firmest manner, perhaps, time and much reflection, only, can show. But well to understand each other, and timely to be informed of what passes, both here and in Great Britain, it would seem that not only select committees should be appointed by all the colonies, but that a private correspondence should be conducted between the lovers of liberty in every province.

"From my brother, Dr. Lee,[3] I have been informed of the kindness, with which you have expressed your willingness to begin a correspondence with me. To effectuate this good purpose, sir, I have taken the earliest opportunity of informing you, that when you are pleased to write, your letter to me by post, directed to the care of Dr. Mortimer,[4] Hobb's Hole,[5] Virginia, will meet with a safe conveyance.

"I am, sir, with singular esteem, your most obedient and humble servant,

RICHARD HENRY LEE"[6]

Rpt (Lee, *Memoir*, 1:65–66)

[1] Chantilly was Lee's home on the Potomac River in Westmoreland Co., Va.
[2] A maxim from Niccolò Machiavelli's *The Art of War* (1521).
[3] Arthur Lee.
[4] Dr. Charles Mortimer (c. 1727–1801) was a physician who subsequently served as mayor of Fredericksburg, Va.
[5] Hobbs Hole (now Tappahannock) was a port on the Rappahannock River in Essex Co., Va.
[6] Richard Henry Lee (1732–1794) was a prominent Virginia politician and member of the House of Burgesses. He was later a member of the Continental Congress and a leading advocate for independence.

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Frank Meanwell, "From My Retirement on the Banks of Delaware," *The Pennsylvania Chronicle*, July 25, 1768

In late July, *The Pennsylvania Chronicle* began a sustained attack on JD that lasted through September. A relatively new paper, the *Chronicle* was founded the previous year by William Goddard in partnership with Joseph Galloway and Thomas Wharton (1731–1784) in an attempt to keep alive the campaign for royal government (see *Volume Three* of the present edition). Although Goddard shared JD's sentiments on resistance to Britain, he later explained that he felt pressured by Galloway and Wharton to publish the attacks. They "judged it dangerous," Goddard explained, "*openly* to declaim against [the *Farmer's Letters*], or vilify their supposed author. They therefore would call together a select number of malcontents, to whom they would disgorge their malignity of heart, and who would, without remorse, circulate their calumnies abroad." He continued, "I . . . must frankly acknowledge, that I went too [*sic*] great lengths to gratify these men," although "I was very averse to it." But in his youth and inexperience, "I was imposed upon by their artifices, or awed by an idea of their power." Goddard confessed that JD and others "have been very injuriously treated in the *Chronicle*" and vowed to make amends.[1]

From my retirement on the banks of *Delaware*,
July 11, 1768.

Mr. PRINTER,

By giving the following a place in your impartial Chronicle, *you will oblige your humble servant*,

FRANK MEANWELL.

Embrace again my sons, *be foes no more*.

Dryden.[2]

THERE cannot a greater judgment befal a country than such a dreadful spirit of *division* as rends a government into two *distinct people*, and makes them *greater strangers* and more *averse* to one another, than if they were actually two *different*

nations. The effects of such a *division* are pernicious to the last degree, not only with regard to those *advantages* which they give the *common enemy*, but to those *private evils*, which they produce in the heart of almost every particular person.

There are certain periods of time in all governments when this *inhuman spirit* prevails. *Italy* was long torn in pieces by the *Guelfes* and *Gibellines*;[3] and *France* by those who were for and against the league.[4] The seeds of discord, which daily ripen, and will perhaps produce the most fatal effects, have been wickedly sown by an arbitrary and venal ad—m—n[5] in *G—t-B—n*;[6] and those seeds watered by the careful hand of a *short-sighted* and aspiring politician in *America*,[7] bid fair to yield a plentiful harvest of *blood* and *anarchy*. It is the *restless ambition* of artful men that thus breaks a people into factions, and draws several *well-meaning persons* to their interest by a *specious concern* for their country. *Ambition* when rightly directed is, doubtless, of infinite use, but the man whose haughty soul is swayed by an unbounded avarice of popular applause, would wade, if possible, through *oceans of human blood*, to arrive at *the temple of fame*.[8] I cannot, therefore, at this time, employ myself to better purpose, than in pointing out to my countrymen the proper rules by which *ambition* ought to be measured, and in doing this, I shall make use of the words of an elegant author,[9] who, as he is a favourite of mine, graces a conspicuous shelf in my library, "the most valuable part of my small estate."[10]

"He is a very unhappy man who *sets his heart* upon being admired by the multitude, or affects a general and undistinguishing *applause* among men. What pious men call the testimony of a good conscience, should be the measure of our *ambition* in this kind; that is to say, a man of spirit should contemn the *praise* of the *ignorant*; and like being *applauded* for nothing but what he knows in his own heart *he deserves*; besides which, the *character* of the *person* who commends you, is to be considered, before you set a value upon his *esteem*. The praise of an ignorant man is only *good will*, and you should *receive* his *kindness* as he is a *good neighbour* in society; and not as a *good judge* of your actions in point of fame and reputation. The satyrist said very well of popular praise and acclamations; *Give the tinkers and cobblers their presents again, and learn to live of yourself*.[11] It is an argument of a *loose* and *ungoverned* mind to be affected with the *promiscuous approbation* of the generality of mankind; and a man of *virtue* should be too *delicate* for so *coarse* an appetite of fame. Men of *honour* should endeavour only to please the worthy; and the man of *merit* should desire to be tried only by his *peers*. I thought it a noble sentiment which I once heard uttered in conversation: *I know*, said a Gentleman, *a way to be greater than any man*; *if he has worth in him*, *I can rejoice in his superiority to me*; *and that satisfaction is a greater act of the soul in me*, *than any in him which can possibly appear to me*. This thought could not proceed but from a candid and

generous spirit; and the approbation of such minds is what may be esteemed *true praise*; for with the common rate of men there is nothing commendable but what they themselves may hope to be partakers of and arrive at: But the motive truly glorious is, when the mind is set rather *to do things laudable*, than to *purchase reputation*. Where there is that *sincerity* as the foundation of *a good name*, the kind opinion of virtuous men will be an *unsought*, but a *necessary consequence*. The *Lacedæmonians*,[12] though a plain people, and no pretenders to politeness, had a certain *delicacy* in their sense of glory, and sacrificed to the muses when they entered upon any great enterprize;[13] they would have the commemoration of their actions transmitted by the *purest* and most *untainted memorialists*. The din which attends victories, and *fulsome panegyricks* conveyed through the vehicle of a news paper, are far less eligible than the recital of the actions of great men by the faithful pen of a wise historian. It is a frivolous pleasure to be the *admiration* of gaping crouds; but to have the *approbation* of a good man in the cool reflection of his *closet*, is a gratification worthy an *heroic spirit*. The *applause* of the croud makes the *head* giddy, but the *attestation* of a reasonable man makes the *heart* glad.[14]

"When a man is in this way of thinking, I do not know what can occur to one more monstrous, than to see persons of *ingenuity* address their services and performances to men no way capable of forming just opinions: In these cases the *praise* on one hand, and the *patronage* on the other, are equally the objects of ridicule. Addresses to ignorant men are as absurd as any of the speeches of *Bullfinch* in the droll: Such an address one is apt to translate into other words; and when the *different parties* are thoroughly considered, the *panegyrick* generally implies no more than if the author should say to the patriot, My very good sir, you and I never can understand one another, therefore I humbly desire we may be intimate friends for the future.

"The rich may as well ask to borrow of the poor, as the man of *virtue* or *merit* hope for addition to his character from any but such as himself. He that commends another engages so much of his own reputation as he gives to that person commended, and he that has nothing laudable in himself is not of ability to be such a *surety*. The wise *Phocion*[15] was so sensible how dangerous it was to be touched with what the *multitude* approved, that upon a general *acclamation* made when he was making an oration, he turned to an intelligent friend who was near him, and asked in a surprized manner, *what slip have I made?*[16] I shall conclude this paper with a billet, which was written to a lady from a gentleman, whom she had highly commended. It is a good deal in the style of some of our modern addresses, and may not be an improper conclusion of this paper.

"MADAM,

"I should be insensible to a *stupidity*, if I could forbear making you my acknowledgements for your late mention of me with so much *applause*. It is I think

your fate to give me new sentiments. As you formerly inspired me with the true sense of love; so do you now with a true sense of *glory*. As *desire* had the least part in the *passion*, I heretofore professed towards you; so has *vanity* no share in the *glory* to which you have now raised me. *Innocence*, *knowledge*, *beauty*, *virtue*, *sincerity* and *discretion*, are the constant ornaments of her who has said this of me. *Fame* is a *babbler*, but I have arrived at the *highest glory* in the world, the *commendation* of the most deserving person in it."

[1] Goddard, *Partnership*, 16–18.

[2] John Dryden, trans., *Virgil's Æneis* in *The Works of Virgil: Containing His Pastorals, Georgics, and Æneis* (London: J. Tonson, 1697), 201–619, at 398. Dryden (1631–1700) was an English poet, playwright, and critic.

[3] The rival factions of Guelphs and Ghibellines fought throughout the 12th and 13th centuries in Italy.

[4] The French Holy League, a late-16th-century Roman Catholic faction in the French Wars of Religion (1562–98), was devoted to opposing concessions granted to the Huguenots by Henry III of France.

[5] Administration.

[6] Great-Britain.

[7] A reference to JD as "the Farmer."

[8] Possibly a reference to Alexander Pope's poem *The Temple of Fame: A Vision*: "We sail'd in tempests down the stream of life; / For thee whole nations fill'd with flames and blood, / And swam to empire thro' the purple flood" (Pope, *Works*, 2:66).

[9] British essayist Sir Richard Steele (c. 1672–1729). The remaining paragraphs quote from *The Spectator* (London), no. 188 (Oct. 5, 1711), attributed to Steele.

[10] Doc. 4:18, above.

[11] Pers. *Sat*. 4.

[12] The inhabitants of Sparta.

[13] Plut. *Vit. Lyc*. 21.4.

[14] Here, the author omits a paragraph from Steele's text, which contends that whereas the wise admire the virtuous, the masses admire only wealth and prestige.

[15] Phocion the Good (c. 402–318 BC) was an Athenian politician known for his honesty and simple habits. His career ended as a collaborationist with Macedonia, which in his time made Athens a subject province. Incensed at their apparent betrayal, the Athenians turned against Phocion and ordered his death (*OCD*).

[16] Plut. *Vit. Phoc*. 8.1.

116
Draft of "To the Representatives of the Freemen of the City and County of Philadelphia," [July 1768]

This draft was used as the basis for the instructions (doc. 4:126, below) that the freemen of Philadelphia gave to their representatives in the Assembly, published in the August 8 issue of *The Pennsylvania Chronicle*.

To:
Representatives of [*blank*]

Gentlemen,

We observe that Duties{,} ~~have {lately} been imposed by Act of Parliament,~~ for the sole & express Purpose of raising a Revenue, {have been lately imposed by Act of Parliament} upon several Articles of Commerce ~~ex~~{im}ported into these Colonies from Great Britain. This {is} ~~We clearly apprehend, to be~~ a Taxation[1] of Us by persons, Who do not and cannot represent Us, and over whom We have not the least Controul. Such a Taxation therefore, takes away our Money without our Consent; and if such an Authority is legally vested in the Parliament, then it follows of undeniable Consequence, that all We possess belongs to others, whose Sovereign Pleasure alone must determine, how long We shall be indulged in the Use of those Things, which our {own} Labors & our {own} Cares have acquired & saved.

A Doc{c}trine so destructive of our property, Liberty & Happiness, {is in the utmost Degree unreasonable & unconstitutional, and [be it?]} asserted by {so august a Body as the} Parliament{,} ~~of Gr~~ strikes Us at once with Surprize, Affliction, and Apprehension, all which are greatly encreased by the Violence of ~~subsequent~~ [~~*illegible*~~] {other} Measures.

Not long since We beheld a Sister Colony deprived of her legislative Power [*page break*] for no other Offense, than {for} daring to exercise her Judgment on a Point confessedly within her own Jurisdiction, & {for} refusing to put herself to a considerable Expence in Obedience to ~~a~~ {an Act of} parli~~amentary~~{ment.} ~~Mandate, dictated by Ministerial V[iews] Desires.~~ A Treatment! severe~~, in itself, and [a~~*?*] to the immediate Objects of it; dangerous & alarming to others.

Thus We perceive a parliamentary Punishment, instantly pursuing {a} NonCompliance with {a} parliamentary Command~~s~~: But this, We also perceive, is not to be the utmost Extent of American Servitude.

The House of Representatives in the Province of Massachusetts Bay, roused by the common Danger, candidly {& wisely} communicated their Sentiments and proceedings to the other Assemblies on this Continent, ~~because~~ it ~~was~~ {being} "necessary, that all possible Care should be taken that the Representation, of the several Assemblies, upon so delicate a Point, should harmonize with each other~~:~~{.}" {~~But such was~~ {X} [*in left margin*:] {X ~~the singular Modesty of that honorable Body, that they did not even request any other Assembly to join with them.~~}

This ~~prudent & ingenuous affectionate Behavior~~ {Behavior} of that truly respectable House, ~~this [virtue~~*?*] so prudent with Re~~spect~~{gard} to themselves, so affectionate with Re~~spect~~{gard} to the other [*page break*] Colonies, & so loyal with Re~~spect~~{gard} to our {gracious} Sovereign, becomes in ministerial Language, "a Measure of most factious Tendency," ~~"and [an unwarrantable~~] and "a flagitious Attempt to disturb the public Peace."

{Nor ~~are~~ {have}} ~~T~~{t}hese {~~unjust~~} Reproaches ~~all that~~ satisfied the {~~rank~~} Resentment of Administration. The General Court has been required by the Governor to "rescind[2] the Resolution that gave Birth to the Circular Letter"; and because they

have {magnanimously} refused to betray the Liberties of these Colonies, they have been insultingly dissolvd.[3]

{Besides this,} The Assembly of Maryland have been prorogued {by their Governor} in Obedience to a Ministerial Order, because they they [*sic*] would not basely consent to wound the general Welfare of these Colonies, by "takeing no Notice of" the circular Letter: And ~~there is~~ We are satisfied that an Order of the same kind has been sent to every Governor on the Continent.

These Measures excite in our Minds the strongest Sense of public Danger, and therefore We do in the most earnest Manner call upon You, to exert Yourselves at the next Meeting of the Assembly, for procuring [*page break*] Redress of our present Grievances.

We are of Opinion, that a respectful & affectionate Answer should {[~~*illegible*~~] even now, late as it is,} be sent to the ~~late Speaker of the House of Representatives~~ Circular Letter from the Representatives of the Massachusetts Bay; and that every Step should be taken for promoting a cordial Union in Sentiments & Measures with the other Colonies, on which Union alone the Happiness of the Whole undoubtedly depends.[4]

We are also of Opinion, that a Petition to his Majesty, A memorial to the House of Lords, & a Remonstrance to the House of Commons, should be immediately drawn up & transmitted {home.}

{Our Assembly (see above Θ)} [*in upper margin*:] {Θ Our Assembly stands unfortunately adjourned to so late a Day, that We are under the utmost Anxiety, [least] ~~some f~~ the Ministry should be encouraged to [~~pursu~~*?*]take some fatal Measure, before the Weight of this Colony can be added to the general Cause.}[5]

Too much Dispatch {therefore} ~~is scarcely possible~~ {cannot be used at this} important Crisis, as We are fully persuaded, that nothing is so likely to overwhelm these Colonies with Calamities, as the Appearance of Inattention {to} & Disunion in a Province so respectable as this is, on Account of its largeness, Populousness, & Situation.

In these Addresses We desire You to express with all possible Force of Language, our Loyalty to his Majesty, our Devotion to the Gov[ernmen]t established in his illustrious House, our Dependence [*page break*] on the Kingdom of Great Britain, our Subordination to the Parliament, and our Affection to the People of the Parent Country—

That We value & revere the Connection between her & Us above every Thing but our Religion & Liberty— That We know,[6] it is the Band of Peace & Prosperity— That it is the Approbation of our Reason, & the Delight of our Hearts— That influenced by these Sentiments, We ever have been, are, & always shall be ready, upon every just Occasion, to demonstrate our Loyalty & Duty by every Method in our Power— But with equal Zeal & Firmness are {unmoveably} resolved to assert & maintain Those inestimable Rights & Liberties given to Us by God,[7] & confirmed to Us by our Constitution.

To the Words "Loyalty" and "Duty" we annex Meanings consistent with Virtue & Common Sense: By them We understand a Desire and Endeavor at all Times to promote the Honor & ~~Interest~~ {[~~S~~*?*]} {Interest} of our King & Mother Country. These, We are convinced, [*page break*] can never be promoted by any Conduct injurious to our own Honor & Interest. ~~Our Affections and Obligations therefore on this Head~~ To discharge our Obligations, and to take Care of ourselves, are therefore, happily, the same Thing.

These are {~~confor~~} our acknowledged Principles; and conformable to them will our assured Actions be. Whoever thinks, that Loyalty & Duty, imply a Submission to Measures destructive ~~to~~{of} Freedom, ~~&~~ thinks an Absurdity. Whoever meditates an Invasion or Surrender of Freedom by or to such Measures {glossd over with such ~~Titles,~~ Terms,} meditates a double Crime—by practising Guilt, ~~under~~ {while} ~~the {false} Preten[ces of~~] {pretend{[ing*?*]}~~to~~} Virtue.

Loyalty & Duty flow from Laws, & lead to Happiness. No Ministerial Rhetorick can persuade Us, that a "[a] Denial of the Authority of Parliament," in Cases ~~subversive of~~ {pernicious to} Liberty, ~~is~~, "to subvert the true principles of the Constitution"—or that to be {deeply} Sensible of Oppressions, humbly to complain of them, & peaceably to seek Redress of them, is "a factious and flagitious Attempt to disturb the public Peace". Neither can dictatorial

[a] See L[d]. Hillsborough's Letter. [*page break*]

Threats{,} ~~of Dissolution~~ nor arbitrary ~~punishments~~ {Executions of} them, convince Us of any ~~Thing~~ {Thing} but this, that the Freedom & Happiness of these Colonies depend~~s~~ totally on their {own} Firmness & Unanimity.

To command—to [a] suspend—to [b] prorogue—to [b] dissolve—are the brief Maxims of ~~American~~ {that Spirit of} Government, which ~~have after sleeping~~ having slept since the Time of the Stuarts,[8] at length revives to harrass in America, the Descendants of those, who quelled it in Great Britain—

Whether an Attempt will be made to dissolve your House or not, We are ignorant; but We ~~hope to derive~~ desire ~~You~~ to receive from You all the Advantages, that can be derived from that great Privile~~d~~ge, of sitting on your own Adjournments.

[a] New York [b] Maryland [c] Massachusetts Bay[9]

ADDft (PHi-RRL)

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[1] Underlined four times.
[2] Underlined four times.
[3] Underlined four times.
[4] Underlined four times.
[5] This insertion, which does not appear in the final version, refers to the fact that the Assembly had been adjourned since May 11 and would not reconvene until Sept. 12. See *Pa. Votes* (1768), 83.
[6] Underlined four times.
[7] Underlined six times.

[8] The House of Stuart was a dynasty of Scottish monarchs that, after the death of Elizabeth I in 1603, acceded to the thrones of England and Ireland as well. Their English rule was particularly troubled, with the second Stuart king of England, Charles I, beheaded during the English Civil War, and after the English Restoration, the fourth, James II, deposed by the Glorious Revolution.
[9] JD uses the footnote callout "b" twice by mistake, intending a "c" in the second instance.

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N., Review of the *Farmer's Letters* in *The Monthly Review; or Literary Journal: By Several Hands* (London), July 1768, 18–26

This review reproduces lengthy passages from numbers II, III, V, VII, XI, and XII of the *Farmer's Letters*. We retain only enough of the quoted portions, along with citations, to enable the reader to find the passages in docs. 4:20, 4:23, 4:26, 4:32, 4:39, and 4:40, above. An excerpt from this review was also published in *The Scots Magazine* (Edinburgh), September 1768, 481–82. Excerpts from this article were reprinted in several American newspapers including the November 7 issues of *The Boston Evening-Post* (doc. 4:A77, below) and *The Boston-Gazette*. Notably, Philadelphia's German-language *Der Wöchentliche Pennsylvanische Staatsbote* published translated excerpts on November 29.

Letters from a Farmer in Pennsylvania, to the Inhabitants of the British Colonies. 8vo. 2s. Almon. 1768.

WE have, in the Letters now before us, a calm yet full inquiry into the right of the British parliament, lately assumed, to tax the American colonies; the unconstitutional nature of which attempt is maintained in a well-connected chain of close and manly reasoning; and though from this character, it is evident that detached passages must appear to a disadvantage, yet it is but just to give our Readers some specimens of the manner in which the author asserts the rights of his American brethren; subjects of the British government, as he pleads, carrying their birth-rights with them wherever they settle as such.

"Colonies, says he, were formerly planted by warlike nations, to keep their enemies in awe; to relieve their country overburthened with inhabitants; or to discharge a number of discontented and troublesome citizens. . . . [T]hey will execrate, with the bitterest curses, the infamous memory of those men, whose pestilential ambition unnecessarily, wantonly, first opened the sources of civil discord between them; first turned their love into jealousy; and first taught these provinces, filled with grief and anxiety, to enquire."[1]

As every community possessed of valuable privileges, and desirous to preserve the enjoyment of them, ought to be very cautious of admitting innovations from their established forms of political administration, our Author does not confine his views to the immediate effects of the laws lately passed regarding America; but considers the necessary tendency of the precedents: thus he says,

"I have looked over every *statute* relating to these colonies, from their first settlement to this time; and I find every one of them founded on this principle, till the *stamp-act* administration. . . . Here we may observe an authority *expresly* claimed and exerted to impose duties on these colonies; not for the regulation of trade; not for the preservation or promotion of a mutually beneficial intercourse between the several constituent parts of the empire, heretofore the *sole objects* of parliamentary institutions; *but for the single purpose of levying money upon us*."[2]

Again, in another place,

"What but the indisputable, the acknowledged exclusive right of the colonies to tax themselves, could be the reason, that in this long period of more than one hundred and fifty years, no statute was ever passed for the sole purpose of raising a revenue on the colonies? . . . The parliament, from time to time, regulated their trade, and that of the rest of the empire, to preserve their dependence, and the connection of the whole in good order."[3]

The amount of the present duties exacted in an unusual way, is no part of the object in question; for our Pennsylvanian Farmer observes,

"Some persons may think this act of no consequence, because the duties are so *small*. A fatal error. . . . *We* are therefore SLAVES."[4]

Farther,

"Indeed nations in general are more apt to *feel* than to *think*; and therefore nations in general have lost their liberty: . . . The *deplorable* poverty of spirit, that prostrates all the dignity bestowed by Divine Providence on our nature—*of course succeeds*."[5]

With regard to the proper conduct of the colonies on this occasion he premises the following questions:

"Has not parliament *expressly avowed* their *intention* of raising money from us for *certain purposes?* . . . If *no material taxes* remain to be imposed by them, what must become of *them*, and the *people* they represent?"[6]

Our Author all along however asserts that the real interest of English America consists in its proper dependance on the mother country, at the same time that he strenuously exhorts his countrymen, to oppose by all the suitable means in their power, every incroachment on those constitutions under the sanction of which they settled on those remote and uncultivated shores, whereon they have so industriously established themselves. He remarks with a spirit which no one, it is apprehended, can condemn:

"I am no further concerned in any thing affecting America, than any one of you; and when liberty leave it, I can quit it much more conveniently than most of you: but while divine providence, that gave me existence in a land of freedom, permits my head to think, my lips to speak, and my hands to move, I shall so highly and gratefully value the blessing received, as to take care, that my silence and inactivity shall not give my implied assent to any act, degrading my brethren and myself from the birthright, wherewith heaven itself '*hath made us free*.'"[7]

The consequence of Great Britain exerting this disagreeable power, he shews, in a long train of arguments, to have a tendency very fatal to the liberty of America, which he illustrates by examining into the application of the pensions of the Irish establishment; and sums up his reasoning with the following positions:

"Let these *truths* be indelibly impressed on our minds—*that we cannot be* happy, *without being* free—that we cannot be free, w*ithout being secure in our property*—that we cannot be secure in our property, *if*, *without our consent, others may*, *as by right*, *take it away* . . . THEN, indeed, any *minister*—or any *tool* of a minister—or any *creature* of a tool of a minister—or any *lower instrument of administration*, if lower there be, is a *personage* of whom it may be dangerous to offend."[8]

In justification of the Letter-writer's loyalty, and the integrity of his intentions, he declares in a note,

"If any person shall imagine that he discovers in these letters the least disaffection towards our most excellent sovereign, and the parliament of Great Britain, or the least dislike of the dependence of these colonies on that kingdom, I beg that such person will not form any judgment on *particular expressions*, but will consider *the tenour of all the letters taken together*. . . . I thought I discharged my duty to my country, by taking the liberty, in the year 1765, while the *stamp-act* was in suspence, of writing my sentiments to a man of the greatest influence at home, who afterwards distinguished himself by espousing our cause, in the debates concerning the repeal of that act."[9]

When we review a performance well written, and founded upon laudable principles, if we do not restrain ourselves to a general approbation, which may be given in few words, the article will unavoidably contain more from the author of it, than from ourselves; this, if any excuse is needful for enabling our Readers, in some measure, to judge for themselves, is pleaded as an apology for our copious extracts from these excellent letters.— To conclude; if *reason* is to decide between us and our colonies, in the affairs here controverted, our Author, whose name the advertisements inform us is Dickenson * , will not perhaps easily meet with a satisfactory refutation.

N.

* Of Pennsylvania. See his dispute with Mr. Galloway, Review, vol. xxxii. p. 67.[10] See also *The Regulations respecting the Colonies considered*. Rev. Vol. xxxiv. p. 238.[11]

[1] Doc. 4:26.
[2] Doc. 4:20.
[3] Doc. 4:26.
[4] Doc. 4:32.
[5] Doc. 4:39.
[6] Ibid.
[7] Doc. 4:23.
[8] Doc. 4:40.
[9] Ibid.
[10] Doc. 3:53.
[11] See doc. 3:93, n. 1.

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Anonymous, Review of the *Farmer's Letters* in *The Critical Review: Or, Annals of Literature* (London), July 1768, 62–64

An excerpt from this review was republished in *The Scots Magazine* (Edinburgh), September 1768, 481.

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11. Letters from a Farmer in Pennsylvania, to the Inhabitants of *the* British *Colonies*. 8*vo*. *Pr*. 2*s*. Almon

THE author of these Letters, which are generally ascribed to one Mr. Dickenson, tells us, that he has had a liberal education, and has been engaged in the busy scenes of life; that his affairs are easy; that he has money at interest; that he has a library, with some friends who are gentlemen of abilities and learning; and that he believes he has acquired a greater knowledge in history, the laws and constitutions of his country, than is generally obtained by men of his class.

Thus much Mr. Dickenson says for himself; but without impeaching his veracity, we cannot help thinking that he would have proved a much better member of society, had he never learned either to read or write. The work before us is seditious in its principles, superficial in its execution, and tending to the perdition of the country for which the author is so furious an advocate. People on this side the Atlantic ocean, of generous benevolent dispositions, imagined that our American fellow-subjects, when indulged with a repeal of the stamp-act, would rather exceed than fall short in their expressions of duty and gratitude to their mother-country. The publication before us proves the reverse to be the case. It has been adopted, if we are rightly informed, as the political creed of North America; and whatever fulsome, unmeaning compliments the author may pay to the legislature of Great Britain, yet his arguments, when stated in the true point of light, tend to prove that the North Americans are as independent upon this country as the Moors, Tartars, or Chinese. We may even venture to go farther (and we can appeal to the evidence of the common sense of those who read his pamphlet for the truth of what we assert), by saying his real meaning is, that Great Britain is dependent upon her colonies.

The letter writer sets out with arraigning an act of the British parliament, as being as injurious in its principles to the liberties of the colonies as the stamp-act was; meaning the act for suspending the legislation of New York. This suspension, he says, is pernicious to American freedom, and justly alarming to all the colonies. Speaking of the act about making provisions for American troops, "The assembly of New York (says he) either had, or had not, a right to refuse submission to that act. If they had, and I imagine no American will say they had not, then the parliament had *no right* to compel them to execute it. If they had not

this right, they had *no right* to punish them for not executing it; and therefore *no right* to suspend their legislation, which is a punishment. In fact, if the people of New-York cannot be legally taxed but by their own representatives, they cannot be legally deprived of the privilege of taxation. If they may be legally deprived in such a case, of the privilege of making laws, why may they not, with equal reason, be deprived of every other privilege? Or why may not every colony be treated in the same manner, when any of them shall dare to deny their assent to any impositions, that shall be directed? Or what signifies the repeal of the *stamp act*, if these colonies are to lose their *other* privileges, by not tamely surrendering *that* of taxation."[1]

This is a kind of logic which, we will venture to say, amounts to neither more nor less than that Great Britain has no coercive power over her American colonies. That the writer's meaning may not be misunderstood, as if he was piddling at the prerogative, or any set of men, ministers or courtiers, on this side the water, he bravely throws off the mask, and declares war against the British legislature itself. "The crown might have restrained the governor of New-York, even from calling the assembly together, by its prerogative in the royal governments. This step, I suppose, would have been taken, if the conduct of the assembly of New-York had been regarded as an act of disobedience *to the crown* alone; but it is regarded as an act of 'disobedience to the authority of the BRITISH LEGISLATURE.' This gives the suspension a consequence vastly more affecting. It is a parliamentary assertion of the *supreme authority* of the British legislature over these colonies in *the point of taxation*, and is intended to COMPEL New-York into a submission to that authority."[2]

In his second letter Mr. Dickenson next says, that the colonies are as much dependent on Great Britain, as a perfectly free people can be on another. Here we believe he has spoken the real sense of too many of his countrymen; tho' it is either nonsense in terms, or implies that our colonies are entirely independent; for how can a perfectly free people depend upon another? In this letter the author attacks the act for granting duties on paper, glass, &c.[3] and evidently proves, if it proves any thing, that Great Britain depends upon her colonies, because she has no power to impose a tax upon those manufactures of her own which are exported to America. "Here then (says he) my dear countrymen, ROUSE yourselves, and behold the ruin hanging over your heads. If you ONCE admit, that Great-Britain may lay duties upon her exportations to us, *for the purpose of levying money on us only*, she then will have nothing to do, but to lay those duties on the articles which she prohibits us to manufacture—and the tragedy of American liberty is finished."[4]

This reasoning is the more curious, as the letter writer all along admits that the manufactures of glass and paper are not prohibited in North America.[5] The remaining letters of this publication tend to prove the wisdom and necessity of

the Americans taking arms, rather than subject themselves to the operation of any British act of parliament. We shall not be at all surprized, if this author and his fellow-labourers in the vineyard of sedition, should insist upon the repeal of the navigation act;[6] for if any one of Mr. Dickenson's arguments are valid, it will hold perhaps more strongly against that act than any which has been made since: for when analyzed, it will be found to lay the severest tax than ever was imposed upon the produce and commerce of our American colonies. But tho' the inhabitants of that continent refuse to be good subjects, we hope they do not disdain being honest men. Let the mother-country draw out her account since their first settlement in America, and let us see whether the fee simple of all their possessions in America can repay her.

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[1] Doc. 4:18, above.
[2] Ibid.
[3] The Revenue Act of 1767.
[4] Doc. 4:20, above.
[5] In "Letter II" of the *Farmer's Letters* (ibid.), JD writes, "Some persons perhaps may say, that this act lays us under no necessity to pay the duties imposed, because we may ourselves manufacture the articles on which they are laid; whereas by the *Stamp-Act* no instrument of writing could be good, unless made on *British* paper, and that too stamped." Yet he also argues that the tax on paper and glass is a violation of the colonists' liberties regardless of their ability to avoid paying it.
[6] The Navigation Act of 1696.

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A Barbadian, Letter to Mr. Goddard, *The Pennsylvania Chronicle*, August 1, 1768

On July 4, *The Pennsylvania Chronicle* republished portions of JD's 1766 pamphlet, *An Address to the Committee of Correspondence in Barbados* (doc. 3:116), with its attacks on colonial agents in Britain, including Benjamin Franklin. "A Barbadian" responded with three letters, this and docs. 4:125 and 4:128, below, that combined criticism of the Farmer with extensive excerpts from two pamphlets that had critiqued the *Address*. William Goddard later identified the Barbadian as one of many "angry scribblers" who were inspired by his partners, including Joseph Galloway, to submit pieces against JD (see doc. 4:115, above, and docs. 4:120, 4:121, 4:129, 4:131, 4:A56, 4:A58, 4:A60, 4:A61, 4:A63, 4:A65, and 4:A68, below).[1]

Mr. GODDARD,

IN your *Chronicle*, No. 77, we were favoured with a series of *extracts* from a pamphlet, published by the author of the *Farmer's Letters*, in the year 1766, intituled "An Address to the Committee of Correspondence in *Barbados*, occasioned by a late letter from them to their Agent in *London*." With what view these extracts were ushered into the world, every one, but the author himself,

must be at a loss to determine. It cannot be thought they have a tendency to promote that *harmony* and *union* between the colonies, which, at this time is so earnestly desired. Nor can it be presumed, a thirst for *popularity* could be the author's motive, as the late *extravagant encomiums* on his profound *abilities* published weekly in our news-papers,[2] would abundantly satisfy (one would imagine) a soul more replete, if possible, with *vanity* and *ambition*. Be his motives, however, what they may, justice to my native country, loudly calls upon me to vindicate the characters of gentlemen, whose *virtues* and *abilities*, though unemployed in the inglorious service of *faction* and *sedition*, do *honour* to the place of their nativity.

When the pamphlet from whence the *extracts* were taken, was published in the year 1766, the author took the pains to ship a cargo of them to *Barbados*, addressed to the *committee* themselves. They were treated, by that *respectable body*, with the silent contempt such *defamatory* performances deserve! Two gentlemen of the island, however, condescended to take some notice of these strangers, loaded as they were with *filth* and *slander*, and delineated their *ill-looking* features with so exact and masterly a hand in two pamphlets now before me, that must have sufficiently convinced the world the *addresses* were the offspring of *falsehood* and *malice*.[3]

Some of these pamphlets were sent over to *Philadelphia* by way of remittance for the cargo of *addresses:* But they were a commodity the *Author of the Address* did not much admire; and, therefore, great care was taken, whatever loss might be sustained, they should not be very plenty among his countrymen; and accordingly but a few had an opportunity of seeing them. Such a conduct, to be sure, was not very *laudable* in a gentleman, who makes such *large professions* of love to "truth," "candour," and "patriotism". For the love of "truth" and "candour", would have restrained any other man but himself, from publishing such curious *extracts* before *he* had made a reply to the answers. Indeed common *justice* demanded this of him; and if such are his notions of that *divine virtue*, I am sure *he* shall never be my *lawyer*.

Without further preface, I request you, Mr. *Goddard*, to publish, after the manner of the *Farmer*, the following extracts from the answers to his address.[4] I have no doubt (such is the good opinion I entertain of the candid, loyal and sober inhabitants of *Pennsylvania)* they will meet with the attention and approbation they deserve. But before I conclude, as the *Farmer*'s ambition appears to be unbounded, and *he* is spreading every sail for the *sweet breezes* of popular *applause*, I would beg leave to give him this hint, *That whatever honour and dignities he may arrive at*, *he ought to consider*, *that every one stands as a* blot *in the annals of his country*, *who arrives at the temple of* FAME *by any other way than through that of* VIRTUE.

A BARBADIAN

[1] Goddard, *Partnership*, 18.

[2] See, for example, docs. 4:52, 4:60, 4:61, 4:64, 4:71, 4:76, 4:77, 4:82, 4:83, 4:92, and 4:96, above.

[3] Referring to *A Letter to the North American, on Occasion of His Address to the Committee of Correspondence in Barbados* (doc. 3:125), and *An Essay Towards the Vindication of the Committee of Correspondence in Barbados* by "A Barbadian" (doc. 3:119). Contrary to the assertion here, John Gay Alleyne (1724–1801), the author of the former pamphlet, was a member of the Barbados committee. The author of the latter pamphlet, Rev. Kenneth Morrison (Morison; c. 1715–1775), an Anglican minister of Barbados, was almost certainly not the author of this letter or the two other letters signed Barbadian below.

[4] With this letter, Goddard printed extracts from the first thirteen pages of the *Vindication*. Extracts from the remainder of the *Vindication* and from the *Letter to the North American* appeared with the Barbadian's subsequent letters. See docs. 4:125 and 4:128.

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A Countryman, "To the Printer of the Pennsylvania Chronicle," *The Pennsylvania Chronicle*, August 1, 1768

To the PRINTER *of the* PENNSYLVANIA CHRONICLE.

SIR,

I Observe in your *Chronicle* No. 77,[1] some extracts from a pamphlet publish'd in the year 1766. The pamphlet I well remember; it was entitled, *An address to the committee of correspondence in Barbados*,[2] and, in all probability, as the editor (alias the *author)* of the extracts asserts, was written by the same person who wrote the *Farmer's Letters*. On comparison, a similarity of style and sentiments, of absurdities and contradictions, is very conspicuous. It is not my purpose, however, at present, to examine the merits of either of them. The *Address* has indeed been fully refuted in two different pamphlets published in *Barbados*, and the author in a manner convicted of having interpolated the very word which he makes the foundation of his abuse and ill-treatment of the principal gentlemen of that island.[3] But what I would now observe upon are, his *charges* against the *American* gentlemen who were employ'd as *agents* for the colonies at the time of the stamp-act.

"THE BADGES OF OUR SHAME (says he) WERE PREPARED—too gross—too odious—even in the opinion of *that administration*, to be fasten'd upon us by any but *Americans*. Strange delusion! to imagine that treachery should reconcile us to *slavery*. They looked around; *they found* AMERICANS—O Virtue! they found AMERICANS, to whom the *confidence* of their country HAD COMMITTED THE GUARDIANSHIP OF HER RIGHTS—on whom her *bounty* HAD BESTOWED ALL—the wreck of her fortunes could afford,—READY TO RIVET on their *native land*, the nurse of their infancy, the protectrix of their youth, the honorer of their manhood, the fatal fetters, which THEIR INFORMATION had helped to forge. THEY were to be gratified with part of the horrid plunder, in *oppressive offices* for THEMSELVES and THEIR CREATURES. By *these* men, that they might reap the rewards of their corruption, were we ADVISED—by *these* men that *they* might return *masters*

who went out *servants* were we DESIRED—TO PUT ON THE CHAINS, and then with shackled hands TO DRUDGE IN THE DARK, *as well as we could*, forgetting the LIGHT we had lost."[4]

Now, Mr. Printer, I do take upon me to aver, that these charges, heightened as they are with all that a spirit of detraction and malevolence can suggest, have not the least foundation in truth. There was not a single gentleman from *America*, concerned as agent in the transactions of that day, but did all in his power to prevent the passing of the stamp-act, and afterwards exerted himself to the utmost to obtain its repeal. That this was truly the case with regard to those gentlemen, has been before made to appear to the Public, by a variety of indisputable testimonies, and particularly set forth in a piece sign'd *A Lover of Justice*, published in your *Chronicle* so long ago as the 9th of *February* 1767.[5] What then must we think of a writer, who, without producing the least proof to the contrary, can without shame or remorse not only *repeat* his groundless and injurious accusations, but blazon them forth with *Italics*, SMALL CAPITALS, and CAPITALS without number, that they might make the greater impression on his readers? It is true, indeed, that he has added a note to the above extract (which was not in the original pamphlet) wherein he asserts, that "an *American*[6] in *London*, wrote to his friend in this *city*, on the complaints that were sent home against the *stamp act*, that now the sun of liberty was set, and we must light up the candles of industry and frugality: And that luxury and idleness taxed with heavier hands than kings and parliaments."[7] But does this prove that any of the *American* agents did not perform their duty, on that remarkable occasion—does it invalidate the positive testimony of a number of considerable merchants, and other friends to *America*, in their favour? Who the *American* is that wrote the letter, or who his pretended *friend* is, that furnished the *Farmer* with the extract, I cannot positively say; but I can plainly enough discover it is intended by him that the Public should think it was wrote by the agent sent from this province. However, thus much I will venture to declare, that that gentleman never either "*advised* or *desired* us to *put on the chains*, and then with *shackled hands to drudge in the dark*, as well as we could, FORGETTING the LIGHT we had lost." His whole conduct from the first to the last of that affair, and the numerous pieces he has wrote in behalf of *America* evince the contrary.

There is to be sure no forming any positive judgment of the writer's intentions, without knowing what preceded and what followed the words said to be extracted from his letter. It would therefore have been but just and candid in the *Farmer*, since he thought proper to take public notice of the contents of a private letter, to have published the whole of what the gentleman had wrote on the subject. Instead, however, of acting thus candidly by an absent person, it appears that he has given us only mutilated parts of it, calculated merely to serve the dirty purposes of calumny. But, mutilated as they are, they do not afford any proof of the point intended. The saying "*that now the sun of liberty*

was set, *we should light up the candles of industry and frugality—and that luxury and idleness taxed with heavier hands than kings and parliaments*," cannot surely, by any fair construction, be made to mean, "*that we should put on* CHAINS, *and then with* SHACKLED HANDS *drudge in the dark*, FORGETTING *the* LIGHT *we had lost*." On the contrary, the plain import of the words is, that since it was not in our power to prevent the passing of the stamp-act, by which our money was to be taken from us without our consent, we should endeavour to make ourselves some recompence by our industry and frugality: Nor is it easy to conceive that a much stronger argument could well be urged to induce us to have recourse to those expedients, than the telling us *that luxury and idleness taxed with heavier hands* than kings and parliaments. A proposition founded on the strictest truth, and the experience of ages; and which alone contains more good sense than can be found in all the remarks of the *Farmer* put together. I mean those which can properly be called his own, of which, indeed, there are not many, and these, for the most part, as I said before, are very absurd and contradictory.

Industry and frugality have been recommended to us by all the writers in behalf of *America* of any note; as the most likely means of procuring a redress of our grievances. The *Farmer* himself has echoed the same sentiments in his third letter. "If it shall happen," says he, "by an unfortunate course of affairs, that our *applications* to his *Majesty* and the *parliament* for *redress*, prove ineffectual, let us THEN take *another step* by withholding from *Great-Britain* all the advantages she has been used to receive from us. THEN let us try, if our ingenuity, *industry* and *frugality*, will not give *weight* to our remonstrances. Let us invent—let us work—let us save." &c.[8] He afterwards, in speaking of the act of parliament for prohibiting the importation of *Irish* cattle into *England*, tells us, in the words of Mr. *Hume*, "This law brought great distress for some time upon *Ireland*, but it has occasioned their applying with greater *industry* to *manufactures*, and has proved in the issue *beneficial* to that kingdom."[9] And even in his address to the committee of *Barbados*, he ask'd, "Can it be possible, gentlemen, that our stopping on this continent the importation of goods from *Great-Britain*, has brought your resentment upon us? If it has, it is the first time that *industry* and *frugality* have met with such *hard judges*!"—[10] Notwithstanding all these declarations, the *Farmer* can, it seems, with his usual CONSISTENCY, not only reflect on a gentleman for advising us to be *industrious* and *frugal*, and to avoid *luxury* and *idleness*, but even thunder forth threats of his mighty vengeance against him on that account. "IF I FORGET THEE, says he, LET MY RIGHT HAND FORGET HER CUNNING—IF I DO NOT REMEMBER THEE, MAY MY TONGUE CLEAVE TO THE ROOF OF MY MOUTH."[11]

As I am not, Mr. Printer, in the least afraid of the right hand, or tongue, or even pen of this doughty champion, I do hereby *challenge* and *defy* him to make good his CHARGES against the *American* agents. This, as he has thought proper to exhibit

them twice at the bar of the Public, it is his indispensible duty to endeavour to do, or otherwise to acknowledge himself to be an INFAMOUS CALUMNIATOR and A DECEIVER OF THE PEOPLE.

I am, yours, &c.

July 26, 1768. A COUNTRYMAN.

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[1] *PC*, June 27–July 4, 1768.

[2] Doc. 3:116.

[3] Countryman refers here to the word "rebellious," which does not appear in the final text of the letter from the Committee of Correspondence in Barbados. See doc. 3:116, n. 1.

[4] Doc. 3:116.

[5] The letter by "A Lover of Justice" defends Benjamin Franklin from the claim made in "An ESSAY, *Towards discovering the Authors and Promoters of* The memorable STAMP ACT. In a Letter from a Gentleman in London, to his friend in PHILADELPHIA" (*PJ*, Sept. 18, 1766) that Franklin "is generally believed to have had a principal hand in promoting the Stamp Act."

[6] Benjamin Franklin.

[7] In the June 27–July 4 *PC* reprinting of the pamphlet, the note was placed to follow "with shackled hands TO DRUDGE IN THE DARK, *as well as we could*, forgetting the LIGHT we had lost." The quotation came from an extract of a July 11, 1765, letter "from a North American in London, to his Friend in America" printed in *The London Chronicle*, Nov. 14–16, 1765, and other British newspapers. The unidentified correspondents were Franklin and Charles Thomson (see *PBF*, 12:206–08, 278–80). The quotation is loose: the phrase "sun of liberty" comes from Thomson's reply of Sept. 24, 1765.

[8] Doc. 4:23, above.

[9] Doc. 4:38, nn. 16 and 17, above.

[10] Doc. 3:116.

[11] Ps. 137:5–6; doc. 3:116.

121
A Son of Liberty, Letter to JD, *The Pennsylvania Chronicle*, August 1, 1768

This satirical letter from "A Son of Liberty" was one of several that William Goddard, printer of *The Pennsylvania Chronicle*, later claimed he was obliged by his partners, including Joseph Galloway, to publish in an attempt to discredit the Farmer and prevent JD's election to the Pennsylvania Assembly.[1]

BOSTON, JUNE—1768.

Mr. Goddard,

As I am persuaded you intend to support the character of a free and impartial printer, *I hope you will not refuse to promulgate* every instance *of* gratitude *to so* great *and so* good *a man as the* immortal Farmer; *and as I fear the same* amiable modesty, *which has hitherto concealed his* illustrious name *from the freemen of* this town, *may prevent his favouring the* public *with the following letter*, transmitted to him by this day's post, *I beg*, *therefore*, *nay I insist*, *that you will insert it in your next* Chronicle, *by which you will give a further proof of the* freedom *and* impartiality *of your press.*

Yours, &c.

A Lover of Liberty.

RESPECTED SIR! *Boston*, *June*—1768.

WITH a heart dilated with the most fervent gratitude for your *judicious* and *very spirited* defence of the rights and liberties of the Americans, I beg leave to approach you,—but, alas! I fear not with tidings of much gladness and great joy. Your *magnanimity* and *unparalleled spirit* will, I trust, however, support you in the approaching dismaying conflict, shielded, as you are, with the inestimable and *glorious mantle of Liberty*.— How *happy* are you, Sir, and how much to be *envied*, to be thus by *nature*, as well as by the influences of *freedom*, armed and supported?— For this, surely, "*is the Crisis*—THE VERY CRISIS," when your *animating soul* is called forth to *action*,—not merely to display the *wordy weapons* of war, but to gird on your armour, and *lead* on thousands and tens of thousands, to defend their invaluable rights and privileges.

Our *incorruptible* and *invincible* patriot (Mr. Ot-s)[2] shines *illustriously*, and boldly denounces *terrific threats* against Britain and her senate. His *firm* and *manly* spirit, unawed by power, fears neither *commissioners*,[3] *generals, armies*, nor *navies*; but, inspired with the emanations of true *antimonarchial principles*, he rouses the inhabitants and heroically alienates their affection from *Kingly* and *British subordination*.— Come forth, *dear* and *worthy* Sir.— Abide no longer with *Quakers* and *temporizers*, in the *supine* and *lethargic* city of Philadelphia (the shameful seat of *insensibility*, to your *stupendous* and *amazing* genius) but gloriously unite with your *matchless compatriot* (Mr. Ot-s) in *personally* alarming and *heading* the Bostonian Sons of Liberty; that so, with the smiles of Jehovah, they ever may be ready to spend their "life blood" in the precious cause of pure *New-England independent Liberty*.

Laurels, and the *cordial* thanks of unborn millions await you as their and our political *saviour*; and we daily, nay hourly, offer up our ardent petitions for the continuance of your health and speedy arrival among us.— *Tarry not therefore*, Sir; but pleased and convinced, as you always most justly are, with your own *significance*—hasten to the THEATRE OF ACTION, and, by your *example*, teach and prepare *freemen*, not only to assert and protect their liberties, but to chastise such *incendiaries* and *slaves* who may insolently presume to subjugate us to British laws.

Read, my dear Sir, and deeply ponder the within *Circular Letter*.[4] The despotic and haughty principles it inculcates, suit only slaves.— The veil is now removed, and the *sacred temple* assailed—I will not dictate—but, most assuredly, it is high time you were *with us*, for not a *moment* ought to be *lost*, before we carry into execution the *angelic* and *awakening* intimations expressed in your *incomparable* and most *excellent* FARMERS—

I have the *honour* to be, *very respectable Sir*, (with the strongest sentiments

of *duty* and *gratitude*) your most *obedient*, and most *faithful* servant.

A Son of Liberty.

To J-H-N DICK-N-S-N, Esq;

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[1] Goddard, *Partnership*, 18.

[2] Otis.

[3] That is, the customs commissioners sent to Boston in 1767 and 1768 to enforce the Navigation Acts. See doc. 4:172, n. 2, below.

[4] Probably Lord Hillsborough's circular letter to the governors of April 21, 1768, which was printed in *The Massachusetts Gazette* (Draper) on June 23 and other Boston newspapers a few days later. See JD's discussion (as Pacificus) of that letter in doc. 4:111, above.

122
[JD and Charles Thomson?], An Address at the Pennsylvania State House on July 30, *The Pennsylvania Chronicle*, August 1, 1768

In anticipation of the Pennsylvania Assembly's reconvening in September, opponents of the Townshend Acts called a public meeting at the State House in Philadelphia on July 30. The meeting's purpose was to convince the Assembly to unite with the other colonies by drafting and sending petitions to the king, the House of Lords, and the House of Commons protesting the acts and Lord Hillsborough's response to the Massachusetts circular letter.[1] Following this address, likely crafted by JD and Charles Thomson, instructions to that end were read to the Assembly and published (docs. 4:116, above, and 4:126, below).[2]

PHILADELPHIA.

On Saturday last, *agreeable to an advertisement published in the papers*,[3] *a very great number of the most respectable inhabitants of this city*, *and many from the country*, *attended at the State-House*, *when an address was read to them*, *after which instructions*[4] *to the Representatives being read*, *and approved*, *they immediately proceeded to sign them*.

The ADDRESS is as follows:

AT a time when the iron rod of power is stretched over us, when not only claims are set up, but acts passed destructive of our liberty, and when ruin is threatened us, if we dare even to complain, not to be alarmed, argues insensibility, or something worse.

Already we find our trade restricted, our rights invaded, and a plan laid, the execution of which must inevitably deprive us of even the shadow of liberty, and reduce us to a state of abject slavery.

Heretofore we have been taught to believe, that our removal or distance from the royal presence, did not deprive us of the rights and privileges of freemen and British subjects; that the laws made by our legislatures, and approved by the crown, should remain inviolate, until repealed by the same power that enacted them; that our houses were our castles and our sanctuary; and that the property we acquired

was so much our own, that no power on earth could, of right, deprive us of it, without our consent, and consequently that no money could be levied from us, but by our chosen representatives. But, alas! experience begins to convince us, that all this is illusion, and that the hopes formed in consequence thereof are groundless and vain. New maxims of government, with regard to America, are adopted; the rights of freemen, which we claimed, are, it seems, confined to the inhabitants of Britain: Representation, we are told, is only *virtual*, that is *imaginary*; the power of parliament is not only supreme, but illimitable; and the commons of Great-Britain have a right, by their representatives, to give and grant, and at their pleasure dispose of, the money and property of all the subjects of the crown of Great-Britain, how distant soever, and notwithstanding many of them, in distinct provinces, have parliaments or assemblies of their own, who, with the King, have a right and power of legislation for themselves.

We have already seen the acts of our legislatures, after passing through all the necessary forms, and obtaining the royal assent, over-ruled and rescinded by the British parliament, for no other purpose than to augment the fees of a petty custom-house officer * . Regiments of soldiers, which a minister modestly proposed to thrust into our houses, are by the almighty power of parliament quartered in our towns, not to protect, but to over-awe us into servile obedience; for these we are, by the same power, commanded to provide quarters, firing, bedding, candles, rum, &c.[5] To refuse compliance is termed rebellion, and to be punished with political death. Thus because the assembly of New-York hesitated to grant every thing ordered, they were by another act of parliament deprived of their legislative authority.[6] What was this but to say, "Obey implicitly" and enforce "the laws made by the parliament of Britain to raise money on you without your consent, or" you shall die, and "your constituents shall enjoy no rights or privileges at all."[7]

By these acts our assemblies are reduced from being the representatives of a free people, to be the abject tools of ministerial power; instead of exercising their own judgments, and consulting the happiness and prosperity of their constituents, they are under a necessity, on pain of being deprived of their

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* *See* Act for more effectually securing and encouraging the trade of his Majesty's American dominions, &c. *passed by the last parliament*, A.D. 1765, "*And in order to prevent any disputes concerning what fees the officers of his Majesty's customs in the British colonies or plantations in America may be intitled to*, *be it enacted by the authority aforesaid*, *that it shall be lawful for the comptroller of his Majesty's customs to demand and receive for his fees*, *a sum equal to one third part of the fees received by the collector for the like business*, ANY LAW, BYE LAW, OR ACT OF ASSEMBLY, made in the said plantations to the contrary notwithstanding."[8]

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legislative authority, of enforcing the mandates of a British parliament.

Yet, humiliating as this was, it was judged proper to reduce the Americans to a still lower degree of slavery. The form of liberty was too much to leave them. Even in France the edicts of their monarch have no effect, until they are registered by the parliaments of the respective provinces, but this was too much for America to enjoy. While we were taxed at a certain sum, and the mode of raising it left to ourselves, the assemblies or parliaments of the respective provinces were absolutely necessary. While these remained, it was reasonable to think, that as long as they retained an idea of liberty, they would express their resentment and complaints for being deprived of it; and as long as the people retained a sense of suffering, they would look to their representatives, if any they had, for relief and redress. Thus a claim of rights might be kept up, and the ministry fatigued with remonstrances and petitions.

For this reason it was decreed to levy money upon us, without the intervention of provincial assemblies, and thereby prepare the way for laying them wholly aside. The parliament was supreme, and therefore had the power. The ease, convenience, or circumstances, of the people to be taxed, were too trifling to demand their attention. The only thing to be considered, was, that the acts imposing the tax, should be such as would execute themselves.

The first experiment was made with a *stamp act*, which was contrived with such art and cunning, that nothing but the virtue, union, and resolution of a brave and free people, who were resolved to hazard all, rather than part with liberty, could have prevented its execution. The people determined to use none of the stamps, the courts of justice were consequently shut, business was at a stand, trade languished, the orders for goods from *England* were countermanded, whereby thousands of her manufacturers were reduced to beggary, and confusion threatened on all hands. For this reason the ministry found it necessary to change their measures. The stamp act was repealed, not because it was unjust and unconstitutional, but because it was dangerous to carry it into execution.

But that the repeal of the stamp act might not invalidate the claim set up, an act was immediately passed, declaring, that the parliament had a right to bind the colonies by their laws "in all cases whatever."[9] In consequence of this, another act was made for the express purpose of raising a revenue, or of levying money from America without our consent.[10] And as the plan of reducing the Americans was now better digested, it was resolved to lay the ax to the root of liberty, and not only strip the people of their property, but deprive them of all share in the support of government, administration of justice, and defence of their country. That the laws which the British parliament have made, and shall hereafter make, may be effectually carried into execution, men of war are stationed upon our coasts, and in our harbours, a board of customs is established for America, and a set of commissioners, with whole bands of tide-waiters, searchers, inspectors, &c. with large salaries, are sent over to collect the duties: This apparatus evidently proves, that this is only the beginning

of the taxes and imposts which the parliament intends to levy on America. And what renders this mode of taxation, and these impositions, still more grievous and insupportable, is the purpose for which they are intended. The monies arising from these taxes, duties and imposts, levied from us without our consent, the ministry are impowered to apply (as they are by the act expresly mentioned to be intended) for the payment of the salaries of governors, judges, and other officers appointed by the crown, and removeable at its pleasure; and for protecting, securing and defending his Majesty's dominions in America. Thus are the people of the colonies degraded from the rank of freemen, and reduced to the level of slaves. They have nothing now they can call their own. Their money is taken from them without their consent. The produce of their toil is at the disposal of others, to whom they never entrusted the power, and over whom they have no controul. Justice is administered, government exercised, and a standing army maintained at the expence of the people, and yet without the least dependance on them. Nay the money, which we have earned with sweat and toil and labour, being taken from us without our consent, the minister has begun to give away in pensions to those venal slaves, who have shewn readiness to assist in riveting the chains upon their brethren and children.

The enlargement of the powers of the admiralty court, which they have been so careful by sundry acts of parliament to correct, limit and restrain in England, might be adduced to prove that, in the opinion of the ministry, the Americans are not entitled to the same privileges with the freemen of Britain * .

But what evinces the abjectness of our state above every thing else, is the late ministerial mandate,[11] by which it seems we must bow our neck to the yoke, without uttering one groan, though our hearts are bursting with indignation, and our souls are goaded with the most tormenting reflections upon recollecting what we once were. Our complaints and humble supplications are considered as "factious, and of a dangerous tendency."[12] Our calling upon each other to unite in dutiful petitions, that we may be allowed the privileges of freemen, is deemed a "flagitious attempt to disturb the public peace." And our assemblies (which indeed by the late acts of parliament are rendered in a manner useless) are threatened with dissolution, if they do not "resent this attempt," or if they dare to unite in the measure.

It is not enough that we are attached to our King by principle and by affection, in this we yield to no inhabitants of Britain. "America is yet untainted with rebellion and plots, notwithstanding we have been reviled as traitors and rebels, in the British senate. Our loyalty to our King, and attachment to his person and government, is firm and unshaken. But a new kind of loyalty is required of us; a loyalty to a British parliament; a loyalty that is to extend to a surrender of all our property, when a British house of commons, in which there is not a single member of our choosing, shall think fit to give and grant it without our consent,"[13] and to a surrender of life, liberty, and that portion of wealth, which the British commons shall please to leave in our hands, whenever the arbitrary courts set over us, shall adjudge us to have

forfeited them. No wonder then if a new kind of loyalty is enforced, by a new kind of penalty, or of being reduced to the rank of slaves, the first opportunity is taken to strip us of the powers of legislation, the honourable badge of freemen.

It is needless to anticipate your reflections by an enumeration of the calamities that must ensue from the execution of such a plan as is now laid open; every man's reason will easily point out to what an abject state of slavery we must be reduced, and what a weight of ministerial power we must feel, when our property is taken from us without our consent, and we are to be bound by laws made without our concurrence, and which do not in any wise affect those who make them; when armies have seized our towns, fleets of men of war have blocked up our harbours,

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* *By two statutes of Henry the* 8*th (viz*. 27*th H*. 8*th*, *ch*. 4*th*,[14] *and* 28*th H*. 8*th*, *ch*. 15*th)*[15] *a commission of Oyer and Terminer is ordered to issue out of Chancery*, *directed to the Judges of Admiralty*, *and others*, *to enquire of and punish marine felons*, according to the course of the common law, *that is*, *by a jury*; *and by a modern statute (viz*. 2 *Geo*. 2. *ch*. 21.*)*[16] *if any one be feloniously striken*, *or poisoned upon the sea*, *and die at sea*, *or beyond sea*, *the fact is made triable in any county*, *according to the course of the common law*; *but by sundry acts (viz*. 11*th &* 12*th Wil*. 3, *ch.* 7.[17]—6*th Geo*. 1, *ch*. 19.[18]—8*th Geo*. 1, *ch*. 24.*)*[19] *sea felons are to be tried in the colonies before a bench of judges*, *appointed under the great seal*, *or seal of the admiralty*, according to the course of the admiralty, *that is*, *without a jury*, *and the charters of the provinces are set aside as far as they interfere with this court*; *nay*, *the execution of the laws of trade are referred to it*; *and even the penalties imposed on such persons as destroy his Majesty's pine trees in America*,[20] *are recoverable in the admiralty (see stat*. 7 *and* 8 *Will*. 3, *ch*. 22;[21] 5 *Geo*. 2, *ch*. 24;[22] 6 *Geo*. 2. *ch*. 13;[23] 8 *Geo*. 1, *ch*. 12;[24] 2 *Geo*. 2, *ch*. 35*)*[25] *and by a most extraordinary statute passed the last session of parliament*, *for erecting three admiralty courts on this continent*, *each to have jurisdiction over two or more provinces*,[26] *the constitutional superintendency of the* common *law*, *over the civil*, *is evaded*, *there being no Court of King's Bench*[27] *in America*, *of equally extended jurisdiction*.

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swarms of custom-house officers have ruined our trade, by enforcing the edicts of our masters; when arbitrary courts, with supple judges, wholly dependant on the ministers, are set over us; when the grossest misrepresentations of placemen, pensioners, and ministerial tools are encouraged, and listened to with attention, while the cries and petitions of the people oppressed, are discountenanced, suppressed, and not suffered to reach the royal ear; and in fine, when our assemblies, the best bulwark of our liberty, and the only defence we have against the oppressions of the officers of the crown, are taken away and abolished.

The house of representatives of the Massachusett's Bay, who nobly stemmed the torrent, have felt the weight of ministerial power, and have suffered dissolution for boldly defending our rights. Maryland is threatened with the same;[28] in the mean time the minister has undertaken that the government shall be supported without

them.[29] Virginia, Maryland, the Carolinas, and Georgia, together with the eastern governments, are awakened, and exerting themselves in defence of their rights.[30]

While all around are thus struggling for liberty, and ready to sacrifice every thing for the common cause; let us also rouse and join in the glorious effort to maintain those rights, which the God of nature has bestowed upon us, and to which we are entitled as freemen, and British subjects. Let us ever remember, that it is the right of subjects, when they find themselves aggrieved, to petition the King, and that "all commitments and prosecutions for such petitioning, are illegal,"[31] and that all threats and acts to prevent it, are arbitrary and tyrannical. Let us, therefore, while yet we have representatives, apply to them, and instruct them to unite with our brethren in the other colonies in the common cause, and by dutiful petitions to our Sovereign, and every other constitutional measure, which they think proper, endeavour to obtain a repeal of those acts of parliament, which we cannot but deem injurious to our rights, and destructive of our liberty.

To conclude; in the words of our patriotic FARMER, to whom we, and every American, are so much indebted for his timely and spirited defence of our rights and liberties, let us remember that "our vigilance, and our union, are success and safety; our negligence and division, are distress and death; they are worse—they are shame and slavery. Let us equally shun the benumbing stillness of overweening sloth, and the feverish activity of that ill inform'd zeal, which busies itself in maintaining little, mean, and narrow opinions. Let us, with a truly wise generosity and charity, banish and discourage all illiberal distinctions, which may arise from differences in situation, and modes of religion. Let us consider ourselves as men, freemen, christian freemen, firmly bound together by the same rights, interests and dangers. Let us keep our attention inflexibly fixed on the great object we must constantly regard, in order to preserve those rights, promote those interests, and to avert those dangers."

"Let these truths be indelibly impressed on our minds, that we cannot be happy without being free; that we cannot be free, without being secure in our property; that we cannot be secure in our property, if, without our consent, others may, as by right, take it away; that duties laid for the sole purpose of raising money are taxes; that attempts to lay such duties should be instantly and firmly opposed; and that this opposition can never be effectual, unless it is the united efforts of these provinces; that therefore benevolence of temper towards each other, and unanimity of counsels are essential to the welfare of the whole; and lastly, for this reason, every man amongst us, who in a manner would encourage either dissension, dissidence or indifference between these colonies, is an enemy to himself, and to his country."[32]

The INSTRUCTIONS will be in our next.

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[1] See headnote to doc. 4:111, above.

[2] For JD and Thomson's role in the meeting, see Richard Alan Ryerson, *The Revolution is Now Begun:*

The Radical Committees of Philadelphia, 1765–1776 (Philadelphia: University of Pennsylvania Press, 1978), 28.
[3] See the *PG* and *PJ*, July 28, 1768.
[4] Docs. 4:116 and 4:126.
[5] The Quartering Act of 1765.
[6] The New York Restraining Act of 1767.
[7] A paraphrase of Benjamin Franklin's letter to the printer of *The London Chronicle*, Jan. 5–7, 1768. See also *PC*, April 18–25, 1768.
[8] A paraphrase from the Customs Act of 1765 (5 Geo. 3, c. 45). See 26 *SAL* 430–44, at 443–44.
[9] The Declaratory Act of 1766. See 27 *SAL* 19–20, at 20.
[10] The Revenue Act of 1767.
[11] A reference to Lord Hillsborough's circular letter of April 21 and his letter to Gov. Francis Bernard the following day. See *PC*, June 27–July 4, 1768; and *PFB*, 4:149–51.
[12] This and the following two quotations are paraphrases from Hillsborough's letter of April 21.
[13] A paraphrase of Benjamin Franklin's letter to the printer of *The London Chronicle*. See n. 7, above.
[14] 27 Hen. 8, c. 4 (1536): "For Pirates and Robbers on the Sea." See 4 *SAL* 348–50.
[15] 28 Hen. 8, c. 15 (1536): "For Pirates." See 4 *SAL* 441–43.
[16] 2 Geo. 2, c. 21 (1729): "An Act for the Trial of Murders, in Cases Where Either the Stroke or Death Only Happens within That Part of Great Britain Called England." See 16 *SAL* 45–46.
[17] 11 & 12 Will. 3, c. 7 (1700): "An Act for the More Effectual Suppression of Piracy." See 10 *SAL* 320–26.
[18] 6 Geo. 1, c. 19 (1720): "An Act for Making Perpetual So Much of an Act Made in the Tenth Year of the Reign of Queen Anne. . . ." See 14 *SAL* 260–61.
[19] 8 Geo. 1, c. 24 (1721 OS): "An Act for the More Effectual Suppressing of Piracy." See 14 *SAL* 468–72.
[20] Large-diameter pine trees in North America were reserved to the Crown to ensure a source of masts for the Royal Navy.
[21] The Navigation Act of 1696.
[22] 5 Geo. 2, c. 24 (1732): "An Act for Encouraging the Growth of Coffee in His Majesty's Plantations in America." See 16 *SAL* 323–27.
[23] The Molasses Act of 1733.
[24] 8 Geo. 1, c. 12 (1721 OS): "An Act Giving Further Encouragement for the Importation of Naval Stores, and for Other Purposes Therein Mentioned." See 14 *SAL* 384–88.
[25] 2 Geo. 2, c. 35 (1729): "An Act for the Better Preservation of His Majesty's Woods in America, and for the Encouragement of the Importation of Naval Stores from Thence. . . ." See 16 *SAL* 102–10.
[26] The Vice Admiralty Court Act of 1768 (8 Geo. 3, c. 22).
[27] King's Bench: "The supreme court of common law in England, being so called because the king used formerly to sit there in person" (*BLD*).
[28] See the headnote to doc. 4:97, above.
[29] Perhaps a reference to the rumor discussed in doc. 4:97, n. 5, above.
[30] The speakers of the assemblies of Virginia, New Jersey, Connecticut, Georgia, South Carolina, and New Hampshire had all drafted letters of support in response to the Massachusetts circular letter, although several of these legislatures were not in session at the time. Rhode Island's speaker drafted a similar letter of support on Aug. 5, 1768. See *JHRM* (1768–69), 104–12.
[31] The Bill of Rights of 1689. See 9 *SAL* 67–73, at 69.
[32] Doc. 4:40, above.

123
A Son of Liberty, "A Song. Address'd to the Sons of Liberty . . . ,"
***The Pennsylvania Journal*, August 4, 1768**

This song, in praise of the Farmer and the ninety-two Massachusetts legislators who voted against rescinding the Massachusetts circular letter, proved remarkably popular and was reprinted in New York, Massachusetts, Connecticut, and Rhode Island in the following weeks.[1]

A SONG.

Address'd to the SONS of LIBERTY, *on the Continent of AMERICA*; *particularly to the Illustrious*, *Glorious and never to be Forgotten NINETY-TWO of BOSTON*.

> "The Americans are the Sons, not the Bastards of England; the *Commons* of *America*, represented in their several Assemblies, have ever been in Possession of the Exercise of *this their Constitutional Right*, of GIVING and GRANTING their OWN MONEY; they would have been SLAVES, if they had not enjoyed it." Mr. PITT'S *Speech*.[2]

Tune "Come jolly Bacchus" &c. *or* "Glorious first of August."[3]

COME jolly SONS of LIBERTY—
Come ALL with Hearts UNITED,
Our Motto is "WE DARE BE FREE"
Not easily affrighted!
Oppression's Band we must subdue,
Now is the Time, or *never*;
Let each Man PROVE this Motto True,
And SLAVERY from him sever.

Pale vissag'd *Fear*, let none possess!
Or Terrors e're perplex him,
POSTERITY will ever bless,
And nought hereafter vex him:
To *Freedom's Banner*, let's repair;
When e're we see Occasion—
Nor WIVES, nor CHILDREN, tho' most Dear,
E're stop to look, or gaze on.

In *Freedom's Cause*, the slavish Knave,
'Twere better his Condition,

(That might his *Country's Ruin* save!)
To sink into Perdition;
Chain'd to a GALLEY, groan his Days,
And never be forgotten,
While Furies croak his *Bondage Lays*,
After he's Dead and Rotten.

Once, shou'd *this* PRECEDENT take Place!
Tell, what you call *your OWN* Sir?
MAGNA CHARTA, in Disgrace!
Your *Substance* now, all flown Sir!
No more shall *Peers* now try *your Cause!*
That *Time* is now *all over*!
What *need* have we pray now of *Laws?*
Now *Right* is *Wrong* in *Trover*![4]

See *Liberty*, high poiz'd in Air,
Her FREE BORN SONS commanding,
"Come on, my Sons, without all *fear*;
Your NAT'RAL RIGHTS demanding!
Your *CAUSE*, the Gods proclaim, is *Just*,
Can *tamely*, you, be *fetter'd?*
In which, *disturb your Fathers DUST!*
With S,[5] be *ever* fetter'd!"

Obey, my *Brothers*, *Nature's* call,
Your *Country* too, demands it!
Let LIBERTY ne'er have *a Fall!*
T'is Freedom that commands it.
The *Ax*, now to *the Root is laid*,
Will you be, or *BOND*, or *FREE?*
No *Time* to pause—then "Whose afraid?"
Live, or *die* in *Liberty!*

Now, *FARMER*, Dear, we'll fill to you,
May *Heav'n* its *Blessings* show'r,
As on the Glorious *NINETY-TWO*,
But Seventeen devour—[6]
Mean abject *Wretches!— Slaves in Grain!*[7]
How dare ye shew *your Faces?*

To latest Days, *go dragg your Chain!*
Like *other MULES* or *ASSES*.

A SON OF LIBERTY.

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[1] See *The New-York Gazette; or, the Weekly Post-Boy* (supplement), Aug. 11, 1768; *The Boston-Gazette*, Aug. 15, 1768; *The New-London Gazette* (Conn.), Aug. 19, 1768; and *The Providence Gazette*, Aug. 20, 1768.

[2] *The Speech of Mr. P---*, 12, 14–15. These quotations from William Pitt's Jan. 14, 1766, speech in the House of Commons had previously appeared in a note to doc. 4:32, above.

[3] The "Glorious First of August" title commemorates the accession of George I in 1714. This tune is also titled "Charles of Sweden" after Charles XII, king of Sweden (1682–1718). See *A Collection of National English Airs, Consisting of Ancient Song, Ballad, & Dance Tunes* . . . , ed. W. Chappell (London: Chappell and Simpkin, Marshall, & Co., 1840), 96.

[4] Trover: LFr. "The act of finding and assuming possession of any personal property; hence (in full, action of trover), an action at law to recover the value of personal property illegally converted by another to his or her own use" (*OED*).

[5] That is, slavery.

[6] A reference to the seventeen Massachusetts legislators who voted in favor of rescinding the Feb. 11 circular letter. The author's imagery may have been inspired by an engraving by Boston Son of Liberty Paul Revere (c. 1735–1818) titled "A Warm Place—Hell," which depicts the seventeen rescinders devoured by a demon from Hell.

[7] In grain: "in figurative use, esp. with contemptuous epithets, as *ass, fool, knave, rogue*, etc.: downright, by nature, pure and simple, genuine, thorough" (*OED*).

124
A.B., Letter to Mr. Green, *The New-London Gazette* (Conn.), August 5, 1768

Although JD also employed this pseudonym, the "A.B." who wrote this letter was likely a resident of Connecticut.

Mr. *GREEN*,[1]

I HAVE read with no small Pleasure, in yours and other public Papers, many deserved Encomiums upon the excellent Letters, signed *A Farmer*, and several respectful Addresses of Thanks to the public spirited and most ingenious Author, And indeed, all the Honours and Applauses bestowed upon *both*, numerous and great as they are, if they do not fall short of, be sure do not exceed their real Merit. I am full in the Sentiment something still remains to be done, *as well* to testify our Respect and Gratitude in so strenuous an Assertor and able Defender of our invaluable *civil Rights*, as to avail our selves of all the Advantages that may be derived from so compleat and finish'd a Performance. We profess indeed to honour and revere the *Man* who hath so generously appeared in his *Country*'s Cause, and with a truly patriotic Zeal, exerted himself to rouse us to a Sense of our Danger, and save us from impending Ruin: But who can believe this, when he is told, that the *unrival'd Labour* of his Pen have no other *Publication* among us (excepting a few Copies imported from a neighbouring Government) than what a *common*

News-Paper affords? These we all know, are comparatively but in few Hands, and in what Hands they are, in Danger of being Lost. I have therefore long and greatly Wonder'd that no Motion hath been made to the Public for re-printing of them in a neat Pocket Volume, as a constant *Vade Mecum*[2] for every British *American*, that dares or even wishes to be Free. 'Tis the ardent desire of most that I have conversed with upon the Subject, they should be thus Published. If Proposals should be Emitted, upon fair and reasonable Conditions, for re-printing them by *Subscription*, (and be sure upon Paper manufactured in the Colony, the best to be had) I am very confident *Subscriptions* would soon be filled for almost any given Number, to the no less emolument of the *Public*, than gain of the *Press*. 'Tis possible after all, I may in some Degree, be missaken [*sic*] in my Sentiments, and too sanguine in my Expectations with regard to *this*: However, I will venture to Aver, (wherein I doubt not the Concurrence of the more Knowing and Judicious) that if Gentlemen at their Meetings, either for Business or Amusement, should encourage or set forward a *Proposal* of this Nature; they would thereby exhibit more substantial Proof of their *Zeal* for *Liberty*, and *Love* to their *Country*, and more effectually serve the Cause of *both*, than is or can be done by *Toasting* (according to the Phrase and Fashion of the Times) *Wilkes* and *Liberty*, No. 45,[3] or even the patriotic *Farmer*, and the glorious and ever-memorable NINETY-TWO.[4] I am Your's, &c.

A.B.

The Printer of this Paper agrees in Sentiment with the above Writer,—and thinks his Press cannot be better Employed, than in Re-printing the valuable LETTERS of the PENNSYLVANIA *FARMER, provided it can be done without a Loss to himself: He would therefore, thankfully receive any Encouragement that may be offered for performing the Work, agreeable to the above Plan, which may be begun so soon as the Number of* 300 *Copies are subscribed for, or other Encouragement given that may make it probable he shall not be a Looser* [*sic*] *by the Undertaking*.[5]

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[1] Timothy Green (1737–1796) took over *The Connecticut Gazette* from his brother Thomas in 1763 and renamed it *The New-London Gazette*.

[2] *Vade-mecum*: Lat. "A book or manual suitable for carrying about with one for ready reference; a handbook or guidebook" (*OED*).

[3] John Wilkes (1725–1797) was an English radical politician and hero of the Whig cause for his attacks on royal and ministerial power. In 1763, issue no. 45 of his newspaper, *The North Briton*, was declared seditious libel and ordered to be burned by the public hangman. Wilkes was indicted for libel, forced to flee to France, and refused his seat when elected to Parliament upon his return to England in 1768. Thereafter, the number forty-five was associated with liberty's struggle against ministerial tyranny.

[4] Those in the Massachusetts Assembly who voted against rescinding its circular letter on June 30.

[5] No evidence of such an edition has been located.

125
A Barbadian, Letter to Mr. Goddard, *The Pennsylvania Chronicle*, August 8, 1768

Mr. GODDARD,

IT affords me great pleasure to hear that the *Extracts* in your last Monday's *Chronicle*[1] met with *general approbation*. There are, I am told, however, a factious discontented knot of friends to the author of the Address,[2] who *fret* and *foam* and *rage* at the *Extracts*, for no other reason that I can think of, except it be this, that they shew the DOUGHTY HERO to be what the honest and sensible *Countryman*[3] says, a *Deceiver of the People*. But I disregard their *freting*, *foaming*, and *raging*, and proceed, agreeable to my promise, to furnish you with a few more *Extracts* from the answers; and though a small part of them, may meet with the like fate of the former, at the *republican* Coffee-house,[4] I mean a BURNING; I dare say they will receive kinder treatment from a considerable majority of the *cool* and *sedate* inhabitants of *Pennsylvania*.

A BARBADIAN.

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[1] The extracts from *An Essay Towards the Vindication of the Committee of Correspondence in Barbados* (doc. 3:119) republished in the *PC*, July 25–Aug. 1, 1768. See doc. 4:119, n. 4, above.

[2] JD. See doc. 3:116.

[3] See doc. 4:120, above.

[4] Probably referring to the London Coffee House. See doc. 4:7, n. 11, above.

126
[JD], "To the Representatives of the Freemen of the City and County of Philadelphia," *The Pennsylvania Chronicle*, August 8, 1768

These instructions to the Assembly, which JD began drafting weeks before (doc. 4:116, above), were read at the July 30 meeting held at the State House (see doc. 4:122, above). Echoing JD's "Pacificus" letter (doc. 4:111, above), the instructions urge legislators to join Pennsylvania's sister colonies in united opposition to the Townshend Acts. JD's efforts finally bore fruit on September 16, when legislators deliberated over the Massachusetts circular letter and determined that the Assembly had the right to sit on its own adjournments and communicate with whomever it chose concerning the rights of the colonists. They also wrote petitions to the king, the House of Lords, and the House of Commons.[1]

The House of Commons, however, would only allow the Assembly's petition to be offered, not formally presented. Nor would it permit any colony to present memorials or remonstrances on the subject. Any argument suggesting that Parliament had no right to tax, members insisted, deserved no consideration. From the perspective of most members of Parliament, they had settled that constitutional question with the Declaratory Act of 1766.[2] No peer

was willing to present the Assembly's petition to the House of Lords.[3] The king likely dismissed the petition addressed to him in a letter to Lt. Gov. John Penn.[4] After Parliament and the king ignored the Pennsylvania Assembly's petitions, Philadelphia's merchants at last agreed to enact a nonimportation policy, which took effect after April 1, 1769.[5]

PHILADELPHIA.

The Instructions to the Representatives of the City and County of Philadelphia (promised in our last)[6] having been generally signed by the Freemen of said City and County, were delivered on Saturday last to JOSEPH GALLOWAY, and JAMES PEMBERTON,[7] Esqrs, to be by them communicated to their Brethren, and are as follow.—

Philadelphia, *July* 30, 1768.

To the REPRESENTATIVES of the FREEMEN of the City and County of *Philadelphia*.

GENTLEMEN,

WE observe that Duties for the sole and express Purpose of raising a Revenue, have been lately imposed by Acts of Parliament, upon several Articles of Commerce, imported into these Colonies. This we consider as an Infringement of our natural and constitutional Rights: It is a Taxation of us by Persons who do not, and cannot represent us. Such a Taxation, therefore, takes away our Money without our Consent, and if the Parliament can do this legally and of Right, it must follow of undeniable Consequence, that we have no Property, and that all we possess belongs to others, whose sovereign Pleasure must determine, how long we shall be indulged in the Use of those Things, which our own Labours, and our own Cares have acquired and saved.

A Doctrine so destructive of Property, Liberty and Happiness, we cannot but deem in the utmost Degree unreasonable and unconstitutional, and being asserted by so august a Body as the *British* Parliament, it strikes us with Surprize, Affliction and Apprehension, all which are greatly increased by the Violence of other Measures.

Not long since, we beheld a Sister Colony deprived of her legislative Power, for no other Offence, than for daring to exercise her Judgment on a Point confessedly within her own Jurisdiction; and for refusing to put herself to a considerable Expence, in Obedience to an Act of Parliament.[8] A Treatment severe to the immediate Objects of it; dangerous and alarming to others; but this we perceive is not to be the utmost Extent of *American* Servitude.

The House of Representatives in the Province of *Massachusetts-Bay* roused by the common Danger, candidly and wisely communicated their Sentiments and Proceedings to the other Assemblies on this Continent; it being "necessary that all

possible Care should be taken, that the Representations of the several Assemblies, upon so delicate a point, should *harmonize* with each other.'"[9] This Behaviour of that truly respectable House, so prudent with Regard to themselves, so affectionate with Regard to other Colonies, and so loyal with Regard to our gracious Sovereign is represented in ministerial Language, as a "Measure of the most factious Tendency, and a flagitious Attempt to disturb the public Peace."[10] Nor have these Reproaches satisfied the Resentment of the Administration. The House of Representatives has been required "to rescind the Resolution that gave Birth to the Circular Letter,"[11] and because they have magnanimously refused to betray the Liberties of these Colonies, they have been *dissolved* in an insulting Manner.[12] Besides this, the Assembly of *Maryland* had been prorogued by their Governor in Obedience to a ministerial Order; because they could not be prevailed upon to "resent and treat with Contempt" the Letter from the Speaker of the House of Representatives of the *Massachusetts-Bay*.[13]

These Measures excite in our Minds the strongest sense of PUBLIC DANGER. On the one Hand, we hear Claims set up destructive of our Rights, on the other, threatnings uttered if we offer to pose those Claims. But as no ministerial Rhetorick can persuade us that a Denial of the Authority of Parliament, in Cases pernicious to Liberty, is to "subvert the Principles of the Constitution,"[14] or that to be deeply sensible of Oppressions, humbly to complain of them, and peaceably (though jointly) to seek Redress of them, is a "factious and flagitious attempt to disturb the public Peace;" we therefore do, in the most earnest Manner, call upon you to exert yourselves at the next Meeting of Assembly, for procuring a Redress of our present Grievances; and for promoting a cordial *Union* in Sentiments and Measures with the other Colonies, on which Union alone, the Happiness of the Whole undoubtedly depends.

We recommend it to you to exert yourselves as soon as the House meets, that a Petition to His Majesty, a Memorial to the House of Lords, and a Remonstrance to the House of Commons, be immediately drawn up and transmitted Home. Too much Dispatch cannot be used at this important Crisis; as we are fully persuaded, that nothing is so likely to overwhelm the Colonies with Calamities, as an Appearance of Disunion among them. In those Addresses we desire you to express, with all possible Force of Language, our Loyalty to His Majesty, our firm Attachment to the *British* Constitution, and our Affection to the People of the Parent Country. That we value and revere the Connexion between her and us above every Thing but *Religion* and *Liberty*, that we *know* it is the Band of Peace and Prosperity, that, influenced by these Sentiments, we ever have been, are, and always shall be ready and willing, upon every just Occasion, to demonstrate our Loyalty and Duty, by every method in our Power.— But, with equal Zeal and Firmness, are immovably resolved to assert and maintain the inestimable Rights and Liberties given to us by GOD, and confirmed to us by the Constitution.

[1] *Pa. Votes* (1768), 117–18, 128–32.
[2] Pennsylvania's petition to the House of Commons was offered by John Huske (1724–1773), a New Hampshire-born member of Parliament, but he quickly withdrew it after it met with a chilly reception. See *Pa. Votes* (1768), 128–32; *Journals of the House of Commons*, vol. 32 [1768–70]: 92; Benjamin Franklin to Joseph Galloway, Jan. 9, 1769, *PBF*, 16:14–15.
[3] Thomas, *Townshend Duties Crisis*, 112.
[4] See Benjamin Franklin to Joseph Galloway, Jan. 9, 1769, *PBF*, 16:14. The *PG* of April 20, 1769, printed a letter from London reporting that a petition to the king from Rhode Island had been read to George III and that the king had ordered Lord Hillsborough to write to the governor saying, "that he never would pay any Regard to Petitions . . . which drew into Question, the supreme Right of Parliament."
[5] Schlesinger, *Colonial Merchants*, 128–30.
[6] *PG*, Aug. 4, 1768.
[7] James Pemberton (1723–1809) was a prominent Quaker merchant who represented Philadelphia Co. in the Pennsylvania Assembly from 1754 to 1756 and the City of Philadelphia from 1765 through 1770.
[8] Parliament passed the New York Restraining Act of 1767 after the legislature of New York refused to comply with the Quartering Act of 1765.
[9] The Massachusetts circular letter of Feb. 11, 1768. See *PG*, March 31, 1768.
[10] Hillsborough's circular letter of April 21, 1768. See *PC*, June 27–July 4, 1768.
[11] Hillsborough's letter to Gov. Francis Bernard of April 22, 1768. See *PFB*, 4:419–151.
[12] See headnote to doc. 4:111.
[13] See headnote to doc. 4:97, above. The quotation is a paraphrase of Lt. Gov. Horatio Sharpe's address to the Maryland Assembly of June 20. See *Md. Votes* (1768), 196.
[14] This and the following quote are from Hillsborough's circular. See *PC*, June 27–July 4, 1768.

127
To Richard Henry Lee, August 10, 1768

Because the original letter has not been found, we have taken the first part of the transcription from a July 31, 1811, reprinting of the letter in the *Alexandria Daily Gazette* (D.C.). The second part is taken from a letterbook copy in Lee's hand. Lee responded on November 26, 1768 (doc. 4:158, below).

SIR,

Your letter of the 25th of July[1] is but just come to my hands, as I have been in the country for some weeks past; or I should not have neglected to acknowledge in the most respectful manner, my having received a favor, by which I think myself much obliged.

I thank you, Sir, for your kindness in commencing a correspondence, which I hope, may contribute in some degree, to the good purposes you mention, & which I am sure, will be agreeable to myself.

Our province is at length reviving from that dangerous inactivity, into which it has been too long thrown, by the fatality of our parties. Instructions to our representatives have been signed by a great majority in this city; and I

think that you and all lovers of the common liberty and happiness, may expect in September, to find the weight of this province firmly joined to the general cause.

"The unjust system," as you very properly term it, is now so evident, and the example of the other colonies, so animating, that the private influence of selfish individuals, is daily giving ground before sentiments more[2] generous, & Measures more honest. We have not yet any certain accounts from Britain concerning the opinions entertained there of our conduct. Some indistinct intelligence we have recev'd that we shall be well supported, and that the Act imposing duties, is regarded as nearly akin to the Stamp Act. Permit me to beg, Sir, that you will be so good as to present my compliments, with respect, to your brothers.[3] I am, with the sincerest esteem, Sir your most obedient & most humble Servant

John Dickinson

Philadelphia Aug[us]t 10. 1768

LbC (PPAmP)

[1] Doc. 4:114, above.

[2] The remaining text is from the letterbook copy at PPAmP.

[3] Lee's brothers were Philip Ludwell Lee (1727–1775), Thomas Ludwell Lee (1730–1778), Francis Lightfoot Lee (1734–1797), William Lee (1739–1795), and Arthur Lee.

128
A Barbadian, Letter to Mr. Goddard, *The Pennsylvania Chronicle*, August 15, 1768

Mr. Goddard,

I Send you the remainder of the Extracts without making any apologies for their length. The justice I have done, or endeavoured to do, to *those* who have been infamously *calumniated* will be a sufficient excuse of itself: And should it be thought I have betrayed too much warmth on the occasion, I must beg leave to observe; that the *mean* and *ungenerous* method taken by the author of the Address to blacken the characters of the Committee, was a provocation sufficient to ruffle the calmest temper.

Before I conclude, I shall take the liberty to ask the *Farmer*, (for it seems he is the author of the Address) whether it was consistent with justice to *foist* the odious epithet "*rebellious*" into the Committee's letter, that he might kindle a fire, and have an opportunity, by the assistance of its blaze, to *sparkle* in the eyes of his countrymen, as a firm patriot, and bold champion for freedom? If such are the "pitiful" *shifts* he makes, to catch the multitude, I must frankly tell him, that (whatever his pretensions to liberty may be) the *spirit of liberty* abhors such means, and the *cause*, he pretends to vindicate, is greatly dishonoured by them;—that a conduct so destructive of *truth* and every *honourable principle*, must excite, in the breasts of honest men, senti-

ments of the most reasonable *indignation*; that the sensible Freeholders of *Philadelphia* county are not to be *trapped* into his interest by such *knavish* policy; and, finally, that if he thinks to make his CALLING AND ELECTION sure, he must remember that in PENNSYLVANIA, *the road to* HONOUR *is through the temple of* VIRTUE.

A BARBADIAN.

☞ The politeness, modesty and candour, so conspicuous in this lively address to the *North American*, are truly worthy of imitation: And I wish that Gentleman would condescend, in his next performance, to adopt the *benevolent* spirit of his *courtly* opponent.

129
A Miller, "To the Printer of the Pennsylvania Chronicle," *The Pennsylvania Chronicle*, August 15, 1768

To the PRINTER *of the* PENNSYLVANIA CHRONICLE:

SIR,

I BEG leave, through the channel of your paper, to ask the author of the *Address to the Public*,[1] which was read at the state-house; and published in the last week's news-papers, what was the reason he made no acknowledgment to, nor took any notice of the author[2] of an essay signed F+S. which had for its motto, "*The waves never rise but when the winds blow*," and was reprinted from the *London Chronicle* in yours of the 25th of *April* last? My reason for asking this question is, that though he has borrowed from that author the substance of a great part of his narrative of the grievances complained of by the *Americans*, and has quoted several whole sentences *verbatim*, yet he has not given us the least intimation from whence he had them: So that, when he read the *Address* in public, many others as well as I really thought they had been his own observations, expressed in his own language: He is not, however, always so *mealy-mouthed*; for when he quotes the *Farmer's Letters*, he, without hesitation, not only makes his acknowledgments to him on the occasion; but compliments him with being "our *patriot Farmer*, to whom we and every *American* are *so much* INDEBTED for his timely and spirited defence of our rights and liberties." But, Mr. Printer, are not we *a little* INDEBTED likewise to the author of the *essay* above-mentioned, for his *many* timely and spirited defences of our rights and liberties? Or was the author of the *Address* afraid of giving offence to the DIVINE * FARMER, if he should allow any merit to an *American agent*, after his DIVINITYSHIP had accused them all of *treachery* and other high crimes and misdemeanors.[3] Or, was he afraid of reminding the Public of a performance which, when it first appeared, was allowed by the most sensible men of every party among us, to be at least as *much* to the purpose, and as well calculated to serve the colonies in the present dispute with the mother

country, as any thing that had been published? Or, was he apprehensive that he should thereby "divert the attention of the world (as Mr. *Sarcasticus* phrases it) for a single moment, from the contemplation of the transcendant merit"[4] of the *illustrious* Farmer and his *Satellites*.

I am, Sir, yours, *&c*.
A MILLER.

From the banks of the Schuylkill,
August, 5, 1768.

* New-England saints *are now*, *it seems*, *become so* common, *that to be* canonized *there*, *is no longer thought any considerable mark of* distinction. *The* orderly *town of* Boston, *with* Ot-s,[5] "*under the notion*" *of a* MODERATOR, *at their head*, *did therefore most devoutly take upon them to DEIFY the* Farmer.— *See their address to him*, *wherein they style him the* "*BENEFACTOR of MANKIND*," *and speak* "*the* DIVINE *satisfaction he must have in having SAVED this people*," &c.[6]

[1] Doc. 4:122, above.
[2] Benjamin Franklin.
[3] JD's *Address to the Committee of Correspondence in Barbados* (doc. 3:116) includes attacks on colonial agents, and extracts from that pamphlet were published in the *PC*, June 27–July 4, 1768. See headnote to doc. 4:119, above.
[4] A paraphrase of the letter of "Satiricus Sarcasticus" "*To the great* IRONICUS BOMBASTICUS," *PG*, Aug. 4, 1768 (doc. 4:A54, below), where the phrase refers to "Bombasticus."
[5] James Otis, Jr., was moderator of the March 14 Boston town meeting that voted to thank the author of the *Farmer's Letters*. See docs. 4:52, n. 3, above, and 4:A36, below.
[6] Doc. 4:52.

130
A Farmer [JD], "To the Freemen of the Town of Lebanon, in Connecticut," *The Pennsylvania Chronicle*, August 15, 1768

JD's political opponents published a parody of this answer on August 22 in *The Pennsylvania Chronicle* (doc. 4:132, below).

[*The following Answer to the Letter of the Freemen of the town of* Lebanon, *address'd to the Author of the* Farmer's Letters, *and inserted in the* Chronicle No. 69, *p.* 116,[1] *has been omitted some Time for Want of Room*.][2]

To the FREEMEN of the Town of LEBANON, *in* CONNECTICUT.

GENTLEMEN,

I RECEIVE, with great Gratitude, the Honor you have conferred upon me by your late Letter, and very highly value the Approbation of your respectable Town.

Affection for the *British* Colonies on this Continent, all which, without Distinction, every *true American* must consider as HIS COUNTRY, urged me, at this alarming Period, to assert, as well as I could, their Rights and Interests.

My *Devotion* to the Cause exceeds, I know, my *Ability* to maintain it; and therefore I am induced to believe, that having been so fortunate as to convince you

of my *good Intentions*, your Generosity has bestowed Applauses on my *Motive*, rather than on my *Performance*.

Could I be persuaded that these injured Colonies "cannot fail to reap important Advantages" from my dutiful "Efforts," I should prefer the delightful Consciousness to all the Glory, Wealth and Power, this World can afford. But if the Divine Goodness, to which, with the deepest Humility, I acknowledge myself already unspeakably indebted, shall not be pleased to grant me THE VERY GREAT HAPPINESS OF CONTRIBUTING TO THE HAPPINESS OF MY COUNTRY, yet I shall reflect with Satisfaction, that I have *endeavoured* to *serve* her, and shall hope that you, and all worthy men, who judge of me, will do me the justice to believe, that I most sincerely love her.

I heartily wish prosperity to you, Gentlemen, and to your Town.

A FARMER.

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[1] Doc. 4:71, above. It was printed in the *PC*, May 2–9, 1768.

[2] Brackets in the original.

131
Machiavel, Letter to Mr. Goddard, *The Pennsylvania Chronicle*, August 22, 1768

Mr. GODDARD,

The Liberty of the Press is a popular cry; *but it generally means little more*, *than a liberty of printing any thing upon one side of a question*, *and rejecting any thing upon the other*.— *It is not without pleasure I find you have adopted different maxims*; *and however unpopular the pieces I may send you may be*, *your customers will consider that you are only* OFFICIAL *in the affair*, *and that a rejection of them*, *would not only be contrary to those declarations*, *by which you first obtained encouragement*, *but it would be using a great body of loyal subjects*, *and well-wishers*, *both to their prince and country*, *extremely ill*.— *I think the cause of Truth is as sacred as the cause of Liberty*; *and you would but badly perform the duty and service you owe the Public*, *if*, *like certain mean*, *mercenary and dependant men of your business*, *you shut up your Press against every piece that does not breath the spirit of a factious party*.

MACHIAVEL.

"Latet anguis in herba."

A snake in the grass.

"IT is an eternal rule in politics, (says my author), among every free people, that there is a balance of power, to be carefully held by every state within itself, as well as among several states with each other."—[1]

Reason approves, and history confirms the truth of this observation; and whenever the contests and dissentions between the component parts of a body

politic, and the violent struggles for power and superiority, destroy this balance, the state must suffer severe convulsions, if not total ruin; and it matters very little which part gains the advantage; for whether the *one* establishes his power, which, in this case, will become unlimited, or the *few* make a partition of the supreme authority, or the *many* assume to themselves the direction of affairs, claiming from an inherent and natural right,—tyranny will be the consequence.— The tyranny of the people is the most violent and bloody, though of the shortest duration, for the evils it introduces are so severely felt, that they soon grow weary of it themselves, and throw the whole power into the hands of some popular man, to skreen them from themselves, who having headed them in all their violent measures before, repays them in their own coin, as soon as he feels the power which, without restriction or limitation, they rashly and injudiciously confer upon him.— You see here, that tumult is a certain introduction to arbitrary power, and the violence of the people the scaling ladder of ambition.

In all popular commotions you may trace the influence of some one moving head and hand, either concealed or avowed.— If popular applause were less flattering, the danger from such influence would be greater. For if the head had coolness enough to conceal its own designs, till (matters being ripe for execution) the hand appeared raised in its defence with a flaming falchin,— the crisis would be alarming indeed—and a single day determine the fate of a mighty empire.

But thanks to human infirmity!— The rattle of the snake gives warning of its approach, and the hand that happens to be bit, slays the viper in his fury, and makes use of the fat for an antidote to the poison.[2]

If we examine into the conduct of *Rome* and *Greece*, in these matters, I fear, we shall suffer in the comparison. *Manlius*[3] was thrown down, headlong, from the very Capitol which he had gallantly defended and preserved, as soon as suspected of even aiming at too great popularity.

So jealous were the people of *Athens*, of their liberty, that they had a particular law, by which they banished any leading man, who was suspected of ingratiating himself too much with the people: That sensible nation knew, that those designs could only arise from, and terminate in, an arbitrary power.— They termed this punishment *Ostracism*.— And under this law fell *Aristides*,[4] esteemed the most upright judge and understanding lawyer in *Athens*; *Miltiades*,[5] a brave and fortunate sea-officer; *Pericles*,[6] a fine orator and a great scholar; *Phocion*,[7] an able and serviceable politician; and *Alcibiades*,[8] one of the bravest men, and the finest gentleman that the world ever produced.— Yet so tender were these people of their ancient form of government, that neither knowledge, learning, eloquence, courage, nor accomplishments could palliate the most distant design of subverting it.

These are the statues, Gentlemen of *Fort St. David*,[9]*—these are the*

honours without number that ancient Greece *and* Rome *have decreed to merit far less distinguished* in the cause of sedition, the destruction of government, the introduction of anarchy and confusion, the abolition of property, the ruin of commerce, the suppression of industry, and the effusion of seas of blood.

With what countenance, Gentlemen of *Fort St. David*, can you any longer call yourselves *the Sons of Liberty*, who have prostituted your pens, in the public prints, to the basest flattery, the most nauseating praises, the most abject encomiums, that ever disgraced the mouth of the vilest sycophant in an eastern court!— Wherein you not only exceed *Tully*'s address to *Julius Cæsar*,[10] *Pliny*'s[11] panegyric on *Trajan*,[12] where *Attic* eloquence makes some amendment for the debasement of *Roman Spirit*, but you borrow from the warm imagination of the poet, the words † addressed to the greatest emperor in the world.

I do not envy the *Farmer* his box, or the *honour* of being admitted into your society.

You, Gentlemen, first led the way, in this general farce, within this province.— I beg your pardon.— I this moment comprehend your design—I thought you serious, the world thought you serious, the *Farmer* thought you serious—you have *humm'd*[13] me, the world, and the *Farmer*— As men of wit I admire you,—you have written the severest satire that ever was penned; you will do me a real honour in admitting me of your society.

The Gentlemen of *Cumberland* thought you serious— They beg to *be admitted as tributaries* to the *Farmer*.—[14] The empire is far advanced.— But, what say the *Bostonians*—they respect him as a DIVINITY.[15]

"*Each maid cry'd* charming! *and each youth* divine!"[16]

Deep enthusiasts! but shallow politicians!— Do not you know that neither heaven nor earth admits of two equal powers.— But you choose to acknowledge more Gods than one—in hopes, I presume, of *sharing* in the administration.— What a pity the powers you have on earth, cannot reach to heaven!— I fear Governor *Bernard* would find but bad reception *there* from you, though he shew'd a commission from GOD ALMIGHTY.

And now, *Farmer*, I must take you to task.— In your other answers, you have betrayed a vanity, self-sufficiency, and affected importance, which King *George* the third (GOD bless him) never once assumed in any answer he made to the addresses of the most respectable bodies in the world— But in the answer to the *Norwich*, *Connecticut*, address, you show *yourself*.—[17] The true *Oliverian* style,[18] fanatical cant, and anti-monarchical spirit shine conspicuous in this composition.— I can forgive pride, ambition, love of fame, and desire of pre-eminence, but hypocrisy I cannot forgive— It is the mark either of a narrow and *pitiful* understanding, or of some dark and dreadful designs.

Had you possessed a little more of *Oliver*'s phlegm,[19] the addresses would have

found you "*seeking the LORD*". But happily for this country your vanity was the predominant passion.

What we condemn as dogmatical and uncharitable in religion, we practise in politics, and will admit neither merit nor salvation beyond the pale of our own opinion.— Like the robber of *Attica*[20] we are for stretching out, or lopping off, the limbs of every man, to the standard of our own bed.— Thus the *ninety-two* anti-rescinders shall be treated as patriots, and acting from principle, whilst the *seventeen* gentlemen,[21] who were of the contrary way of thinking shall be branded as renegades and slavish— As if the latter might not have acted as much from principle, and from what they esteemed necessary to the well-being of their country as the former.— Whilst you lavish your praises upon patriotism, will you allow no merit to loyalty? Is not the one a virtue as well as the other? And has it not oftener preserved a state from falling to pieces?— Popularity is so pleasing a badge, that the people will never want warm and able advocates— What will become of the ruling power, how is the æquilibrium to be preserved, if able, intelligent and spirited men will not support it?

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† *Serus in cœlum redeas*. Hor.[22]

To act with the multitude, requires neither conduct nor courage. To act in opposition, requires both in no small degree—and therefore whenever I hear the *patriot* NINETY-TWO toasted, I make no scruple of giving the *loyal* SEVENTEEN.

I wish the people, before they run into any farther excesses, would consider, that, these popular men, these leading orators, are generally the worst men in the society, make use of *their* voice to aggrandize themselves, and that there has scarcely ever been an instance, when they could sell themselves to advantage, that they have not done it, whether for title, place or power, their end being then answered.— And these popular orators, their leading men themselves, had better consider that they oftener miss their aim than hit it.— Often-times they cannot make themselves of consequence enough to be taken notice of at all; and then they fall with both parties into the contempt they deserve; and this I prophesy will be the case with the triumvirate I mentioned in my last.— Oftentimes their treachery is discovered, and they receive the reward of traitors; but as sure as they do stir up the people to violence, outrage and bloodshed, so sure are they themselves involved in the general massacre.— Of which I shall at present mention only one example out of many, and that a very striking one.

The orators of the people of *Argos*[23] stirred up the commons against the nobles, of whom *sixteen hundred* were murdered at once; and at last the orators themselves, because they left off their accusations; having, it seems, raised a spirit they were

not able to lay.—[24] And this last circumstance, as the case stands, may perhaps be worth noting.[25]

Quod procul a nobis flectat fortuna gubernans,
Et ratio potius quam res admoneat ipsa.[26]

MACHIAVEL.

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[1] Swift, *Discourse*, 5.

[2] Dr. Richard Mead (1673–1754), who later became physician to George II, discusses viper fat (*Axungia Viperina*) as an antidote to its poison in his *A Mechanical Account of Poisons in Several Essays* (London: R. South, 1702), 29–30. The idea was sufficiently widespread that Rev. Cotton Mather wrote that one anointed with the fat of snakes became invulnerable to them. See *The Right Way to Shake Off a Viper: An Essay, upon a Case Too Commonly Calling for Consideration: What Shall Good Men Do, When They Are Evil Spoken Of?* . . . (Boston: S. Gerrish, 1720), xiv.

[3] Marcus Manlius Capitolinus (d. 384 BC) was a patrician consul sympathetic to the plebeians who saved the Roman Republic from invading Gauls but was condemned to death by the Senate for designs to make himself dictator. He was thrown from the Tarpeian Rock and his house razed. See Liv. 6.14–20.

[4] Aristides the Just (died c. 467 BC), was an Athenian politician and soldier. He was praised by Herodotus as "the best and most honorable man in Athens" (Hdt. 8.79.1).

[5] Miltiades (c. 550–489 BC) was an Athenian commander at the Battle of Marathon (490 BC) but was later condemned for treason and sent to prison.

[6] Pericles (c. 495–429 BC) was an influential Athenian general and civic leader who led Athens in the first years of the Peloponnesian War (431–404 BC).

[7] Phocion the Good. See doc. 4:115, n. 15, above.

[8] Alcibiades (c. 450–404 BC) was an Athenian-born general, who, at various times during the Peloponnesian War, commanded the armies of Athens, Sparta, and Persia.

[9] That is, Fort St. Davids. See doc 4:82, above.

[10] "Tully" refers to Marcus Tullius Cicero. In his Cæsarian speeches, Cicero praises Cæsar for his mercy and victory in the civil wars and requests pardon for Romans who, like Cicero, had sided against him. See Cic. *Deiot.*; Cic. *Lig.*; and Cic. *Marcell.*

[11] Gaius Plinius Cæcilius Secundus, known as Pliny the Younger (AD 61–c. 113), was a Roman poet, scholar, orator, and magistrate whose only surviving oration is a panegyric on Trajan, comparing him favorably to his predecessor Domitian.

[12] Trajan (c. AD 53–117) was Roman emperor from AD 98 until his death and is known as one of the "five good emperors."

[13] Hum: "To impose upon, hoax, take in, humbug. (*slang* or *colloquial*)" (*OED*).

[14] See doc. 4:92, above.

[15] See doc. 4:52, above.

[16] Pope, *The Dunciad, as It Is Now Changed*, in *Works*, 5:218.

[17] See doc. 4:104, above.

[18] A reference to Oliver Cromwell.

[19] Phlegm: Phlegmatic disposition . . . calmness, imperturbability, self-possession, evenness of temper" (*OED*).

[20] A reference to the robber known as Procrustes, who, in Greek mythology, forced his victims to fit into a bed. If they were too short for the bed, they were forcibly lengthened—if too tall, they were cut down to size.

[21] Those in the Massachusetts Assembly who voted in favor of rescinding its circular letter.

[22] "*Serus in cælum redeas*": Lat. "May it be long before you return to heaven" (Hor. *Carm*. 1.2.45).

[23] Argos was an ancient Greek city-state. Until the 6th century BC, it was the most powerful city-state on the Peloponnese.
[24] That is, to lay to rest.
[25] This paragraph is a paraphrase of Swift, *Discourse*, 8–9.
[26] "*Quod procul a nobis flectat fortuna gubernans, / et ratio potius quam res persuadeat ipsa*": Lat. "Which, afar from us / May she, the steersman Nature, guide: and may / Reason, O rather than the fact itself, / Persuade us" (Lucr. 5.107–08). The author substitutes *admoneat* (Lat. remind, admonish) for *persuadeat* (Lat. persuade). Jonathan Swift includes the first half of this Latin quotation in his *A Tale of a Tub: Written for the Universal Improvement of Mankind* . . . (London: J. Nutt, 1704), 146.

132
Little John, The Farmer's Answer to Lebanon, Conn., as Verse, *The Pennsylvania Chronicle*, August 22, 1768

This is a satirical rendition of doc. 4:130, above.

Pereunt quia carent vate sacro. HOR.
They had no poet, and are dead. POPE.[1]

Mr. GODDARD,

THE memory of the greatest actions of men would be buried in the same grave with themselves, were it not for the faithful pen of the historian, or the happy art of the poet. Words reduced into metre and rhyme are much more easily retained in the memory, than in the diffuse prosaic form. It is a pity that even the extemporaneous productions of *great men* should be consigned to oblivion with the last week's Gazette; in order, therefore, to perpetuate, as far as the muse can lend her aid, the *Farmer*'s answer to the *Lebanon* address, in your last paper, I have (as *translators* say) made it not only *English*, (which it was hardly before) but made it verse too, that little masters and misses may get it by heart, and that it may become as popular as the author wishes to be himself. Your's, &c.

Little John.

To the Freemen of the Town of Lebanon, *in* Connecticut.

GENTLEMEN,

THE receipt of your Letter I gratefully own,
(I should name yours a *city* tho' you call it a *town*)
In affection to *Britain* an *American* true,
(Some call me a *yellow*, you'll find me true *blue*)
To FACTION'S great cause my DEVOTION exceeds,
(At this period alarming my heart freely bleeds)
My DEVOTION, I say, nor will you think it odd
To her cause far exceeds my DEVOTION to GOD.
You bestow on the *motive* the applause that you ought,
As for the performance 'tis not worth a great.

Could I be persuaded, which well I can't be,
That this country will not be preserved by me,
That King, Lords and Commons, and all their arm'd men,
Will not fall thunder-struck by the stroke of my pen.
† So delightful a thought I prefer on my word,
To the wealth, glory, pow'r all the world can afford:
But should Heav'n by whose grace I'm *unspeakably* blest.
With *wisdom*, *wit*, *spirit* and *worth* 'bove the rest,
Success from my *pious* endeavours withhold,
To make my dear country as happy as BOLD,
Yet with my *intentions* well satisfy'd still,
Myself I'll enjoy, be her fate what it will;
I love her sincerely, I protest on my life,
As well as the fondest of you loves his wife;
Most glibly your honey'd addresses go down,
To you, Gents, I wish all success and your town.

A FARMER.

† *The obscurity of the original seems to be happily preserved here*.

[1] Alexander Pope, "Part of the Ninth Ode of the Fourth Book," in *Works*, 6:31. The full verse reads: "Vain was the Chief's, the Sage's pride! / They had no Poet, and they died. / In vain they schem'd, in vain they bled! / They had no Poet, and are dead." The Latin is a back translation. This work is one of Pope's "Imitations of Horace," which are not direct translations, but rather take inspiration from Horace's works. The original lines in Horace are "*vixere fortes ante Agamemnona / multi; sed omnes illacrimabiles / urgentur ignotique longa / nocte, carent quia vate sacro*": Lat. "Before Atrides men were brave: But ah! oblivion, dark and long, / Has lock'd them in a tearless grave, / For lack of consecrating song" (Hor. *Carm*. 4.9.25–28). The author seems to have translated Pope into Latin by adding *pereunt* (Lat. they die) and then to have incorrectly attributed the quotation to Horace.

133
To Sarah "Sally" Norris, [c. August 1768]

This, the following draft letter (doc. 4:134, below), and doc. 4:215, below, chronicle JD's courtship of Polly Norris, with her sister Sally acting as a mediator for negotiations between them. The sisters lived with several unmarried female relatives at Fairhill, the family estate in Philadelphia's Northern Liberties, which had become something of a Quaker poets' sorority they called the "Rural Circle" or "Band of Friendship." In Fairhill's extensive library and gardens, these unmarried women lived beyond male control, shunned polite society and male attention, and wrote verse to one another under pseudonyms.[1] JD had come to know Polly over the last years through "Accidents" that brought them together (doc. 4:134, below), possibly the legal work JD had done for her father, Speaker of the Assembly Isaac Norris, Jr. (see docs. 3:11, 3:12, and 3:14).

This fragment provides insight into JD's relationship with the Norris sisters and his attitude towards organized religion, especially the Religious Society of Friends. At the time of this letter, Polly had accepted JD's marriage proposal before changing her mind when JD refused to get married "under the care of Friends," that is, in a Quaker ceremony. Here, JD enlists Sally's help to persuade Polly to agree to a civil ceremony, a request with significant consequences. At this time, Quakers practiced endogamy, often disowning members who "married out" of the meeting. The Norris family attended the Fair Hill Meeting, under the Philadelphia Quarterly and Yearly Meetings, and Quakerism was central to the ethos of the Rural Circle.

[*Sally Norris Dickinson*:][2] <Sketch[3] of a letter from my Father to my Aunt S[ally] Norris—[4]>

My dear, my amiable sister, for by that Name, your Goodness to Me & my Affection for You entitle Me to address You, I stand {at this Moment} on the Brink of a Precipice, ~~f~~{a}nd your kind Hand may save Me from falling & being dashed to Death—

If Miss Norris[5] resolves never to marry but before the Meeting, She resolves to make Me the most unhappy Man upon the Face of the Earth; and to this hard Fate shall I be subjected, by the Mistake of a Woman dearer ~~to me~~ than my Life. I call it a Mistake~~,~~{;} ~~because if such a Determination is inflexibly formed, I know that Miss~~ {and if ever Miss} Norris will permit her excellent Understanding to ~~be [convinced~~*?*] exert itself, unaided by the ~~Errors~~ {Prejudice} of others, She will think it so too. Pardon Me, my dear Friend, for speaking thus freely. All Ages afford Instances, that the best Sense is ~~& the greatest Virtue, are~~ liable to ~~frailties~~ Errors. Your charming Sister has been brought up, {I fear,} with such a Veneration for the Society of Friends, as teaches one to revere all its Rules as {equally} inviolable: But surely an unbiased Judgment would make Distinctions between such as may be departed from, without any Immorality {or Illegality,} & such as cannot {be departed from,} ~~be~~{without} a Breach of the Laws of Virtue & {of} our Country. Here certainly the Line ought to be drawn. For if an Act is not contrary to the Laws of Virtue or of our Country, can any ~~Law~~ {Rule} of a particular Society, however positive it may be, make that Act improper or dishonorable? Unquestionably it cannot. For ~~if please to observe~~ {if it could,} the{is} absurd & dangerous Consequence ~~that~~ would follow; ~~if it could~~ that Virtue & Honor were of no greater Obligation & not more to be respected, than the Rules of a private Society.

The Force of Opinions impressd on the Mind by Education is amazing {even} to the persons themselves {who have held them,} when Experience, further information, mature Reflexion, & a freer Conversation, have enabled them to judge more justly.

By always conversing with People who think {& speak} in one Way, our Minds are never excited to make Enquiries. We rest quiet in finding the same Sentiments perpetually repeated to Us, & therefore believe them to be universally right: But when a better Opportunity of acquiring Knowledge is presented, our Minds become more active, our Enquiries more frequent, and our Sentiments more just & liberal.

My dear Miss Norris's fine Sense need not wait for Opportunities. Let her only determine to consider the Reason of ~~any~~ Opinions inculcated by Education, and She will distinguish between those essential to Virtue & Piety, and those merely arbitrary & derived only from ~~private~~ Rules of ~~a certain Sett of~~ {private} Men.

On this Occasion permit Me to intreat the kindest Offices of your Friendship: and let me engage You to perform them, by most solemnly assuring You, that I love You with a truly fraternal Affection. Your candid, your generous Behavior to Me, has ~~imprest~~ {fixed} ~~o~~{i}n my Heart indelible {Characters of} Gratitude & Tenderness; and throughout my whole Life, I will endeavor to convince You, that ~~You~~ I remember your Goodness as I ought to do. What an enchanting Prospect of Blessings to Me, is now clouded on An Union with a Woman, possest of my [~~entire~~*?*] Soul—whose Virtues promis[ed] Me temporal & eternal Happiness— A Relationship to a Family, [that] I love in general, & several of which are a{s} dear to Me as any of my Kindred by Blood— The Approbation of that Family—& the Deligh[t] of all my Friends in that Connection—particularly, ~~the gilding the Evening~~ of a most beloved & excellent {aged} Parent,[6] ~~with the highest Joy that She wishes to receive~~ {who forms no wish for any ~~other Event~~ {greater Joy}} in this World—

Let not these Scenes of Happiness vanish from Me like a Vision. Employ, I beg You, all your amiable Influence to obtain Me these Blessings. Persuade your dear Sister, that it must be more pleasing to Heaven, to communicate Happiness by a virtuous Act, than to spread Affliction by Obedience to Rules, which neither the {divine} Laws nor those of our Country command Us to observe.

ALDft (PHi-RRL)

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[1] Mary Norris Dickinson et al., "The Rural-Circle, or Band of Friendship, in familiar Letters between Several Young Ladies, Interspers'd with a variety of Valuable Characters," [c. 1760–1768]. PPL-JDP. Other members included cousin Hannah Griffitts (1727–1817); cousin Mary Griffitts (1720–1791); cousin Hannah Harrison; cousin Mary "Molly" Lloyd (d. 1775); and aunt Elizabeth "Betty" Norris (1703–1779). On the periphery were other notable women, such as feminist poet and polymath Susanna Wright (1697–1784), proprietress of Wright's Ferry in Lancaster Co.

[2] Sarah "Sally" Norris Dickinson (1771–1855) was JD and Polly's first child.

[3] That is, a draft.

[4] Sarah "Sally" Norris (1744–1769) was the youngest daughter of Isaac Norris, Jr. and Sarah Logan (1715–1744), who died in childbirth.

[5] Mary "Polly" Norris (1740–1803) was the eldest daughter of Isaac Norris, Jr. and Sarah Logan.

[6] JD's mother, Mary Cadwalader Dickinson.

134
To Sarah "Sally" Norris, [c. August 1768]

This letter fragment dates from sometime after Polly definitively broke her engagement to JD (see doc. 4:133, above). Again asking Sally to intercede with Polly on his behalf, JD seeks to dispel any misconceptions Polly might have had that he was seeking her fortune. After their father died intestate on July 13, 1766,[1] Polly and Sally arranged to bequeath Fairhill to their young male cousins according to his wishes. Apart from JD's concern expressed here for Polly's financial wellbeing, JD had no need to marry for money or rank. By this time, his reputation was excellent, and was he possessed significant wealth of his own from a lucrative law practice as well as tenant properties around the Delaware Valley. When Sally died in 1769, Polly became the estate's sole heir.[2] British soldiers destroyed the house in 1777, and the estate passed to Joseph Parker Norris in 1790.[3]

[*missing pages*] Trouble I have given them, and to accept of my Thanks for all the Kindnesses I have received from them. I Shall ever [~~revere?] &~~ love them—ever be ready cheerfully to perform for them all the Services in my {small} Power—{gratefully} acknowledging Myself ~~gratefully~~ obligd to them for ~~affording Me~~ {every} Opportuniti~~e~~{y}~~s~~ {they shall afford Me} of expressing, with what Sincerity I am, Dear Madam,

their Friend
and faithful Servant

[~~*several illegible words*~~] ~~without attending [*illegible*] to~~
I thought [Myself wri]ting to [Friends]

~~X There is one other~~ Permit Me, Madam, to trouble You a little longer. It may have been suspected, that Miss N[orris]'s Fortune was ~~a~~ {the} principal Inducement with Me to address her. Was my Temper of this sordid Cast, I should not for so long a Time, have neglected to pay my Respects to Miss N[orris] & her Family. {Be} Please{d} to recollect ~~in~~ what ~~Manner I have sollicited the Happiness of a Connection being related to You,~~ {Accidents brought Me into the Company} of your dear Sister, & that these had been ~~very~~ frequent, before I ~~sollicited the Happiness of being related to You~~ {made my Addresses}, & I think You will not hesitate to believe, that ~~my Conduct~~ {they} has{ve} ~~arisen~~ {proceeded} from ~~an honest Passion~~ {sincere Affection,}, & not from a mean Design. {This Opinion I hope all my {~~following~~} Conduct will confirm}

Several Days after I ~~had begun~~ had first addrest Miss N[orris] She told Me, ~~in the Course of Conv~~ that the Estate at Fairhill did not belong to You two Ladies, but was to be made over to ~~your~~{some} of your Uncle's Children.[4] I lookd upon

this as ~~striking off~~ {diminishing by} about one half{,} ~~of~~ the Fortune which I before thought Miss N[orris] entitled to. It made no Difference {however} in my Sentiments, or Behavior. Some {few} Weeks ago I was also informed, that You intended to lend ~~all~~ the Money You have in England, to ~~pay off the~~ {~~your~~} {~~the~~} ~~public Debt~~ M^rs^. Norris,[5] ~~in~~{for the} B~~ehalf~~{nefit} of your little Cousins; which, considering {their tender Ages ~~&~~{y}our for them[, &]} the Difficulty they would be under of paying {even} the Interest during their Minority, or ~~even~~ {indeed} afterwards, ~~& your uncommon Love for them~~, I regarded as a Gift, under another Name.

~~Still, my Sentiments & Behavior were the same~~

These Dispositions reduced Miss N[orris's] Fortune in my Opinion to a very moderate one. Still, my Sentiments & Behavior were the same; & my last Letters[6] may at least prove {this,} that ~~t~~how much soever Miss N[orris] might lessen her Estate, ~~She could not lessen my Love of {Passion for} her,{.}~~ ~~nor my Desire to call he~~ {I was not influenced by the} {~~Alteration~~} {~~Change in~~} ~~In short, Madam,~~ I loved Miss N[orris] {with too faithful a Tenderness;}; She ~~was the Blessing {Treasure} I wishd to gain,~~{.} ~~&~~ e{E}very Thing sunk in my View below {~~the least~~} Regard, when compared with her ~~inestimable~~ Worth; ~~I do not pretend {perfectly} to practise Piety or Virtue {as perfectly as I ought.}. If I did, the Pretence would be false: but{—}I {most} religiously venerate them: and meeting them united in the {a} person the most charming~~ {~~pleasing upon Earth~~} ~~to Me, upon Earth my Heart receivd every tender Impression that Merit {Goodness} & Beauty could {can not} give to Sensibility, {more tender Impressions than my Heart receivd}~~

~~Influenced by such Sentiments, even~~ {and} if Miss N[orris] had thought proper to settle her whole Estate on her Cousins, & then {would} ha~~d~~{ve} ~~granted~~ favored Me with her Hand, ~~sufficiently happy~~ I should ~~have thought Myself richly rewarded with Delight & Gratitude~~ have {instantly} accepted it~~;~~{:} ~~& have devoted my whole Life to make her happy.~~ {knowing{, as I am perfectly assured,} that my Life & Fortune could not be better, nor for Myself more [~~*illegible*~~] agreably employed, than in contributing to make her happy.}

~~I am now, Madam, to conclude my Correspondence with You & Miss N[orris].~~ {I do not, dear Madam, mention these Things to You, in Order to engage your Favor on a{n} ~~Subject,~~ Affair, which never more can be} renewed: but I most sincerely wish, that my Conduct may have your Approbation. I very greatly esteem You, & have Reason to believe, that You ~~entertain~~ {are truly my} friend~~ly Sentiments for Me~~ Confiding in this Opinion, {& in the Candor of my Intentions,} I have in writing to You ~~be~~ now & before, consulted my Heart only. From that I wrote, little attending to Forms of Expression, which I [*in left margin*:] knew You were too generous & too candid to regard.

ALDft (PHi-RRL)

[1] *PG*, July 17, 1766.
[2] Karin Anne Wulf, "A Marginal Independence: Unmarried Women in Colonial Philadelphia" (PhD diss., Johns Hopkins University, 1993), 318.
[3] Philadelphia Deed Records, Book D, no. 23, pp. 456–65, PPDR; Deborah Norris Logan, *Memoir of Dr. George Logan of Stenton*, ed. Frances A. Logan (Philadelphia: Historical Society of Pennsylvania, 1899), 40–41.
[4] The children of Polly and Sally's uncle Charles Norris (1712–1766) and his wife, Mary Parker Norris (d. 1799), were Isaac (1760–1802), Deborah "Debby" Norris Logan (1761–1839), Joseph Parker (1763–1841), and Charles, Jr. (1765–1813).
[5] Mary Parker Norris.
[6] Letters not found.

135
Bequest to the Farmer, *The Pennsylvania Gazette*, September 1, 1768

This report, while untrue, was widely circulated. See, for example, the French postscript to the *Farmer's Letters* (doc. 4:208, below).

We are informed, that a Gentleman in Virginia, has lately left, by his Will, a handsome Fortune to the patriotic Author of the FARMER's Letters, as a grateful Acknowledgment of the eminent Services thereby rendered to the British Colonies on this Continent.

136
From Sarah and Hannah Empson, September 1, 1768

S[i]r
We have an acco[un]t against Sally Willson of 17:14:9 for the payment of wich She Direct[e]d us to you or Should not have wrote this Second time[1] as we no not the Reason Why the payment wass Refused Before if it Should Siute you to pay the mony to Christopher Marshall[2] for us it will oblige us otherwise plese to let him no weather the mony Can be paid in a Short time as we must insist upon her paying if not for wich Reason we Shall be glad to no then with Respec[t] y[ou]rs

Sa~~r~~a{lly} & **Hannah Empson**[3]

Dovre
Septemb[e]r 1 1768

ALS (PHi-Logan)

[1] See doc. 4:17, above.
[2] Christopher Marshall (1709–1797) was an Irish-born Quaker druggist in Philadelphia.
[3] It appears that Hannah Empson drafted this letter and signed it on behalf of her sister.

137
Henry Sluyter, An Address to the Farmer from the Grand Jury of Cecil County, Maryland, and Answer, *The Pennsylvania Gazette*, September 1, 1768

Messieurs HALL and SELLERS.

You are desired to publish the following Address, and Answer, in your next Paper.

An ADDRESS of the GRAND JURY for the County of Cecil, in the Province of Maryland, to the author of a Series of Letters, signed, A FARMER.

RESPECTED SIR,

THE Americans were so pleased and lulled asleep with the Justice their Mother-Country had done them in repealing the detestable Stamp-Act, they did not perceive the ill Consequences that would attend divers Acts of Parliament relative to the Colonies.

It is to you, Sir, they are indebted for awakening them at this critical Juncture, by your ingenious patriotic Farmer's Letters.

Permit us then to *throw in our Mite*, "amidst the general Acclamations of your Praise"[1] and assure you, that with Hearts overflowing with Gratitude, we acknowledge not only the eminent Service you have done our gracious Sovereign's Subjects in North-America, but all Mankind; for your Letters diffuse the true Spirit of Liberty. HENRY SLUYTER,[2] Foreman.

The ANSWER.

GENTLEMEN,

I Sincerely thank you for the favorable Notice you have been pleased to take of my Endeavors to assert the Interests of the British Colonies on this Continent, and am extremely glad, that my Conduct is approved by you.

I heartily wish Prosperity to you, Gentlemen, and in your County.

Philadelphia, Aug. 24, 1768. A FARMER.

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[1] Doc. 4:96, above.

[2] Henry Sluyter (c. 1726–1775) was a Cecil Co., Md., farmer.

138
From Edward Lloyd III, September 11, 1768

Wye the 11th. Sep[tembe]r 1768—

Sir

Governor Sharpe mentions to me in a L[e]t[te]r dated the 27 Aug[u]st ult[im]o, that He wish'd, if I had not drawn out of y[ou]r hands the money you may have rec[eive]d ~~the~~ on the Judgm[en]t obtain'd ag[ain]st Mr. Vining, that I wou'd Authorise and desire You to pay thereout to Mr. Jos[ep]h Shippen,[1] for the Use of the Prop[rieto]rs of Pensylv[ani]a, the Sum of £390„15„7—Pensylv[ani]a Currency. Pray Sir have ye rec[eive]d the Whole Sum Judgm[en]t was render'd for? And be pleased to inform me, the Amount of the Sum which now rests in your Hands? And, if the whole money is not yet paid you, be pleased to signify when you expect, certainly, it will be p[ai]d into y[ou]r hands:{,} that I may Draw, agreable to Gov[erno]r Sharpe's Desire, for the same.

I am Sir, with great Regard,
Y[ou]r mo[st] Obed[ien]t h[um]ble Serv[an]t
Edwd Lloyd

I shou'd, had not ill health [pre]vented, wrote you some days sooner—

ALS (PHi-RRL)

[1] Joseph Shippen (1732–1810), a veteran officer of the French and Indian War, succeeded Richard Peters as secretary of the Provincial Council of Pennsylvania in 1762 and served until the Council was dissolved in 1775.

139
Little John, The Address of the Grand Jury of Cecil County, Maryland, and Answer, as Verse, *The Pennsylvania Chronicle*, September 12, 1768

This document is a satire of doc. 4:137, above.

Mr. GODDARD,

THE Gentlemen of *Maryland* seem to have been rather dilatory in offering their incense at the shrine of vain-glory; but there are two reasons for it, the one they give themselves, and it is no bad apology—that they were fast asleep—and the other I'll give for them, that there is an altar consecrated to the same divinity nearer home, that will consume all the incense they can lay upon it—and they seem to me to act a little out of their province.

As I shall consider myself for the future as a sharer in all the applauses bestowed upon the *Farmer*, since it will give me an opportunity of shewing my talent in

versification, and the praise of a Poet is next to that of a King.— I have attempted the address of the Grand Jury of *Cecil County*, *Maryland*, in metre, and though I may have dropt some of the *spirit*, I hope I have preserved the *sense*. LITTLE JOHN.

An ADDRESS of the GRAND JURY, *for the County of* Cecil, *in the province of* Maryland, *to the author of a Series of Letters*, *signed*, A FARMER.

RESPECTED SIR,

When the stamp-act's repeal past over the deep,
So pleased were we all, that we fell fast asleep,
And on had we slept, still dreaming no harm,
Had not you Sir, aroused us, and sounded th' alarm;
You told us, alas!—who good watch would not keep?
"That slavery's always preceded by sleep."[1]
Your praise to resound whilst all things prepare,
The fishes of *Schuylkill*, and fowls of the air,
While some make you a Prince, some raise to a God,
Some give you a sceptre, some give you a rod,[2]
Some give you a box, and a right at your ease
To get drunk at *St. David*'s whenever you please.[3]
Dread Sir, our oblation accept, tho' but small,
It is but a mite, yet the poor widow's *All*.[4]
The warmth of affection, not value you'll prize,
Our hearts o'erflow till it streams from our eyes.
To worth so exalted, what mortal is blind?
America's Saviour, and light of mankind!

H. S.[5] *Foreman.*

The ANSWER.

GENTLEMAN,

WITH the greatest complacence my praises I hear,
From my heart I return you my thanks most sincere.
My answer is short, for should it be long,
They'll hitch it, I fear, as the last in a song.

A FARMER.

Philad. August 24, 1768.

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[1] A reference to doc. 4:40, above.
[2] That is, a fishing rod.
[3] A reference to doc. 4:82, above.
[4] An allusion to Mark 12:41–44. See also docs. 4:18, n. 54, and 4:27, n. 3, above.
[5] That is, Henry Sluyter.

140
Cato, In Favor of Nonimportation, *The Pennsylvania Chronicle*, September 12, 1768

Mr. GODDARD,

The giving the following a place in your Chronicle, *will oblige*, *at least*, *one of your Readers.*

Bucks County, *Yours*, &c.

Sept.—1768.

THE *Farmer*, and other writers on behalf of *America*, seem to have demonstrated, beyond a doubt, that the basis whereon all the privileges of *Englishmen* depend, is the right every man has to dispose of his own money, and that he cannot be divested of it but by his own consent, or the consent of his representatives. While the people remain vested with this inestimable privilege, those who are in the executive part of government, must be dependant on them for their salaries, and the support of that government they are intrusted with. And to obtain these supplies, rulers, though never so high, must be careful not to oppress the people, but redress their grievances when oppressed by those in authority under them.

Whilst the necessity of supplies on the one hand, and just protection on the other, remain equally reciprocal, power and liberty will remain in equilibrium, and the *English* constitution retain its purity; but when either scale shall preponderate, arbitrary power and oppression, or anarchy and confusion will certainly succeed.

The great endeavours used in some former reigns, to subvert this order and frame of government in *England* (which nevertheless miscarried)[1] the effusion of blood and calamities that attended, must deter all parties there from attempting the like soon; but from whence the intention of subverting this order in *America* arose, is not easy for us to determine.

The long experience we, and our forefathers, have had of the moderation in power, and love of justice, so truly inherent in the house of *Hanover*, and the many instances of the same virtues possessed by our present most gracious Sovereign, fully convince us that it never proceeded from the Throne.

Yet the late Stamp-Act, and the present Acts of Parliament, imposing duties on certain manufactures, to be paid in *America*, for the purpose of raising a revenue independent of the people, are but too certain proofs of such a resolution being adopted by a majority of our rulers in *England*.— And, should this design be carried into execution, must introduce slavery, and all its attendant train of evils.

The *Americans*, whose forefathers left their native land to avoid oppression, and, with much labour, cultivated a wilderness, and in it established *English* Liberty

in its native purity, will not tamely submit to be slaves—No—Thousands would, with the celebrated *Brutus*,[2] rather die free, than live a life of slavery.

The calamities that may attend, if these things are pushed to extremity, is a subject too tender and affecting to be enlarged upon. Thus much may, perhaps, justly be presumed, that should the hot zeal, that now blows up the coals of animosity and dissension, on both sides of the water, be permitted to go on without controul, it will, in the end, bring ruin on a kingdom thus divided against itself. There never was a greater necessity for men of calm and sober minds to take the lead in government, both in *England* and *America*, and to diffuse a spirit of moderation through all ranks of people, and thereby restore that tranquility ever necessary to the preservation of a sinking state.

The assemblies of most, if not all, the colonies have applied home, in some form or other, for a repeal of those acts; in which doubtless they have been right, as far as they have set forth their grievances in a dutiful and becoming manner. The new Parliament may possibly relieve us from the burthens their predecessors laid on us; yet as many of the old members are re-chosen, we should not wholly rest in this hope. Petitioning may be termed carrying on a wordy war with our mother country, and this censure may perhaps be just in regard to such who promote warm remonstrances, with intent to increase the heat, already too great on both sides.

We seem generally convinced, the most effectual means made use of here to procure a repeal of the Stamp-Act, was a resolution entered into by our merchants not to import any goods from *Britain*, until that act was repealed, which engaged the *English* merchants and manufacturers, who had any connexions with *America*, on our side.[3] And should the merchants in all our trading cities now resolve not to import any goods from *Britain*, on which any duty is or hereafter shall be laid by act of Parliament to be paid in the colonies—if this did not produce a repeal of those acts, it would effectually defeat the design of them, and prevent any of the kind for the future, especially if we endeavour to supply ourselves with those goods by our own industry;—to import none, must appear more like resentment than love of liberty.

Some of our less useful grist-mills may easily be converted into paper-mills, and, by a frugal care of our linen, when worn out, may supply with materials for carrying on that business; glass we have of our own manufacture, nearly as good and cheap as that we have from *England*; and thus we might supply ourselves with most if not all the goods on which duties are laid.

Our thus demonstrating a firm resolution to be industrious, and remain free (which most *Englishmen* value themselves upon) may induce our parent state to grant us more favour than heretofore they intended for us. And instead of thus driving us into manufactures, rather encourage us to follow our favourite employment of tilling our lands, to enable us to purchase their goods, rather than make them ourselves.

The increasing demand for provisions in the *West-Indies*, had we a free trade there, would supply us with gold and silver, every ounce of which we should send to *Britain*, sooner or later, to purchase their manufactures, were we permitted to make paper money sufficient for a medium of trade among ourselves.

Such wisdom and moderation in treating the *Americans*, instead of alienating their affections, would insure their loyalty much more than fleets and armies can do.

We should think it our duty, as well as interest, as heretofore, freely to contribute money, when in our power, to preserve and defend the *British* empire. And instil into the tender minds of our children loyalty to our King, and love to our mother country; and these, to the latest posterity, would never entertain the least thought of revolting from her, unless forced by hardships, ill usage, or the odious prospect of slavery.

CATO[4]

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[1] Likely referring primarily to Charles I's conflicts with Parliament that led to the bloodshed of the English Civil War. The author's allusion to multiple "reigns" references other historical instances of supposed English royal tyranny, such as John's conflict with the feudal barons and James II's absolutist tendencies.

[2] Marcus Junius Brutus (c. 85–42 BC) was one of the leaders of the conspiracy to assassinate Julius Cæsar in 44 BC. The plot succeeded, but the republic burst apart in civil war. After Brutus's forces were routed at the Battle of Philippi, he chose to take his own life rather than surrender.

[3] A reference to nonimportation agreements made in response to the Stamp Act of 1765, such as those endorsed by New York merchants on Oct. 31, 1765, and Philadelphia merchants on Nov. 13, 1765. See [*The New-York Mercury*, c. Nov. 7, 1765]; and *PJ*, Nov. 21, 1765.

[4] Marcus Porcius Cato, known as Cato the Younger (95–46 BC), was a Roman politician and champion of the institutions of the Roman Republic, opposed to Julius Cæsar. Defeated militarily in the Roman Civil War (49–45 BC), he took his own life rather than seek Cæsar's pardon. "Cato" was a favorite pseudonym for letter writers, with connotations of austere virtues, self-denial, and a willingness to die for liberty. See doc. 4:26, n. 24, above.

141
"Extract from a Letter from the West of England," *The Boston-Gazette*, September 12, 1768

Extract of a Letter from the West of *England*, by Capt. *Cartwright*,[1] in Reply to a Letter from a true Friend to Civil and Religious Liberty here, which enclosed the FARMER'S Letters, as best expressive of his own Sentiments.

"My Thoughts concerning the Conduct of G.B. towards her Colonies are much as your's, and have long been so; and such are the Sentiments of most I have conversed with."

By this Extract, which is from a Gentleman of large Trade and Acquaintance, and a person of undoubted Veracity, you may observe that the Measures of G.B. towards her Colonies are merely Ministerial, and that the People of G.B. in general condemn the present Measures as much as we do.

By Gentlemen, Passengers in the same Vessel, the above is confirm'd as to other Parts of G.B. besides the West.

[1] Thomas Cartwright was captain of the brig *William*, whose arrival from Bristol, England, is noted in this edition of *The Boston-Gazette*. See also *The Boston Post-Boy*, Sept. 12, 1768; and *The Boston Evening-Post*, Sept. 12, 1768.

142
A.B. [JD?], "To Messieurs Hall and Sellers," *The Pennsylvania Gazette*, September 15, 1768

This pseudonymous article counters the aspersions cast on JD by those publicizing his address to the Barbados committee (doc. 3:116). JD had used the pseudonym A.B. before (see docs. 4:75, 4:78, 4:80, and possibly 4:105, above), raising the possibility that he drafted this response. A.B. submitted the excerpts from *Candid Observations on Two Pamphlets Lately Published* (doc. 3:126) in two parts, the second set of extracts appearing in the following week's edition of *The Pennsylvania Gazette* on September 22.

To Messieurs HALL and SELLERS.[1]

GENTLEMEN,

As several pieces have lately been published against the author of "An Address to the Committee of Correspondence in Barbados,"[2] *your reprinting the following extracts from a pamphlet, published in that island by a native of it, in the year 1766, and called* "Candid Observations,"[3] *&c. will oblige*

Your Friend, A.B.

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[1] The excerpts also appeared in the *PJ*, Sept. 15 and 22, 1768, as well as the *PC*, Sept. 12–19 and Sept. 26–Oct. 3, 1768, with A.B.'s note addressed to the editors of each newspaper.

[2] Doc. 3:116. For criticisms of JD's *Address*, see docs. 4:119, 4:120, 4:125, and 4:128, above.

[3] Doc. 3:126. The extracts from this pamphlet published in the *PG* on Sept. 15 explain the use of the word "rebellious" in the *Address*, responding to criticisms of the *Address*'s charges made in the portions of doc. 3:119 reprinted with doc. 4:119. The excerpts published in the *PG* on Sept. 22 denounce the defense of parliamentary power made by the Barbadian but also criticize JD's "zeal for natural rights." A.B. includes a note that Lord Camden was equally zealous in his defense of natural rights, including a quotation from Camden's speech against the Declaratory Act of 1766, which JD employs in doc. 4:32, above. A.B. also includes a separate excerpt from *The Barbados Mercury*, Sept. 27, 1766, by the author of *Candid Observations* that criticizes the Barbados committee and the Barbadian, with a corresponding note by A.B. that reads: "*This candid writer places the objections of the author of the address in a true light. He did not object* only *to the word* rebellious, *but to several sentences in the letter from the committee, which were plainly intended as censures on the* '*North-American colonies.*'" After quoting the committee's letter criticizing North American resistance to the Stamp Act of 1765, A.B. concludes: "*These reflections cast on the* North-American colonies in general, *by the committee, their writing the letter to their agent, with the word* 'rebellious' *in it, and retaining it till they were* obliged *to expunge it, by the prudence of the house, leave them justly exposed to every thing the author of the address has said against them.*"

143
"Extract of a Letter from a Member of Parliament," *The Pennsylvania Gazette*, September 15, 1768

Extract of a Letter from a Member of Parliament in England, to his Friend in this City, dated May 31, 1768.

"The Prints you sent afforded me great entertainment. The Farmer's Letters I think as well wrote as any political Paper I ever read; when I say well wrote, I mean, that his Doctrines are expressed in a very persuasive and manly Stile; but whether they are altogether Orthodox, is beyond my Capacity to pronounce. It is my firm Opinion, that notwithstanding his Arguments, or the Memorials which have been lately sent over (which, by the bye, are submissive and sensible to a Degree) the B----sh P--------t[1] will never give up the Right of taxing her own Colonies, and I think the Americans will never submit to such an Authority, whilst they have such a Writer, as the Author of the aforesaid Letters, to stir them up against it."

[1] British Parliament.

144
"Extract of a Letter from London," *The Pennsylvania Journal*, September 15, 1768

Extract of a Letter from London, dated May 6, 1768.

"Yesterday there was a report of an insurrection in America, which caused stocks to fall 1 and a half per cent. I look on it only as a stock jobber's artifice to fall stocks, that he may buy in.— The pieces printed in your city, signed a FARMER, do great honour to the Writer—they have had great effect with every thinking Person here, and Mr. De B---t[1] tells me, that the Board of Trade feels the weight of them more than any thing that has been wrote on that subject, and he says, they have staggered them very much; they are ascribed to Mr. D--------[2] by every body that knows him. I am much chagrined that I have it not in my power to say with certainty who is the author, as the subject is so glorious, and the writer derives to himself so much credit."

[1] Dennys DeBerdt.
[2] Dickinson.

145
Anonymous, Parody of the "Song of Liberty," *The Boston-Gazette* (supplement), September 26, 1768

This parody of JD's "Song of Liberty" (docs. 4:100 and 4:103, above) received little interest apart from inspiring its own parody, "The Parody Parodiz'd," purportedly written by Benjamin Church, which was published in *The Boston Evening-Post*, October 3, 1768, and in Edes and Gill's *Almanack* for 1770.[1]

Last Tuesday the following SONG made its Appearance from a Garret at C-st-e W—m.[2]

Come shake your dull Noddles, ye Pumpkins and bawl,
And own that you're mad at fair Liberty's Call.
No scandalous Conduct can add to your Shame.
Condemn'd to Dishonor. Inherts the Fame—
In Folly you're born, and in Folly you'll live,
To Madness still ready,
And Stupidly steady,
Not as Men, but as Monkies, the Tokens you give.
Your Grandsire, old Satan, now give him a Cheer,
Would act like yourselves, and as wildly would steer;
So great an Example in Prospect still keep,
Whilst you are alive, old Belzee[3] *may sleep.*
In Folly, *&c.*
Such Villains, such Rascalls, all Dangers despise:
And stick not at Mobbing, when Mischief's the Prize.
They burst thro' all Barriers, and piously keep,
Such Chattels and Goods the vile Rascalls can sweep.
In Folly, *&c.*
The Tree which the Wisdom of Justice hath rear'd,
Should be stout for their Use, and by no Means be spar'd:
When fuddled with Rum, the mad Sots to restrain,
Sure Tyburn[4] *will sober the Wretches again.*
In Folly, *&c.*
Your Brats and your Bunters,[5] *by no Means forget,*
But feather your Nests, for they're bare enough yet;
From the insolent Rich, sure the poor Knave may steal,
Who ne'er in his Life knew the Scent of a Meal.

In Folly, *&c*.
When in your own Cellars you've quaff'd a Regale,[6]
Then drive, *tugg and stink the next House to assail*.
For short is your Harvest, *nor long shall you know*,
The Pleasure of Reaping what other Men sow.
In Folly, *&c*.
Then plunder, *my Lads*, *for when Red-Coats appear*,
You'll melt like the Locusts, *when Winter is near*:
Gold vainly will glow; *Silver vainly will shine*:
But, *Faith you must skulk*, *you no more shall purloin*.
In Folly, *&c*.
Then nod your poor Numbskulls, *ye Pumpkins & bawl*,
The De'il take such Rascalls, *Fools*, *Whoresons and all*.
Your cursed old Trade of purloining must cease,
The Curse and the Dread of all Order and Peace.
In Folly, *&c*.
All Ages shall speak with Contempt and Amaze,
Of the vilest Banditti that swarm'd in those Days:
In Defiance of Halters, *of Whips*, *and of Chains*,
The Rogues would run Riot, *damn'd Fools for their Pains*.
In Folly, *&c*.
Gulp down your last Dram, *for the Gallows now groans*,
And Order depress'd her lost Empire bemoans;
While we quite transported and happy shall be,
From Mobs, *Knaves*, *and Villains*, *protected and free*.
In Folly, *&c*.

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[1] Attributed to Church based on a passage in John Adams's diary that mentions the singing of songs by "the farmer" and Benjamin Church. See Ford, *Writings*, 423, 427–29.

[2] Castle William, now Castle Island, has been the site of a fort since 1634. In June 1768, Boston customs officials had retreated to the fort after riots erupted following the seizure of John Hancock's sloop *Liberty*, an incident referred to as the "*Liberty* Affair." In the version of this parody printed in *The Boston Evening-Post* of Sept. 26, this sentence is replaced by the following: "*Said to be in great Vogue at a certain Fortress*, *where it was compos'd*."

[3] Beelzebub.

[4] Tyburn was a village outside of London used as a place of public execution. The gallows there was known as the Tyburn Tree.

[5] Bunter: "A woman who makes a living from gathering rags (or other detritus) from the streets; (hence derogatory) any woman of low social status, or who is regarded as disreputable" (*OED*).

[6] Regale: "A choice item of food or drink; a delicacy" (*OED*).

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Excerpt from "A Letter from a Gentleman in London, to his Friend at Boston," *The Gentleman's Magazine* (London), September 1768, 421–22

From this lengthy letter on "the late acts of parliament" that specifically discusses "appointing a board of customs . . . and laying duties on some of your importations," we have reprinted only the portion pertaining directly to JD.

But while the advocates for the right of parliament would reason the Americans into absolute slavery, the Americans, on the other hand, run into the contrary extreme, and are very near proving too much; for their arguments, if allowed their full scope, would establish an entire independency: In some letters I have lately seen subscribed A FARMER, and written with a spirit and decency that does your country honour, the author appears fearful of this extreme, and fairly acknowledges the dependency of the colonies to be necessary for their own sake.

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Elizabeth Græme, "The Dream. A Poem. The Philosophical Farmer," October 15, 1768

In 1765, after two years of travel in England, Elizabeth Græme and her widower father, Dr. Thomas Græme, began holding literary salons at his estate, Græme Park, about twenty miles north of Philadelphia.[1] Græme may have presented the following poem at one of them. She wrote "The Dream" in 1768 and, in 1790, copied the earliest known extant version into her manuscript book *Poemata Juvenalia*. In an introduction, she explained,

> This little peice was wrote in October 1768: At a time when Th' Americans thought themselves unkindly treated by the ~~Americans~~{English}; upon which the Colonies were e{E}ndeavoring to turn their thoughts on the produce of their own Country; and trying to retrench the use of those Comoditys Which are imported from Britan: as they thought Both their Libertys, and Propertys unjustly Struck: at by the Taxes and Dutys which the Mother Country levied on the American Colonys.
>
> How little did I think when I was [~~*several illegible words*~~]{writting this Rural Peice} That I should have my Husband and Nephew[2] exild in Consequence of the Independancy—now 1790.

Following this introduction, Græme wrote a schematic summary of "The Contents" on the next two pages. On the fourth page, she wrote her most complete title, "The Dream / A Poem / Wrote In October 1768 / Philadelphia /

The Philosophical Farmer," and added, "An Acrostic on a Celebrated Nymph," a seven-line poem, dated 1790, in which the first letters of each line spell out the word "LIBERTY."

The text below begins on the fifth page of the section. Unfortunately, it has not been possible to retrieve the 1768 text in its entirety. Although it seems likely that Græme transcribed the poem as first written, she subsequently revised it by writing over portions and by scraping off text and substituting new words, resulting in many illegible words. It is unclear when the manuscript notes were created.

In a 1772 letter, Græme, by then Mrs. Henry Hugh Fergusson, presented a "little Manuscript" to JD. Though the enclosure is not extant, it would seem to be this poem. Fergusson explained that "By the time it was finished the Disputes that gave rise to it were ended," suggesting that she might have continued work on the poem through March 1770, when Parliament repealed most of the duties imposed by the Revenue Act of 1767. She wrote it "without any View of extending to above half a dozen people," and intended JD "to have been among the first of the Number that it was to have been shown to; But a kind of modest Delicacy prevented it at that time; and it was thrown by forgoton." She did, however, send it to English Quaker physician and fellow of the Royal Society Dr. John Fothergill (1712–1780) in London, who approved and showed it to his friends. Writing to JD, she apologized for the work, adding, "As the theme is treated quite in a Domestic Manner; I hope the author will not be acused of Steping into Subjects improper for her Sex; For a female pedant is {a} most disagreeable Character."[3]

The Dream.
A Poem.

When Soft Ey'd May did vernal Treasurs pour,
And filld Creation with a fragrant Show'r:
When Heavens rich Arch glowd with resplendent Light,
Supreamly radiant with the Queen of Night:[4]
When all was Solemn, calm, and mild Serene;
And no rude Sound disturbd the silent Scene.
With heedless Steps I innocently strayd;
Where babbling Waters in smooth murmurs playd;
The Banks of Delawars rich Stream I viewd,
And Active Fancy various Themes pursu'd.
A swift Succession Thro my Brain there past,
The [~~*illegible*~~]{Wand} of Morpheus[5] oer my Eyes was cast,
Sweetly invaded my exhausted Frame
[~~*illegible*~~]{Sleep} soft Composer! uninvited came! [*page break*]
Lull'd every Sorrow of my Anxious Breast;
And laid each Tumult to a peacful Rest:

	The Mind unfetterd fled her native Home, And unimprisond did unbounded Roam; Burst every Barrier of her waking Care, And launc'd unbodied thro' the yielding Air. A New fine Motion she thro' Ether found: Disdaining Matter, and terestrial Ground; As Featherd Songsters skim th' airy space, Like the fleet Movments of the fluttering Race: Then down quick tumbling from a pointed Rock
X	Fearful I [~~*illegible line*~~]{fell, and dread th' impending Shock}
X	Yet [~~*illegible*~~]{Sunk} as gently as when [~~*illegible*~~] downy Beds With Soft Indulgence kind [~~*illegible*~~] refreshment spreads.[6] [~~*illegible line*~~]{A pleassing Wonder filld my active mind,} And Gloomy Terror could no Harbor find [~~*illegible*~~].
X	That is a Sensation in dreaming & Suppose evy' one has Experiencd at times [*page break*]
	A spacious Vale methought shewd various Charms, And Met th' Ocean with extended Arms; The vast Atlantic rolld his proud Waves round, And touchd with Majesty the neighboring Ground: Soft, and more Soft, his Azure Billows rose; A gentle Motion did his Waves disclose: [~~*illegible*~~]{T}ill smooth they grew as the pelucid Stream, That gayly glitters to the Suns rich Beam: His Bosom partid; as when Israels Host, Left Nile's proud Sons on famishd Egypts Coast. A liquid Wall on either Side was seen And a delightful solid Path between.[7] There, Albions[8] Genius in full splendor stood, And claimd Dominion o'er the briny Flood: Fiercly she lookd; with haughty warmth she glowd; And to the West an angry Eye bestow'd. [*page break*] "What means she cryd this factious upstart Race For them I leave my concave Grottos place; Dare they reject my Commerce and my Power, And spurn my Influence in a fatal Hour? Shall the rich Vessel part my Waves no more Nor fling my treasures on their woody Shore? Shall taste, and Elegance, of every kind, Be by the Natives of those wilds resignd? Forbid it [~~*illegible*~~]{Royalty}! ~~and~~ forbid it Trade! Albion forbids and she shall be obeyd!

X	Draw forth ye daring Tribes{.} [~~*illegible*~~]{Retract} your claims And learn to tremble at a Britons Name." She spoke indignant, with commanding Sound, The Waters murmurd; and the waves rolld round: The rough Sea echod to th' angry Tone And ownd her Misstress of his Depths alone: [*page break*] Then to the West with wondring Eyes I saw, A lucid Cloud its silver lining draw: With purple Edging was it glorious fring'd, And blushing Crimson oer the foldings ting'd. A Form Celestial, venerable, Good, Lookd down complacent on th' Azure Flood: Mild Truth resplendent round him stood confest As he the Genius of the Deep adrest. "Guardian of England! listen and Atend For Heaven inspires and is fair Virtues Friend: Great is your Power; but still that Power has Laws, And God, and Reason certain Limits draws. I once claimd Britain, for My Natal Soil; And thence I led a hardy Race for Toil: These Western Woods from Savages Steps we cleard And just Idnstry her rich Ensigns reard.
X	William Penn who Settled Pennsylvania 1780 [*sic*].[9] [*page break*]
	We fled the soft delights of downy Ease, For Manly Liberty and virtous Peace; Conveneince, Comfort, Elegance, arose, And Curious Science did her Charms disclose: My Pennsylvania flourishd fair to view; Divinly Waterd with Celestial Dew. No cramping Bigot dard prescribe harsh Rules From the proud Customs of Tyranic Schools; All who claimd Jesus as the Son of God, There trod the Mazes of Religions Road: Freedom we honord; but did Faction hate The vile Subverter of a new formd State. [~~*illegible line*~~] ~~is placed!~~{Heaven seems to favor our obscure Retreat;} [~~*illegible line*~~]{And Dove like Peace here fixd Her rural Seat,} [~~*illegible line*~~]{But earthly Bliss is still a fleeting Cloud:} [~~*illegible line*~~]{That Sorrow's Mantle will at last enshroud.} [*page break*] A grasping few with Narrow sordid View [~~With~~*?*]{And} Slavish Shackels my dear Sons[10] pursue: Tho[ugh] fair America they see with Pain

	And seek to bind her with a lordly Chain: Yet know tho' Liberty is oft abusd; And her bright Name to various ills misus'd[11] She glows untainted in some worthy Breasts The Sacred Flame in virtous Bosoms Rests: Some Patriotic merit yet remains, With ardent Zeal on Pennsylvanias Plains; Thousands and thousands catch the happy Fire: And to the generous noble warmth Aspire. Such is the Fate of human things below, So sadly blended, it is hard to know; If selfish Faction and licentious Strife Push not the Current of impetous Life: [*page break*] [~~*illegible line*~~]{All passion dread as you a fire would Shun} [~~*illegible line*~~] ~~the Sound.~~{Hard to extinguish where its once begun!} [~~*illegible*~~]{Sad} fate of Language! that 'tis not confind, To shew the feelings of [~~*illegible*~~] {the} honest Mind Hence Candor, Liberty, the Patr[i]ots Sigh; The Laws of Honor, and each virtous Tye Lose half their Energy; their nervous Force, By being tainted in so base a Course: ~~With [*several illegible words*] the judging Mind~~{These Hacknyd Themes from every mouth Transpire} [~~*illegible line*~~] ~~joind;~~{And all dare boast of Virtues hallow'd fire} [~~*illegible line*~~] ~~Sight~~{But Time alone the true [Createrion*?*] proves} [~~*illegible line*~~] ~~of oppresions Might.~~{Who hates pious Virtues or pure Virtue Loves.}" Me thought I saw a fair long written Scroll Our pious Founder did the Leaf unroll; Gently to me the happy Spririt drew, And in my Bosom this commission [~~*illegible*~~]{threw}, [*page break*] "Go shew my Children what is written here May Pennsylvania hold my Precepts dear. The Cloud swift vanishd and th' azure Main, Became a vernal and delightful Plain; Where to the West rolld Schuylkills limpid Streams An East [~~*illegible*~~]{grand} Delaware met Sols first Beams. A busy Multitude around were seen, And trod in Groupes the tufted vivid Green.
∗	One Youth Conspicious [~~*illegible*~~] towerd above the rest His Countrys Freedom had inspird his Breast To him the scroll I instantly resignd That he [~~*illegible*~~]{its} Characters should strait unwind:

	With modest Diffidence he graceful Bowd And send their meaning to the listning Crowd.
∗	Mr John Dickinson a Gentleman who Wrote a Series of Letters Calld the Farmers Letters which were almost universaly admird For explaining the Rights of Taxation and the Constitution {of Pennsylvania its Charter &c &c &c} [*page break*]
X	"Think not my Sons that Gods paternal Eye Dont all Creation in an instant Spy~~,~~{?} 'For if a sparrow touches not th' Earth Unseen by him who gave [~~*illegible*~~]{all Nature} Birth:' And each hair numberd in his Sacred Page An [i]njurd Nation must his Care ingage: For small and great are only terms below Our Maker does the whole Gradation know. Tho' happy, glorious, of all Good possest; He views the Sorrows of each suffering Breast: Points out Expedients for a peoples Rise; And Blesses Virtue from his Sacred Skys. Such is your tangled and embarassd Fate; Such is the Nature of the present State: You must rich Commerce for a time resign Nor need you deeply at the Change[12] repine.
X	Mathew 1[~~*illegible*~~]{0} c[13] [*page break*]
	Then hear my Children all your native Store, What Bountys Heaven does on y[ou]r Country pour. So highly favord in your Natal Soil, It asks but Easy and well seasond Toil; Each useful Thing for Lifes fair Path is found And fertile plenty scatters Bliss around." "Yet not from choice you Britons Wealth [~~*illegible*~~]{disdain} Only to fly the Fetter galling Chain. To lesser Evils thro'out Life we run, When we a greater wisely seek to shun. Then hear the methods I point out to view How you may Plentys liberal Wallks pursue." "Keep simple Nature in your steady Eye Observe her mo~~r~~{v}ments, her Directions spy~~es~~; Tho' the great Parent of a numerous Race She smiles benignly on that favord Place; [*page break*] Where she is Courted, honord, and reverd; Her precepts valu'd; and her Laws [~~read~~*?*] are heard: There will she rise in Majesty Divine

As Gods Chief Agent most Illustrious Shine.
Not Rough and Rugged as the savage kind,
Whom Rules cant fetter, nor soft Manners bind;
Not deaf to social and endearing Life,
Not bold, Contentious, full of angry Strife;
Not chargd with vengeance and malicious Guile
Unconscious of the sympathetic Smile
Where Bosoms feel not for a Brothers Grief
Nor Souls fly speedy to [~~a~~]{a} Friends relief;
Not such the [~~Natures~~*?*]{Man[ners*?*]} that I [~~*illegible*~~]{wish} to Reign
In Brutal Roughness on my favord Plain."
"A happy Medium be my Sons your Guide
From rustic rudeness, and a splendid pride: [*page break*]
As you would flee the Savage [~~*illegible*~~]{Indian} roads,
Trod by the Nations of your green Abodes;
So shun the softning Lure of British Wealth,
The fair subverter of your Countrys Health:
Too nice, too elegant, for your new Soil;
A sweetend poisson; a distructive smile.
Live Independant of her Gewgaw Charms
In shuning them you shun a train of Harms:
Turn then from Commerce your [~~*illegible*~~]{too} blinded Eyes,
And learn your Countrys own produce to prize.
Nor think the Subject mean that points the Way
How Toil industrious pleasure shall convey;
Labor and Rest shall just Alternates know,
Sweet is the Rest, which does from Labor flow;
And sweet that Labor too, supreamly Blest!
Which Strength recovers by the Balm of Rest: [*page break*]
Shew by your Actions, not in wordy War,
That Patriotic-Liberty is dear;
Dear to your Souls as Ophirs purest Gold,[14]
And ~~that~~{for} no price, [~~*illegible*~~]{be} sacred Freedom [~~s~~*?*]{S}old.
"With all thats useful does your Earth abound
Then dig [~~*illegible*~~]{most} chearful her maternal Ground;
There the rough Iron lays in virgin [~~*illegible*~~]Ore
And gives in loads a hardy ponderous Store:
The nodding Forest yields a wood of Fire,
To make the Metal every Form acquire;
For Ships, for Tools, for every Stroke of Art
That Man Ingenious wishes to impart."
"Your Wool{-}clad Sheep unite in grazing Flocks
And frisk delighted on the hilly Tops;

Shear their soft Coats; and draw the fleecy Wool
In threads extended from the whirling Spool: [*page break*]
Thence Manufacturd in a decent Form
In Winters Cold to keep your household warm;
And Marks industry for the Female Bands,
And gives Employ to ancient feeble Hands,
Whose Strength admits not Labors ardent Toil
Whose sex too tender for to dig the Soil."
"Observe with Pleasure that delightful Green
The highest Verdure of the verdant Scene,
The shooting Flax in all its turns pursue;
Till on the Mead the whitening Web you view:
By murmuring Waters and pelucid Streams;
Wet the [~~*illegible*~~]{fine} Linnen in the Suns warm Beams;
Till it a fairness on the meadow Shows
Pure as the surface of untroden Snows:
This Task my Daughters [~~*illegible*~~]{Be immediate} Thine
In Life Domestic ye were born to Shine; [*page break*]
Sweet in Simplicity in native Charms,
Turn turn from Pleasurs too bewitching Arms;
[~~Turn~~*?*]{By} just Employ you fly a Groupe of Ill{s}
That oft the Breasts of Idle Females fill{s}.
Yet Chearfulness with Innocence and joy
May share the moments from severe Employ.
The God of Spirits loves [~~*illegible*~~]{~~your~~} {y[ou]r} Bliss to See,
He is no Stern no dreadful Deity:
Think not the Lord of all delights to Scan
A Surly Sorrow in repining Man;
[~~*illegible*~~]{Who} Bow{s} his Head as the bent Bull-Rush down
And [~~*illegible line*~~]{views His maker only in a} Frown;
Such feel the Devils in their Hell below
Perhaps that Terror the worst Hell they know."
"As Joy, Complacence, and a Source of Love;
Fill up the Moments of the Blest above [*page break*]
So you who placd are on a middle State,
Must Joy, and Sorrow, thro' your Moments date:
Alternate Chequerd is your earthly Lot,
So let your Station never be forgot:
Let humble Confidence your Bosoms warm
And steady Reason every Act inform;
Know you can fall; yet hope your born to rise,
In happy Splendor to your native Skys;
Indulge this virtous, this expecting Joy,

	It shall the Stings of venomd Life distroy." "But now 'tis Freedom's more Immediate Cause, That you from Luxurys Attractions draws: To shew proud Albion that you [~~*illegible*~~] can resign Her Manufactures; and her Trade decline: When weighty Taxes do~~es~~ each Good invade And strike~~s~~ at Liberty; that lovely Maid! [*page break*] Safe let her rest benea[~~*illegible*~~]{th} your Western Skys; And fall her Martyrs; or her Heroes rise." "But know abstracted from your present State 'Tis true, 'tis certain past the lest[15] debate; That Comfort flows not from the Pallace wall Nor comes Obsequious at the Wealthys call. Th' Almighty Parent of the World assignd, Some Source of Pleasure to all human kind;
X	~~If~~{And} if the Sons of Comus boast their joys In wanton Revels; soon those Revels Cloys: The sparkling Bowl with Bitterness is crownd; And Dissapointment hovers all around: The{us} the voluptious in each new excess Finds more untasted, than he can possess; The Blosom promises beyond the Fruit He Spurns the present for some fresh pursuit;
X	Comus God of Drunken Revels and feasting. [*page break*]
	And Idle vacancy gives some new Plan; And holds up Phantoms to deluded man." "Thus when the Peasant does your Pity Share, By constant Labor, and a Scanty Fare; You recollect not half the Ills you feel In the Atainment of the studyd Meal: The train of Wants that Elegance will draw When you are fetterd by Gay Fashions Law; The Stings of Envy thats in little Minds [~~*illegible*~~]{Which} Wealth Superior in its Neighbor finds: The Shifts, the Meanesses, to make a glare That Fools may wonder; and aplauding Stare; Such are the draw backs on the Heart that aims To square its Wishes ~~from~~{by} anothers claims; These are the Taxes thro' Lifes fashiond Ways When Fancy flys from Sober Reasons Rays: [*page break*] Stop at Convenience; That you may procure, And no one hardship need in Life endure:

More Health, more Chearfulness, and more Content;
Would in your Stations be to each one lent:
Oh could you view the happy rural Scene!
Where minds for Comfort do not weakly lean
On foreign [~~Comfor~~*?*]{Pleasures}, and on foreign Joys;
That fly when tasted or repeated Cloys:
You might exult beneath your peacful Clime
And bring the Fables of the golden Time
Back to your sight; in those primevial Days
Where happy Poets; happier scenes displays:[16]
But leaving Fiction let your Eye pursue
The Sacred Page where you may pleassing view;
The pious Patriarch with blest delight
And Mamre's Plain and Shady Oak invite; [*page break*]
There dwellt the Sage, as Prophet; Priest; and King;
Around extending his all shielding Wing;
Friendly each night beneath his vernal-Oak
He did the Strangers weary Steps invoke
To rest from Travel underneath his Shed,
And taste the Comfort {of} his rural Bed:
Such Hospitality pleasd Israels-God
His Angel Shelterd in the kind Abode!
The worthy Host was from Destruction spard
While guilty Sodom fiery Vengeance shard."[17]
"Listen my Sons while I a portrait plan
Do you intently all the movments Scan
Of Rural Manners; as the Seasons glide,
And Lights bright Circle does your Time divide:
Thro' the gradation of the rolling Year
Till the Suns Orb surounds your lower Sphere. [*page break*]
How pleassing in Springs vernal Seasons Time,
(The striking Emblem of Man's youthful Prime;**)**
To mark th' Earth her frozen Lap unbind,
And melt and soften to the Southern wind:
Shoot out the Treasurs that she h[~~eld~~*?*]{olds} in Store
And rich luxuriance on each Landscip pour.
Yet not alone her lovely Face admire,
To action then with busy Steps aspire;
Dig and manure th' opening thawing Soil [~~*illegible*~~]{;}
Nor spare the Labor of industrious Toil.
In Romes Gay Court when Grand Augustus[18] reignd
The rural Poet every Ear detaind;
The Theme and writer were by all admird

	A deathless Fame this happy Verse acquird: He more true Knowlege in those Lines conveyd By [~~*illegible*~~]{teaching} Methods for the Peasants aid;
	This Refers to Virgils Georgic[k*?*]s.[19] [*page break*]
	Than when he did great Ilions fall recite, And the dark Terrors of that gloomy Night, When good Eneas left his Native Shore, New ~~I~~{L}ands untroden hardly to explore.[20] The Mantuan swain[21] was ~~heard~~ {heard} with higher joy When simple Subjects did his Pen employ; Than when the Passion of an injurd Queen Was in his Numbers but too lively seen; When Life with Honor was to Dido lost Soon as Eneas left Rich Carthage's Coast."[22] "Think not these Subjects then beneath y[ou]r view But Nature still my darling Sons pursue; Close with Religion are her Precepts wove Man must his Maker in his Works aprove: Then turn transported to the mighty Source That gives the System its surprizing [~~*illegible*~~]{Course}. [*page break*] Birds Beasts and Reptils do to mankind preach All to the Heart some useful Moral teach; What you from Dearth of Language Instinct [~~*illegible*~~]{Name} [~~*illegible line*~~]{Is what the Race of Animals all Claim:} Is Nature pointed to the properest Ends, Which to the Good of [~~*illegible*~~]{Individual} Tends: 'Tis feelings given by the Lord supream To keep in harmony the wondrous scheme Of Life and Nature; to the various Aims; Each Race of Beings from their Parent Claims: All as Lights scatterd Rays converge at last To bind the Chain the curious system fast. Then let not Nature raise her voice in vain Nor let proud Man [~~*illegible*~~]{these} useful Hints disdain; Know they immediate for thy [~~*illegible*~~]{aid} were sent As [~~*illegible line*~~]{[proper*?*] Lessons for thy service lent}. [*page break*] When the wise Bee who carefully excells Loads with rich Fragrance all her waxen Cells; And Sips the sweetness of {the} shining Flower From sunny Banks or shady gloomy Bower: Let this a Hint to wondring man throw out, Like her to guard his native Ho~~m~~{us}e about;

	While the Drone exild knows no~~t~~ happy Home A useless vagrant does neglected roam." "Mean tho' the Spider to your Eyes appear, Nor by her Figure does her Deeds endear; Yet the neat Loom was first to Mankind given Thro' this small Creature [~~thro'~~*?*]{by} the will of Heavn: Her curious Web attenuated fine, First taught the notion of the flaxn Line; As the thin filaments she artful Drew, And wove and plaited the perplexing Clue.
	The Invention of the Loom it thought was sugested by the Spidr[23] [*page break*]
	The wondrous Beaver{X}by the waters Side, First in Contrivance stands of Beasts the Pride! Large Logs, and Trees those Active People bring And in a Compact all united fling: Their Houses built Commodious, strong, and Large Neatly constructed at the Public ~~Charge;~~{Charge,} With Walls and Ramparts fir~~mly~~{m} guarded Round No Spot defencless near their Forts are found: Best for each purpose is each movment pland As Reasons Eye the wondrous whole had scand. "The Featherd Familys in Chorus join, To prove the Goodness of A Hand divine; The Care minute of their enfeebled Race The soft e{E}nclosures of the little Place Where the fond mother kindly hopes to rest And guard from rudeness all her helpless Nest:
X	There is no Poetical licence taken as to the accu[n]t of the Beaver read Nature displayd and ma[ny*?*] other writters on natural Histry.[24] [*page break*]
	This whispers fore thought to the Female Trains,[25] A lively Picture to the Sex remains; Of Soft Attention, and Maternal Care~~s~~ That no Indulgence to their young ones spare~~s~~." "Thus all Creation is a liveing Page, Which should th' Eye of Reasons Sons engage; Too vainly proud of that superior Claim: They Boast all haughty of the Sounding Name: Their Shame or Glory as by them 'tis usd, Mans chief Abasment when the most abusd.!" "Now t[~~*illegible*~~]{read with} me the blushing Summers morn When Fruits and Foli{a}ge the gay Scenes adorn; Nature maturer glows in vivid Hue{s},

And Early glitters through the pearly Dew{s}:
Life, Action, Pleasure, Animat~~s~~{e} each Grove
And all the Raptures of the Season prove! [*page break*]
The happy Farmer views with honest joy,
The growth luxuriant of his late employ;
The vallys sing; the Hills with plenty smile,
And bind beneath the rich eard golden Spoil:
In shining Rows swell the redundant Grains
And droop oer loadend on the yellow Plains:
They wave in [~~*illegible*~~]{chorus} to the gentle Breeze,
A rustling quiver to the fluttring Trees.
An undulating motion o'er them Skims
As the Soft Air light on their Surface swims.
"The fleecy Flocks resign their Tufts of Wool
From them swift transferd to the whirling spool;
Chearful they Yield their Warm a[n]d Useful Charge
And leap exulting oer the Fields at large:
Range thro' the meadow, or the solemn Grove
And all the joys of thoughtless Freedom prove. [*page break*]
A lovely Eden rises to the Sight,
And fills the Bosom with Serene delight:
Earth, Air, and Water feels the Suns warm Rays,
And glow beneath his peircing genial Blaze.
The God of Nature gives this Sun his Power,
And marks th' Action of each fleeting Hour:
Whether an Innocence of Soul you feel,
Or impious Malice in your Breast conceal;
His the Religion of the virtous Heart;
That the great Fount that does a Bliss impart:
All actions tingd from that one Cistern flow,
From thence polluted or refind they glow;
Tis not th' End of unforseen Events,
But 'tis the Nature of the Soul's intents;
[~~*several illegible words*~~]{Makes man acepted} in the Sight of God,
And turns to Mercy the vindictive Rod. [*page break*]
Thus every Season Stamps you Good or Ill;
As you the movments of Times Circle fill:
Treme{n}dous Certainty! most awful Thought!
To know each instant we are nearer brought.
Or farther distancd from the Lord above,
The Source of Comfort, and the Spring of Love!
Each rolling Period brings an honest joy
When wisely measurd by a just Employ.

X	"The God of Nature when he [~~*illegible*~~]{wallkd on} Earth He who [~~*several illegible words*~~] ~~Birth~~{precided at Creations Birth,} Declard no monarch in his Eastern Power, Could vie in Beauty with a simple Flower: State and Magnificence at once must yield To the fair Lilly that adornd the Field; Such the Decision of the Son of God; As thro' Judeas neighboring Meads he trod.
	6 Chap[te]r S[t] Mathew 28 Verse [*page break*]
	Then think my Sons a rural Life is B~~l~~est, When God with kindness has ~~g~~{y}our Soil [~~*illegible*~~]{thus} blest; Pursue the Seasons with a grateful Soul, As they alternate thro' Lifes Circle roll." "Now bount{e}ous Autumn bends beneath his weight And pours profusely at the Farmers Gate; The folded Corn,{X} and every latter Grain Is gatherd chearful from the Stubble plain: The hoary Morns and evenings chilly Frost Quicken Mans Labor lest his Toil be lost; Since Nature lavishes a generous Store, Turn not the helpless from your rustic Door: With open Hand a liberal share impart To Glad the pensive, and the widowd Heart; So shall that little Sanctifye the whole In double increase for the well timd [~~*illegible*~~]{toll}.
	Indian Corn folded diferent from other Grain." [*page break*]
X	Use the remainder with a decent joy, The honest earnings of a just Employ. Let gloomy Souls preach heaviness of Heart, And fears, and Terrors dreadfuly impart, "Taste not; and touch not; is their narrow Cry Lest you ofend an angry Deity." Tis Superstion! littleness of Mind! God sheds his Bountys on the human kind; A grateful Heart is pleasing in his Sight A chearful Spirit does the Lord delight. 'Tis th' Excess{,} but not th' Use ofends Each Good is purpos'd to proportiond Ends; Those Bounds exceeded terminate in Pain And teach in Sorrow that Man must abstain: Heaven then disgusted throws the pointed Dart And Skriks[26] with venom the voluptous Heart.

	[*in left margin*:] {X "What Blessings Thy Free Bounty gives / Let me not cast away / For God is paid when man Receves / To Enjoy is to Obey["] Pope Prayer[27] [*page break*]
	Now shortning Days and lengthning [~~*illegible*~~]{Nights roll round} The [~~*illegible*~~]{keen} Frost whitens all the hardni{n}g Ground; The lowing Cattle claim peculiar Care And all mans Household should Protection Share: Let not that Household be of Africs Bands From the Scorchd Borders of parchd Guinas[28] Lands; Draw not a People from their Natal Coast, While you the Rights of sacred Freedom Boast. Can different Color Stamp a [~~*illegible*~~]{Man} a Slave? Unworthy Notion of a spirit Brave;{!} Weak Plea to argue they are Happy Made, When torturing Shackels do their Peace invade; To Every Bosom is fair Freedom Dear Her Loss of Losses is the most Severe; A Real Evil, a substantial Woe. All Men from Vassalage must undergo. [*page break*] And tho' their Labor should enrich your Soil, Despise the gleanings of so forcd a Toil; Where the Heart Curses what the Hand pursues And oft in Vain for gentle Pity Sues: Their Crys when Injurd do to Heaven asscend For God at last the wretched will defend; The Poor, and Captive his Attention Shares The Sigh of Sorrow reach his Sacred Ears; The Groan of Anguish scales his holy Throne And every Tear in Bitterness is known." "Now Winter comes in all his chilling Trains[29] No vernal Beautys ornament the Plains; The Fields diserted harrowd up from Toil Ice chains the Rivers, and close Binds the Soil. Here happy Home becomes Mans chief delight Now mark the Picture of the rural Night. [*page break*] The tender Father with his little Race, Are close collected in a narrow Space; Th' active Blaze the social Circle Warms While kind Instruction curious minds informs. First Sacred Scripture filld with pious Truth Is read with Caution to attentive Youth; This is your [~~*illegible*~~]Bulwork; this your Source of Good The Souls Subsistance; and its Mental Foo[~~*illegible*~~]d.

The Anxious Parent prays that Grace divine
May light each Period and [en]fold each Line."
"His Female Partner turns the Wheel around
While soft Complacence in her Breast is found;
That conscious Worth which Innocence bestows
Thro' every Act does Dignity disclose:
Graces each Motion, animates and Cheers
And the lest Movment by some way endears. [*page break*]
Well timd Employ to every Sex and age;
Does the fond Groupe attentivly engage;
Their hopd reward{,} is that the Parents Eye
With Aprobation may their Progress spy[es*?*].
Oft Tomsons[30] gentle rural Themes are read;
Beneath the Shelter of their humble Shed:
Or the smooth numbers of the Mantuan Swain
Who paints the Culture of Romanias Plain;
Now modern Italy: But ah how lost!
No[e] more the Shepherd, nor the Heroes Boast;
Dead to each manly and each honest joy
Loose Loves, loose Sonne[s]{ts} all their Hours employ;
[*several illegible words*]{Plain in their L[ots*?*] this [*illegible*]{weighy}
Truth is shown
That all is lost, when Liberty is [*illegible*]:{flown}
Too soft to{for} virtue; pliant but to Vice,
The Soul becomes fas[*illegible*]{tidi}ous and Nice; [*page break*]
Bends all its Force to things [*illegible*]{beneath its} Care
And Pants for Triffles light as Summers Air."
"Milton, and Lock, and Addison,[31] are read,
Each Page where Virtues lovely Form is spread:
The Tale, the [*several illegible words*]{Poem and the Fable may}
If managd right [may]{all} useful Truth{s} [*illegible*]{convey:}
To one one bright Point may different [*illegible*]{Roads} {convrge}
And Vice, and folly in their Pictures Scourge;
Raise up meek Merit, crush the Foot of Pride
That seeks Mild Virtue in her Cell to hide;
Draw forth the Honest to the Public Sight
And place their Goodness in a Beam of Light;
When such the motives of th' Authors Plan
Do not too rigidly his conduct scan;
When Truth and Virtue Animate and Warms
He may like Proteus[32] move in various Forms. [*page break*]
Thus pass the Seasons, such the Farmers Life
Exempt from Envy and tumultous Strife;

	Within himself he may each Comfort find That can give Pleasure to the human kind: A decent Plenty and a golden Mean [~~In~~]{Ar}ound his House in just arange are seen; Love, and Affection, and each Social Tye; That fills the Heart with mutual Sympathy: A sould dilated from a Conscience pure; A Body hardy that can ought endure Of Heat and Cold, viscitudes below! The happy feelings of a healthful Glow; These are his Treasures, Treasures truly namd! Their Spring is Nature, by calm Reason aimd; Tracing his God in every Plant and Flower In all the Beautys of the fragrant Bower. [*page break*] In the fine movments of the spangled Night, Or the meridian of the [~~spangled~~*?*]{Lamp of} Light; No vile Dependance undermines his Truth No City Vices Sap the Bloom of Youth; No false Refinments Constitute his Taste No ill timd Elegance his Substance waste. But <u>God</u> and <u>Nature</u> are his sacred Guides And <u>Reasons</u> Torch{,} a steady Light provides; A noble Liberty his Spirit proves, A generous Freedom all his Actions moves; More independant is the Rural Plan More his own Master is the Rustic Man; Than most of Beings In whose Lot you find A train of Shackels to chain down the Mind: Tho' all mankind must Social Fetters draw This Is Societys compacted Law.
	(This part is meant for Gentleman Farmers not Peasants more Such are in the jersys than Pennsylvania) [*page break*]
	The useful Links of Mans connected Chain{,} The close Dependance of the Human Train[33] Check pride and Folly, Meliora[~~*illegible*~~]{ts} the Soul And makes [~~just~~*?*]{kind} feelings in the Bosom Roll." "Hail noble <u>Commerce</u>! <u>Pennsylvanias</u> boast! Let not your Merit in me{y} Theme be lost; Judge not I seek your Virtue to Depress, Or with reluctance your high Worth confess; Be yours the Glory of Yon'{X} growing Pile The honest [~~*illegible*~~]{Harv}est of your Watry Toil:

	Trade Reard her Banners; and her Ensigns spread In Pomp she raisd her unsuspecting Head: Long there she flourishd like a fragrant Flower The richest Triumph of some lovely Bower. Cast her fine foliage and her sweets around And Scaterd beautys on the shining Ground.
X	Philadelphia [*page break*]
	Fed the wise Ant and th' Industrious Bee And gave her Treasures undisturbd and free Till on a fatal, and a cruel ~~d~~{D}ay A cold [~~*illegible*~~]{North-}wind did frozen Blasts convey: Shriveld the luster of its lovely Hue, And bathd its brightness in a chilling Dew; It fades, it droops, it seeks its natal Earth, Resigns its Honors, and forgets its Birth: Lost and low troden with the Common Clay 'Tis [bore] neglected [~~*illegible*~~]{from its} Soil away: But in some Period that is yet unborn The lovely Flower may still your wallks adorn; Shine out Refulgent and revive to Light And by fresh Luster every Eye invite. Make Pennsylvania blest in evry Sweet. The happy Harbor and the calm retreat [*page break*] Of Worthy Foreigners from every Land, A Pleasing, social, and a generous Band; There Hospitality with open Door Shall pour delighted from Profusions Store: To distant Trav'lers a kind Welcome give And mutual take, and mutualy receive The various Produce of each differing Soil With honest frankness and binignant Smile. Then shall Brittania her own Interest view And ~~their~~ [~~*illegible*~~]{softer measures} will at last pursue; Self Love will teach her by new Plans to move And you the Sweets of noble Freedom prove; But for a Time that Freedom to Secure You must the Loss of Elegance endure; Turn then your thoughts to rural Manners now And break the Glebe[34] with th' indenting Plough: [*page break*] Pray th' Almighty kind to bless your Toil; And look down gracious on your culturd Soil; Far, far be Faction from your People fled

	Of every Evil most that Monster dread; As widely different from true Freedoms Form, As the chaste Flame which does the Matron warm Is from the Fire that animates the Breast Of Wanton Lais{X} when she stands confest The loose enticer of some hapless Youth Who flys from Virtue, and the Paths of Truth. [~~illegible~~]{Freedom,} and [~~illegible~~]{Faction} never can unite, Tho' undestinguishd to the Vulgars Sight; A [~~illegible~~]{nice} Decorum in the one is Seen Th' other boasts an Insolence of Mien;" "Adieu my Sons! this last advice revere Fear God alone, but never Albion Fear. [*page break*]
	X A famous Greek Courtezan[35]
	A buzing Murmur of Applause flew round And filld the confines of the Neighboring Ground; Loud as when Waters dash the pebbled Shore And hallow winds at first are heard to roar. Sleep fled reluctant at the gathering Sound No more his Fetters all my Senses bound; I wakd by [~~several illegible words~~]{Schuylkills murmury winding Tyde!} No more the Streams did undulating glide; A Storm of Thunder hoverd [~~several illegible words~~]{from on High} And Lightnings Darts{ed} [~~several illegible words~~]{from the Fiery Sky} No gentle Zephyr flutterd on the Trees No waters bubbled to the Curling Breeze; In one short Hour the pla[~~illegible~~]{ci}d Scene was fled And Gloom and Darkness oer all Nature spread. Laura[36] Græme Park October th15 1768 [*in lower margin*:] {[~~two illegible lines~~]}

AD (PPL)

[1] Elizabeth Græme (1737–1801) was a poet and writer. Her father, Dr. Thomas Græme (1688–1772), was a Scottish-born physician who also served as naval officer of the Port of Philadelphia.

[2] Græme married Henry Hugh Fergusson (1748–1819), a Scotsman, in 1772. During the Revolutionary War, Henry became a Loyalist and evacuated to London in 1778, but Elizabeth remained in Philadelphia. In 1778, the Pennsylvania government confiscated Græme Park as Loyalist property, but Elizabeth regained it in 1781. The nephew is John Young (1757–1794), son of Elizabeth's sister Mary Jane Græme and James Young.

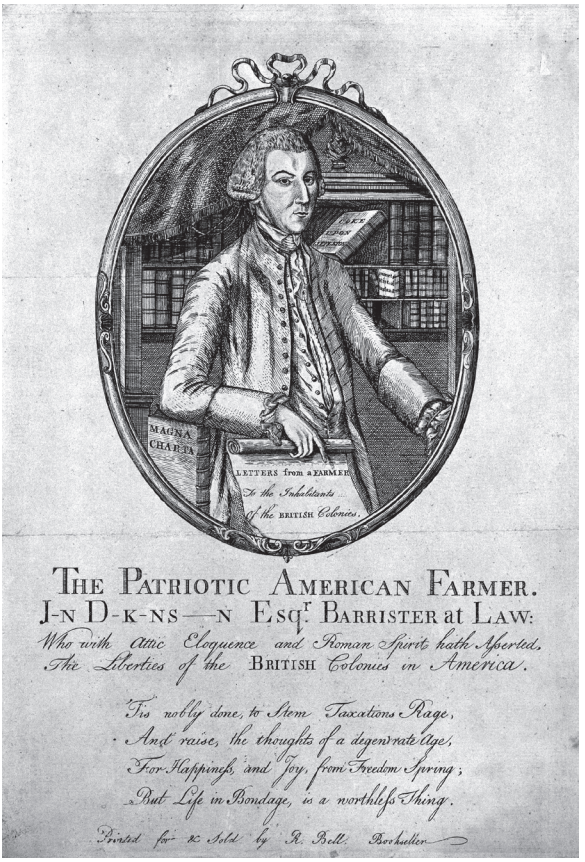
[3] Elizabeth Græme Fergusson to JD, Oct. 15, 1772 (PPL-JDP).

[4] That is, the moon.

[5] Morpheus was the Greek god of dreams.
[6] The X in the left margin preceding this line has no corresponding note.
[7] A reference to the parting of the Red Sea in Exod. 14:21–22.
[8] Albion: "Originally: the island of Britain. Later: the nation of Britain or England, often with reference to past times, or to a romanticized concept of the nation" (*OED*).
[9] William Penn received a royal charter for Pennsylvania in 1681 and arrived in the colony in 1682.
[10] That is, Thomas Penn and Richard Penn, Sr. See doc. 4:6, n. 3, above.
[11] Græme notes the passage of each one hundred lines with a number in the right margin. This line is marked "100." Because subsequent lines are numbered incorrectly, we have omitted references to them. The poem has 698 lines, not counting the signature.
[12] Likely a reference to the Royal Exchange. See doc. 4:40, n. 4, above.
[13] Matt. 10:29–31.
[14] Ophir gold: "Fine gold from Ophir, which in Old Testament times was exported to Judah" (*OED*).
[15] Lest: An obsolete form of "least" (*OED*).
[16] A reference to the ancient Greek myth of a primeval "golden age," when humans lived in peace without suffering or sorrow. See Hes. *Op.*
[17] Gen. 13, 18–19.
[18] That is, Cæsar Augustus.
[19] The *Georgics* is a long didact poem extolling the virtues of agriculture written by the ancient Roman poet Virgil around 29 BC. An English translation by John Dryden was widely available. See doc. 4:115, n. 2, above.
[20] Ilion (Ilium) is an ancient name for the city of Troy. Virgil's *Æneid* follows the adventures of Æneas, who flees Troy and founds Rome.
[21] That is, Virgil, who was born near the city of Mantua in northern Italy.
[22] Dido was a queen of Carthage in Virgil's *Æneid.* She commits suicide after Æneas chooses to leave rather than become her lover.
[23] In ancient Greek mythology, Arachne was a woman who challenged the goddess Athena to a weaving contest. Envious of Arachne's skill, Athena transformed her into a spider. Ov. *Met*. 6.
[24] A reference to the description of the beaver in Noël-Antoine Pluche, *Spectacle de la Nature: Or Nature Display'd. Being Discourses on Such Particulars of Natural History as Were Thought Most Proper to Excite the Curiosity, and Form the Minds of Youth* . . . , trans. Samuel Humphreys, 4th ed. (London: J. and J. Pemberton et al., 1739), 215–21. This English translation had gone through ten editions by 1763.
[25] Train: "Training; education" (*OE*D).
[26] Græme likely meant "Strikes."
[27] Pope, "The Universal Prayer," in *Works*, 3:172.
[28] That is, Guinea.
[29] Train: "A set of attendant things, circumstances, or conditions; a series of consequences" (*OED*).
[30] James Thomson (1700–1748) was a Scots poet best known for *The Seasons*, a series of four long poems in blank verse published between 1726 and 1730.
[31] Joseph Addison (1672–1719) was an essayist, poet, playwright, and politician best known for the play *Cato. A Tragedy.*
[32] Proteus was a Greek god of the sea who could assume different shapes. He appears in Homer's *Iliad* and *Odyssey* and Virgil's *Georgics*.
[33] Train: "*figurative* (*poetic*): a set or class of people" (*OED*).
[34] Glebe: "The soil of the earth, regarded as the source of vegetable products; earth, land" (*OED*).
[35] There were two celebrated courtesans named Laïs. One, probably of Corinth, lived at the time of the Peloponnesian War; the other, probably of Hyccara in Sicily, lived later. See *A Dictionary of Greek and Roman Biography and Mythology*, ed. William Smith, 3 vols. (London: J. Murray, 1873), 2:712–13.
[36] "Laura" was Græme's poetic pseudonym.

148
James Smither, *The Patriotic American Farmer. J-n D-k-ns—n Esq^r. Barrister at Law* (Philadelphia: Robert Bell, [c. October 13–17], 1768)

This copperplate print by engraver James Smither (Smyther; 1741–1797) was the second of several depictions of JD.[1] It was offered for sale in Philadelphia by Robert Bell and in New York City by Bell and Robert McAlpine.[2] The price was one shilling for the print alone or five shillings for the print framed and glazed. Prints shipped from Philadelphia were also sold in Charles-Town, S.C., by Robert Wells.[3] Over the following decades, JD's likeness was captured in oil paintings, gold medals, wooden and wax sculptures, and enamel miniatures.[4] As late as the 1840s, a sculpture of JD holding a copy of the *Farmer's Letters* served as a ship's figurehead (see Appendix D).



PPL

[1] The earliest known depiction is a caricature in the pamphlet *Nosum Nosorum* (doc. 3:48). A woodcut engraving by Paul Revere appears in Nathaniel Ames, *An Astronomical Diary; or Almanack for the Year of Our Lord Christ 1772* . . . (Boston: E. Russell, 1771).
[2] *PC*, Oct. 12–17, 1768; *PG* and *PJ*, Oct. 20, 1768; *The New-York Gazette; and the Weekly Mercury*, Oct. 31 and Nov. 7, 1768.
[3] *The South-Carolina and American General Gazette*, Nov. 4–11, 1768.
[4] See, for example, "Portrait by Charles Willson Peale" (1770; PHi); "Portrait by Charles Willson Peale" (1782–83; PPIn); "Unsigned Portrait" (n.d.; PPL); [Henry Small], "A Gold Medal" [1770], *PG*, May 30, 1771; announcements of Mrs. Wells's wax figure of JD in *The Massachusetts Spy* (Boston), Sept. 5, 1771, and *The Censor* (Boston, Mass.; postscript), May 2, 1772; "Drawing by Pierre Eugène du Simitière" (1781; PHi); and "Enamel Miniature" (post-1781; private collection).

149
An American, Letter to Messieurs Edes and Gill, *The Boston-Gazette*, October 17, 1768

This "American" offers a rejoinder to the scathing assessment of the *Farmer's Letters* published in *The Critical Review* (doc. 4:118, above).

Messieurs EDES *&* GILL,
Please to insert the following.
Quid de quoque viro, dicas; sæpe videto.[1]
Be not hasty to condemn.

'TIS very easy to observe, that if there be any test of truth, it consists in the impotence of opposition. The vigour of genius, and the auxiliaries of learning, are commonly decisive of every contest; when reduced, to substitue [*sic*] in the room of conclusive arguments, personal abuse, and disingenuous invectives. These frivolous efforts, discover the malicious intention, without a formidable power of hurting. An author of this sort, is like a Snake deprived of its sting, who can only elate its Neck, and roll its threatning Eyes, with all the venom of malevolence. The critical reviewers, are a glaring instance to confirm my remark— Sensible of the force of the FARMER's reasoning, they oppose it, with a very few arguments of importance, and a torrent of calumny.

The two first sections of their criticism, are an elegant specimen of their peculiar talent. These Gentlemen, with a remarkable coolness, plunge into the sink of scurrility; to paint the colonists, as distinguished for their seditious temper, and shocking baseness; at the same time, that they impeach the goodness and integrity of Mr. Dickenson. The FARMER's letters are eminent for their spirit, force and precision; as no one will even dispute, except he is disordered by the effects of prejudice, or is unhappy with a delirious brain, and so far is the writer from proving the independency of the colonies, that he absolutely * denies it. The spirit of the letters is this, that Death is preferable to Slavery; and where is the Heart that does not beat a unison to the generous sentiment?

The impartial critics in their third and fourth sections, discover a peculiar modesty. The FARMER demonstrates, that the Parliament had not a right of suspending the legislation of New-York,[2] for a refusal of submission to an unconstitutional act;[3] not only of dangerous precedent, but possibly subversive of every American liberty. These honest reviewers assert, that this reasoning, can have no other design, than to prove that Great-Britain has not even a † coercive power over the colonies. I am heartily sorry, they have not discriminated between a particular inference, and a general reflection: And sincerely wish, it could be imputed to ignorance. Almost every sentiment in these letters, breathes a true *Spartan* respect, for Great-Britain, nor is there a single expression, which denies the Parliament a right of regulating our ‡ affairs; but only of taxing us without our consent.— Americans unanimously allow, the British Parliament, to be the supreme legislature of the kingdom, with limited influence. For my own part, I can only observe, that the soul must be truly diabolic, which delights to view the vices of any people thro' a microscope; and at the same time, strives to hide their virtue. If this be the case, much more then, ought any person to be universally condemned, who creates vices, in order to ruin a country.

In the second letter from the FARMER, there is a fine observation, that the colonies are as much dependent on Great-Britain, as a perfectly free People, can be on another. The reviewers suppose, that this is either nonsense in terms; or implies an independency of the Colonies. With due deference however, to their majesterial opinion, I can't help thinking, that the right of civil freedom, is to be either governed by laws of our own making, or to which, we have assented, as fit and reasonable: And this, as it strikes me, is, our situation, with respect to Great-Britain, and probably was Mr. Dickenson's meaning— Violent prejudices seem to have blinded the Eyes, of these infallible critics. The FARMER remarks, that if the Parliament, has a right, to tax our importations from England, for the purpose of levying money upon us only; she will have nothing to do, but to impose duties, on those articles, she prohibits us to manufacture—and then the tragedy of American Liberty, will be finished. This reasoning they think is very curious, as the letter writer all along admits, that the manufactures of glass and paper, are not prohibited in America.— Mr. Dickenson foretold a probable event, and not what had already happened.

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* See Let. 2.[4] † See Let. 2d.[5] ‡ See Let.[6]

Their next remark is an unfair misrepresentation, and quite derogatory, to the character of any Gentlemen. It is besides clearly evident, that the FARMER never speaks in general terms, but always has a direct reference to those acts only, which are tyrannic and oppressive.— The navigation act,[7] which they point at, for its severity, is entirely distinct in its nature, from an act, for the express design of collecting a revenue; and as any one may discern, is included in their right of

regulating our trade—a right, the strongest bond of connection between Great-Britain & the colonies, exclusive of reciprocal interest.

Does the throbbing breast burn with resentment—does the indignant tear, burst from the eye?—or rather, does not the smile of contempt, mark the prevailing passion; when sedate and powerful reasoning, is answered by false assertions; and when Mr. Dickenson and his countrymen, are loaded with all the base scurrility, that imaginations fruitful of scandal, cou'd invent? We however, have no great reason to wonder; for sordid interest is a very operative principle; and the Gentlemen, no doubt, have a particular reason for abusing us.

The critical reviewers conjecture, the sum is enormous, which Great-Britain has expended for the colonies. Allowing this a truth—Is there no treatment that ought to cancel the debt of gratitude?— Is the Ox obliged to the husbandman, who feeds it with the choicest delicacies, as preparatory to death?— Is the Mexican, meritorious of thanks, who indulges his prisoner in all the pleasures of luxury, to present him a nobler victim to the pagod?— Who can lift his eyes to Heaven and declare it?— Who can say, Americans are obliged to Great-Britain, if she determines to enslave them?

AN AMERICAN.

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[1] "*Quid de quoque viro et cui dicas, sæpe videto*": Lat. "Think often of what you say, and of whom, and to whom you say it" (Hor. *Epist*. 1.18.68).

[2] The New York Restraining Act of 1767.

[3] The Quartering Act of 1765.

[4] Doc. 4:20, above.

[5] Ibid.

[6] Likely doc. 4:23, above.

[7] The Navigation Act of 1696.

150
To [Thomas Penn], October 19, 1768

Thomas Penn's letter of May 12, 1769 (doc. 4:191, below) appears to be a reply to this note.

Honored Sir,

Soon after M^r^. Penn's[1] Arrival in this Province, I ~~took the Liberty of~~ address~~s~~{t}~~ing the~~ {a} Letter to him,[2] of which the inclosed is a Copy;[3] but the Person in whose Favor it was wrote, not succeeding, I rashly made a promise, that I would inform You of my Application— I am extremely sensible of the Impropriety of ~~performing~~ {observing} this Promise, as I had not any Right to expect M^r^. Penn's granting the Request made to him, and as I have a {most} sincere Esteem for him~~.~~{,} {{& not} ~~Nor do I entertain~~ the least Degree of {≠} [*in left margin*:] {≠ Resentment against any of the Gentlemen mentioned in the Letter—}} Th~~i~~{e}s{e} Consideration{s} have restraind Me so long from mentioning this ~~Thing~~ {Affair} to You; {X} [*in lower margin*:] {X but as I cannot ~~forbe~~ ~~avoid~~

forbear thinking Myself bound in Conscience by my Declarations, tho[ugh] hasty & unjustifiable, I have suffered a constant Uneasiness in my Mind, by not complying with it} ~~and nothing but the Uneasiness of my Mind suffers in being bound by so~~ {~~my Declaration tho[ugh]~~} ~~hasty & unjustifiable, could induce Me to trouble You at this Time~~

I therefore beg You will be pleased to pardon Me for the Trouble I presume to give You on this Occasion, which will really oblige, Sir,

Your most obed[ien]t Ser[van]t

Oct[obe]r 19th—1768

ALDft (PPL-JDP)

[1] John Penn (1729–1795), the eldest son of proprietor Richard Penn, Sr., arrived in Pennsylvania in 1763 to begin his term as lieutenant governor. He held office until 1771, when he returned to England. When his brother, Richard Penn, Jr. (c. 1735–1811), proved an unsatisfactory successor, John Penn resumed the lieutenant governorship, serving from 1773 to 1776.

[2] Letter not found.

[3] Enclosure not found.

151
From John Holt, October 19, 1768

New York 19th. Octo[ber] 1768

Sir,

I received yours[1] by Mr. Hicks[2] who does me the Favour of taking Charge of this (to deliver you) inclosing the Lease[3] between Mr Mecom[4] & my self. I sent his two Letters,[5] of which I advised you in my Last,[6] according as I then told you, by last Thursday's Stage, enclosed & directed to you, To the Care of Mr. Bradford[7] in Philadelphia, where the Stage man was to leave ~~the Letter~~ {it} for you; I hope you have before now received the Letter, as I conceive these Letters to be material, especially as one of them is an Acknowledgment of the Debt since he has been in Philadelphia. Tho' I confess I cannot conceive the Difficulty of recovering this, any more than any other Kind of a Debt—I mean from the Reason of the Case—for I am not acquainted with the Laws relating to Landlords & Tenants, which it is possible may limit the Right of Recovery to the place where the Debt was contracted— But I think such a Law would be unjust. Perhaps this Lease being not in the Common Form, may favour the Recovery more than if it was. I will write to Mr. Goddard[8] who I suppose would become Security for the Cost, if not I will try to get some other person tho' I am much a Stranger in Philadelphia I am

Sir

Your hum[b]l[e] Serv[an]t

John Holt

ALS (PHi-Logan)

[1] Letter not found.

[2] William Hicks.
[3] Enclosure not found.
[4] Probably Benjamin Mecom (b. 1732), a printer and nephew of Benjamin Franklin, who moved to Philadelphia in 1768. Later confined in Burlington, N.J., for mental illness, Mecom escaped custody in December 1776 and disappeared.
[5] Letters not found.
[6] Letter not found.
[7] Either William or Thomas Bradford.
[8] William Goddard.

152
From John Holt, October 21, 1768

New York Octo[ber] 21. 1768

Sir,

Since writing the inclosed I have r[ece]ived a Letter from M[r] Goddard[1] acquainting me that Mecom[2] is now out of Business—and as I believe he has nothing but a few Family necessaries, I am doubtful that my arresting him would only further distress his Family without helping me to my money {and} ~~I doubt~~ therefore I believe it would [*sic*] useless to arrest him. But if you will do me the Favour to take [his] Bond for the Balance you will much oblige me. And as I give you a discretionary power to Sue him or not, I imagine you will have no Difficulty in getting him to give a Bond for the Balance— I also leave the Time when it Shall be payable, to you; and also the allowance of any little matter in the Account, which he may have {against} me or w[hi]ch I have omitted to give him Cr[edit] for; tho' I do b[eli]eve I have given him full Cr[edit] I am

Sir[3]
Your most hum[b]l[e] Serv[an]t
John Holt

ALS (PHi-Logan)

[1] William Goddard.
[2] Benjamin Mecom.
[3] Addressed: "To / John Dickinson Esq[r]. / Philadelphia / [per] Favour of / W[illia]m Hicks Esq."

153
Scrutator, "To the Printer of *The Craftsman*," *The Boston Post-Boy*, October 24, 1768

From the CRAFTSMAN,[1] August 6. 1768.

To the PRINTER.

IN the advertisement prefixed by the British editor to the Pensylvanian Farmer's insedious [*sic*] epistles, a hope is expressed, that "Great Britain will never be so

angry with her colonies as to *strike* them: but that if she should ever think it *may be* necessary, she will at least let the *word* go before the *blow*, and REASON with them."[2]

The letters themselves breathe *professedly* the same spirit of candour and moderation: they seemed worthy of an answer, if an answer could be given to them; and not having observed that any abler pen had hitherto advanced into the field of argument, mine, unworthy as it may be undertook the task of examination.

This task, it was my purpose, as I declared in my former letter,[3] to go regularly through with; to follow the Farmer fairly, letter for letter, with the perspectives of reason and constitutional truth, and to examine with candour the justice of his claim for American exemption from every possible mode of British taxation.

But the mask of calmness has at length been thrown off: cool discussion, at least at Boston, seems now to be given up:[4] I own I looked for the moment, but did not think it would arrive so soon; the *ultima ratio*[5] is appealed to by the American populace; and to such as use that harsh mode of reasoning, no other can ever be successfully applied. Dean Swift[6] had declared that he never would attempt to argue with a troop of dragoons that were come to plunder his house;[7] neither shall I be so rediculous [*sic*] as to point such vain artillery against an outrageous mob, who bid defiance to law, and violently trample upon the vitals of civil government.

There are, indeed, I still doubt not, even in our most refractory colonies many prudent, sober, and sensibly patriotic men, who abhor riotus licentiousness, and wish, by fair argument, and canded [*sic*] disquisition, to have the supremacy of Great Britain, and the subordinate rights of their compatriots, precisely ascertained. Such are many of the members of the General Assemblies, men of wisdom, men of probity, who act not from narrow, private, sinistere views, whether of envious avarice, or factious ambition, but include the welfare of the colonies in the health and prosperity of the whole British empire. Such are, it should seem, a majority of the representatives even of the province of the Massachusetts Bay; for it is certain that advantage was taken of a *thin House*, at the close of a session, when several of the most respectable of the members had retired from Boston to their country seats, to carry a late lawless and inflammatory measure, calculated to serve the purposes of faction and sedition, and which had been previously proposed in FULL ASSEMBLY, and rejected.[8]

But what avails it (for the present) that there are men in the colonies, and those the most considerable both for property and understanding, who, reasonable in themselves, would gladly listen to reason, who are open to conviction, and suspend their final judgment till the point is fairly decided? What avails it, I say, though such men should compose a majority in the Assemblies, if their turbulent brethren take the lead, and not only erect the standard and sound the trumpet of sedition, but spirit up the rabble by their diabolical arts, to commit open hostilities against officers acting under the express and immediate sanction of that legislature whose supremacy the most audaciously and wickedly abandoned of them, has never yet once dared to deny?

If the people should not see their delusion ere it be too late; if their phrenzy

should so blind them as to prevent their detecting artifices of those men, who seek only to raise themselves by treading on their stiff necks, who, like Cataline[9] or Cromwel,[10] are driving them headlong to slavery, though FREEDOM FOR EVER, be the word of the day; the consequences, however dreadful, ruinous, and deplorable, will be on their own heads, and on those of their misleaders. And, indeed, it is to them alone, that the consequences *can* be fatal. Great Britain, as secure in the plenitude of her power, as in the justice of her cause, may laugh to scorn the impotence of a few factious demagogues, and a fantastical rabble; however, she must lament, with paternal tenderness, the cruel necessity that forces her to point her thunders against the children of her best hopes.

God forbid, that rebellious obstinacy should provoke her to that extreme! but if tumult of itself subsides not, it must be compelled to subside. What is most to be lamented in popular insurrections, is, that the innocent too often suffer punishment with the guilty. I mean that not only the busy actors are punished, but those too who intend to be merely tame lookers-on. But are such idle spectators in reality *quite* innocent? Is it not the duty of every good member of community to aid the execution of the laws of his country? Does he merit compassion, should he chance to suffer in the quarrel, who, like Atticus,[11] stands neuter, while the constitution is at stake? Does he deserve, in any sort, the protection of government, who will not stretch out a finger to stop the progress of anarchy?—an evil so intollerable, as to be ever gladly exchanged for the worst species of tyranny it could be embraced to avoid. But *here* the contest is only for a legal establishment. In such case, whosoever is not actually *with* us, is virtually *against* us. The silent approbation, the indolent sufferance, the bare countenance of one man of reputable character, will more effectually feed the flame of popular tumult, than the acquisition of an actual reinforcement in arms. A man of consequence in his country can always raise followers, who will take his word for the goodness of the cause; but a million of armed rioters, however they might intimidate, could never make a hearty proselyte of any one such man. Now therefore is the time for the friends of constitutional government in America to distinguish themselves. If there really be, as I believe there are many, who are zealous friends to the collective system of power, whereby Great-Britain, as supreme, and her colonies as subordinate, may conjunctly flourish, and who view these flagitious riots and insurrections as pregnant with nothing but grief to the one, and destruction to the other, it will be their own fault (their *crime* I might call it) if they should unhappily be blended with the delinquents: it lies upon themselves to make the discrimination.

When the angry storms of tumults are over, and the serene season of argument returned, you may hear from me again, perhaps on this subject: but I could never yet find a syllogism that would silence a battery.

SCRUTATOR.

[1] *The Craftsman; or, Say's Weekly Journal* was a London newspaper.
[2] Doc. 4:79, above.
[3] Doc. 4:109, above.
[4] Likely a reference to reports of the "*Liberty* Affair" recently published in Great Britain. On June 10, 1768, a riot erupted in Boston after customs officials seized John Hancock's ship, *Liberty*, on suspicion of smuggling. See *The Public Advertiser* (London), July 29, 1768.
[5] *Ultima ratio*: Lat. "final sanction" (*OED*); in this case referring to the last resort to force.
[6] Rev. Jonathan Swift (1667–1745) was an Irish satirist, Anglican minister, and Tory polemicist best known for *Gulliver's Travels* (London: B. Motte, 1726). Swift served as the dean of St. Patrick's Cathedral in Dublin, earning him the sobriquet "Dean Swift."
[7] Swift's words are: "THERE are, My Lord, three Sorts of Persons with whom I am resolved never to dispute: A *High-way-man* with a Pistol at my Breast; A *Troop* of *Dragoons* who come to plunder my House; and a *Man of the Law* who can make a Merit of accusing me" (Swift, *Drapier's Letters*, 167).
[8] Referring to the Massachusetts circular letter, this language reflects Lord Hillsborough's characterization that "a thin House at the End of the Session should have presumed to revert to, and resolve upon, a Measure of so inflammatory a Nature" in his April 22, 1768, letter to Massachusetts Gov. Francis Bernard (*PFB*, 4:149–51, at 149). The Massachusetts Assembly challenged this characterization in its June 30, 1768, letter to Hillsborough and charged that Bernard had misrepresented the circumstances. See *JHRM* (1768–69), 99–104; and *The Boston-Gazette*, July 18, 1768.
[9] Lucius Sergius Catilina (c. 108–62 BC) was a 1st-century BC Roman senator who led a conspiracy to undo the power of the aristocratic Senate. According to Cicero, his real aim was to destroy the republic itself. Cicero's excoriating description made Cataline a synonym for selfishness, criminality, and treachery. See Sall. *Cat*.; Cic. *Cat*.
[10] Oliver Cromwell.
[11] Titus Pomponius Atticus (110–32 BC) was a wealthy Roman intellectual and a friend of Cicero. Although he often discussed civic affairs in his correspondence with Cicero, he refused to engage openly in politics, remaining strictly neutral in public controversies.

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From William Buchanan, October 26, 1768

Sir

Your favour of the 8th Ins[tan]t[1] I have Just Now Rec[eive]d and gladly wo[ul]d have waited on you at Philad[elphi]a to Consult a defence in my Action with Lowry & Others which you inform me are for Tryal at Lancaster Circuit the 14th of Next Month,[2] but I cannot possibly go Nor do I think it very Material, as the papers in your hands and what I herewith Send you will Shew you my principal defence which hope you [wil]l take the {trouble} of Carefully Considering and Send me your direction with the Orig[i]n[a]l {papers.} Relating to those matters by Some Safe hand to Lancaster. Sho[ul]d you not Attend that Court, But, if possible, I flatter my Self you will come up. I must & will Considder your Extra Trouble, they are matters of Consiquence, Nay will nearly Ruin me if I Sho[ul]d be unfortunate in the Tryals— My Only Motives for Removing those Actions to the Supream Court was in hopes of Bettering my Self in Council and Juries, the latter I loose by the Circuit Law[3] and if I am disapoin{ted} in the ~~latter~~ {former} the Removal will prove

unfortunate Not only as to the expences that have attended, but therby having ~~thereby~~ prolong[e]d the tryals to my very great disadvantage in Other Matters which I hope you [wil]l Consider—the Books of Acco[un]ts Said to be kept by Smallman for An Joint Acco[un]t gives Lowry & Leavy Trent & Co[mpan]y Credits for the goods they Sold Smallman, but those Books are open[e]d as Smallmans private Books at Pittsburg 1st Nov[embe]r 1761 and Continu[e]d on as Such Notwithstanding Our partnership with him did not comence ~~with him~~ till february 1762, & Sundry Articles of Levy Trent & Co[mpan]y's acco[un]t (now Claim[e]d of me) are ~~are~~ therein enter[e]d to their Credit before that time, [*in left margin, JD*:] <W. has Wests affid[avi]t / Books / Call for P[lainti]ffs Books> I beleve you have their Several Acco[un]ts Rend[ere]d Smallman from time to time as also Sundry Invoices of goods purchas[e]d by Smallman in his Own name with Some and as Two Copartnership articles of agreement between Smallman and Other persons—the Books above mention[e]d are in the hands of Mr. Benjamin Fuller[4] of Philadelphia who will not Only Submit them to your perusall but will I hope on your Shewing him this take the trouble of Sending them by Some Carefull waggoner to Lancaster Sho[ul]d you think them Necessary at (please over) tryal; Inclos[e]d[5] you have a Copy of the Copartnership Article between Smallman & Buchanan & Hughes[6]—the Invoice by Lowry deliv[ere]d to Smallman with the goods he now prosicutes for & which is in his Own hand writing, is headed as follows vizt Oct[obe]r 15th 1762. Thomas Smallman Bought of Alex[ande]r Lowrey &ca., to the am[oun]t of £674,,11,,6 w{h}ich Invoice I have— I am inform[e]d of a person in Lancaster County who was present when Lowry Rec[eive]d his first intelligence of the Indian war[7] in may 1763 who Says that Lowry (On hearing that Smallman was taken prisoner) Clapt his hands in one of which to hold a Tobacco box and Cryd Out with great Emotion, <u>if Smallman is taken</u> <u>I am not</u> <u>worth</u> <u>that Box</u>, from which expression I conclude he had not then taken it into his head to charge Buchanan & Hughes with Smallmans debt, if you think this Evidence Necessary Mr. James Smith[8] Att[orne]y at Law at York Town {on Advice from you} will take care not Only to have him Sup[oe]na[e]d, but will do any Other matter that you may direct with Regard to preparing for Tryal— thus D[ea]r Sir you have all my Materials of Defence which I hope you will not Only think Sufficient but that you will Argue that defence for me, which favour Shall be thankfully Acknowledg[e]d and greatfully Rewarded by

Sir

your very h[um]ble Serv[an]t

Wm Buchanan

Pipe Creek Fred[eric]k Co[un]ty

26th Oct[obe]r 1768

P.S: One thing [per]haps may be necessary to Inform you, is that although we never Conceal[e]d our Connections with Smallman We Never by any act {to my knowledge} publish[e]d a partnership Or adapted any Affirm whereby to transact

the business of the concearn, as we look[e]d upon it that each was to Act their part on their Respective Credit.

ALS (PHi-Logan)

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[1] Letter not found.

[2] In the case of *Lowrey v. Buchanan*, decided Nov. 16, 1768, in Lancaster Co., Pa., the jury awarded Lowrey £1010.14.4 in damages and costs. In the case of *Levi et al. v. Buchanan*, decided Nov. 17, JD and cocounsel Joseph Galloway agreed to a judgment for the plaintiff of £214.6.0 in damages and costs, to be entered on April 10, 1769. See *Supream Court Docquet for September Term 1768*, 37, Appearance and Continuance Dockets, Supreme Court of Pennsylvania, PHarH-Ar.

[3] See doc 4:14, n. 4, above. Buchanan presumably preferred a jury of Philadelphia residents to one from Lancaster Co.

[4] Benjamin Fuller (c. 1733–1799) was a Philadelphia merchant.

[5] Enclosure not found.

[6] Barnabas Hughes (d. 1765) was an Irish-born Lancaster Co. merchant who moved to Baltimore in 1761.

[7] A reference to Pontiac's War (1763–66).

[8] James Smith (c. 1713–1806) was an Irish-born land surveyor and attorney of York, Pa., who later represented Pennsylvania in the Continental Congress and signed the Declaration of Independence.

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Anonymous, Review of the *Farmer's Letters* in *The Political Register, and Impartial Review of New Books* (London), October 1768, 252–53

Letters from a farmer in Pennsylvania, to the inhabitants of the British colonies. 8*vo* 2*s*. Almon.

BOLD! and warm! perhaps in these servile days, it may be reckoned too bold and too warm. One would imagine that this author, Mr. Dickenson, had fired himself with the writings of the Roman, or of the Grecian orators, before he sat down to his desk, the some [*sic*] unquenchable love of liberty breathes throughout his letters; and we cannot help saying, it is well for him, that he does not live on this island, for here we are permitted only to *think*; we dare not *write*.

156
Excerpt from "Extract of a Letter from Pensacola, September 27, 1768," *The Pennsylvania Journal*, November 3, 1768

"It is a strange consideration, that crossing the Atlantic should make such a difference in the privileges of a free people— And that the government of the colonies and that of England should be so opposite under the same constitution, to make slaves of the one and freemen of the other. I would recommend it to you all, as the only expedient that can be fallen upon to save the honour of both, that you embark for England, and acquaint the King and Parliament, that as you find the sons of Great-Britain cannot live in America and enjoy their birthright, that you have

thought fit to return to your Mother Country, where it cannot be withheld from you; and that you have left the army in America to take off the goods and merchandize of the Mother Country, and that you are come to assist them in their manufactures. If I have digressed, you must lay it to account of the Pennsylvania Farmer, that very excellent performance of your Patriot Mr. D-------n."[1]

[1] Dickinson.

157
Advertisement for the Ship *Pennsylvania Farmer*, *The Pennsylvania Gazette*, November 17, 1768

The 90-ton ship advertised here was built in Pennsylvania and registered in Philadelphia by William Caldwell on November 29, 1768.[1] But it was not the only sailing vessel named for JD or his Farmer persona. Over the following years, others appeared, including the snow *Dickinson* (1770), the ship *Pennsylvania Farmer* (1772), the schooner *Pennsylvania Farmer* (1774), and a naval vessel built to defend Pennsylvania waterways called the *Dickinson* (1775).[2] That few ships bearing these names were registered in Philadelphia before 1768 suggests they were inspired by the *Farmer's Letters*.

For BELFAST,
The SHIP
Pennsylvania Farmer,
JAMES BLAIR, Master,[3]

IS a good Ship, and has excellent Accommodations for Passengers, the greatest Part of her Cargoe already engaged, and will sail with the first Flaxseed Vessels. For Freight or Passage, apply to WILLIAM and ANDREW CALDWELL,[4] GEORGE FULLERTON,[5] or the Master on board, at the South Side of Market-street Wharff.

[1] "Ship Registers for the Port of Philadelphia, 1726–1775 (Continued)," *PMHB* 28, no. 1 (1904): 84–100, at 99.

[2] "Ship Registers for the Port of Philadelphia, 1726–1775 (Continued)," *PMHB* 28, no. 2 (1904): 218–35, at 232; "Ship Registers for the Port of Philadelphia, 1726–1775 (Concluded)," *PMHB* 28, no. 4 (1904): 470–507, at 496.

[3] James Blair continued to captain the *Pennsylvania Farmer* until at least late 1769, sometime after which Robert Johnston became the ship's master.

[4] William (died c. 1772) and Andrew Caldwell (d. 1794) were Irish-born merchants who kept a store on Water St. The partnership ended in late 1770, but Andrew continued his involvement with the ship in a new partnership with Joseph Wilson (d. 1809), also an Irish-born merchant.

[5] George Fullerton (d. 1776) was an Irish-born merchant who had a store on Chestnut St. between Front St. and Second St.

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From Richard Henry Lee, November 26, 1768

Chantilly in Virginia Nov[embe]r 26th 1768

Sir,

That I might not be troublesome is the only reason that has hitherto pivented me from answering your agreeable favor of the 10th of August.[1] It is greatly to be lamented that any consideration could prevail with so potent and flourishing a people as those of Pennsylvania, to be silent, when the Liberty of America is thus dangerously invaded, when her sister Colonies are generously contending against oppression and an Union of the whole must infallibly establish the public freedom and security. To what purpose do her merchants toil her peoples labor for wealth, if Arbitrary Will, ~~i~~{u}n{in}fluenced by Reason, and urged by interest, shall reap the Harvest of their diligence and industry!— I wish these people may not discover when it is too late, that the blessings of Liberty flow not from timid and selfish policy— I do not observe that your [Assemb]ly have even expressed the least dislike to the late duty Act,[2] altho[ugh] all England now agrees {its} principal intention to be to establish a Precedent for American taxation by the British Parliament. Our long expected Governor at lengh arrived,[3] his lordship's good sense affability, and politeness give general pleasure, but ~~have~~ {how} far his political opinions agree with those of Virginia remains yet to be known. The late Asse~~li~~{mbly} is dissolved, and writs have issued for the choice of a new one, to meet, tis said, in May next[4]—at which meeting; he reported: we are to be imformed, that his Majesty having seen disapproves our objections to the late duty Act, is determined to support the authority of the British Parliam[en]t, and directs the Act of the 6th. of his reign (commonly called the Bill {of} Right)[5] to be laid before the Assembly. ~~I~~{Tis} supposed that the silence ~~of the house~~ of the House would on this occasion be highly acceptable to Government, but the propriety of being so, is a question much agitated here. Say the time serving Men As the Assembly have denied, and the King has asserted those rights, the matter ought to lie without their taking the least notice of it"— And this on a supposition that the principle admitted will never again be carried into execution.— On the other hand it is contended, that silence in this case, must by all the world be deemed a tacit giving up our Rights, and an acknowledgment that the British Parliament may at pleasure Tax the unrepresented Americans. That every kind of reason makes it probable destructive execution would soon follow so dangerous an admission. The facts it seems are these. On the late Stamp Act being known here' the Assembly asserted their right to exemption from British Taxes.[6] Since that, the Parliament by an Act declare the binding force of their Legislature over America in every instance{.} ~~whats~~ But this Act having never been laid before the

Assembly by Authority, and the Stamp Act being repealed, the Bill of Right passed off unnoticed. However the world soon saw an intention to avail themselves of this declared right by the passage of the ill judged duty bill To this act, the Assembly again object, and by petition entreat his Majesty's interposition for the security of their Rights against the principles of that act—[7] should a {new} Assembly be told that these objections were disapproved, that the Authority of Parliament must be supported, and the Bill of Right be laid before them by the highest Authority— How Sir must silence in this case be construed?— The reception of the Act will be regestered, but no objection will follow— The poison, unattended by its antidote, may be used for the destruction of the Body Politick— I confess I cannot readily go along with those who would derive our security from our submission— Is it reasonable to suppose that so sensible a people as the English, would disturb the peace of all North America, and endanger their most valuable trade here, for the poor purpose of ~~a~~{es}tablis{h}ing a princip[le] they never meant to execute! This it seems to me would be sottishness not wisdom— When opportunity Permits I should be extremely glad to know your sentiments on this inportant point for indeed I am never so wedded to any opinion but that I can re{a}dily yield to clear and superi[or] reason.

I am with very particular esteem Sir &c. &c.
Richard Henry Lee

LbC (PPAmP-RHLP)

[1] Doc. 4:127, above.
[2] The Revenue Act of 1767.
[3] Norborne Berkeley, fourth baron Botetourt (c. 1717–1770), arrived in Virginia to take his seat as governor on Oct. 25, 1768.
[4] In a proclamation dated Nov. 24, the governor declared that as there was "no urgent occasion" for the Virginia Assembly to meet as scheduled on Dec. 15, he "thought fit . . . to prorogue the said Assembly to the 2d *Monday* in *May* next" (*The Virginia Gazette* [Rind; Williamsburg], Nov. 24, 1768).
[5] The Declaratory Act of 1766.
[6] In May 1765 the House of Burgesses adopted the Virginia resolves, which stated Virginians were subject to taxation only from an assembly comprised of representatives they themselves elected (*JHB* [1761–65], 360). These resolutions were circulated and discussed in newspapers throughout the colonies. See *PG*, Oct. 10, 1765; and *The New-York Gazette*, Dec. 2, 1765.
[7] What is known as the Petition, Memorial, and Remonstrance of 1768. See *JHB* (1766–69), 165–71.

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Rusticus, *Liberty. A Poem* (Philadelphia: John Dunlap, [c. December 1], 1768)

The popularity of this poem, first advertised in *The Pennsylvania Gazette* on December 1, prompted three subsequent editions, one printed in Philadelphia in 1769 and two more in Charles-Town, S.C., in 1770.[1] It also inspired a satirical response by "Timothy Sobersides," published serially in *The Pennsylvania Chronicle* between February 27 and March 20, 1769, which mocked the florid style of "Rusticus" in verse and dismissed his concern for American liberty.

LIBERTY.
A
POEM.

By RUSTICUS.

Et majores vestros & posteros cogitate.[2]

PHILADELPHIA:
Printed by JOHN DUNLAP,[3] in *Market-Street*.
MDCCLXVIII.

TO THE
FARMER,
Author of those patriotic Letters on LIBERTY, *which lately appeared in the* Maryland Gazette.[4]

SIR,

WAS it possible to conceal under the simple Title of FARMER, a Production which will for ever redound to the immortal Honor of the Composer, the Author might have still remained unsuspected; but when all is advanced in Defence of LIBERTY that possibly can be urged, and that too in such striking and disinterested Colours as leave no Room to doubt the Force of Genuis, the distinguished *Patriot*, and the *zealous Friend*, we can no longer remain doubtful in respect to the Author. Urged by these Considerations, I have presumed, Sir, to dedicate to you the following Poem; and if it contains the least Merit, must do you the Justice to confess, the Perusal of your *Letters* furnished me with some of the best Thoughts contained in the Performance: I only mention this as a Discharge of my Duty, and should the following Composition be thought worthy your Notice in your leisure Moments, the most sanguine Expectations of the Author will be totally accomplished. I have the Honor to be, with great Respect, SIR,

Your most Obedient,
Humble Servant,
RUSTICUS.

LIBERTY.

TRUTH long asleep, awoke immers'd in Tears,
Deprest by Anguish, and portending Fears;
Prophetic Doubts alarm'd her throbbing Breast,
Encreas'd her Terror and destroy'd her Rest,
Exulting SLAV'RY rear'd its baneful Head,

And almost utter'd—LIBERTY is dead!
Yet while corroding Thoughts assail'd the Mind,
While fell INJUSTICE ravag'd unconfin'd,
While trembling LIBERTY, involv'd in Care,
Foresaw the *Yoke* her Sons would shortly wear;
While pleasing Hope itself was almost fled,
"And FREEDOM hung suspended by a Thread;"
Then, even then, to chear desponding Grief,
MINERVA thus administer'd Relief.
"Arise, ye *Colonists*, my Sons, arise,
The servile Threats of lawless Force despise.
To FREEDOM BORN your sacred Rights maintain,
Nor let *Compulsion* one slight Purpose gain.
Power, if at first it meets with no controul,
Creeps by Degrees and quick subdues the Whole.
Your Claim to FREEDOM is on *Virtue* built,
To gain that Point your Parents' Blood was spilt;
And will the Offspring of their worthy Race
Contaminate their Blood by foul Disgrace?
No, rather let Destruction swallow all,
'Tis Time to suffer when oblig'd to fall!
Tho' hostile Force should Devastation spread,
And every Field show Mountains of the Dead;
Tho' *Death* and *Carnage* should whole Cities sweep,
And crimson Streams deface the briny Deep;
E'en then, my Sons, undaunted rush to Death,
Nor part with FREEDOM till you part with Breath.
Mistaken Notions will mislead the Weak,
And *Truth*, at all Times, is ashamed to speak;
Yet when *Ambition*, and *oppressive Might*,
Presume to rob a Subject of his *Right*;
When the *Grand Charter*[5] groans beneath the Weight
Of all the machinating Wiles of State;
When *Mi--st-rs*[6] to feed insatiate Pride,
Their *Truth*, their *Country* and their K--G[7] misguide.
By *Reason* prompted (if you must obey)
Let *Truth* and FREEDOM only lead the Way,
"BRITANNIA like yourselves my Int'rest claim,
To serve ye both I from Olympia came;
Yet mark the Mandate of omniscient Jove,[8]
Prompted by *Justice* and the *warmest Love*,

Then thus, in short, the God his Will exprest,
While Anger laboured in his sacred Breast.
"Pallas,[9] my Daughter, thither bend your Way,
And tell the Colonists what here I say;
Tell them, tho' lock'd in Fate, the Thund'rer sees
Fair LIBERTY declining by Degrees,
Encroaching *Slavery* lurking round the Land,
And *Force despotic* stretching forth her Hand.
Injurious Acts should once the Subject bear,
Or tame Submission yield to groundless fear,
Tyrannic Measures, and *imperious Sway*,
Will force a thoughtless People to obey;
A Violation from superior Might,
Upon their *Laws*, their *Liberty* or *Right*,
Tho' for a while thro' *Policy*, and Art,
May gild the *Poison* and suspend the *smart*,
Tho' it at first may not its End attain,
Compliance loses all *Oppression's* Gain,
Each Step is nigher to complete its Aim,
And load the People with immortal Shame;
FREEDOM once lost is not retriev'd again,
The Wound is mortal, and acute the Pain;
By sly Gradations Injuries encrease,
Nor rush too sudden on the *Subject's* Peace;
Yet when the Burden they are forced to bear,
When forced to drag the galling Chain they wear;
When *Mi--st-rs* are glutted with *Success*,
And public Clamour echoes out—Redress;
The frantic People mad'ning at their State,
Exclaim in Rage—*Repentance* comes too late;
In vain Experience would this *Truth* conceal,
Some never think but *when compell'd* to *feel*.
True Greatness must from real *Virtue* rise,
An honest Action never wants Disguise.
Would *Mi--st-rs* while at the Helm be just,
And scorn for *Lucre* to betray their Trust;
Would such consult the *Int'rest* of the State,
And leave their own to undetermined Fate,
Then would each Subject over-raptur'd bring
His Mite to serve his *Country and his* KING;
Yet while ignoble Deeds meet no Disgrace,

And ev'ry *Knave* is huddled into Place;
While *Merit* bleeds beneath so vile a Plan,
And *Worth* is look'd upon no Part of Man,
Well may the Bliss of LIBERTY decay,
Since *Fools* and *Madmen* have a Right to sway.
Attempts once made if not that Moment check'd,
The Public suffers through its own Neglect;
When once *Obedience* as a Duty reigns,
Deluded People fasten on their Chains;
Indignant Customs from Compliance flow,
And ev'ry Day presents increasing Woe;
Divided Notions soon the Soul possess,
To prove a Scene of exquisite Distress;
Success attends the crafty Courtiers Toil,
And *Pride*, insatiate *Pride*, enjoys the Spoil.

"Tread then secure the Paths your Fathers trod,
The Road of *Justice* is the Road of GOD;
Fear not the Issue of illicit Might,
Heaven pleads the Cause of LIBERTY and RIGHT;
Assert your Claims, to *Truth* and *Virtue* trust,
Be to yourselves, your KING and COUNTRY just;
Capricious Fancies will the Courtier guide;
His Port *Preferment*, and his Pilot *Pride*;
Honor and *Honesty* neglected rot,
Those are the *Beggar*'s, not the *Statesman*'s Lot;
When *Self* is once concern'd, the restless Great
Deny their *Principles*, their *King* and *State*;
Ambition agitates, corrupts the Mind,
And *few* (if any) are to *Truth* confin'd.

"Let then no Reasons urge a thoughtless Deed,
Power never wants a *Reason* to succeed;
Despoil'd of *Freedom* should *Injustice* sway,
All then must truckle to the Word—*Obey*;
All sink to *Bondage* from a freeborn State,
And sweat beneath the heavy Yoke of Fate.

"*Nature* and *Truth* in this grand Point agree,
None can be happy but the Man that's FREE;
None can the Bliss of LIBERTY ensure,
But such who may their *Property* secure.
Taxes impos'd will always more or less
The Public's *Freedom* injure and oppress;

Should *Br-t--h Pa-l-m--ts*[10] usurp a Right,
Demand your *Money*, and your CHARTER flight;
All venal Acts reject with manly Scorn,
Convince you *know* ye were to *Freedom born*;
With honest Rage let every Bosom burn,
And from your Souls the latent Poison spurn.

"Yet some their are who guide the Helm of State,
Deserving, virtuous, sensible and great;
Some who would scorn from Honor's Path to swerve,
Who draw their *Virtues* from the Prince they serve;
But such, alas! are few—the Reason's plain,
None long as *Mi-n-st-rs* must good remain,
Corruption, *Art* and *Envy* spreads the Snare,
And Bribes on Bribes the fatal Bait prepare;
The Trap once laid, if Gold should not succeed,
'Twould be, ye *Gods!* a *Miracle* indeed.

"With modest Boldness make your Troubles known;
The Way is shortest to address the Throne;
To Jove, your CHARTER and your SOVEREIGN trust,
He may be tardy, but he will be just;
Of ev'ry noble Sentiment possest,
Injustice reigns not in his royal Breast,
Supremely good, compasionate and brave,
None more than he detests the Sound of *Slave*,
None more than he would feel unfeigned Joy,
Your Griefs to *soften*, and your Wrongs *destroy*.
Such is the Message from almighty Jove,
The Voice of REASON, LIBERTY and LOVE:
Yet e'er I seek yon distant azure Sky,
And far from you to blest Elysium fly,
Lest Tears for Errors past should not avail,
By Way of Application hear a Tale.

"A State once flourish'd ev'ry Blessing knew,
Its Joys were many, and its Troubles few;
No pungent Care the People's Peace destroy'd,
VIRTUE and LIBERTY they long enjoy'd,
Unknown to *Vice*, to *Slavery* or to *Shame*,
They slept in *Freedom* and awoke the same;
At length unworthy of so blest a Fate,
They sought the Favour of the faithless Great;
By Words delusive into *Folly* led,

Their Eyes were open when their Freedom fled;
Asham'd their Meanness and their Guilt to own,
The penetential *Slaves* address'd the Throne.
The Sovereign listened—pitied their Distress,
Vouchsafed to answer, but would not redress;
In Tears of Blood all then the Error wept,
They wak'd in *Bondage*, but in *Freedom* slept.
"Mark then, my Sons, the certain Fate of such
Who think too little and believe too much.
From their Example let this Maxim rise,
Some may too late, but none too soon be wise."
She ceas'd—and cleaving thro' the ambient Air,
Dividing Clouds receiv'd the blue eyed Fair;
All streak'd in Gold in azure Vest array'd,
The opening Sky enshrin'd the heavenly Maid,
Harmonious Music as she took her Flight,
Hung on the Ear, and ravish'd with Delight.
Minerva gone, attentive Crowds disperse,
Her Counsels honor, and her Words rehearse;
With Aspect modest, and Deportment meek,
The grateful Throng the holy Temple seek;
To Jove in fervent Prayer the People join,
And thus address the sacred Power divine.
"*Father* of all, inimitably bright,
Clad with the Glories of refulgent Light,
Thou from whom ev'ry Consolation springs,
Pure, *holy*, *just*, *immortal King* of *Kings*,
Vouchsafe while now before thy Shrine we bend,
To hear thy Suppliants and their Laws defend,
By thee protected ev'ry Care shall cease,
And all once more enjoy the Sweets of *Peace*."
They ceas'd—when lo! COLUMBUS,[11] once the brave,
Brake thro' the gloomy Confines of the Grave;
To all the trembling Host (thro' Fear dismay'd)
Thus spake the godlike *venerable Shade*.
"Wail not, my Sons, from yonder peaceful Tomb,
Your Wrongs to mitigate, a Friend I come;
Some Fifty Years in Silence have I slept,[12]
Nor should have woke, had LIBERTY not wept;
But ah! when Frauds your precious *Freedom* shook,
And Villains were for honest Men mistook;

When all was sacrificed to *Int'rest's* Sake,
'Twas Time, ye *Colonists*, the dead should wake;
'Twas Time, when cunning plann'd your Overthrow,
Yourselves to rouze, and stop the mortal Blow.
But lest ye wonder how I quit my State,
And stir one Space beyond the Verge of Fate;
Unterrified with due Attention hear
The artless dictates of a *Soul sincere*.
"As *Gr-nv-lle*[13] late by servile Art assay'd
Your *Rights* to wound, and *Freedom* to invade;
While he the Foe of Virtue and her Cause,
Prepar'd the Poison to infect your Laws,
To climes unknown the Fatal Rumour spread,
And reach'd too soon the Mansions of the Dead;
Your Fathers restless in the silent Grave,
A Council called your LIBERTY to save;
With Horror saw the black ignoble Deed,
And shuddered lest *Injustice* should succeed;
Among the Rest thus summon'd to attend,
Myself, your *Founder*, went, your *Chief* and *Friend*;
From just Conclusions your Pretensions weigh'd,
Your Troubles felt, and flew to lend you Aid;
Yet hear me on—while *Gr-nv-lle* laid that Plan,
Unworthy both the Minister and Man;
While he and others bullied for the State,
And *Stamps* were sent the *Harbingers* of Fate;
Then venal B-RN--D,[14] ever insincere,
Perform'd the Functions of a *Gr-nv-lle* here,
With open Zeal espous'd your injured Cause,
Yet work'd in secret to subvert your Laws;
But *Heaven* who ev'ry secret Action knows,
Confus'd the plotting of your artful Foes;
Your Troubles eas'd when most deprest by dread,
And stop'd Perdition bursting o'er your Head.
On *Care* and *Union* your *Success* depends,
On *Negligence* and *Strife*, *Distress* attends;
Let not *Divisions* damp the gen'rous Flame,
But *all* and *one* demand your legal Claim;
Unalter'd let your LIBERTIES remain,
They want not mending which are *just* and *plain*;
Oh! happy People, blest with Men of Parts,

Endowed with Wisdom, and unfeigned Hearts,
How my Soul gladdens at thy present State,
Not long ago the Mark of envious Fate;
Heavens! how exulting Raptures fill my Breast,
Too long unknown to all the Joys of Rest.
"Methinks I view when all seem'd lost indeed!
Virtue and *Heaven* for gasping *Freedom* plead;
SHARPE, like the Pylian Sage[15] in Knowledge skill'd,
Concern'd—the discontented Land beheld,
In Silence sat, and tho' to speak was loath,
His *Duty* knew, and prov'd a Friend to *both*;[16]
Nor did Heaven's Goodness in this Instance end,
It rose the PATRIOT, COUNSELLOR and FRIEND:
Considerations on your sinking Laws,
Shone like a Meteor o'er your trembling Cause;
There *Reason* pointed out with *Judgment* fraught,
What you *ought not to do*, and what you *ought*;
Law, *Truth*, and *Justice*, *Liberty* and *Right*,
The able *Penman* brought to perfect light,
Convey'd this Truth which laugh'd your Foes to scorn,
Ye are the *Sons*, not *Slaves* of *Briton* born.
Had I but Time his Character to scan,
Or tell but half the Virtues of this *Man*;
Could I, my Sons, his just Deserts proclaim,
Or speak that *Worth* that soars above his Fame,
E'en growling *Envy*, Foe to fair *Renown*,
With ev'ry Virtue would the Author crown.
Another too amidst the Storms of Fate,
Foresaw the Troubles of a falling State,
With Force energic cheer'd the drooping Mind,
And *Truth* came mended from his Pen refin'd,
With patriot Zeal your LIBERTY explain'd,
Rever'd your CHARTER, and your *Rights* maintain'd,
With splendid Brightness, like the spotless Sun,
Burst thro' the FARMER and with Lustre shone;
Each Line, each Word, soon reach'd the feeling Breast,
The Man was valued, honor'd and carest.
"Yet one Thing more, for short is now my Stay,
The Gods have summon'd and I must obey.
With *Resolution* still your Plan pursue,
Support the glorious NUMBER NINETY-TWO;[17]

On that the *Basis* of your Bliss depends,
On that the *Safety* of your *Lives* and *Friends*;
Fresh Schemes are laying to disturb your *Peace*,
Your *Rights* to wound, and *Injuries* encrease;
Yet ev'ry Measure, ev'ry Act *defy*,
They nobly *fall* who for their *Freedom* die,
Bribes, *Threats*, and *Promises* will all employ,
To stain your *Virtue*, and your *Truth* decoy;
Yet thus in brief—Be *resolute* and *true*,
And safely trust to NUMBER NINETY-TWO."

He spake, when sudden all the *Temple* shook,
As thro' the Isle his Flight the *Vision* took;
Swift as the forked Lightning flies around,
The *Phantom* tripp'd the Surface of the Ground;
Enclos'd in Rays divinely pure and bright,
The manly *Fabrick* fled from human Sight.

The gazing Strands with Admiration fraught,
To LIBERTY alone devote each Thought;
With grateful *Joy* the sacred Words retain,
Resolve their *Rights* and CHARTER to maintain,
Like *Cato*'s Sons[18] heroicly agree,
To lose their *Lives* before their LIBERTY.

FINIS.

Evans, No. 11061

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[1] Evans, Nos. 11323, 11844, and 11845.

[2] In the Philadelphia reprint, this appears in English: "*Think on your Ancestors and consult the Interest of your Posterity*" (Tac. *Agr*. 32.4). JD quotes the same line in doc. 4:38, above.

[3] John Dunlap (1747–1812) took over a Philadelphia printing office from his uncle William Dunlap in early 1768 and later founded *The Pennsylvania Packet*.

[4] The first letter appeared on the front page of *The Maryland Gazette* (Annapolis) of Dec. 17, 1767. The remaining letters were printed in succession on the front pages of each issue between Dec. 31, 1767, and March 10, 1768.

[5] Magna Carta.

[6] Ministers.

[7] King.

[8] Jove: "A poetical equivalent of *Jupiter*, name of the highest deity of the ancient Romans" (*OED*).

[9] An epithet of Athena.

[10] British Parliaments.

[11] Christopher Columbus (1451–1506) was an Italian sailor whose voyage across the Atlantic in 1492 marked the start of European colonization in the Americas.

[12] Possibly a reference to the period since the ascension of George I in 1714 and the defeat of the Jacobite Rising of 1715. Prior to the death of Anne, many feared that her Catholic half brother, James Francis Edward Stuart, would seize the throne, but the Hanoverian succession ensured continued Protestant rule and a dismissal of Tory ministers in favor of Whigs.

[13] Grenville.
[14] Bernard.
[15] Nestor is king of Pylos in Homer's *Iliad* and *Odyssey*.
[16] Horatio Sharpe had been dismissed from his post as lieutenant governor of Maryland in a letter from London dated July 20, 1768. See *Archives of Maryland: Correspondence of Governor Horatio Sharpe*, ed. William Hand Browne, vol. 3, *1761–1771* (Baltimore: Maryland Historical Society, 1895), 515–16.
[17] See headnote to doc. 4:123, above.
[18] A reference to Marcus and Portius, the twin sons of Cato the Younger, who serve as major characters in Joseph Addison's play *Cato. A Tragedy*.

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B., The Constitutionality of Customs Fees, *The Pennsylvania Gazette*, December 1, 1768

This article may have been inspired by the controversy regarding searchers and collectors described in doc. 4:172, below.

PHILADELPHIA, December 1.

THESE Colonies deny, that they can be legally taxed by Parliament, because they are not, and cannot be *represented* in it, and without their Consent, exprest by themselves, or their Representatives, Freemen cannot be rightfully taxed. I find that the *Farmer*, in a Note to his fourth Letter, quotes, in Support of this Doctrine, a famous Statute, passed in the 34th Year of *Edward* the First, called, Statutum de Tallagio non concedendo;[1] in which the King makes this Declaration—"No Tallage or Aid shall be set or levied by us, or our Heirs, in our Kingdom, without the Will and Assent of the Archbishops, Bishops, Earls, Barons, Knights, Burgesses, and the other Freemen of our Kingdom."[2]

In a Note to the tenth Letter, I observe this Quotation, from 2d Inst. p. 533—"Within this Act are all *new Offices* erected with *new* Fees, or *old Offices* with *new* Fees, for *that is a Tallage*, put upon the Subject, which cannot be done without *common Assent* in Parliament. And this doth notably appear, by a Petition in Parliament, in Anno 13 H. IV. where the Commons complain, that an Office was erected for Measurage of Cloths and Canvas, with a new Fee for the same, by Colour of the King's Letters Patents, and pray that these Letters Patents may be revoked, for that the King could erect no Offices with new Fees, to be taken of the People, who may not so be charged, but by Parliament."[3]

If the imposing and taking Fees, is a Taxation on the Subject, I think there is an Act of Parliament, of which no public Notice hath yet been taken on this Continent, that is as unconstitutional as the Stamp-Act, or the Act laying Duties on Glass, &c. I mean the 5th of Geo. III. Ch. 45, intituled, "An Act for more effectually securing and encouraging the Trade of his Majesty's American

Dominions, &c. *and for regulating the Fees of the Officers of the Customs in the said Dominions*."

In this Act it is provided, "That until such Time as the same shall be *otherwise* settled by *Authority of Parliament*, every Officer of the Customs shall receive such Fees as his Predecessor received; and in any Port, where the Officer has received no Fees, such Officer shall receive such Fees, as have been received by the like Officer at the next Port, &c. and every Comptroller shall receive for his Fees, a Sum equal to one third Part of the Fees received by the Collector, for the like Business," &c.[4]

As Vessels cannot be cleared, without Applications being made to the Officers of the Customs, it follows of Course, that if this Act of Parliament is allowed to be binding here, the Appliers *must* pay the Fees demanded by Virtue of it, and consequently are *taxed* so much *by Authority of Parliament*. If this is a constitutional Taxation, the Parliament may establish fifty Officers in every Port, with what Fees they shall judge proper, and by this SINGLE AUTHORITY, may distress us to what Degree they please.

I suppose the Reason why this Act has hitherto escaped Observation, is, that it has never been published in any Paper on this Continent: But I hope soon to see it added by our several Assemblies, to the Catalogue of American Grievances. B.

[1] See doc. 4:25, n. 16, above.
[2] 34 Edw. 1, stat. 4, c. 1 (1306). See 1 *SAL* 319.
[3] Doc. 4:38, above.
[4] This paragraph paraphrases the Customs Act of 1765. See 26 *SAL* 430–44, at 443–44.

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Bond to the Contributors to the Relief and Employment of the Poor in the City of Philadelphia, December 8, 1768

"An Act for the Better Employment, Relief and Support of the Poor . . . ," passed February 8, 1766, created an organization called Contributors to the Relief and Employment of the Poor in the City of Philadelphia. Members who contributed at least ten pounds elected a board that managed funds from donations, poor taxes, and other sources to build and run the Bettering House, a combined almshouse and workhouse. The managers were also to sell the property on which the old almshouse had stood to discharge the debt arising from the new building.[1] The sales were announced for December 8, 1767.[2]

Although JD was one of the contributors, it seems that this bond, in the hand of his clerk, John Macpherson, Jr., arose out of JD's purchase of one of the properties in the Old Almshouse Square.[3] According to a plan of that square, he owned a lot on the northwest corner of Third and Union (now DeLancey) Streets. The lot extended 100 feet north to Cyprus (Cypress) Alley and 124 feet west towards Fourth Street.[4]

Know all Men by these presents, that I John Dickinson of the City of Philadelphia Barrister at law am held and firmly bound unto The Contributors to the Relief and Employment of {the} Poor {in} the City of Philadelphia in the Sum of One thousand three hundred and ninety pounds lawful money of Pennsylvania to be paid to the sd{aid} Contributors their certain Attorney, Successors, or Assigns. To which payment well and truly to be made I bind myself my heirs, Executors, and Administrators, firmly by these presents. Sealed with my seal. Dated the eighth day of December in the year of our Lord One thousand seven hundred and sixty eight, and in the ninth year of the reign of our sovereign lord George the third by the grace of God King of Great-Britain, &c

The Condition of this obligation is such, that if the above bounden John Dickinson his heirs, Executors, Administrators, or any of them, shall and do well and truly pay, or cause to be paid, unto the above named Contributors their certain Attorney, Successors, or, Assigns, the just and full some of Six hundred and ninety five pounds lawful money as aforesaid, on the eighth day of December next {with lawful Interest for the same} without fraud or further delay, then the above obligation to be void, or else be and remain in full force and virtue.[5]

Sealed and **Delivered**

In the presence of us—
John Macpherson j^r^
Francis Johnston[6]

John Dickinson [*seal*]

DS (PHi-RRL)

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[1] 7 *SALP*, 9–17; Gary B. Nash, "Poverty and Poor Relief in Pre-Revolutionary Philadelphia," *WMQ* 33, no. 1 (1976): 3–30, at 12–16. In 1765, JD had worked on a draft of a similar bill that did not pass. See doc. 3:52.

[2] *PG*, Dec. 3, 1767.

[3] Robert J. Hunter, "The Activities of Members of the American Philosophical Society in the Early History of the Philadelphia Almshouse (The Philadelphia General Hospital)," *Proceedings of the American Philosophical Society* 71, no. 6 (1932): 308–19, at 310.

[4] Plan of Lots in the Alms House Square, Richardson Family Papers, DeWint.

[5] Two interest payments are recorded on the verso. The first payment of £21, dated Feb. 6, 1770, was attested to by Henry Drinker (1734–1809), a Quaker merchant of Philadelphia and treasurer of the House of Employment and Relief. A second payment of £20.14.0, dated March 12, 1770, was recorded in an unknown hand.

[6] Francis Johnston (1748–1815) of Chester Co., Pa., graduated from the College of Philadelphia in 1767. He was probably one of JD's clerks at this time. Johnston was later elected to the Pennsylvania provincial conventions in 1774 and 1775. He subsequently served as colonel of the 5th Pennsylvania Regiment and receiver general of Pennsylvania.

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Anonymous, "The Editor's Preface," in *Letters, from a Farmer in Pensylvania . . .* (Dublin: Joseph Sheppard, [c. December 15], 1768)

THE EDITOR'S[1]
PREFACE.

THE Farmer of *Pensylvania* has (in our Opinion) treated his Subject with that Loyalty and becoming Spirit, which distinguishes the Cause of Liberty from that of Licentiousness. In our happy Constitution, no Man can be properly said to be just to his Prince, without being just to the Rights of his Fellow-subjects; as on the other hand, he cannot be true to his Country, without being true to his King.

A very unfavourable Opinion of the People of *America* has, I know not how, crept abroad: And there are those in these Kingdoms, who rashly brand their Cause with the name of Rebellion; but methinks we, who are united under the same Head should be very cautious

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how we entertain illiberal Prejudices against our Fellow-subjects; and ought, before we pass our Censure upon them, to examine what their Rights are, and with what Justice they can complain that these Rights are invaded. This End will be best answered by a careful Perusal of the following Sheets; where the *Irish* Reader cannot fail to find many useful and very interesting Reflections. In short, if we are generally tender of the Reputation of an Individual, let us now be tender of the Reputation of a People: By neglecting the former, we may injure the Happiness of one, by neglecting the latter, we may *heedlessly conspire with an artful Minister to destroy the Hopes of* * *Millions*.

The Right of *Great-Britain* to tax *America*, is thoroughly examined in the following Letters. It has been already generously and, I might perhaps say, unanswerably opposed in the grand Council of that Nation.[2] Two noble Lords, the one distinguished for his Abilities as a Statesman,[3] the other for his Knowledge in the Laws,[4] and both for their powerful Eloquence, have bravely contended for the Liberty of *America*. Such exalted Characters, who possess so much feeling for the Rights of others, are a Blessing to a Nation: They preserve her from committing Injustice. He who supports the Rights of his own Country is an useful Citizen; but he who will go further and generously defend the Rights of others, is a

* The Inhabitants of the *British* Colonies are estimated at 3,000,000.

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virtuous one. By the Counsel and Conduct of *Themistocles*,[5] *Athens* flourished. He raised her to a greater Height of Glory and Reputation than any of his Predecessors: But his Ambition to augment her Power, drove him to Designs of the blackest Treachery against her Friends and Fellow-conquerors. The Probity and Prudence of *Aristides* were a necessary Check upon him.

But Justice, indeed, has ever been the peculiar Attribute of *Great-Britain*. Always watchful and jealous of her own Liberty, she regards, as sacred, the Liberty of others. That Freedom which she enjoys, in the most reasonable Extent, she has imparted to the remotest Corners of her Empire: Wisely judging, that nothing will render her Children so attentive to her Interest, and so affectionate to her Person, as the free Enjoyment of their Liberty and Property; which Rights, once confounded and destroyed, it might be pretty equal to them *who exercised the Despotism*.

"It is," says an * Author on Trade, "the Interest, and ought to be the Care, of such as are entrusted with the Administration of Government, to see that every Part of the *British* Empire *amply* enjoys the Advantages derived from the Laws, and *that glorious Freedom*, which is the Result of maintaining them in full Vigour."— "And as Obedience,"

* *Rolt*, in his Dictionary of Trade and Commerce, under the Head of *Great-Britain*.[6]

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says he a little farther, "is expected from the remotest Quarters as well as from those bordering upon the Center of Government, so they are intitled to the *same Protection and Encouragement*; which, *while they receive*, there is no Doubt but Affairs will continue in a flourishing Condition, and the Fears which many have entertained, that some of the distant Colonies may throw off their Obedience to their Mother Country, will disappear as visionary Shadows: For it is in the Body Politic as in the Natural Body; while the vital Parts are strong and sound, the Constitution will be every where brisk and lively, and the Effects of it perfectly felt to its very Extremities." These Words are remarkably strong and pertinent to the present Posture of Affairs; and I protest, when I add them to what has been said by other Authors on the same Subject, I am much startled at the present adopted Policy.

" * We have hitherto," says *Postlethwayt*, speaking of the *Americans*, "supplied them with a great Quantity of their Materials for wearing Apparel, Houshold Furniture, &c. but if they should establish these Manufactures among themselves, and encourage every Species of Artificers to settle among them, our Plantations may at length prove detrimental, instead of beneficial to these Kingdoms."

* *Postlethwayt*'s Dissertations on Commerce, Volume the 1st. Page the 104th.[7]

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Whether a more ingenious Way than has lately been taken, could possibly be devised, to bring about all that this Author so justly apprehends, I will leave to every body to determine.

We have already seen the spirited Colonists unanimously resolve to put a stop to *British* Importations. An armed Force, perhaps, may awe them to comply with strange Taxes; but we can hardly be persuaded that it will ever be able to dictate to them how they shall dispose of that Fund, which *Great Britain may think proper to leave them for their private Necessities*.

In fine, it were much to be wished by every true Lover of his King and Country, that if any rash Measures have been projected, they may be wisely and seasonably relinquished: That *America*, on her Part, may ever adhere to that dutiful Dependence, which, to do her Justice, she continues respectfully to acknowledge; and that *Great Britain*, on her's, may reassume her wonted Generosity and Good-nature; that, being united firmly with her *own Kindred*, she may have none to oppose, but *Foreign Enemies*.

[1] Some bibliographers have attributed this preface to Benjamin Franklin, but the editors of *The Papers of Benjamin Franklin* were skeptical enough not to include it in their edition. The choice of the editor to cite an Irish edition of Postlethwayt's *Britain's Commercial Interest Explained and Improved* (n. 7, below), rather than an English edition, suggests that the editor was a resident of Ireland.

[2] The British House of Lords.

[3] The Earl of Chatham.

[4] Lord Camden.

[5] Themistocles (c. 524–459 BC) was an Athenian politician and rival of his contemporary Aristides, who, like him, was ostracized and forced into exile. His efforts transformed Athens into a naval power and gave it the military ability to begin assembling an empire (*OCD*).

[6] Richard Rolt, *A New Dictionary of Trade and Commerce, Compiled from the Information of the Most Eminent Merchants, and from the Works of the Best Writers on Commercial Subjects, in All Languages* (London: T. Osborne et al., 1756). The entry is actually "Britain-Great."

[7] Malachy Postlethwayt, *Britain's Commercial Interest Explained and Improved; in a Series of Dissertations on Several Important Branches of Her Trade and Police: Containing a Candid Enquiry into the Secret Causes of the Present Misfortunes of the Nation* . . . , 2 vols. (Dublin: L. Flin, 1758), 1:104.

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Elutherius, Excerpt from a Letter "To the Committee for Conducting the Free-Press," *The Public Register: Or, Freeman's Journal* (Dublin), December 27, 1768

In this curious letter to the editors of Dublin's *Freeman's Journal*, "Elutherius"[1] suggests that the Farmer was a native of Ireland driven to emigrate to America by lack of support at home even though JD was widely known to be the author of the *Farmer's Letters* by late 1768. In the remainder of this letter, Elutherius declares himself "a Personage of vast Genius" who is "Poor in every Thing but Abilities." He asserts that because "Persons of Fortune are *all* so eminently

accomplished" those "Writers of inferior Circumstances must for ever remain undistinguished."

To the COMMITTEE for conducting the FREE-PRESS.[2]

GENTLEMEN,

THE Spirit you shew in all your Publications, leaves me no Room to doubt but that you will chearfully use your utmost Efforts to recommend to every Person of sound Understanding, and of *generous*, *free* Dispositions, that noble Collection of patriotic Sentiments, now published, *The Pennsylvanian Farmer's Letters*.[3]

For my Part, when I contemplate, with the most awful Veneration, every Line of that excellent Author's Performance; I cannot help feeling the most poignant Regret, that a Person of his exalted Talents; so devoted to the Cause of *Liberty*, and so admirably qualified to support it; should from Want of due Encouragement in his native Country, *Ireland*, (as most probably was the Case) be compelled to dedicate to the Woods and Wilds of *America* those shining Abilities, which at Home are so much wanting, and which, properly regarded, might have proved of *national Advantage*. . . .

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[1] Eleutherian: "The title of Zeus as protector of political freedom" (*OED*).

[2] The purported editorial committee for *The Public Register: Or, Freeman's Journal*.

[3] See Appendix B.

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S.J., "On New Year's Day," *The Pennsylvania Gazette*, January 5, 1769

Messieurs HALL and SELLERS,

GENTLEMEN,

If you have convenient Room in your next Week's Paper, and approve of the Inclosed, please to insert it.

Philadelphia, *Dec*. 31, 1768. *Your constant Reader*, S.J.

On NEW YEAR's DAY.

AT length imperial Sol, in lucid Car,
Compleats his Circuit round this earthly Globe;
And dark December cloaths the *parting* YEAR,
With icy Honours, and a silver Robe.
See! where *she* moves, with Polyanthus[1] crown'd,
With Step irresolute, reluctant, sad;
At her Approach fell Horror spreads the Ground,
And stately Oaks their verdant Foliage shed.
So, like some needy Delegate of Pow'r,
Who plunders boldly whom he should protect;
She strips the Earth of ev'ry blooming Flow'r,
And yields her Sceptre with a cold Respect.
See from her Back an ample Scroll descends,
A motly Record of her chequer'd Reign;
On which alone, fair HISTORY depends,
To form her Volume for the Sons of Men.
There shines THE MAN of patriotic Soul,[2]
Who three long Years hath stemm'd the Tide of Pow'r;
He pleads his Country's Rights; nor fears Controul
From haughty Statesmen—Creatures of an Hour!
Favour'd by Heav'n, to dissipate the Gloom
Which menac'd Ruin to this peaceful Land;
He strains each Sinew, at the Thought of Home,
And makes, in Freedom's Cause, a glorious Stand.
While thus, *abroad*, by arduous Labours prov'd
His Country's Friend! The Friend of human Race!
At Home, the FARMER pleads the Theme belov'd,
With nervous Reas'ning, Elegance and Grace.

Ah! how unlike *the Man* of sordid Mind,[3]
In whose dark Breast, his Country claims no Share;
No Thirst of Glory, Love of human Kind,
No glowing Sense of Honour harbours there.
Inflam'd by Avarice, and Lust of Pow'r,
He leaps the Bounds of Justice, and of Truth;
Help'd by some Dæmon, in an evil Hour,
His specious Tales beguil'd the ROYAL YOUTH.[4]
Hence this poor Country groans beneath the Weight
Of Fleets, of Armies, and a vulture Crew;
The rav'nous, mean Dependants of the State,
His Machinations shameful! on her drew.
Yet like the Palm, tho' loaded and opprest,
Her Verdure brightens, and her Branches rise!
Her temp'rate Firmness charms each Freeman's Breast,
And spreads her Glory to the *eastern* Skies.
See where in Arms, at FREEDOM's generous Call,
Her Sons beneath PAOLIAN Banners move![5]
While pale and trembling flies th' enroaching [*sic*] GAUL,
Before th' unequal Match, "MY COUNTRY's LOVE."[6]
Fir'd with the Sight, I cry'd, "Ye meagre Race!
Pour forth your Legions—Legions are in vain;
From Freedom's Vot'ries meet a sure Disgrace,
And leave your Numbers on th' ensanguin'd Plain."
But Reason checks my over heated Zeal,
And shews that Numbers may o'erpow'r the Brave;
The friendless Heroes must to Slav'ry kneel,
Or seek (a nobler Choice) th' untimely Grave.
Good Heav'n avert it! is poor Freedom fled
From every Monarch, to this lab'ring CHIEF?
Is all except the Name in ALBION dead!
That she advance not to their wish'd Relief.
But why to ALBION bend my longing Sight?
Since *she* does in th' injurious Cause engage;
Hath forg'd her Fetters, and invades her Right,
And tempts her Ruin, from her Children's Rage.
There was a Time, when BRITAIN's better Star,
Shed *Freedom's* Influence on remotest Lands;
AMERICA inhal'd the Ray from far—
The tawny Indian's rugged Breast expands.
O! may the *rising* YEAR, propitious, bring

These former Blessings, in her blooming Train!
Blessings more wish'd for than the Smiles of Spring,
Or, parch'd with Summer's Drought, the gentle Rain.
Then th' imperious, splendid Tool of State,
No more shall tyrannize; his Country's Dread![7]
But stoop reluctant, to a humbler Fate,
And in Oblivion, shroud his hated Head.
No more shall *Britons*, by vile Tales misled,
On Fellow-Subjects bind the gilded Chain;
Whose loyal Zeal shall strike Detraction dead,
And prove that Justice is the greatest Gain.
Then shall fair Virtue smile, with Brow serene,
Freedom and Virtue ever were ally'd;
No *Candidus* shall form for Vice a Screen,[8]
Since Vice disports on Pleasure's dimpled Tide.
But *Peace* and *Concord* shall descend from Heav'n,
And every Shade of Difference remove;
To ALBION Wealth, be thro' our Labours given,
And both unite in *Interest* and *Love*.

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[1] Polyanthus: "A cultivated primula, probably originally derived from hybrids between the cowslip, Primula veris, and the primrose, P. vulgaris (and later P. juliae), bearing flowers of many different colours, chiefly in umbels on scapes" (*OED*).

[2] Likely a reference to Benjamin Franklin, who testified against the Stamp Act of 1765 before the House of Commons in 1766.

[3] The Earl of Bute. See doc. 4:105, n. 16, above.

[4] That is, George III.

[5] Filippo Antonio Pasquale Paoli (1725–1807) was a Corsican patriot who led the establishment of a constitutional Corsican republic in 1755 and later led resistance to the French invasion of Corsica in 1768. The French invasion and Britain's subsequent inaction produced widespread indignation in Britain and the American colonies, especially after the publication of James Boswell's *An Account of Corsica* (London: E. and C. Dilly, 1768).

[6] Possibly quoting Charles Churchill, *The Conference: A Poem* (London: G. Kearsly, 1763), 12. Churchill (1732–1764) was an English poet, satirist, and ally of John Wilkes.

[7] Likely referring to Lord Bute. Though unfounded, rumors of his plotting continued to circulate for years. See Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, Mass.: Belknap Press of Harvard University Press, 1967), 122–23.

[8] This may be an allusion to the novel *Candide, ou l'Optimisme* by Voltaire (François-Marie Arouet; 1694–1778), translated by William Rider as *Candidus: Or, the Optimist* (London: J. Scott et al., 1759).

165
To Richard Henry Lee, January 16, 1769

Sir

I have the Pleasure of finding my sentiments agree entirely with those exprest

in your Favor of the 26th of November.[1] Claims so unreasonable in their Nature may be made on private persons, as to deserve to be past over in silence and Contempts~~,~~{.} ~~b~~{B}ut in Affairs of higher Dignity transacted between different states, or different orders in the same state, the Preservation of mutual Respect and the fatal tendency of precedents seem indispensably to require Objections at once firm and respectful to be made where the parties suppose they have a right and cause to object. I presume no "timeserving" Gentleman would chu[se] in case the declat{r}atory Act is laid before the House by Government, that their silence should be construed into contempt of the claim. As little, I imagine, would any good Colonist desire to have it attributed to Fear—the Validi[ty] of the declaratory act—or the Want of Virtue in the Assembly. Yet to one of these Causes, will the People of England, and to another of them, will the People of America, in all probability attribute it. Any Thing done by the Assembly, before the Parliamentary Declaration of the Right to bind us in all Cases whatever was formally notifed to them, will be regarded by Administration as waived, if that Declaration is submissively received. I am credibly informed, Lord Chatham has said, that in the Time of the stamp Act, he could well say, Great Britain could not constitutionally tax America, but that he would not say this, since the declaratory Act." It is said to be another Expression of that great Man, "that administration should on the present occasion pursue vigorous Measures with Moderation."[2] I apprehend, that by reversing his Lordship's maxim, we shall take the true Course for promoting our own Interests that is, "by pursuing moderate measures with Vigor." we are pushing a Vessel against a strong Stream, [*~~illegible~~*] over hasty zeal will infallibly hurt us; and on the other Hand, if we indolently intermit our Efforts for a moment, we shall be hurried down the Current. Virginia, Sir, has maintained the common cause with such attention, spirit, and temper, as has gained her the highest degree of reputation among the other Colonies.[3] It is in her power to dishearten them, as much as to encourage them. I suppose all that can be apprehended from the resentment of Government, is a dissolution. A Measure! that if the Ministers would but consider the reigns of the Steuarts,[4] they might be sure, would only strengthen the opposition to their designs. Weak Men! to imagine, that Mandates dictated by their passions can serve the Crown, or injure the cause of freedom, among those who value that blessing as they ought. The Kings speech[5] is thought here, a very extraordinary one. We perceive with grief, but without despondence, that the behaviour of his Majesties most faithful Subjects, has been grossly misrepresented to our excellen[t] Sovereign. The Ministry are desirous no doubt, that the Parliament should be as angry and imprudent as they have been. Our Assembly has sent some petitions, similar to those of the other Colonies.[6]

I am, Sir, with very great esteem &[c.]
John Dickinson

LbC (PPAmP-RHLP)

[1] Doc. 4:158, above.

[2] JD likely found this quotation in *The New-York Journal* (supplement), Sept. 24, 1768, reprinted in the *PC*, Sept. 19–26, 1768; *PG*, Sept. 29, 1768; and others, in an item dated Aug. 2,"that a detachment of the M—n—y [Ministry] were sent last week to consult the oracle at Hayes, about the measures proper to be taken with the North-Americans, at this critical juncture, and that they had received the following oracular answer: 'You must pursue VIGOROUS measures—with *moderation*.'" The Earl of Chatham resided at Hayes Place, about eleven miles southeast of central London.

[3] A reference to the Virginia resolves of 1765 and the Petition, Memorial, and Remonstrance of 1768. See doc. 4:158, nn. 6 and 7.

[4] That is, the House of Stuart. See doc. 4:116, n. 8, above.

[5] George III's speech of Nov. 8, 1768, was reprinted in the *PC*, Jan. 2–9, 1769: "I have since seen that spirit of faction, which I had hoped was well nigh extinguished, breaking out afresh in some of my colonies in North-America; and in one of them, proceeding even to acts of violence, and of resistance to the execution of the law; the capital town of which colony appears, by late advices, to be in a state of disobedience to all law and government; and has proceeded to measures subversive of the constitution, and attended with circumstances that manifest a disposition to throw off their dependence on Great-Britain."

[6] See *Pa. Votes* (1768), 128–32; and headnote to doc. 4:126, above.

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[William Knox], Excerpt from *The Controversy Between Great Britain and Her Colonies Reviewed* (London: John Almon, [c. January 24], 1769), 51–60

In this rebuttal of the claims of American colonists, William Knox (1732–1810), an Irish-born imperial official who had served as provost marshal of Georgia, seeks to undermine JD's contention that American colonists are exempt from taxation by Parliament, even as they remain bound by its legislative authority.

In the pages preceding this excerpt, Knox derides American colonial assemblies for rejecting parliamentary taxation and appealing to their rights and privileges as British subjects. He particularly targets Pennsylvania for its claim to act on behalf of the "*natural rights of mankind*," as articulated in the colony's set of "Resolutions on the Stamp Act" (doc. 3:81). JD played a major role in drafting those resolves (see docs. 3:78, 3:79, and 3:80) and may have been the original author of this phrase, though Knox does not directly connect the resolutions to the famous Pennsylvania Farmer. Scornfully rejecting a claim that would imply equal rights for "the native Indians in North America, the Hottentots at the Cape of Good Hope, the Tartars, Arabs, Cafres, and Groenlanders," Knox argues that the rights of Englishmen are particular and dependent on Parliament's authority within the British constitutional order.[1] Knox also explicitly rejects JD's distinction in the *Farmer's Letters* between duties imposed by Parliament to regulate trade and those imposed to raise revenue, mocking JD for endorsing heavy taxes—those intended to limit the importation of commodities—while rejecting light ones.[2]

In the sections following this excerpt, Knox insists that colonists have misunderstood the relationship between taxation and representation. He claims that while members of the House of Commons represent particular constituencies,

Parliament, that is, the Crown, House of Lords, and House of Commons together, serves as the representative of every subject of Great Britain. According to Knox, colonists must either submit to the constitutional authority of Parliament or renounce their allegiance to the British Empire.[3]

Following this pamphlet's publication in late January,[4] Knox's arguments received plaudits from champions of parliamentary authority in Great Britain, with one reviewer gloating that Knox had destroyed "the flimsy texture of all that Mr. Dickenson has advanced in his Farmer's Letters."[5] Champions of American rights, meanwhile, rejected them as unworthy of notice. See, for example, Arthur Lee's letter to JD of February 26, 1769 (doc. 4:176, below).

If the Farmer's Letters were indeed to be considered as mere speculative essays upon civil government, neither the justness or elegance of the composition, the knowledge of the subject handled, or the constitutional learning displayed in them, would give them much authority, or intitle them to the notice I have taken of them; but their purpose being to excite resentment in the Colonies against their parent country, and to push them on to a separation from her, tenderness for my deluded fellow-subjects engaged me to expose the fallacies and absurdities attempted to be imposed upon them for demonstrative truths; with the same view, I shall now select a few out of the many inconsistencies and self-contradictions of that writer. "If (says he in his first letter) the British parliament has a legal authority to order that we shall furnish *a single article* for the troops here, and to compel obedience to that order, they have the same right to order us to supply those troops with arms, cloaths, and every necessary; and to compel obedience to that order also: in short, *to lay any burdens they please upon us*.[6] Again, an act of parliament, *commanding us to do a certain thing*, if it has any validity, is *a tax upon us* for the expence that accrues in complying with it."[7] In another place in the same letter he says, "If Great Britain can order us *to come to her for necessaries we want*, and can order us to pay what taxes she pleases *before we take them away*, or when we land them here, we are as abject slaves as France and Poland can shew in wooden shoes and with uncombed hair."[8]

"Let us (says he in his twelfth letter) consider ourselves as men, freemen, christian-freemen, *separated from the rest of the world*, and firmly bound together by the same rights, interests, and dangers." "What (continues he) have these Colonies to ask while they continue free? or what have they to dread, but insidious attempts to subvert their freedom?[9] *They form one political body of which each colony is a member*."[10]

If we take the sense of these several passages together, we shall find that the exercise of sovereign authority over the Colonies is connected so intimately with the right of taxation, that the one cannot subsist without the other in any case

whatsoever. The impressing waggons or boats for the transportation of troops or their baggage; the quartering them even upon public houses; their trampling down a man's fences in their march, or encamping upon his grounds; their passage over ferries or toll-bridges—are all taxes, it seems; for in all these cases, *something* is furnished to the troops, or something is done by them, or something is commanded to be done for them, from whence *some expence will accrue to the people in the Colonies.* And if parliament has no right to require any of these things be done, without the consent of the Colonies, it can have no right to keep up any troops in the Colonies, or to march them through the country without their consent, which is repugnant to every idea of sovereignty on the one part, and of dependence on the other; besides, there can be neither restraints nor regulations of trade but what must fall within some of these descriptions of taxes. To oblige a planter to carry his products to a port of entry, when a vessel can take them in at his own landing-place, nay, to oblige a merchant to ship his goods from the customhouse-quay, when another wharf is more convenient to him, is to *command the planter and merchant to do certain things from whence expence will accrue*. The fees paid to the officers of the customs for entries and clearances, are also expences charged upon the Colonies, and consequently taxes. Confining the Colonies to purchase commodities or manufactures in Great Britain, when they could purchase them at a cheaper rate elsewhere, is taxing them in this way of reasoning; obliging the Colonies to sell their products in Great Britain, or to land them there before they carry them to another market, is likewise a tax upon them—for in all these cases, they are *commanded to do something from whence expence accrues*.

All the taxes which are paid by the people in England, inasmuch as they serve to raise the price of labour or materials, and thereby raise the price of manufactures, are all taxes upon the people of the Colonies, who are obliged to purchase those manufactures at our prices, and may not get them from other countries.

It would be endless to trace this doctrine of taxes through all its consequences. I have already gone far enough to shew, that upon Mr. Dickenson's principles, where they cannot be imposed, there can be neither restraints upon trade, nor exercise of sovereign authority; and that if Great Britain does not possess the right of taxing the Colonies, she has no right to exercise any jurisdiction over them; but that the Colonies are, as Mr. Dickenson says they are, of themselves, "a distinct community, or one political body of which each colony is a member, separated from the rest of the world,"[11] and especially from Great Britain. Yet notwithstanding, these are clearly the consequences which must follow from his premise; and that such are the consequences the Colonies mean should follow from them; yet Mr. Dickenson, not caring to discover the whole of their purpose so fully at present, in the beginning of his second letter, thus expresses himself: "The parliament unquestionably possess a *legal authority to regulate the trade of* Great Britain *and all her Colonies:* such an authority is essential to the relation between a mother country and her Colonies,

and necessary for the common good of all. He who considers these provinces, as *states distinct from the British Empire*, has very slender notions of justice, or of their interests: we *are but parts of a whole*, and therefore *there must exist a power somewhere to preside and preserve the connection in due order*; *this power is lodged in the parliament*."[12] Again, in the same letter, he says, "that we (the Colonies) may be legally bound, by act of parliament, *to pay any general duties* on these commodities, that is, paper and glass &c. relative to the regulation of trade, *is granted*."[13] How it comes to pass that these general duties *do not occasion an expence to the people who pay them*, Mr. Dickenson has not told us, or in what manner the parliament of Great Britain can exercise its *legal authority* to regulate the trade of the Colonies, and preside *over the whole*, *and preserve the connection in due order*, without a power of commanding the Colonies *to furnish a single article* for such part of the national forces, as it may, for these purposes, be thought fit to station among them; or what sort of regulations of trade parliament can devise, from the observance of which no expence will accrue to the Colonies, are matters which he has not thought proper to explain.

But these are not all the difficulties which occur in this extraordinary performance. The definition of a tax, says this writer, in his fourth letter, is, that it is an *imposition on the subject*, *for the* SOLE PURPOSE *of levying money*.[14] All taxes whatever, therefore, which are not imposed with *this sole purpose*, are no taxes at all; and neither the imposing or the levying the tax, can therefore be the grievance, but *the purpose for which it is granted*, or the use to which it is applied. But in his ninth letter, he changes his opinion; for, says he, "if money be raised upon us by others, without our consent, for our defence, those who are the judges in *levying it*, must also be the judges in *applying it*.[15] With what face can we dispute the fact, after having granted, that those who *apply* the money had a right *to levy it?*[16] Besides," he goes on, "*the right of levying is of infinitely more consequence than that of applying*."[17] The reference he makes to the practice in England, in order to elucidate his reasoning in this particular, is an equal proof of his knowledge of the constitution of this country, and of his qualifications as a critic upon its government. "The people of England, says he, who would burst out into fury, if the crown should attempt to levy money by its own authority, *have always assigned to the crown the application of money*."[18]

Perhaps all these seeming absurdities and contradictions would be reconciled or obviated, if we rightly understood the account he gives us in the first page of his first letter, of the connection between Great Britain and her Colonies; and it is a pity his learned editor has not given the public a dissertation upon that most ingenious and instructive passage. "We are," that is, the Colonies are, says he "as *much dependent* on Great Britain, as a *perfectly free* people can be on another."[19]

But the main objection, and on which all the other objections made by the Colonies against the right of parliament to impose taxes upon them, is founded,

remains to be examined. "They tell us, that it is the true principle of government, that no man should pay a tax to which he does not consent, either in his own person, or by his representatives chosen by him; that the Colonies are not represented in the British parliament, and therefore cannot be taxed by it."

This doctrine, that taxation and representation upon the true principles of government must go together, is so well calculated to captivate the multitude in this country, and so flattering to the Americans, as it intirely abrogates the authority of parliament to tax the Colonies; that it is not surprizing it has found partizans in Great Britain, and has been universally adopted in America, without much enquiry or examination into its foundation, in reason or fact.

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[1] Knox, *Controversy*, 11–15.
[2] Ibid., 35.
[3] Ibid., 62–70.
[4] The pamphlet's publication is announced in *The Gazetteer and New Daily Advertiser* (London), Jan. 24, 1769.
[5] *The Critical Review: Or, Annals of Literature* (London), January 1769, 49–52, at 51.
[6] Several lines of the original quote are omitted here.
[7] Doc. 4:18, above.
[8] This is in fact a quote from "Letter II," doc. 4:20, above.
[9] A sentence from the original quote is omitted here.
[10] Doc. 4:40, above.
[11] This seems to be a rephrasing of the previous quotation from doc. 4:40. See n. 10, above.
[12] Doc. 4:20.
[13] Ibid.
[14] Doc. 4:25, above.
[15] A sentence from the original quote is omitted here.
[16] A sentence from the original quote is omitted here.
[17] Doc. 4:36, above.
[18] Ibid.
[19] This is in fact a quote from "Letter II," doc. 4:20.

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From Sarah Dickinson, January 27, 1769

Loving Cousan

These Comes {to let You} know that I and My family is in Good health at present; Hoping these will find You in the same. And I have the Melancholy Account to Give You of the Death of My Father in Law,[1] Which was on the 18th. Day of this Instant Jenu[a]ry, and was buried the 20th. Withall I Must let You know that the Death of my Father in Law has left Me in A Most Deplorable Condition, As I have four small Children to support.[2] I have Negroes and other Conveniences, And with Gods Blessing I might shift[3] if I had any place to Till, therefore I Do Implore You in Your Wonted Goodness to Continue me in the Possession of the Plantation[4] for some reasonable time, untill I Can provide My self some other Way, to support

My Children and My Self; if I Am turned off the Plantation this Spring, I And My Children will be Almost ruined, if not Altogether. I Am Yours With Respect

Sarah Dickinson[5]

Jonses Neck
Jenu[a]ry 27th. 1769.

ALS (PHi-RRL)

[1] Walter Dickinson (d. 1769) was a cousin of JD's father, Samuel Dickinson.
[2] Sarah's children were named John, William, Elizabeth, and Anne.
[3] Shift: "To succeed, fare (well, badly, etc.); to prosper" (*OED*).
[4] JD had leased a plantation on St. Jones Neck, Kent Co., Del., to Walter Dickinson on May 9, 1763, at five shillings per year for the duration of Walter's life. See Kent Co., Del., Deed Book G-2, pp. 271–72, De-Ar.
[5] Sarah Dickinson was the widow of William Dickinson. She married Stephen Lewis in January 1770.

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From Jonathan Pleasanton, February 1, 1769

Sir,
I have ~~wrote~~ Informd you that you ~~you~~ have a Small Quantity of Land of Mine about Twelve or Forteen Acres of Cortneys Track[1] and I want {the} Line Settled as I may have my Note and if you or mr. Philliman[2] will Come Down and Settle the Line or Else Let howel[3] Settle it for you {I would be very Glad it will oblige me much—} it is out of all Disputes that it is my Property and Please to Send me answer Down by Mr. Buck what you in Tend for To Dow as I may know how To Perseed according to Law
From your friend and humble Sarv[an]t

Jonathan Pleasanton[4]

February [the] 1 1769[5]

ALS (PHi-Logan)

[1] Courtney's tract was a 50-acre plot on St. Jones Neck, Kent Co., Del., purchased by Samuel Dickinson from John Courtney in 1751 for £68 in Lower Counties currency. See Delaware Land Records, Deed Records, Vol. 1, Book N, fols. 115–115v, De-Ar.
[2] Philemon Dickinson.
[3] Probably William Howell (d. 1777), a yeoman of St. Jones Neck and tenant of JD and Philemon Dickinson. See Rebecca J. Siders and Pamela C. Edwards, *The Changing Landscape of the St. Jones Neck Under the Influence of the Dickinson Family, 1680–1850: An Exhibit Script* (Newark: University of Delaware College of Urban Affairs and Public Policy, 1994), 16–18.
[4] A Jonathan Pleasanton inherited land on St. Jones Neck in 1748 on the death of his father, also named Jonathan Pleasanton. He was later involved in a 1773 land dispute with JD over a tract of about 26 acres at "Marshy Swamp Branch or Cripple" in Jones Hundred, Kent Co. See Will of Jonathan Pleasanton, Oct. 8, 1748, Kent Co. Wills, Book I, p. 236, De-Ar; Indenture between Jonathan Pleasanton and JD, Nov. 13, 1773, Delaware Land Records, Deed Records, Vol. 1, Book V, fols. 128v–129, De-Ar;

and Deed Records, Vol. 1, Book V, fols. 129v–130, De-Ar. See also Mark McCall to JD, Feb. 8, 1773, and Samuel McCall to JD, Feb. 8, 1773 (PHi-Logan).
[5] Delivered "[per] favour of mr Buck."

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Excerpt from "Extract of a Letter, dated Nov. 18, 1768, from a Gentleman in London," *The Maryland Gazette* (Annapolis), February 2, 1769

This excerpt describes the response in the House of Commons to the king's speech of November 8, 1768, in which George III denounced Boston's "State of Disobedience to all Law and Government" and promised he would support "inducing a due Obedience to the Authority of the Legislature."[1]

Lord NORTH[2] declared . . . if O—s,[3] and some others of the Principal Persons, who had been active in inflaming the Minds of the People, were executed—that it would effectually prevent the like Attempts for the future—by intimidating others from their Example; that he should be always for tempering Justice with Mercy, but that there were Cases, (of which this was one) when Mercy would be criminal.— GRENVILLE was tedious.— He warmly insisted on the Right of Taxation—denied the Distinction between internal and external Taxes . . . cited the Farmer's Letters, and called them an impudent, seditious, infamous Libel.—

[1] *The London Gazette*, Nov. 8, 1768.
[2] Frederick North, known by his courtesy title, Lord North, was chancellor of the exchequer from 1767 to 1782 and prime minister from 1770 to 1782.
[3] Otis, referring to James Otis, Jr.

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N.P., "Letters in Answer to the Farmer's. Letter I," *The Boston Evening-Post*, February 6, 1769

This series of letters (this and docs. 4:173, 4:175, 4:177, 4:181, 4:182, 4:184, 4:185, 4:192, 4:194, 4:195, and 4:197, below), published in *The Boston Evening-Post* over the first half of 1769, is the most extensive refutation of JD's *Farmer's Letters*. "N.P." rejects the Farmer's distinction between Parliament's power to regulate trade within the empire and its power to tax, asserting that as the Crown, House of Commons, and House of Lords together constitute the supreme legislature of the British Empire, one cannot reject the authority of the King-in-Parliament without rejecting royal authority. He applies the same logic to judicial appointments, claiming that the king retains a constitutional right to name and maintain judges however he sees fit and dismisses arguments that colonial charters exempt Americans from new British laws. The colonial charters, N.P. insists, are no different from the corporate charters granted in Great Britain and provide no special exemptions. Finally,

he claims that, although Americans retain their natural allegiance to the monarch and the British Empire, they are unrepresented in Parliament by choice, having voluntarily emigrated beyond the reasonable bounds of representation. N.P.'s letters were reprinted only in New England,[1] where they occasioned a number of mostly critical responses (docs. 4:A85, 4:A88, 4:A89, 4:A90, and 4:A91, below). The author's identity is unknown, but the content of his letters suggests he was trained in the law.[2]

Messers FLEETS.[3]

As I am possessed of a Series of Letters from a Friend, which contain a compleat Answer to the Farmer*'s, I should take it kind if you would allow them an Appearance in your Paper.*

Yours, *&c*. L.P.

LETTER I.

Dear Sir,

YOUR Letter, which I have just received, found me under an anxiety of mind, which nothing but that spirit of friendship and vein of humour, which breath'd thro' it, could relieve. It dissipated the gloom attending my retirement, & made me, in imagination, one of the circle of *the chosen few;*—a vision pregnant with the truest delight. But why need you snatch me from my fancied bliss, by inviting me to walk in the science of politicks? Do you envy me the happiness of my retired life? If you do, and can make Horace's wish *feelingly* your own, *O Rus! quandoquidem te aspicio*,[4] come, I beseech you, and partake of it. Or do you think me good for nothing but to write?

> *—Or*, *to be grave*,
> *Have I no friend to serve*, *no soul to save?*
>
> POPE.[5]

You tell me, that "the Country has been deluded, and led almost into a state of rebellion by the magic of a tribunitian[6] author, who stiled himself a Farmer;" and that I should "render my country the most important service, by opening the eyes of a misguided people, and discovering to them the true objects of their interest."

To stem the tide of popularity, is a task, at all times, attended with difficulty and disgust.— But why do I mention these?— 'Tis your desire. Besides, a sense of my duty leads me into a compliance with your request.

This land, Sir, we are told, is a land of liberty. Impressed with that idea, I challenge the freedom of speaking my mind freely. This every one may do *Courtisie d' Angleterre*.[7] Nay, even to *cry aloud and spare not*,[8] has passed for good exhortation.

Whoever contradicts a prevailing humour, for the most part, draws upon himself the clamor of the multitude: His arguments are *condemned*, but not

examined. The voice of a modest & impartial enquirer is often drowned in the popular cry. Wild enthusiastic rant, disconnected and unintelligible declamation, which serve only to heat the mind without instructing it, pass upon the world for truth and solid reasoning. The extravagant and exuberant sallies of a political enthusiast, often cast a mist before mens judgments, and give them up to the mercy of unruly passions, and under frequent repetitions, rob them of the poor pittance of an hour to examine what they are doing. They are led into such gross idolatry, as to worship liberty without knowing what it is. Indecencies and incivilities pass current for wit, and performances are esteemed more eminently so, when pointed at the most respectable characters in government. Holding fast the reins of government, & curbing the turbulent spirit of a faction, is misconstrued into tyranny; and a conduct the freest from venality, most effectually procures the imputations of it. A respectful demeanor towards magistrates in general, and acquiescence in the lawful decrees of government, bear the name of slavish submission, while frenzey and inordinate heat arrogate to themselves the palm due only to sober and manly *rhetoric*.

Amidst all this hurly burly, you find me venturing upon a subject, which has already undergone the persecuting enquiry of a whole regiment of scriblers. The words *Taxation*, *Liberty*, *Property* & *Slavery*, have been put to the torture, and so profoundly defined, as to be left almost without any meaning at all. Every one that understands *Latin* and *Greek* enough to distract him, turns politician, and, about the full of the moon, grasps the pen, conquers the mother-country, & makes her a tributary province. What wonder is it that our lands are uncultivated, when the hands that ought to grub the bushes, are employed in fighting wind mills, and building air-castles?

The dispute between Great Britain and her colonies, has been treated, on the liberty side, in a very prolix manner. A writer who is fond of blending and mixing things together that ought to be considered apart, affords us the idea of a French cook, who seasons high to hide the fetid quality of the food, and who mixes meat of different kinds in such a manner, as that the nicest connoiseur in eating would be puzzeled to discover, whether the dish consists of fish or fowl.

In order to prove an absolute jurisdiction of the British parliament over the properties and persons of the Colonists, *in every respect*, it will be necessary to consider three things distinctly.

FIRST, Whether the British parliament can tax America in any respect whatever?

SECONDLY, If it can, whether it can be done in such a manner as will interfere with our *internal police*; and whether the late tax upon Window-Glass, Paper, &c.[9] is such an one?

THIRDLY, Whether our not being represented in parliament *de facto*, makes any alteration in the exercise of parliamentary jurisdiction?

The first of these Questions I shall canvass in my next. In the mean time, believe me to be affectionately, yours, &c.

N.P.

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[1] *The Providence Gazette*, Feb. 11, 18, 25, March 4, 11, 25, April 1, 8, 15, May 20, 27, June 3, 10; *The New-Hampshire Gazette* (Portsmouth), Feb. 17, 24, March 3, 17, 24, April 7. Neither newspaper reprinted all ten letters. *The Providence Gazette* published "Letter I" through "Letter VIII," and *The New-Hampshire Gazette* discontinued the series after publishing the first portion of "Letter V."

[2] Colin Nicolson et al. speculate that the author may have been Jonathan Sewall (1729–1796), a future Loyalist who served as the last colonial attorney general of Massachusetts before fleeing to England with his family in 1775. Sewall resettled in British North America after the Revolutionary War and died in New Brunswick (Colin Nicolson et al., "A Case of Identity: *Massachusettensis* and John Adams," *New England Quarterly* 91, no. 4 [2018]: 651–82, at 655). The author of a letter to *The Boston-Gazette* (doc. 4: A90) suggests that N.P. might be receiving a £600 salary from Gov. Francis Bernard. The editors of *The Papers of Francis Bernard* suggest that this was an attack on Robert Auchmuty, Jr. (d. 1788), a Boston lawyer who had recently been appointed a judge of the New England Vice Admiralty Court. See *PFB*, 5:244.

[3] Thomas Fleet, Jr. (c. 1731–1797), and John Fleet (c. 1734–1806) were the publishers of *The Boston Evening-Post*.

[4] "*O rus, quando ego te adspiciam*": Lat. "O rural retreat, when will I see you again?" (Hor. *Sat*. 2.6.60).

[5] Pope, *Epistle to Dr. Arbuthnot*, in *Works*, 4:35.

[6] Tribunitian: "Having the power of veto like the Roman tribunes; popularly appointed; demagogic; factious" (*OED*).

[7] *Courtoisie d'Angleterre*: Fr. courtesy of England.

[8] Isa. 58:1.

[9] The Revenue Act of 1767.

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"Extract of a Letter from London, August 13, 1768," *The Pennsylvania Gazette*, February 9, 1769

BOSTON, January 26.[1]

Extract of a Letter from London, August 13, 1768.

"*We have fully perused the* FARMER'S LETTERS, *and cannot help joining in sentiment (almost) all thro' with the judicious writer, who, we sincerely think, deserves the united thanks of this country. We see with the utmost regret that the measures of government respecting the colonies, is diametrically opposite to the steps that ought to be taken, and we fear the consequences.*"

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[1] This extract was not found in any Boston newspaper of this date.

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"Letters from Philadelphia of Nov. 18," *Lloyd's Evening Post* (London), February 10, 1769

Letters from Philadelphia of Nov. 18, say, "We are likewise to have some uneasiness here, on account of a Searcher[1] appointed for this port, last summer, who, on the Merchant's refusing to pay him his fees, left us; and, about ten days ago, returned with letters from the Commissioners[2] to the Collector,[3] and an account of the fees paid to the Searcher at New York.[4] A few days ago a Merchant went to clear out a vessel for Madeira, and was asked by the Collector, if the Searcher had indorsed the sufferance,[5] and, being answered in the negative, told the party he could not give him his papers till that was done. The Searcher, upon this, was sent for, indorsed the sufferance, and demanded his fees, which the Merchant refused, saying, there was no Act of Parliament which gave him any, and that his salary was his pay for his services. The Collector still hesitating to clear out the vessel, the Merchant made his case known in the public Coffee-house,[6] and immediately thirty or forty of the principal Merchants, in a body, waited on the Collector, and threatened to commence actions against him, if he delayed any longer clearing the vessel out; that with regard to the Searcher's fees, they were willing to try his right to them at law, and would give security in case of judgment against them, to pay from his first appointment; the Collector, not caring to be sued, told the Searcher he must collect his own fees, and if he thought he had a right to any, recommended to him to get a warrant against any person that should refuse. The Searcher, disappointed in throwing the burden on the Collector's shoulders, is set out for Boston;[7] and we expect the Collector will be displaced, and a number of men of war sent here; the Traders are, however, to a man, determined to support what they think their right, and to make it a common cause. Mr. Dickenson, on being consulted, has given his opinion clearly in favour of the Merchants, and advises them, by no means, to give up the matter."

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[1] William Sheppard (d. 1772) was the Boston-born surveyor and searcher for the Port of Philadelphia in August 1768 (*PC*, Aug. 8–15, 1768). In February 1771, he was tide surveyor for the Port of Boston. The searcher was "a customs officer appointed to search ships, baggage, or goods for dutiable or contraband items" (*OED*).

[2] The five members of the Board of Customs established in Boston by the Commissioners of Customs Act of 1767 (7 Geo. 3, c. 41) to enforce shipping regulations. The commissioners were Henry Hulton (1732–1791), principal commissioner and a longtime British customs official; John Temple (1732–1798), a Boston native who was a former surveyor general of the northern district of America and the current lieutenant governor of New Hampshire; John Robinson, a former customs collector for Rhode Island; Charles Paxton (c. 1708–1788), a controversial former surveyor of customs for Boston; and William Burch, an Englishman.

[3] John Swift (1720–1802) served as collector in Philadelphia from 1762 to 1772.

[4] Alexander Colden (1716–1774) was the surveyor and searcher for the Port of New York at this time.

[5] Sufferance: "*Customs*. In full, bill of sufferance: a licence to ship or discharge cargoes at specified ports" (*OED*).
[6] Likely the London Coffee House.
[7] See Joseph R. Frese, "Some Observations on the American Board of Customs Commissioners," *Proceedings of the Massachusetts Historical Society* 81 (1969): 3–30, at 21–22.

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N.P., "Letters in Answer to the Farmer's. Letter II," *The Boston Evening-Post*, February 13, 1769

LETTERS *in Answer to the* FARMER's.
LETTER II.

Dear Sir,

SINCE my last[1] I have re-consider'd your request, and the necessity there is that the dispute between the mother-country and her colonies should be put in its true light, that the country may not imbibe principles destructive to their own interest, and subversive of all legal authority. It seldom happens that a people lose their freedom by being passionate lovers of tyranny: The very name sounds too harsh upon the ear to gain proselytes. Tyranny and oppression, for the most part, spring out of anarchy introduced by slackening the reins of government. Such a state of confusion cannot long be agreeable even to such as inadvertently occasioned it. Any government being better than none, and the dissolution of the former, attended with all its dreadful consequences, lead individuals into a choice of despotism. What pity is it that America will not turn her eye upon the fate of other countries, who have lost their freedom by aiming at too much! But let me hasten to consider,

Whether the British parliament can tax America in any respect whatever?

This question leads me to consider two things, FIRST, the nature of our allegiance, and SECONDLY, the jurisdiction of parliament. Our ancestors, while in England, were subjects to the British King: They were no less so while in *Holland*, before their embarkation for America.[2] As soon as they settled upon American soil, they were obligated to all the duties of British subjects, which was not the case while they were residents only in the territory of a foreign power. The common law of the realm, being the birthright of every Englishman, became common also to America, and was the security of the property as well as persons of individuals. This gives us the idea of allegiance, which includes a reciprocal duty. As we became fellow-partakers with the King's other subjects in the enjoyment of the blessings of the common law; so we were bound to yield obedience to the British King, who is the supreme judge of law. The tye between King and subject is *duplex et reciprocale ligamen:*[3] And as the subject is bound to obey his sovereign; so the King, says Lord Coke, is bound *regere et protigere subditos suos*.[4] As long, therefore, as the King continues to *govern*

and *protect* us, we are to acknowledge him as our Sovereign, and to obey him. This protection, so essential to this tye, has ever been afforded America, as far as the distraction of the times in which this country was settled, and the exigencies of state since, would admit of. America has, in latter times, been a continual partaker of royal protection, particularly last war,[5] when a removal of it would have made the French battalions proprietors of our lands. This ought to render still more indissoluble the endearing *tye*.

Under this sense of duty, so inseperable from the Idea of a British subject, it is but reasonable to conclude, that the inhabitants of the remotest part of the King's dominions are bound to obey their Sovereign in every instance *alike*; not only as the head of the executive government, but also of the British legislature. This makes it very obvious, that the British Parliament, which boasts the King's supremacy as its head, and whom we are bound to obey by the tye of allegiance, can exercise a jurisdiction that will reach a British subject to the most distant corner of the King's dominions. A denial of these jurisdictory powers, even in their greatest latitude and extent, would fall nothing short of withdrawing our allegiance from the King. Since no act acquires the force and sanction of a law without the royal assent, does not he who denies the authority of Parliament, deny the authority of the King, in his most unquestionable capacity? We readily acknowledge the King's power in the exercise of his prerogative; we draw and sheath the sword, obedient to his nod: But when he acts in concurrence with the two other branches of legislature, he is resisted, and his mode of governing restrained partly to the exercise of his prerogative. One cool thought must put to flight these phantoms of our political dreamers, and admonish them of the peril in denying the force of acts of parliament.

It is to be regretted, that the most obvious truths are too often slighted and depressed by the crushing weight of misguided zeal. The most abstruse points in philosophy, which are not militant against private interest, have been discussed by philosophers without drawing upon each other the imputation of being enemies to their country or mankind in general: But in disputes that concern the interests of individuals, whatever opinion is first formed, too often becomes sanctified by popular veneration, while truth retires to the cell of prudence, and waits impatiently till the hurricane is over.

There are plenty of those in the colonies who deny this jurisdiction. The Farmer has, indeed, several times in the course of his letters, by a kind of perplexity of expression, acknowledged it in part: But when we attend to the drift of his design, we find him describing such sovereign powers in the several assemblies upon the continent, as to rob that jurisdiction of its *privative quality*.[6]

At last, as if he stood convicted in his own mind, that he had took a step too far towards cloathing our assemblies with sovereignty, he starts back, changes his note, and denies the jurisdiction of parliament only in point of taxation.

"We may be legally bound," says he, "to pay any general duties upon these commodities relative to the regulation of trade." In another place he says, that "the parliament unquestionably possesses a legal authority to regulate the trade of Great Britain, and all her colonies:" that "such an authority is essential to the relation between a mother-country and her colonies, and necessary for the common good of all."[7] It is an *immediate* tax upon us, 'tis observable, that displeases him. According to this, the authority of the King is recognized in one respect, and denied in another.

As the settling of the jurisdiction of parliament upon true and rational principles, appears to be of great importance in deciding the present dispute between Great-Britain and America, about the claim of the *one*, and the exemption of the *other* from taxation, it may not be amiss to consider a little the nature of jurisdiction in general. It is beside my present purpose, at present, to insist upon the several divisions of it, which the learned Doctors are so elaborate upon, as it will compass my present design to distinguish only between these two, *cumulative* and *privative*. A *cumulative* jurisdiction in the American common law courts, is, for the most, *territorial*, and may be instanced in the several county courts in a province, who have a *concurrent* jurisdiction in cognoscing[8] all causes of the same nature that happen to come before them. The *superior* court, being an higher examen,[9] reviews the proceedings of the inferior ones, and affords us the idea of a *privative* jurisdiction. From this we may clearly discern how necessary it is that the British parliament should extend the privative quality of its jurisdiction over our assemblies in every *instance*.

There are, my dear Sir, those who may give this the name of pedantry. There is a band of newspaper libellers, that have triumphed over every thing that is *decent* and *civil*: I foresee what I am to expect: But shall the rant of lunatics sully the mind of one philosophically disposed to meet all occurrences with an equal temper? The voice of calumny may be raised, and *fame* may wither from the baleful blast: But can it disturb the peace within, or wound a steady virtue? If my doctrine shall appear to be drawn from the principles of the best and most perfect constitution in the world, as my reward, in spite of calumny, I will gain the applause of a *satisfied conscience*.

I am as willing to allow as the colonists are anxious to claim, a right in the American assemblies of laying taxes sufficient to defray the expences of each government. This will be found consistent with the nature of the several charters. But the line of jurisdiction between the American governments forbids the extent of these powers. A cool and impartial enquirer, from these out-lines, will soon discover how necessary it is, that our American assemblies should acknowledge the durus[10] of some superior power. The idea of our allegiance designates and points out to us the power to which our legislatures are subordinate. I am puzzled to find out the principle from which the Farmer culls these extraordinary powers,

and heaps them with so liberal a hand upon the American assemblies. They are not to be found in the diction of our charters: Nor can they be gleaned from any favourable construction or implication arising from the nature of them: For it could never have been the intent of the royal grantor, to create bodies *corporate*, and to cloath them with powers that would stand in competition with the authority of that parliament, which alone could enable him either to protect us or secure our dependance.

If we were to admit that our charters gave to each assembly an exclusive right of taxing their constituents, in what light could they be viewed?— Could they be valid?

The peculiar privileges which the parliament have always challenged are numerous and very interesting to the nation: Attempts to lessen them have proved dangerous to several of our Kings. A grant of a thing, by a subject, that does not belong to him, is always defeazible[11] at the suit of the true proprietor. A royal grant shares the same fate, when the thing granted is not at the disposal of the grantor. It may be, therefore, safely asserted, that any clause in a royal grant, that pilfers the parliament of an undoubted right, a right so incident to it as that of taxation, is *ab initio*[12] *void*. But these charters convey no such powers to our assemblies. I shall take occasion, in some future letter, to cite such clauses of the several grants as communicate the powers to our assemblies. The colonists have all along submitted to a parliamentary *tax*, till of late. Whatever restraints the parliament have, from time to time, laid upon our trade, operate with the same effect upon the colonies as a *tax*. Tho' no stated sum is, by this parliamentary regulation of our trade, taken immediately out of our pockets; yet, a fixed sum is prevented from centering in our pockets. If we are as *absolutely* deprived of our money one way as the other, what signifies quarrelling about a name, which alters the nature of nothing?— In my next, I will take a nearer view of this matter. In the mean time, let us attend to this contested claim of exemption, in point of taxation, with an eye fixed towards the consequences. It is not, my dear Sir, enough that a measure appears plausible at first view, and adapted to the nature of the constitution. The cool and silent hour must be enjoyed; the canker of old prejudices must be worn off, and the mind unstained with the remembrances of past heats. Then the consequences will appear, and appear in their true shapes.

If this claim of exemption is allowed, the jurisdiction of parliament can be no longer *privative*. Our assemblies would then exercise a jurisdiction concurrent with it in point of taxation, and acknowledge it in point of legislation. What a political jumble would this create?— It gives us the idea of assemblies walking hand in hand with the parliament in one respect, and in another quietly submitting to its authority. In the one *instance*, each American Governor would display all the authority of a British King; and in the *other*, drop gently into the character of a King's representative only: For our assemblies can assume no such powers without

introducing the governors, and making them actors in the *farce*. They could be under no controul of the crown, while they are about the business of taxation. "That is a work that the parliament, much less the King *alone*, has nothing to do with." I deny this can be effected without making the governors actors of majesty: There must be an investiture of these powers in the King's representative, who must assent to the act. If he could disassent to a tax bill, then the Americans would not be taxed at all. But, for the present, let us shun the acquaintance of metaphysics, and keep the sober company of more familiar speculations— The clock is striking eleven, which robs me of one hour of my usual rest: But I shall be more than compensated if any thing has dropped from my pen that may be of service to my country, or tend to assure you of that affection with which I am, Dear Sir, Your's, &c.

[1] Doc. 4:170, above.

[2] A reference to the Separatists, later known as the Pilgrims, who immigrated to the Dutch Republic early in the reign of James I and embarked in 1620 for New England.

[3] *Duplex et reciprocum ligamen*: Lat. double and reciprocal tie. A description of the reciprocal relationship between sovereign and subject, this terminology appears in Calvin's Case (7 Coke, *Reports* fol. 5, *Calvin v. Smith*, Trin. 6 Jac. 1, [1608]), also known as the Case of the *Post-nati* (Lat. born after). One of the most important cases in English legal history, it established birthright citizenship.

[4] *Regere et protegere subditos suos*: Lat. to govern and protect his subjects. This language also derives from Calvin's Case. See id.

[5] The French and Indian War.

[6] That is, Parliament's capacity to cancel or negate, in this case to override the action of a colonial legislature.

[7] All quotations from doc. 4:20, above.

[8] Cognosce: "To take judicial cognizance of (a matter); to investigate, examine, try" (*OED*).

[9] Examen: "A judicial inquiry; a trial" (*OED*).

[10] *Durus*: Lat. firmness or force.

[11] Defeasible: "*Law*. Chiefly of a right or interest: that can be terminated or annulled in the event of a specified occurrence or the fulfilment of a specified condition" (*OED*).

[12] *Ab initio*: Lat. from the beginning.

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To Ephraim Blaine, February 18, 1769

The original letter, which JD wrote on February 18, is badly torn. A duplicate with JD's signature exists in the hand of JD's clerk, Jacob Rush, dated February 20. This transcription comes primarily from the original, with the duplicate used to fill in missing portions. The letter is addressed to Ephraim Blaine at Pennsborough in Cumberland County, Pa., and marked to be delivered "with care and speed."

JD represented Blaine in two matters: *Ephraim Blaine v. John Baynton, Samuel Wharton, and George Morgan*; and *Ephraim Blaine v. Samuel Wharton*.[1]

Sir,[2]

It has been utterly impossible hitherto {to} bring your Causes to Tryal. I endeavoured, while they were in the inferior Court, to settle them as [~~*illegible*~~]

{you} agreed, by an Audit—but as that could not be affected, I attempted to have a Time fixed for the Trial, that You might {not} give Yourself the Trouble of coming down with your Witnesses at a great Expence, and be disappointed after all— [~~*illegible*~~]{H}owever, I found, that We were likely to meet with all possible Uncertainty as to the Trial; and therefore removd the Causes into the Supreme Court last September Term, and shall have every Thing ready for Trial at April Term next.[3]

I think it will be very proper for You to come to this City, that I may by consulting with you, instruct You, what Witnesses will be necessary to bring down, & [~~*illegible*~~] such other Points as may be material. I shall be in Town till the Supreme ~~c~~{C}ourts{,} except next Week, when I shall be at Chester, and from the 14th to the 20th of March, when I shall be at Bucks.[4] I think You had better come down as soon as You can.

I do not know, whether your Opponents[5] insist on your making good the Boat Loads lost in going down the Ohio, or not. As to the Witnesses You mention to be in this City, I could not examine them with any Exactness, unless I was more part[icularly] informed of the Facts they are to speak to, than I am.

When You come down, You had better bring with You, every Letter & Paper You have, relating in least Degree, to the Matters in Dispute & You had better look over them very deliberately Yourself, & make Memorandums of every Observation that occu~~r~~rs to You, & appears to be of Consequence.

You may be assured that all the Diligence I can use, to procure you Justice, shall be exerted in your Behalf—

I am,
Sir,
your most obed[ien]t Serv[an]t
John Dickinson
Philadelphia
February 18th—1769

ALS and FO (DLC-Blaine; De-Ar-SMDFP)

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[1] *Supream Court Docquet for September Term 1768*, 86, Appearance and Continuance Dockets, Supreme Court of Pennsylvania, PHarH-Ar.

[2] Ephraim Blaine (1741–1804) was an Irish-born Indian trader of Cumberland Co. A veteran of the French and Indian War and Pontiac's War, he later served as commissary general of purchases for the Continental Army during the Revolutionary War.

[3] When the Supreme Court met for the April 1769 term, both matters were referred to John Gibson (1729–1782), Joshua Howell, and Alexander Houston, who returned reports on Sept. 7, 1769. For *Blaine v. Baynton et al.*, they found £306.17.6 due to the plaintiff, and for *Blaine v. Wharton*, £60. On the same date, writs of *fieri facias* were issued in each case. Blaine later acknowledged receipt of the money, satisfying both judgments. See *Supreme Court Docket for April Term 1769*, 75, Appearance and Continuance Dockets, Supreme Court of Pennsylvania, PHarH-Ar.

[4] The Court of Quarter Sessions of Chester Co., Pa., was scheduled to meet from Feb. 28 to March 2, and the Court of Quarter Sessions of Bucks Co., Pa., was scheduled to meet from March 15 to 17.

[5] John Baynton (1726–1773), Samuel Wharton (1732–1800), and George Morgan (1743–1810) were merchants and partners in a mercantile firm that specialized in the Indian trade.

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N.P., "Letters in Answer to the Farmer's. Letter III," *The Boston Evening-Post*, February 20, 1769

LETTERS *in Answer to the* FARMER's.
LETTER III.

Dear Sir,

WHEN wicked and designing men are bent upon insulting government, they must always have something plausible to gild over their designs. A picture must be held out to the people of the highest and most gaudy colours. New grievances will soon be hatched; apparitions of oppression soon be raised; the clank of chains stund the ears of the populace, and *slavery* be represented as stalking thro the country with gigantic strides. Various are the views of the actors. Some, no doubt, would be glad to see their European debts cancelled by a scene of hostilities between the two countries. Others are ambitious to be esteemed the protectors of the rights of their country and are so passionately in love with the character, that they gravely set themselves to work to defend rights that are not invaded, and to frighten the country with mischiefs that can never happen. Among these last I rank the *Farmer*. Fancy has, sometimes, a very powerful Influence over the minds of men. A stump, when seen in the night by one naturally timorous, will soon turn into a bear.[1] So, when matters are seen only in the twilight (for some there are who see nothing clearly) they will soon assume any shapes that are most odious to the spectator. Hence it is, that a legal exercise of the authority of parliament has appeared in the dress of tyranny and oppression.— When I view the *Farmer* arranging his arguments to throw down shadows, I cannot help recollecting the valorous *Don Quixote* who contrary to the sage advice of *Sancho*, fell furiously upon a flock of sheep, which he mistook for an army, charged them close, and gained a compleat victory over them.

The necessity of acknowledging the jurisdiction of the British parliament in every *instance*, has, I trust, partly discovered itself in my last,[2] which must gradually diminish the marks of sovereignty discoverable in our assemblies. To allow a jurisdiction in them concurrent with the British parliament, in the particular instance of taxation, would be equally absurd with a claim of a county court to hold a jurisdiction concurrent with a superior one. If the county of Worcester should reject the decisions of the superior court of the province of Massachusetts, under pretence of locality of situation (which seems to be the American plea) how soon would they be admonished of their duty!— How soon would the distinction between a *cumulative* and *privative* jurisdiction be taken? Would a sham pretence

of inconvenience in submitting to the decisions of the higher *examen*, hoise that court above the primitive views of its institution?— I mention this just to shew the inconsistency of a number of jurisdictions invested with the same powers, and the *necessity* of their acknowledging some superior *one*. It does not militate against this reasoning to say, the several assemblies acknowledge the authority of the King in his civil capacity; for the King, in the same sense, is at the head of the inferior courts, which are *all* his.

A principal position of the *Farmer*'s, which he advances to ward off a parliamentary taxation upon the colonies, is a distinction which he sets up between the power of parliament to "regulate our trade" (which he frankly acknowledges) and the exercise of a jurisdiction to *tax* us for the "sole purpose of raising a revenue." He goes so far as to tell us, "that we may be legally bound to pay any general *duties* on commodities relative to the regulation of trade."[3] Duties he will not always allow the name of a *tax*; for he denies the power of parliament "to lay upon these colonies any tax whatever." This will appear more clearly from his definition of one. He allows nothing to be a *tax* but an imposition upon the subject "for the sole purpose of raising a revenue."— "Every tax" says he, "is an *imposition*, tho' every imposition is not a *tax*."[4] Duties, then, according to this definition may pass, in one sense of the word, under the name of *impositions* only.

I am not disposed to act the part of the casuist. I prefer the pleasure of seeing his own arguments pointed at his own breast. "External impositions (which he calls duties laid by acts that regulate trade) do not grant to his Majesty the property of the colonies," but "only prevent the colonies acquiring property." "But the last *statute* (meaning the late one imposing duties on paper, &c.)[5] respecting us, grants to his Majesty the property of these colonies, by laying duties on manufactures of Great Britain." The word *duties*, according to his definition of a *tax*, can never bear the name of one when it is applied to the "regulation of trade"—[6] We have, at last, collected out of the rubbish of four or five letters the meaning which he prefixes to certain words: For if we differ in that respect, we never shall understand one another, nor be understood by others.

In order to prove that an attempt was never made by parliament to lay duties upon us for the "purpose of raising a revenue," till the 4 Geo. III. ch. 15.[7] He cites several statutes made to regulate plantation trade; such as the 12 Ca. II ch. 18.[8]—15 Ca. II. ch. 7.[9]—25 Ca. II ch. 7.[10] 7 & 8 W. III. ch. 21.—[11] All these acts, he says, were "calculated to promote a mutual beneficial intercourse between the several constituent parts of the empire."[12]

I shall not croud this letter with remarks upon the whole string of the cited statutes: I shall content myself, for the present, with ascertaining the nature of the 15 Ca. II. ca. 7. and its tendency. This act the *Farmer* acknowledges to be constitutional, because he says it only regulates trade. All acts, therefore, that express a design of

regulating trade, according to his logic, are constitutional; for otherwise, it would be impossible to know what acts can constitutionally bind us.

This act of 15 Ca. II. ch. 7. has ever been esteemed by the colonies as an equitable exercise of parliamentary jurisdiction. No complaint has cross'd the Atlantic about it: No dissatisfaction has been whispered among the colonists on this side. If, therefore, it shall appear that the late act imposing duties upon glass, paper, &c. has the same effect upon the colonies as the 15 Ca. II. ch. 7. which is constitutional also. If the operation of the two acts create an equal loss to the colonies, I call the effects the same, tho' that loss in the *one* is brought about by preventing our acquiring property, and in the *other* by taking property from us already acquired. If an act of parliament cancels a debt of 40 dollars, or otherwise prevents a man from acquiring property to that amount, if he is sagacious enough to attend to consequences, he will regard that loss to him equal to so much money taken out of his pocket. This will be clear, without a veil, if the sum we are deprived of by this act of 15 Ca. II. ch. 7. can be fixed with the same certainty as a sum taken from us by the duties imposed by the late act.

To prove this, we must take a nearer view of the 15 Ca. II. ch. 7. This act prohibits the importation of European goods into the colonies that were not shipped in Great-Britain. If we could come at these goods thro' British hands as cheap as they could be purchased at the other European markets (were we allowed to trade there) this act could have no sensible effect upon the colonies. But that is not the case. The British merchant, being sensible of this restraint upon our trade, can set his own price upon such goods; and as we are obliged to carry the chief of our produce to British markets, he sets the price upon that also: So that whether we buy or sell we do it at his own price. It can clearly be discovered from this, that the whole advancement of the prices of such commodities beyond what the British merchant purchases them at, is so much money kept from centering in the pocket of the American merchant; which I take to be the same thing as taking so much out of his pocket. If the odds between what the American merchant gives the British merchant, and what the British merchant gives the foreign merchant, for any particular commodity, leaves a ballance of two dollars against the American merchant, that is just the same thing as taxing commodities of British manufacture to that amount. I challenge the invention of man to point out any other difference than this, that in the *one case* we are hindred from receiving two dollars, and in the *other* that sum is taken from us after it has centred in our pockets. If this difference is what the *Farmer* has been labouring so hard to prove, he has been just as successful as those that spend their time in chacing shadows.

Let us consider next, whether the late Act, which has awakened the untimely zeal of the Farmer, has not the same effect upon the Colonies in the respect just mentioned, with the 15th Ca. II. chap. 7. The justice of which was never questioned. The latter advances the prices of foreign European goods, which we come at thro'

British hands; the former, by taxing British manufactures, advances the prices of them. In the one case, our necessity of purchasing foreign commodities (for we can do no better without them than we can without British manufactures) sets the price; in the other, the *tax* upon the *taxed* articles does it.

Whoever confines his remarks solely to the simple diction and letter of an Act of Parliament, without attending to it in all its consequences, is fit only for the low wranglings of the bar. If these two Acts differ in any thing materially, it is not on the side that will favor the Farmer's doctrine. The advancement of the price beyond the old one, is ascertained and fixed by the late Act of Parliament. The American merchant, therefore, knows precisely what alteration is made in the price beyond the usual one. But the 15th Ca. II. chap. 7. puts it into the power of the British merchant to fix his price arbitrarily.

But our Delaware *Casuist* complaints, that the late act was made "for the sole purpose of raising a revenue," and not "for the regulation of trade," like the former plantation acts. The language of the preamble is, "WHEREAS it is expedient that a Revenue should be raised in your Majesty's dominions in America, for making a more certain and adequate provision for the defraying the charges of the administration of justice, and the support of civil government in such provinces, where it shall be found necessary; and towards the further defraying the expences of defending, protecting and securing the said dominions, we your Majesty's most dutiful and loyal subjects, &c. *give* and *grant*," &c.[13] It is the design expressed in the act of "raising a revenue" that frightens him. Had the language of it been conformable to the old plan, no oppression had been complained of. The 6 Geo. II. ch. 13. charged foreign molasses with a duty of 6*d.* per gallon, the highest duty ever charged upon the Americans. The preamble is, "WHEREAS the welfare and prosperity of your Majesty's sugar colonies in America, are of the greatest consequence and importance to the trade, navigation and strength of this kingdom, and whereas the planters of the said sugar colonies have of late years fallen under such discouragements that they are unable to improve or carry on the sugar trade, upon an equal footing with the foreign sugar colonies, without some advantage and relief be given to them from Great-Britain," &c.[14]

This act (as the very title of it shews) was made for the relief of the sugar colonies. Suppose an intent was expressed in it "of raising a revenue" only, would that have made it unconstitutional? If it would, then it is only shifting the "intent" of the late act to make it just and right. It is the intent expressed in the act (according to this doctrine) that gives *duties* the name and operation of a *tax:* For, says the *Farmer*, "to the word *tax* I annex that meaning which the constitution and history of England require to be annexed to it; that is, an imposition on the subject for the sole purpose of levying money."[15]

If this doctrine of the *Farmer* should be swallowed, the parliament of Great-Britain, in order to lay a *constitutional tax* upon the colonies, has only to declare

the intent of it to be to relieve some part or other of the King's dominions: No matter, if that intent is not *expressly* "to raise a revenue," tho' the revenue is actually improved by it. In short, my dear Sir, if the parliament has a right to bind us by its acts in one instance, it has in another. But if Great-Britain taxes us beyond what is just, we have a right to petition, and ought to be relieved. But to deny the jurisdiction of parliament in any respect, is phrenzy of the rankest kind.— I shall pursue my remarks upon these plantation acts in my next: In the mean time, believe me to be

sincerely your's.

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[1] Probably a reference to "Or in the night, imagining some fear, / How easy is a bush supposed a bear" (Shakespeare, *Midsummer Night's Dream*, 5.1.21–22).
[2] Doc. 4:173, above.
[3] Doc. 4:20, above.
[4] Doc. 4:25, above.
[5] The Revenue Act of 1767.
[6] Doc. 4:25.
[7] The Sugar Act of 1764 lowered the existing tax on molasses and increased enforcement measures to combat colonial evasion.
[8] The Navigation Act of 1660 required that merchant ships employ predominately English crews and list "enumerated" goods that could only be shipped from one English colony to another or to England itself.
[9] The Navigation Act of 1663 required all European goods bound for the colonies to be transshipped through England first.
[10] The Navigation Act of 1673 tightened loopholes in the existing laws.
[11] The Navigation Act of 1696 empowered customs commissioners to seize ships. N.P. mistakenly cites the act as 7 & 8 Will. 3, c. 21 instead of 7 & 8 Will. 3, c. 22.
[12] Doc. 4:20.
[13] The Revenue Act of 1767. See 27 *SAL* 505–12, at 505.
[14] The Molasses Act of 1733 (16 *SAL* 374–79, at 374). The act laid duties on sugar imported from the French West Indies and elsewhere outside the British Empire. See also doc. 4:20.
[15] Doc. 4:25.

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From Arthur Lee, February 26, 1769

JD selected excerpts of this letter for publication, marking portions with brackets and lightly editing Lee's language to conceal their identities. The excerpts appeared as an "Extract of a Letter from London" in *The Pennsylvania Journal* of June 15, 1769.

Dear Sir

The american business is now finishd, as you will see by the late Resolves & Address of both houses,[1] which I mentiond in a former letter[2] & to which his Majesty returnd the following Answer:

The sincere satisfaction you express, in the measures I have already taken & the strong assurances you give of supporting me in those which may be still necessary

to maintain~~s~~{n}, the just legislative authority [~~*illegible*~~]{&} the due execution of the laws, in my province of Massachuset's Bay, give me great pleasure. I shall not fail to give those orders, which you recommend; as the most effectual method of bringing the Authors of the late unhappy disturbances in that province, to condign punishment.[3]

This Answer requires no comment; it must surely carry conviction with it, to those of our Countrymen, who still look for justice or clemency, from any one but God.

But as pains are taken from hence, to delude the Americans into a hope, that nothing severe is intended nor the urging this oppression farther than the present Session, after which, if they are quiet, all will be redressd; I think it necessary to acquaint you, that M^r^ Hans Stanley,[4] who, on the first day of this session, seconded the ministerial motion for an Address, inform'd the house, that the late duty Act was intended to fix the right on America; & to cooperate with it, the troops had been drawn into the large towns.[5] This was understood as from the Ministry, which join'd with the establishments of a Board of Customs & Admiralty Courts,[6] & their conduct towards Boston cannot I think leave a doubt, that a settled plan is adopted for absolutely & permanently enslaving. Every thing I see here confirms me in this opinion. It is of the utmost consequence that our Countrymen shoud be fully convinced of this truth, that hope may not delude them into a fatal inactivity, but that they may determine unanimously & sereously to pursue the constitutional means of redress which are in their power, the desisting from the culture of those things which are most profitable to this Country & from the consumption of british Manufactures.

It woud be the last resource of desperation so to oppose these detestable measures, as woud necessarily draw upon us the denounceation of Rebels. Individuals must shew their patriotism, without involving the community; the conduct of Brutus in the Capitol was truly noble.[7]

A letter from Governor Bernard to L[or]d Hillsborough has been lately made public here,[8] from which the designs of that bad man, are evident; it is dreadful to think upon the powers now lodged with him, who is surely as abandon'd a tool of d~~i~~{e}spotism as ever insulted the rights or trampled upon the liberties of any People.

The Bostonians, very laudable in the main purpose of their conduct, have been, in particulars, much to blame. They shoud have been suaviter in modo, fortiter in re;[9] they seem to have acted the reverse. I no more question'd their fighting the Troops, than I did my own existence. Possibly 'tis better otherwise. M^r^ Smith of New York, told [~~me~~*?*] I remember of a motion made, during the Stamp Act, in their town meeting, to abandon the town & retire back. Heavens! what a beam of glory woud it have spead over America, had they executed this proposal, on a late occasion. Some noble effort, worthy of their promises, worthy of their cause, was expected

by their friends & dreaded by their enemies. Like an electrical shock, it woud have struck alarm & panic through this country; which woud gladly have desisted from its injurious claim, rather than urge a spirit so determined. The cause of America, the cause of Liberty woud have triumphd in one spirited action. But after such menaces, tamely to resign their liberty without one struggle, is humiliating indeed & base beyond expression. It will I fear, steep us to the very lips, in oppression insult & contempt. But their situation expos'd them to the men of war,—why not abandon it then, & like their forefathers, like all brave men, seek liberty in the savage wilds

> Yet here, even here, into this black abode
> Of monsters, unappall'd, from stooping Rome
> And guilty Cæsar, Liberty retir'd;
> Her Cato following thro' numidian wilds,
> Disdainful of Campania's soft retreat,
> And all the green delights Ausonia[10] yields
> When for them, She must bend the servile knee,
> And fawning take the splendid Rober's[11] boon.[12]

The situation of their town, incapacitating them to defend their liberties, shoud have renderd it most abhorr'd; subjecting them to insults & oppression, shoud have been fled from as the gates of hell. But for what was it eligible?—it was convenient for trade, but is not that trade ruin'd or obstructed? Shall a wise man drink vinegar, because the grape from which it was made, was sweet & pleasant. If their property being there renderd the place desirable; did not their tameness give it up to the arbitrary disposal of others? Nay worse, did it not resign the fruits of their future toil, perhaps too of their posterity, to the same absolute & dangerous controul? Did it not subject their persons to the insults of petty Tyrants & their abject Minions; who under this new sanction of Parlaiment, will now lord it over them, & single from the wretched flock, devoted victims for the slaughter? How horrible this, how humbling! But how glorious woud have been a secession; to have left the Ashes only of their town to adorn the barbarous triumph of a barbarous Mother; or rather to have coverd her repentant shame. They woud have relinquishd property, which under such circumstances they ought not to have thought their own, they woud have preservd, what to the brave man is most valuable, liberty, what to the coward is most desirable, life, they woud have securd the produce of their future toil; & reap'd immortal honour.

The spirit of despotism shakes the constitution here, the soberest men, begin to be alarmd; & ruminate upon the scenes of the last century.[13]

I am in doubt whether a single Letter will reach you, much less a packet, otherwise I shoud send you a pamphlet, published here lately under the title of the Controversy between great Britain & her Colonies reviewd.[14] It abounds with sophistry, well calculated for the temper of the times; & among the rest an attack upon ~~you~~ [*JD*:] <the Farmer;>; but such an one as I do not think deserves ~~your~~ <his> notice. I hope you will think <yourself> better employd, in exhorting the

Americans to think seriously of providing for their safety by surer means than petitions & Resolves. By actions, more than words. Grenville & his Adherents are the authors of it, as they were of the state of the nation; which has lately receivd a compleat refutation in observations from the accomplishd pen of M^r^ Burke.[15]

Once more let me assure you, Sir, that from the justice of this country nothing is to be hop'd; from her fears & interests, every thing. America must alarm & shock these, or she will in vain appeal to that.

For myself, if I return soon to America, it will be with a determination of sacrifi~~ee~~{se}ing every thing to the preservation of Liberty.

I am, with the sincerest regard, dear Sir,
Y[ou]r friend & Servant
Arthur Lee

London
Febr[uar]y 26th. 1769.

ALS (PHi-RRL)

[1] The resolutions and address castigate the Massachusetts Assembly for its circular letter of February 1768 and the town meetings for their resistance to royal authority. They also denounce the "State of great Disorder and Confusion" in Boston. The House of Commons approved the final versions on Feb. 8, 1769, and the House of Lords on Feb. 9. See *Journals of the House of Commons*, vol. 32 [1768–70]: 185–86; and *Journals of the House of Lords*, vol. 32 [1768–70]: 209–11, 248.

[2] Letter not found.

[3] The king's reply to Parliament was presented on Feb. 14 and printed in *The St. James's Chronicle* (London), Feb. 14–16, 1769. See Simmons and Thomas, *Proceedings*, 3:114.

[4] Hans Stanley (1721–1780) was a member of Parliament and former British ambassador to Russia. He had opposed the repeal of the Stamp Act of 1765 and was a supporter of the Duke of Grafton's administration.

[5] Parliament's new session began on Nov. 8, 1768. For Stanley's speech, see Simmons and Thomas, *Proceedings*, 3:3–5.

[6] Referring to the Commissioners of Customs Act of 1767.

[7] Perhaps referring to the account in Plutarch's *Life of Brutus*. After the assassination of Julius Cæsar, the conspirators justified themselves in the forum with public orations, but when the crowd turned against them, they returned to the capitol, and Brutus sent away those who did not join in killing Cæsar to save them from danger. See Plut. *Vit. Brut*. 18.5–7.

[8] On Feb. 11, 1769, *The Public Advertiser* (London) printed a copy of Gov. Francis Bernard's letter to Lord Hillsborough of Nov. 14, 1768, in which Bernard requested that Parliament pass an act granting him the power to rescind the commissions of justices who opposed parliamentary authority. The press in Massachusetts accused Bernard of misrepresenting the situation in America in his letters to the British ministry. He refused to release the letters, and they were not published in America until April 1769.

[9] *Suaviter in modo, fortiter in re*: Lat. pleasantly in manner, powerfully in deed.

[10] Ausonia is the ancient Greek name for southern Italy (*OCD*).

[11] Meaning "robber's."

[12] A paraphrase of James Thomson's *The Seasons* (London: A. Millar, 1766), 82.

[13] Likely a reference to the English Civil War and the Glorious Revolution.

[14] For the excerpts on JD, see doc. 4:166, above.

[15] Edmund Burke (1729–1797) was an Anglo-Irish political philosopher, politician, and supporter of the rights of American colonists. A member of the British House of Commons, he had lately published *Observations on a Late State of the Nation* (London: J. Dodsley, 1769), in response to William Knox, *The Present State of the Nation* . . . (London: J. Almon, 1768).

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N.P., "Letters in Answer to the Farmer's. Letter IV," *The Boston Evening-Post*, February 27, 1769

LETTERS *in Answer to the* FARMER's.
LETTER IV.

Dear Sir,

I Endeavored in my last[1] to make it appear, that several of the statutes brought to remembrance in the *Farmer*'s second letter operate uniformly upon America with the late act imposing duties upon the importation of British manufactures here.[2] A man who has not got the distemper of the country, but maintains a prerogative over his own passions, will soon see that there is nothing to be feared from the late act, more than from several others, which have met with no opposition in the colonies. The 15 Ca. II. ch. 7.[3] has already undergone an examination. The business of this letter is to discover the sense I have of the 6 Geo. II. chap. 13.[4] which the *Farmer* acknowledges to be binding upon us. The express intent of that act, he says, was to "regulate trade," and not to "raise a revenue." The duties charged in it must, therefore, fall under the denomination of *external* "impositions." Had an intent of raising a revenue been expressed in it, then these duties would have acquired the name of a *tax*; consequently, the act imposing such duties would have been unconstitutional.[5]

It is difficult to understand the Farmer when he talks of duties laid for the regulation of trade. Surely these duties can be considered in that light no farther than they promote that end. If an act expresses a design of effecting one purpose, and missing its aim, effects another, it will be the business of a political enquirer, whose aim is to *instruct* and not to *mislead*, to trace out the real tendency. So if this act of 6 Geo. II. ch. 13 should be found to operate upon us in a manner different from the *express* intent of it, no man, but one who had conquered his reason, would give himself much trouble about the exact meaning of a few words. An act may express a design of restraining the commerce of any part of the empire; yet the duties made payable either upon the importation or exportation of any of the taxed articles, whether the end and design of the act is expressed or not, are paid into the exchequer, and compose part of the revenue. The design of all duties or taxes is to raise a revenue; and what harm is there in expressing that design? Had the intent of the British parliament in making of the 6 Geo. II. ch. 13. been to confine our trade to the British West Indies,

instead of duties being laid upon molasses, rum, and sugar, we should have been prohibited importing any of these articles. Then, indeed, had the princpal [*sic*] design of the act been to favour the "sugar colonies," that design might have been effected. But what are the consequences of this act? The design was never effected. The duties laid were no restraint upon that trade. It was carried on with the same rapacity (if I may be allowed the expression) that it was before the act was made. You must see from this, Sir, how idle it is to set up such distinctions. What need you or I trouble our heads about the design of Acts, when we feel the *effects?* The design of this Act probably was (for I won't dispute the sincerity of the Parliament like our Delaware Goliah)[6] to regulate trade (I mean to throw the balance of trade in favor of the Sugar Colonies) as well as to raise a revenue; but what is that to us? Let the design be what it will, it was never effected: The *tendency* of it, as it turn'd out by experience, was to "raise a revenue *only*" What security, therefore, does it afford us, that the design of an Act should be to restrain commerce, & to promote the welfare of the whole, when that design may be so easily defeated? Would you, if your and the country's welfare depended upon the express design of an Act, risk it upon such a precarious foundation? You may discern from this, how dangerous it is to indulge a scholastic humor upon subjects of this importance. A man may be a good squabbling divine that sees the sun but once a week, and may act his part with applause. Old musty commentators are the proper food for such. The consequences of things are not attended to by them.

To be convinced, that this Act of 6th Geo. II. ch. 13. was designed to raise a revenue as much as the duties laid by the late Act, we need only throw an eye upon the 4th Geo. III ch. 15.[7] This Act *altered*, *enforced*, and made more *effectual*, the 6th Geo. II. ch. 13. and that the high duties imposed by it might not amount to a prohibition upon a foreign West-India trade, especially upon molasses, which was charged with 6*d.* per gallon, the duties upon this article were reduced to 3*d.* and have since been bro't down to a penny.[8] If this act of 6 G. II. ch. 13. meant only to favour the sugar islands, how came foreign rum, sugar and molasses to be allowed to be brought here at all? The parliament well knew that these articles would be sought after by the northern colonists, not withstanding these duties: After which (allowing the *sole* intent of the act was to regulate trade) to suffer these articles to be imported here at all, would be to ordain a thing, and at the same time take care to defeat the purpose intended.

I just said that the 4 Geo. III. ch. 15. would tend to explain the 6 Geo. II ch. 13. It will: The former (mentioning the latter) declares, that altho' it had been "in some degree useful," yet it was "highly expedient that the same should be altered, enforced, and made more effectual."[9] How useful?— Not in confining the trade of the northern colonies to the British West-Indies. As it never put an end to our trade to *foreign* plantations, and consequently never confined it to the

British, it is evident that it was considered *useful* only from the benefit that the general revenue derived from it. The parliament could never consider it "useful" in promoting the welfare of the sugar colonies, because that act never did promote it. Nor can it be presumed that the parliament was ignorant of the real effects of that act: Our petitions for lowering the duties must have informed them. We then declared that this trade could not be prosecuted if the high duties charged by the 6 Geo. II. ch. 13. must be paid punctually. It is clear, therefore, that this act was intended to raise a revenue as well as to regulate trade: And when we attend to what has already happened, we find that the only end effected was "to raise a revenue." If we have any thing to fear from acts of the British parliament, surely it must be from such as are subject to operate differently from the *expressed* intent. I can see no odds between such acts as "regulate trade," at the same time laying duties (I mean no material odds) and such as are made with the sole design of "raising a revenue."

It is as hard, in my opinion, that we should be obliged to pay duties upon foreign molasses, rum, and sugar, which we could not well do without, as to be obliged to pay duties upon articles that we can buy only of British subjects; for the duties might have been raised so high upon foreign molasses, &c. as to amount to a prohibition, which would put it into the power of the British West-Indies to part with their produce at their own price. God knows I had rather have what I am to pay stated and fixed by a British parliament, than to be given up to the mercy of a few southern debauchees. The only way laid open for the northern colonies to avoid their tyranny, was to withold from them the northern produce. Their success in this would have depended upon the nature of the commodities. And even then, allowing the Continentals could do better without their produce than they without ours, the parliament (having a constitutional power, according to the *Farmer* himself, to make acts for the benefit of any part of the British dominions) could, by a legal exertion of its authority, throw the balance of trade in their favour: It would be easy enough to contrive an act to effect such a purpose, upon the *Farmer*'s constitutional plan. But as molasses of foreign produce pays no greater duties *now*, than what is brought from our own islands, we have not so much to fear from our southern brethren. My design in being so particular here, is to shew, that the parliament of Great-Britain have made acts, that no fault was found with, that would operate, and have operated, with greater severity upon us, than the late one, which has thrown the country into such a *panic*. But, it seems, the late act was made for the "sole purpose of raising a revenue." It is therefore, says the *Farmer*, "unconstitutional."

Is it not strange, Sir, that as all duties which are paid, compose, or help to compose, some branch of the revenue, it should be construed tyranny to express it in the act? This leads me to consider what kind of "revenue" these duties are to compose, and what purposes that "revenue" is to effect.

Had the purposes for which this revenue is to be raised, been left out of the act, then the King, to whom the right of applying public monies belongs (unless he dispenses with that right in the act) could apply the monies raised upon us in the same manner as he could, and doubtless did, the monies raised under the 6 Geo. II. ch. 13. The most constitutional acts have ever been esteemed such as declare what was to be done with the money when raised. The King, by assenting to the bill dispenses with the right of applying monies to purposes different from those expressed in the act; so that the subject has it in his power to know which way the money goes that is granted.

The late act is of the safest kind. It is made to raise a revenue "for making a more certain and adequate provision for the defraying the charge of the administration of justice, and the support of civil government in such provinces where it shall be found necessary," &c.[10] Has America any thing to fear from a wrong application of the monies, when the end and design is so explicitly described! It is very easy to know what part of the American revenue goes towards the defraying "the charge of the administration of justice, and the support of civil government." But the *Farmer* tells us a frightly story about the wickedness of ministers, and what we are to expect from their rapacity, as if the King was served by a gang of highway-men. I wonder he had not invented a new species of witchcraft; for it is to be noted that witches differ in almost every country. If the grave *Farmer* was asked the reason he would doubtless tell us that it is owing to the various climates of the several countries. He has already afforded us a specimen of the fascination that prevails along the banks of the Delaware; and I am sorry to see it spread itself so universally over the country.

Born and educated in this country, *I glory in the name of an* AMERICAN.[11] If I could see the most blind traces of oppression in the conduct of the mother-country towards her colonies, this soil does not sustain a man whose heart could feel more than my own. I have paid the most watchful attention towards the measures that have been adopted, and can find no vestiges of oppression. On the contrary, I find almost every man who is capable of advising a misguided people look'd upon with an eye of malice. *Designat oculis unumquemque vestrum ad mortem*.[12] What disorders, what riots, have been committed in several of our capital towns! What illegal combinations have been formed to throw down the props of government?— And how have these riots been punished?— *Punished*, did I say?— How have they been countenanced? How were the *felons* that pull'd down Mr. H—n's[13] house countenanced?— *Countenanced!*— Let me exchange the word for *protected*. Did not the assembly of Massachusetts-Bay "draw a veil" over these disgraceful scenes, snatch a flower * from the King's crown, assume the power of pardoning, which belongs only to the King?—[14] What an opinion can we expect administration will form of us when the authority that ought to sentence these *felons* to the gallows, has, by a public act, endeavoured

to stand between them and the punishment due to their crime? How unlike this was the conduct of the authority in Connecticut, upon a fresh insult to a King's officer?[15] There punishment pursued the crime, and law got the better of faction. It is but a poor excuse to say that because a riot was committed by a "few negroes and boys," it ought therefore to pass unnoticed, as beneath the attention of government. This is a covering of the weakest texture,—a doctrine quite unsatisfactory to those who have been in the hands of such "negroes and boys." But my business being to argue, and not to declaim, I return to the company of our Delaware Patriot.

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* The prerogative powers of the crown were called formerly FLOS *Coronæ*.[16]

[*The Remainder of this Letter shall be in our next.*][17]

[1] Doc. 4:175, above.
[2] The Revenue Act of 1767.
[3] The Navigation Act of 1663.
[4] The Molasses Act of 1733.
[5] Doc. 4:20, above.
[6] That is, Goliath.
[7] The Sugar Act of 1764.
[8] The Revenue Act of 1766.
[9] The Sugar Act of 1764. See 26 *SAL* 33–52, at 35.
[10] The Revenue Act of 1767. See 27 *SAL* 505–12, at 505.
[11] A play on George III's accession speech: "Born and educated in this country, I glory in the name of Briton" (*His Majesty's Most Gracious Speech to Both Houses of Parliament on Tuesday the Eighteenth Day of November, 1760* [London: T. Baskett, 1760]).
[12] A paraphrase of "*notat et designat oculis ad cædem unum quemque nostrum*": Lat. "He is watching and marking down and checking off for slaughter every individual among us" (Cic. *Cat*. 1.1.2).
[13] Lt. Gov. Thomas Hutchinson of Massachusetts. On Aug. 26, 1765, during the Stamp Act riot in Boston, a mob ransacked and vandalized his house.
[14] A reference to "An Act for Granting Compensation to the Sufferers, and of Free and General Pardon, Indemnity, and Oblivion to the Offenders in the Late Times," passed by the Massachusetts Assembly on Dec. 6, 1766, and signed by Gov. Francis Bernard on Dec. 9, 1766 (*JHRM* [1766], 213, 221). The act compensated Hutchinson and others for property destroyed during the Stamp Act riot while pardoning the rioters. The king subsequently disallowed the act for encroaching on his pardoning power. See *Acts of the Privy Council of England, Colonial Series, Vol. 5, A.D. 1766–1783*, ed. James Munro and Almeric W. Fitzroy (London, 1912), 86–88.
[15] Possibly a reference to Jared Ingersoll, Sr. (1722–1781), Stamp Act agent for Connecticut, who was confronted by a group of over 400 Sons of Liberty and forced to resign. In response, Gov. Thomas Fitch (c. 1700–1774) placed Ingersoll under his personal protection and issued a proclamation "suppressing all Riots, tumults and unlawful Assemblies" (*The Connecticut Courant* [Hartford], Sept. 23, 1765). Fitch later took the required oath to enforce the Stamp Act of 1765 and signed the act on behalf of Connecticut. He then lost reelection to William Pitken (1694–1769) in 1766.
[16] *Flos coronæ*: Lat. flowers of the crown. See Edward Cavanagh, "Flowers of the Crown in English Legal Thought: Metaphorical Assessments of Royal Power in Transitional Periods of Monarchy," *Royal Studies Journal* 6, no. 1 (2019): 38–54.

[17] Doc. 4:179, below. Brackets in the original.

178
From John Joachim Zubly, [c. February 1769]

In the essay enclosed in this letter, *An Humble Enquiry into the Nature of the Dependency of the American Colonies upon the Parliament of Great-Britain . . . By a Freeholder of South-Carolina* ([Savannah], 1769), John Joachim Zubly argues that, because the American colonies are not represented in Parliament, they cannot be constitutionally taxed by that body. While affirming the legislative supremacy of Parliament in the British Empire, he insists that its right to levy taxes outside of England, Wales, and Scotland is constitutionally limited and argues that imperial revenue should be generated by requisitions to the assemblies of the various colonies.

Though the essay is dated February 1, 1769, news of its publication did not appear until June.[1] It is likely that Zubly completed an initial draft of the essay in February, sent it to JD, and retained the initial date when finalizing and publishing the piece later that year.

Sir

The Freeholder of South Carolina begs Leave to submitt a litle piece of his to the farmer of Pensylvania, & would think himself extremely happy in having his judicious Corrections, if it contains any thing that may be of Service to the comon Cause he must own himself greatly indebted to those Letters which will for ever enoble & endear the famous Name to the friends of Liberty & Mankind. The Authors Name is too insignificant to be mentiond, but he is a friend of the Bearer & has directed him to wait personally on the farmer that he may catch a Spark of his flame, [&?] bring some of that fire with him to the South, which the farmer has so successfully Kindı{l}led in the North.

The freeholder thinks it very necesary that he should not be Known, but in Esteem to the farmer none can exceed

Worthy Sir
Your humble Serv[an]t
JJ Zubly[2]

ALS (PHi-Logan)

[1] *The Georgia Gazette* (Savannah), June 7, 1769; *The South-Carolina Gazette* (Charles-Town), June 8, 1769.

[2] Rev. John Joachim Zubly (1724–1781) was a Swiss-born minister ordained in the German Reformed Church. Settling initially in South Carolina, he moved to Georgia to pastor a Presbyterian congregation in 1760. Zubly staunchly opposed Parliament's taxation policies in America and briefly served as a delegate from Georgia to the Second Continental Congress. Nevertheless, he remained committed to reconciliation with Great Britain and returned to Georgia in late 1775. He subsequently

became a Loyalist and published essays opposing American independence under the pen name "Helvetius."

179
N.P., "Letters in Answer to the Farmer's. Remainder of Letter IV," *The Boston Evening-Post*, March 6, 1769

LETTERS *in Answer to the* FARMER's.
Remainder of LETTER IV.
[*Begun in our last.*][1]

AS I have finished my Remarks upon the acts cited by the *Farmer* in his second Letter, it may not be amiss to throw an eye upon one wrote by the Assembly of Massachusetts to the Earl of Hillsborough.[2] In this letter they tell his Lordship that "a requisition of this nature" (that is to rescind a resolution of the House) "to a British House of Commons has been very unusual: Perhaps there has been no such precedent since the Revolution."[3] Is not this putting themselves upon the same footing with "a British House of Commons"? Do they not disclaim the authority of the King to make any requisition upon that assembly, that he could not make upon the "House of Commons"? This would make the jurisdiction of that assembly *concurrent* with the British Parliament *in every respect*. How different is this language from what they held in their circular letter? In that we had the most fulsome effusion of loyalty to their Prince, and veneration for the British Parliament, to which they acknowledged a *subordination*. There is nothing more common than for people who design mischief, to gild over that design with professions of exact obedience. This kind of incense was offered to a royal martyr.[4] A regard for his person and government was pretended, at the same instant when they were preparing the tragical scene. What signifies professing a regard to our Prince, and at the same time deny his government? Subordination ever implies superiority in the *one*, and inferiority in the other. Now if any man can reconcile subordination with this extravagant claim of the assembly, he has a reconciling faculty beyond any that ever fell within the small circle of my acquaintance. It would be difficult for the *Farmer*, or any of his brother scriblers, to prove us subjects of the British King, after the Parliament is pruned of its right of taxing us.

'Tis true, the assembly of Massachusets did, in their circular letter, acknowledge, that "his Majesty's high court of Parliament" was "the supreme *legislative* power over the whole empire."[5] But whoever scans this sentence with a critical attention can clearly see that this parliamentary power was never meant to extend to any species of taxation. The words *legislative power* (according to the political doctrine now in vogue) acknowledge only a power of legislation in general. This distinction they catch'd from the mouth of a great personage, who declared that there was an essential difference between "legislation and taxation."[6] The parliament, by this

position, is left only with a power of making such laws as regulate trade, or laws of that nature. This provincial exemptory claim, you see, splits the jurisdiction of parliament, a prodigy that our law knows nothing of. It is common for one court to exercise a jurisdiction concurrent with another; but an instance of an inferior *examen* to acknowledge the *privatory* quality of a superior one, in one *respect*, and deny it in *another*, I have not yet met with in the laws of any nation. Such courts could be neither superior nor inferior: The ideas of such would be altogether lost. Should a court in France, whose decisions are subject to the review of the parliament of *Paris* or *Burgundy*, aspire to the eminence of either of these courts of *dernier resort*,[7] in some particular instances; what treatment would such an attempt meet with there? The doctrine of jurisdiction is drawn from principles of the civil law: And when any jurisdictory question arises, the common practice has been to have recourse to the laws of other nations; for a point of jurisdiction may be debated between two kingdoms: Witness Mary Queen of Scots.[8] How could the municipal laws of either nation decide such a question?

But should, my dear Sir, the British Parliament acquiesce in this limitation of their authority, what principle in law would be left unwounded, to limit and bound our claims?— The next shaft would be aimed at legislation itself. Great hardships would be complained of in the exercise of this legislative power. The ditty would then run, "our trade is upon the eve of ruin; 'tis hard it should be confined to a few ports, and such only as will serve to answer the selfish views of Great-Britain: For, by these commercial regulations, we are deprived of great gains which might be derived from a free commerce: And altho' if is not nominally a *tax*, yet it is *one* in effect; for money is taken out of our pockets, or kept from coming there, altho' we are not represented."

This new imaginary grievance would afford ample room for a new string of petitions and remonstrances. The seeds of discontent would be again sowed very profusely in the minds of the too credulous people; and the late scene and the present one would be acted over again. A Parliamentary concession would be only a prologue to new demands; and it is difficult to prophecy where the phrenzy would end. I cannot help taking notice of a very solemn position of the assembly of Massachusetts, in their letter to the Earl of Hillsborough, on the back of a former quotation, in which they maintain, that "in all free states the constitution is fixed; and as the supreme legislatiure derives its power and authority from the constitution, it cannot over-leap the bounds of it, without destroying its own foundation."[9] The constitution is here made the "bounds" that circumscribe the power of parliament; and its right to alter and amend the constitution is disclaimed.

I am very sensible that the King cannot, by his prerogative, alter the constitution. As such a step would affect every individual deeply, it is but reasonable that it should be the united work of the whole kingdom. Accordingly the English laws would never acknowledge that power in the King, but in

concurrence with the two other branches. I confess, I never knew it to fall either from lip or pen, before I threw an eye upon that letter, that the united power of the King and the whole nation, could do nothing for public utility. How came the feudal system of government to be so shattered in the reign of Henry VIII?[10] Had the Parliament no hand in it? Or was it all chance work?— I am led to believe this letter was wrote by some young law-student, and passed the house at the heel of an evening. I wonder it had not been asserted that the King derives his authority from a constable.

But as this doctrine is the sense of the representation of a whole province, you will the more readily excuse me for being particular. Lord Coke entertained more exalted notions of the power of the British legislature. I will use his Lordship's own words, "The jurisdiction of Parliament is so transcendant that it maketh, enlargeth, abrogateth, repealeth, and revieweth all laws and statutes, concerning matters ecclesiastical, civil, criminal, martial, maritime, &c."[11] Is not our constitution founded in law, either *common* or *statute?*— How, then, can the Parliament "derive its power and authority from the constitution," when it "repealeth and revieweth all LAWS and STATUTES," in which the constitution is founded, and to which it owes its existence? We find but very imperfect and blind traces of the British constitution any further back than the period which gives us notice of the first parliament, which is generally limited at the *conquest:* But Lord *Coke* cites a record proving that one was held much earlier, even in King *Alfred*'s time.[12] From that distant period down to the Revolution,[13] we find the Parliament altering and fixing the constitution at pleasure; and it is owing to this happy exercise of their power in fixing it, that we derive the *peculiar* blessings of the present one. Was not the constitution, which had become a mere wreck, established on the firmest basis by the bill of rights?— A disclaim of the authority of Parliament to alter the constitution, would be an express recognition of the King's power to govern us upon anti-revolution principles. It is pity the opposition is conducted with so little skill, as to proclaim the actors in it PROSCRIBERS OF THEIR OWN LIBERTIES.

But what am I doing?— Midnight is stealing upon me; and that I may escape the *morning-admonition*, let me waste no more Ink at present than just to wish that the unhappy differences between Great-Britain and her colonies may soon be lost in a general esteem and affection for each other,—even that superlative affection, with which I am, dear Sir,

Your friend and humble servant, &c.

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[1] Doc. 4:177, above. Brackets in the original.

[2] A letter of June 30, 1768, published in *The Boston-Gazette*, July 18, 1768. See doc. 4:153, n. 8, above.

[3] *JHRM* (1768–69), 99.

[4] A reference to Charles I.

[5] For the text of the circular letter see *PG*, March 31, 1768.

[6] That is, the Earl of Chatham. See *The Speech of Mr. P---*, 13.

[7] *Dernier resort*: LFr. "Last resort; *originally* (in reference to legal jurisdiction) the last tribunal or court

to which appeal can be made, that which has the power of final decision; hence, a last or final resource or refuge" (*OED*).

[8] Mary (1542–1587) reigned as queen of Scotland from shortly after her birth in 1542 until a rebellion forced her to abdicate in 1567. She subsequently fled to England, where Elizabeth I ordered an inquiry into the rebellion and the murder of Mary's second husband, Henry Stewart, Lord Darnley (Stuart; 1545–1567), that had preceded it. Mary, as the sovereign of another kingdom, refused to acknowledge the power of a foreign court to inquire into her conduct. The inquiry was inconclusive, and Mary remained imprisoned in England until 1587, when she was executed for plotting to assassinate Elizabeth. At her trial, Mary again asserted that as a foreign sovereign she was not an English subject and could not be convicted of treason.

[9] The Massachusetts circular letter, though "legislatiure" should be "legislative." See *PG*, March 31, 1768.

[10] Likely a reference to 27 Hen. 8, c. 10 (1536): "An Act Concerning Uses and Wills," known as the Statute of Uses (4 *SAL* 359–65). This act curtailed uses, legal devices that allowed property to be held by one person for the benefit of another, which could be used to evade obligations, taxes, and inheritance laws, all of which cut into the Crown's revenue. Also, 26 Hen. 8, c. 1 (1534): "The King's Grace to Be Authorized Supreme Head," known as the Act of Supremacy of 1534 (4 *SAL* 312–13), established the English monarch as the head of the Church of England, and, as such, Henry VIII dissolved Catholic monasteries and seized their wealth and assets.

[11] A paraphrase of 1 Coke, *Institutes* 110.

[12] Ibid.

[13] The Glorious Revolution.

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From J. Hector St. John de Crèvecœur, March 12, 1769

New York 12th. March 1769

Sir

I have Received yours of the 24th. Febr[uar]y.[1] I am very Glad you have at last begun an Action against W[illia]m Plumbstead's Estate[2] ~~is~~{at} my Suit; I shou'd have thought that the Whole wou'd have been Settled long before now, agreable to what the Executors[3] told me when I was in Philadelphia last; Plumstead's Estate must not be, what they told me it was, or else they must have been very Careless as for what concerns the Interest. I am very willing to leave it to [r]{R}eferees; Expecting that you'll be so Good as to Get Merch[an]ts appointed, it being a Mercantile Affair.— the Sooner the Law will enable you to get this Matter Settled, & the better; I think it wou'd be hard I shou'd loose the Int[ere]st after having waited So long, for the Payment of the Capital; I Recommend the Whole to Your good Care &

I am with Respect Sir
Your very Humble Serv[an]t
Hector St John[4]

ALS (PHi-Logan)

[1] Letter not found.

[2] William Plumsted (Plumstead; 1708–1765) was a Philadelphia merchant who held many local

offices, including mayor, and briefly represented Northampton Co., Pa., in the Pennsylvania Assembly. Probate of his estate was delayed for years by the death of one witness and the absence from Philadelphia of the other two (*LLP*).

[3] According to Plumsted's will, his executors were Archibald McCall (1727–1799), Judah Foulk (Foulke; 1722–1776), and Plumsted's wife, Mary McCall Plumsted (1747–1773). See Philadelphia Co. Will Book O, pp. 335–38, Wills of Philadelphia Co., Pa., Mf, film 21726, UtSlFS.

[4] J. Hector St. John de Crèvecœur (Michel Guillaume Jean de Crèvecœur; 1735–1813) was a French-born soldier, surveyor, farmer, and writer. An officer in the French Army during the French and Indian War, he was wounded at the Battle of Quebec in 1759. He subsequently settled in New York, farming in the Hudson Valley, and became a naturalized British subject. Crèvecœur, who anglicized his name to J. Hector St. John, returned to Europe during the Revolutionary War, where he published *Letters from an American Farmer* (1782). Repurposing JD's archetype of "a Farmer in Pennsylvania," Crèvecœur balanced a favorable view of Quakers and rural life in the northern colonies with a critique of chattel slavery and the violence unleashed by the American Revolution. He returned to New York as the French consul from 1783 to 1790, when he permanently resettled in France.

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N.P., "Letters in Answer to the Farmer's. Letter V," *The Boston Evening-Post*, March 20, 1769

LETTERS *in Answer to the* FARMER's.
LETTER V.

Dear Sir,

PRotestations of Friendship often repeated, is a sort of incence that poisons the delicacies of it. Whenever it is offer'd, we have reason to suspect it is to supply the want of that distinguished principle. I shall therefore be frugal upon that head. But surely I shall not be within the purview of this *social* law, if I only express the satisfaction I felt from reading your letter: Delicacies so refined would give too great a cramp to epistolary commerce, the chief commodity of which is often an exchange of civility and compliment. Notwithstanding your importunate desire that I would enter the political list, when I consider your superior abilities, which I will offend you by acknowledging, I cannot help adopting the language of Lord Bolinbroke[1] to Mr. Pope,[2] and suspecting you to be "guilty of a piece of friendly fraud."[3] That you "doubted the legality of an unlimited exercise of parliamentary jurisdiction over us," was matter of grief to me: That you are now "convinced," is a consolation to me: That you "owe" your "conviction" to me, is one of the sublimest kind. But still you wish that I would "hasten to enter upon the subject of representation," which you think would "put an end to all future cavils about the jurisdiction of parliament." In this I would willingly gratify you, if it could be done without interrupting my plan. It is not enough that a truth should be spoken: It is necessary that it should be spoken seasonably. I will give you my sentiment in Horace's dress.

Ordinis hæc virtus erit, et venus, aut ego fallor,
Ut jam nunc dicat, jam nunc debentia dici
Pleraque differat, et præsens in tempus omittat.[4]

If you throw an eye upon the loosest performance of any of our political tribe, which is so disconnected that it has neither beginning nor end, *velut ægri somnia*,[5] you will nevertheless meet with many truths interspersed thro' it, tho' they have no tendency to establish any general point. A man may be very eloquent upon a fancied view of expiring liberty, and the rapid advance of tyranny and oppression, and will have his admirers; for it is common to hear ladies bestow censure or praise upon latin orations. This false species of eloquence has left too visible marks behind it, wherever it has been practiced. But one who habituates himself to reflect before he resolves, will take care to observe with a critical attention, how far the measures censured are destructive to liberty, before he opposes them.

The coxcomb bird, so talkative and grave,
That from his cage cries Cuckold, Whore, and Knave,
Tho' many a passenger he rightly call,
You hold him no philosopher at all.[6]

I cannot transcribe these four lines of that philosophical poet, without calling to mind a writer,[7] who, for several years past, has been running the dirty race of popularity, retailing out his weekly scandal against his superiors, and levelling the whole artillery of mob thunder at such as aimed at supporting government.

No crab more active in the dirty dance,
Downwards to climb, or backwards to advance.[8]

I talked with a man once, that had been reading one of his pieces against the stamp-act, who said, that had it not been for the scurrility and personal abuse that discovered themselves in almost every page, it would have been difficult for him to have conjectured which side of the question he took. But as his reveries are below all criticism, I dismiss both him and his writings to be tow'd down the stream of oblivion.

That part of your letter that related to G—r B—d,[9] and some others of the King's officers, drew from me particular attention. "How shall I account," say you, "for the unmannerly and indecent invectives that appear almost weekly against the G—r of your province. It is but a few years since the assembly seemed ambitious to distinguish themselves to him by every mark of benevolence and generosity. The H—rv—d[10] seminary embraced him with open arms; the Gothic mantle that had so long cast its shadow upon it, was wearing off apace, and barbarism trembled at the victorious approach of the politer arts & sciences, which always prove dangerous to the dominion of dulness. The chant was then,

BERNARDE, * raptam tu Cytheram,[11] &c.

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* *A piece addressed to Mr. B—d, and to be found among the poetical oblations of. H—d seminary to the present King upon his accession to the throne, which is good Latin, and conveys a refined sentiment. That, and the* Adhortatio Præfidis, *and the* Epilogue, *are the only traces of genius to be found in that collection. The Epilogue is truly* Horatian, *and proclaims the author happy both in sentiment and diction. Among the other excellencies of the Piece, I think the modesty of it ought not to be overlooked. The author, I am told, is an Hebrew professor of that Seminary, which still enhances it in my esteem, as I am always glad to acknowledge merit of our own growth, whenever I meet with it.*

"But what a change of sentiments! The man whose name was so lately graced with the most distinguishing epithets, is now become the subject of every licentious pen. How shall I trace out the surest source of dislike against him? How shall I account for a charge of venality against a late officer of the customs that lived at enmity with molasses traders?—[12] In short, I am almost led to consider these popular charges as so many evidences of their probity and integrity."

This Gentleman, Sir, (I mean Mr. B—d) has been often arraigned by a Mob, and called upon by News-Paper process, to vindicate himself against such imaginary charges, as would serve best to raise a popular clamour against him. Upon opposing a *declinator* to their jurisdiction, and submitting his conduct to the inspection of his true judges, where he has been honourably acquitted, every species of mob eloquence has been displayed to paint him out as an enemy to our country, and a foe to mankind. Men who still preserved a regard for good order, and a respect for government (for such there are and will be in the most depraved times) could not see, without the tenderest feelings for their country, faction raising herself upon the ruins of good breeding and the depression of the social virtues: For whenever opposition transgresses the boundary line between common civility and rudeness, there is not an outrage that may not be expected.

Panegyrick, you know, Sir, is not my talent. But upon this occasion you must bear with me, and make the proper allowances for what passes between friend and friend. Whoever imagines that all this ill-blood against Mr. B—d is owing to what is laid to his charge in the news-papers, has wanted the means of better information. The *Junto*[13] themselves are infidels in the report of *misrepresentation*. To speak plain, I can account for this rancour against him only from a fixed resolution to discharge his duty as became a representative of the crown. But this disposition of the Junto, openly avowed, was too dangerous, and would probably be opposed by a country who are rather *misled* than *corrupted*, and who are naturally inclined to be at peace, if they were let alone: The line of opposition was then formed, tho' it was conducted by actors of different views. He might, doubtless, have purchased peace; but the price would have been too great— Nothing less than a sacrifice of his honour and duty at the shrine of their intemperate folly.

You seem at a loss how to account for a charge of venality against a King's officer who "lived at enmity with molasses traders." It would seem strange to you to be told, that this mercantile dislike owes its origen to an inflexible resolution to enfore [*sic*], as far as he could, a due obedience to the acts regulating plantation trade. I have had it from them who have enjoy'd his acquaintance long, that his enemies in the neighbouring government universally confess, tho' involuntarily, that he can justly challenge a character opposite to this malignant charge. When a virtue, my dear Sir, resulting from an inviolable observance of laws, and a nice sense of duty, procures an opposite imputation, who can help using the language of honest *Æneas—hic pietatis honos?*[14]

To enter upon the vindication of the characters of individuals, may, by some, be construed into a departure from the main point. But surely it is of great importance, that no jealousy should be kept alive between the people and their rulers: Nothing but a cordial affection and esteem between them can ensure the public repose. If the country could once be brought to banish prejudices from the lonely hour, and distinguish properly between argument and declamation, they would first learn to know their friends from their enemies, and then plan their future conduct so as to restore that harmony and mutual confidence between the two countries, without which a mutual injury must unavoidably accrue to both.

The *Farmer*, Sir, is so very modest as to leave the Parliament with the authority of regulating our trade, which he says "is essential to the RELATION between a mother country and her colonies, and necessary for the common good of all."[15] What Relation? Does he mean a natural one, or one arising from compact? When a writer asserts the necessity of the existence of a thing, one is naturally led to define the term, and let us know what that thing is. But our Delaware brother has not done it, but left us to conjecture the meaning. The *legislative* authority of parliament is acknowledged with a view only to preserve this relation: And as this authority "is essential to" this "relation," we cannot but suppose his meaning to be, that it takes rise from acts of parliament; for no other conclusion can be drawn. This serves to convince us, that the relation which he sets up between the two countries is not a natural one. It must therefore be founded in compact. But before we descend into too minute an examination, I should be glad to be informed, why taxation is not as necessary to preserve this relation, as acts flowing from what is called the *legislative* authority of parliament. Armies and fleets, we all allow, are requisite to our defence, and it is as clear that taxation must take place to support them. Can any thing contribute more to preserve that relation than what is necessary for our defence? The existence of this relation, he says, "is necessary for the common good of all," which is a contradiction in terms; for it would be ridiculous that the parliament should have power to make laws for the "common good of all," and yet have no authority to oblige "all" to promote that "good."

Since we are upon the subject of *relation*, it may not be improper to define it, and state the degrees of it between Great-Britain and her colonies. To treat it in the manner that Mr. Lock did,[16] would contribute nothing towards fixing it. To deduce a natural relation between two countries from that which exists between parent and child, would be a piece of sublime nonsense; for how could the degrees of such a relation be ascertained! Without doing this with some kind of exactness, we shall never be able to state the American dependance. If this relation between the mother state and her colonies, shall be found to be as strong as the nexus that cements the union between the King and his British subjects; then we are bound to obey upon the same principles, and are subject to the authority of the King in every capacity in the same manner as his British subjects are. Now this principle upon which we are held to obey, is our allegiance, the only source from which the true relation springs. Whoever seeks for any other will be about as successful as those that spend their time in hunting after the Philosopher's stone. It remains now that we enquire into the nature of this allegiance. Can it be split!— Can the authority of the King be denied in one *respect* and acknowledged in another; without destroying the whole chain of allegiance! No: This allegiance is *absoluta*, *pura*, *et indifinita*.[17] If, then, our allegiance cannot be divided, how can the jurisdiction of Parliament be divided?— For whatever right the Parliament has of exercising jurisdiction over us, (the King being its head) results from this allegiance: Therefore, if the jurisdiction of Parliament is divided, our allegiance must be divided also.

If this relation springs out of our allegiance which is natural, it may be said, this relation must be natural also; consequently we are subjects by nature and not by compact, which would be poison to liberty, as it would favor the doctrine of indefeasible right: For "what right has a subject to resist a Sovereign, however he may be oppressed, if his subjection is founded in the laws of nature which are immutable and invariable, and cannot be warped or cramp'd by any efforts of civil policy?" This indeed, may perplex such as have not accustomed themselves to trim the midnight lamp, & who seem ambitious to know a little of every thing, but understand nothing as they ought. When Lord Coke pronounces our allegiance natural, we are not to suppose that he meant it natural in the severest sense of the word; for the obligation, like all others, is certainly *moral*. It is evident, that the *Farmer* acknowledges no other relation but what is founded in compact; but he has not told us expresly whether that was compact *de facto*, or compact *de constructione legis*,[18] tho' from the principles he lays down, we can suppose him to have meant only an express compact, or, as the ingenious author of the Halifax Letter has it, *positive institution*.[19] If this be his meaning (and I think it can be nothing else) he may be justly ranked with the author of a late Letter, said to be wrote by a Person in London to a Nobleman. In this Pamphlet we find it asserted, that when our ancestors landed upon American soil, "they were under no civil government but what they

formed themselves; when they established their several settlements, out of regard to their mother-country, they sent home their several agents to tender their new acquisitions to their mother-country, on certain conditions then agreed on by the parties, and ratified by their respective Charters, which they looked upon sacred, and make their boast of like our Magna Charta of England." He goes on and says, that "without such a surrender Great-Britain could have no pretence to any authority over them; for the right was founded in *compact*;" and that "the same *compact* that gives Great-Britain any rightful authority over them, secures the privileges stipulated in that *compact*."[20] The same note sang lately the author of a pamphlet wrote in Connecticut. He seem'd at a loss to find out a principle upon which we were bound to obey, before we received our Charters. He gravely asks "what determined these colonies to belong to Great-Britain rather than to Holland?"[21] The author of the Halifax Letter unluckily fell into the same mistake, when he held, that there was "no relation between the colonies and mother-country abstracted from compact or positive institution."[22]

[*The Remainder of this Letter in our next.*][23]

[1] Henry St. John, first viscount Bolingbroke (1678–1751), was a Tory politician, author, and prominent member of Anne's Privy Council. He was attainted for treason and driven into exile in France with the accession of the Hanoverian dynasty in 1714, though he was pardoned in 1723 and returned to Britain two years later. In retirement, he wrote political philosophy, and his ideas about the law as the foundation of liberty were influential in the American colonies.

[2] That is, Alexander Pope.

[3] A paraphrase of "In short, I suspect you to be guilty of a very friendly fraud" (Henry St. John, viscount Bolingbroke, *A Letter to Sir William Windham. II. Some Reflections on the Present State of the Nation. III. A Letter to Mr. Pope* [London: A. Millar, 1753], 426).

[4] "*Ordinis hæc virtus . . . tempus omittat*": Lat. "This, or I am mistaken, will constitute the merit and beauty of arrangement, that the poet just now say what ought just now to be said, put off most of his thoughts, and waive them for the present." Hor. *Ars P.* 42–44.

[5] "*Velut ægri somnia*": Lat. "like a sick man's dreams" (Ibid., 7).

[6] Pope, *Moral Essays*, in *Works*, 3:182.

[7] Probably a reference to Samuel Adams, who had written extensively against British policy in America under a variety of pseudonyms.

[8] Pope, *The Dunciad*, in *Works*, 5:108.

[9] Governor Bernard.

[10] Harvard.

[11] "BERNARDE*, raptam tu citharam*": Lat. "Bernard, you snatched the lyre." The opening line from "Ad Præcellentissimum Provinciæ Prefectum, Qui Juventutem ad Hoc Munus Primus Incitavit" [Lat. To the most excellent prefect of the province, who encouraged the youth to this noble cause], in *Pietas et Gratulatio Collegii Cantabrigiensis Apud Novanglos* [Lat. Piety and congratulations of the college of Cambridge of New England] (Boston: J. Green et al., 1761), 3–6, at 3. On the death of George II and accession of George III in 1760, Gov. Bernard proposed that Harvard follow the example of English universities and compose a series of poems in English, Latin, and Greek, offering prizes for the best. These poems were then published without attribution, and there was disagreement over the authorship of some pieces. N.P.'s mention of "an Hebrew professor of that Seminary," suggests that he believed the author of the epilogue was Stephen Sewall (1735–1804). But several surviving copies, including one owned by Sewall, are marked with authors and none attribute the piece to him. See Justin Winsor,

Pietas et Gratulatio. An Inquiry into the Authorship of the Several Pieces (Cambridge, Mass.: J. Wilson and Son, 1879), 5–6.

[12] Referring to Charles Paxton, the controversial former surveyor of customs for Boston who had been charged with financial impropriety. After a stint in England from July 1766 to November 1767, Paxton returned to Boston as a commissioner of the Board of Customs but fled Boston as a Loyalist in 1776 and died in exile in England.

[13] Also called the Boston Caucus, the Junto was a political organization first formed around 1719. The Junto's organization, membership, and policy preferences evolved over time, but it generally opposed the policies of royal officials. Although it often framed its agenda as a manifestation of popular will, the Junto was led by prosperous merchants, physicians, ministers, lawyers, and tradesmen. Prominent members in this period included Samuel Adams and James Otis, Jr. See G.B. Warden, "The Caucus and Democracy in Colonial Boston," *New England Quarterly* 43, no. 1 (1970): 19–45.

[14] "*Hic pietatis honos?*": Lat. "Is this what piety receives?" (Verg. *Æn*. 1.253).

[15] Doc. 4:20, above.

[16] Probably referring to John Locke, *An Essay Concerning Human Understanding*, bk. 2, c. 25–28.

[17] *Absoluta*, *pura*, *et indefinita*: Lat. absolute, pure, and indefinite. This language is used to describe allegiance owed to the sovereign by nature and birthright in Calvin's Case. See 7 Coke, *Reports* fol. 5v, *Calvin v. Smith*, Trin. 6 Jac. 1, (1608).

[18] *De constructione legis*: Lat. by the terms of the law.

[19] Howard, *A Letter from a Gentleman at Halifax*, 7.

[20] [Stephen Sayre], *The Englishman Deceived* . . . (London: G. Kearsly, 1768), 38–39. This pamphlet published a letter, endorsed Sept. 5, 1765, from the Massachusetts Assembly's agent in London, Dennys DeBerdt, to President of the Board of Trade William Legge, second earl of Dartmouth (1731–1801). The letter had previously been printed without attribution in several Boston newspapers, including *The Boston Post-Boy* (supplement), Dec. 30, 1765, and reprinted by other newspapers. See also *Letters of Dennys De Berdt, 1757–1770*, ed. Albert Matthews (Cambridge, Mass.: J. Wilson and Son, 1911), 434–38.

[21] Ebenezer Devotion, *The Examiner Examined. A Letter from a Gentleman in Connecticut, to His Friend in London.* . . . (New London, Conn.: T. Green, 1766), 13. Rev. Devotion (1714–1771) was a Windham, Conn., Congregational minister.

[22] A paraphrase of Howard, *A Letter from a Gentleman at Halifax*, 7.

[23] Doc. 4:182, below. Brackets in the original.

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N.P., "Letters in Answer to the Farmer's. Remainder of Letter V," *The Boston Evening-Post*, March 27, 1769

LETTERS *in Answer to the* FARMER's.
Remainder of LETTER V.
[*Begun in our last.*][1]

AS the *Farmer* has mentioned no other relation between the two countries, than that which arises from the *legislative* authority of parliament, it is evident that he acknowledges none but a political one grounded on express compact. If indeed he meant a relation grounded in our allegiance which we owe to the King as the head of the Parliament in the *legislative* exercise of its authority; that would be withdrawing this allegiance from the King when he joins the Parliament in the exercise of its

power of taxation, which would be more absurd, if possible, than it would be to limit this relation to "positive institution." The question then, is reduced solely to this, whether there exists any relation between Great Britain and her colonies, but what arises from "positive institution," or *express compact?*[2]

From a relation prior to, and abstracted from this compact, I deduce the obedience which we owe to the King. I derive this Nexus from our allegiance, which is antecedent to any "positive institution." These authors have unhappily blended *natural relation* with *political*, which are as unfit for association as it wou'd be to join tigers with lambs. *Political relation*, I call that which is created between King and subject by our charters. Natural relation is that which takes rise from our *allegiance* which is *natural*. And yet our allegiance and obligations of obedience, spring not from nature, nor yet (as these writers wou'd have it) from positive institution; but it arises from compact notwithstanding. The word *compact*, by these authors, is confined solely to *written* or *express* compact. What I mean to prove is, that altho' we are neither subjects by nature in its severest sense, nor by compact *de facto*; yet we are such by natural allegiance, that is, from implied compact.

We have only now to define our allegiance with more exactness, which has been already asserted to be *absolute* and *indefinite*. Had this relation took rise from our charters, each American would be *subditus datus*,[3] commencing such *ligeantia acquisita*.[4]

Natural allegiance my Lord Coke, and the more antient authors call, *Lex Æterna*,[5] the *Moral Law*. All obligations which men are under one to another are *moral*, and are incomparable to physical good or evil. Yet, from the universality of their operations, they are called natural ones. Agreeable to this, we find, that the obligations which the subject is under to the King, though they are strictly speaking, *moral*; yet the assent of mankind to their duty owing to him being so general and unquestionable, they have been looked upon as natural. This doubtless arose from the idea or sense of duty owing from a child to its parent, as our Kings have been consider'd in law as fathers of the people.[6]

From this, Sir, you may discern how necessary it is to prove, that the obligations of obedience, resulting from our allegiance, are *moral*, though that allegiance is called *natural*. Man *naturally* inclines to be social; yet every obligation which society makes requisite, for its own support, to be created, ends in *morality*. If these obligations were esteem'd natural because they owe their origin to a *natural source*, or one which is called *natural*, they could never be cancell'd by any act of the other party, because the laws of nature are arbitrary and not subject to human controul: Consequently the lien of the obligation of obedience which we owe to the King cou'd never be rescinded by any breach of contract on the crown side, there being no express or implied condition annexed to it, to ensure to the subject an equitable exercise of it.

All moral obligations may be traced up to sources either of public or private *utility*. If government was useless, we had never heard of the duty of allegiance, which wou'd never have taken place, had it not been to procure to society that advantage, without which it cou'd not subsist. 'Tis the preservation of peace and order among mankind, which are incompatible with the riotous passions incident to our natures, that first depriv'd man of his natural liberty, † and made him submit to political society. Such obligations as *society* enforced, being moral, must consequently have arisen with an original intent to promote public utility. But, methinks, you are twitching me by the ear, and admonishing me of the endless maze I shou'd tread, shou'd I indulge my speculative humour any further in affairs of

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† *Some of our political Rhapsodists*, *have discovered so great a want of that kind of knowledge*, *which every one ought to have that meddles with affairs of government*, *that they have caused themselves to be printed advocates for licentiousness*, *& every other disorder which proceeds from an unlimited predominancy of passion. They are so blind as not to discover*, *that the very business and end of civil liberty is to prove a restraint to* natural.— *Every distemper common at this day*, *is found*, *in some degree*, *to own the sovereign power of medicine*, *except the plague*, *and one other still more contageous*, *I mean the* Cacoethes Scribendi.[7]

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government than practice could be concomitant. I am content, therefore, with having proved, that altho' we are *politically* related to Great Britain, yet that relation sprung not from the express compact in our charters, but from our allegiance which is antecedent to any such positive compact: Consequently as long as the King continues to *govern* and *protect* us, we are bound to obey him in *every capacity*.

This reasoning was well understood by the Parliament at the time of the revolution.[8] The unhappy Prince,[9] it was urged, had refracted upon the original covenant between him and his people. The crown was, therefore, transplanted from his head. But, cou'd this have been effected if each of his subjects were linked to him by the *indissoluble* tye of nature? The revolution principles, therefore, clearly define our allegiance, and bear testimony to the propriety of the preceeding distinction.

If our charters made us subjects *de novo*[10] (which wou'd be the case if this relation is founded in express compact, or "positive institution") they may be said to ascertain, define, and limit the rights of each colony; and we could boast no rights independent of them. The consequence is, they are become the measure of our obedience. This position would turn our rights into phantoms, and reduce the chain of our obedience to a thread.

How shall we describe the madness and folly of these charter men, who claim

the rights of Englishmen solely from these grants? If they are the measure of our obedience, they are also the measure of all our rights.

If people of this stamp were guardians of their own liberties, with what a prodigal hand would they squander them away. These people, no doubt, are struck with a gaudy tinsel picture of INDEPENDENCE, presented to them by a fruitless ambition, while their judgment was asleep. They were too nearsighted to discover that upon the downfall of these charters, if the reciprocal duty of protection and obedience were dependent upon them, and could boast no earlier a parentage, the country would lay open to the first occupant of sufficient force, and might equitably be seized by Great-Britain, who could justify treating us as a conquered country.

In short, my dear Sir, if we are related to Great-Britain at all, we must be in one of these four respects. FIRST, as a *neutral power:* SECONDLY, as an *alien enemy*: THIRDLY, as an *alien friend:* FOURTHLY, as *subjects*. A neutral power we are not: The Chinese are such, whom distance renders impossible to be interested in the negotiations of Europe. It is equally clear, that America is neither an alien enemy, nor an alien friend. It remains, therefore, that if we are related at all, it must be as SUBJECTS. *Such* we profess ourselves: but a bare name gives no peculiar sanction to any thing. Professions of *obedience* and *subjection* have but little weight in national councils. TO OBEY IS BETTER THAN SACRIFICE, AND TO HEARKEN THAN THE FAT OF RAMS.[11]

I fear too many of us have the *tongues* without the *hearts* of SUBJECTS. Humble petitions to the King, impregnated with declarations of loyalty, and at the same time resisting a commission from under the great seal of England in open town-meetings, are violent proofs that our pens are at variance with our designs. WE ARE SUBJECTS AS FAR AS IT SUITS OUR CONVENIENCY. Adieu!

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[1] Doc. 4:181, above. Brackets in the original.

[2] See ibid., n. 22.

[3] *Subditus datus*: Lat. a subject given (or made). This language derives from Calvin's Case. See 7 Coke, *Reports* fol. 5v, *Calvin v. Smith*, Trin. 6 Jac. 1, (1608).

[4] *Ligeantia acquisita*: Lat. acquired allegiance. An allegiance due by acquisition or denization, and the kind owed by those who are *subditus datus*. This language also derives from Calvin's Case. See id.

[5] *Lex æterna*: Lat. eternal law. Laws that exist naturally, not created by humans. Another quotation from Calvin's Case. See id. at fol. 12v.

[6] The paternal connection between a king and his subjects was notably articulated by Sir Robert Filmer (1588–1653), whose posthumously published book *Patriarcha, or the Natural Power of Kings* (London: W. Davis, 1680) defends the divine right of kings.

[7] *Cacoethes scribendi*: Lat. uncontrollable urge to write.

[8] The Glorious Revolution.

[9] James II.

[10] *De novo*: Lat. over again, anew.

[11] 1 Sam. 15:22.

183
Extracts from Letters, *The Pennsylvania Journal*, March 30, 1769

Extract of a Letter from a Gentleman in London to his Friend in this City, dated Jan. 19, 1769.[1]

"I had the pleasure of dining, a few days ago, with Mr. Wilkes in the King's-bench prison,[2] in company with several gentlemen from America, and others from different parts of England. He is one of the most entertaining men in the world. I heard a number of sentiments from him, that would have done honour to a SIDNEY or HAMDEN.[3] He is an enthusiast for AMERICAN Liberty; and says, if you can but preserve an equality among one another you will always be free in spite of every thing. Titles are the bane of an infant country. He enquired in a particular manner after Mr. Dickinson: His Farmer's Letters, he says, are superior to any thing of the kind that was ever published in any age or country. He spoke with as much virulence as ever against Scotland, for you must know, all the Scotch members of Parliament, in both Houses, are against America. The toasts we drank were as follow. His Majesty and all the Royal Family. Liberty to the British EMPIRE. John Glynn, Esq;[4] The Pennsylvania Farmer. Number 45.[5] Daniel Delany, Esq; of Maryland. James Otis, Esq; of Boston, &c."

Extract of another Letter of the same date.

"Mr. Dickinson's Farmer's Letters, have carried his name and reputation all over the British dominions, I was a few days ago in a large company of patriots and advocates of liberty, where I heard a thousand fine encomiums passed upon them. It is a general remark here, that all the State papers, such as addresses, petitions, &c. which come from America, are wrote in a stile not to be equalled in any part of the British dominions. There is a plain reason for it; men will always write well upon subjects they feel thoroughly."

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[1] John Macpherson, Jr., believed this was written by Dr. Benjamin Rush, who was living in London after completing medical training at the University of Edinburgh. Indeed, Rush's autobiography mentions that Arthur Lee invited him to a dinner with John Wilkes in prison. See Macpherson's letter to William Patterson, April 9, 1769, in "Extracts from the Letters of John Macpherson, Jr., to William Patterson, 1766–1773," *PMHB* 23, no. 1 (1899): 51–59, at 55; and Corner, *Autobiography of Benjamin Rush*, 61–62.

[2] John Wilkes had been imprisoned for seditious libel at the London prison since May 1768.

[3] Algernon Sidney and John Hampden.

[4] John Glynn (1722–1779) was an English lawyer who defended John Wilkes from libel charges in the *North-Briton* case. He was elected a member of Parliament in 1768 and acted as Wilkes's most vigorous advocate in his contest to claim his seat in the Commons.

[5] Issue no. 45 of *The North-Briton* (1763). See doc. 4:124, n. 3, above.

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N.P., "Letters in Answer to the Farmer's. Letter VI," *The Boston Evening-Post*, April 3, 1769

LETTERS *in Answer to the* FARMER's.
LETTER VI.

Dear Sir,

THE more I reflect upon the distinction that has been taken between acts of parliament that "regulate trade," and such as lay duties for the "purpose of raising a revenue," the more I am convinced of the absurdity of it. It seems strange, that any thing so wild and extravagant, and at the same time so mischievous, should owe its origin to so exalted a genius as Mr. Pitt. That great man, in his argument upon the repeal of the st—p a-t,[1] with an irresistable torrent of eloquence, denied the power of parliament to lay any *internal* tax upon the colonies, and asserted, that there was "a plain distinction between TAXES levied for the purpose of raising a revenue, and DUTIES IMPOSED for the regulation of trade, for the accommodation of the subject; altho' in the consequences some revenue might incidentally arise from the latter." He then gives the house his opinion upon the subject in an authoritative manner peculiar to himself. "It is my opinion," said he, "that this kingdom has no right to lay a tax upon the colonies." "The Americans are the sons, not the bastards of England. Taxation is no part of the governing or legislative power. The taxes are a voluntary gift and grant of the commons *alone*. In legislation the three estates of the realm are alike concerned, but the concurrence of the peers and crown to a tax, is only necessary to close with the form of a law. The gift and grant is of the commons *alone*." "The distinction between legislation and taxation is essentially necessary to liberty." Soon after this, he figures high upon the powers of our American assemblies. "The commons of America," says he, "represented in their several assemblies, have ever been in possession of the exercise of this their constitutional right of giving & granting their own money. They would have been slaves, if they had not enjoyed it."[2]

What a piece of high sonorous declamation is this! What pity is it that he should be so fond of his *dictatorship* as to think it too great a condescention to take up the common weapon of argument! To assert dictatorially that the "grant is of the commons alone," is one thing; and to prove it from a chain of reasoning, is another. I will take the freedom of examining his positions, and see if they can be supported without wounding the authority of some of "the three estates," which he says are all concerned in legislation, but not in the business of taxation. "Taxation," he says, "is no part of the governing or legislative power." The reason he assigns is, that "taxes are a voluntary gift & grant of the commons *alone*." I have heard this asserted before; but the contradictions that naturally attend such a position, have always

made me think differently. If it shall appear, that taxes are not so absolutely the "gift and and [*sic*] grant of the commons," as he so positively maintains; then it cannot be true that taxation is no part of the "governing or legislative power."

The three estates that compose the British legislature, are the King, Lords and Commons. No bill acquires the force and sanction of a law without the concurrence of all three. The King has a negative upon the two other branches, which is not limited to such acts only as flow from the "governing or legislative power," as he calls it, but extends to all acts indiscriminately. The Commons have no greater power to deprive the subject of his money *per formam doni*,[3] without the concurrence of the Crown and Peers, than they have to lay any other restraint upon him, without that concurrence. This may be collected from the general language of acts imposing taxes. I will give you a sample. "We your Majesty's most dutiful and loyal subjects, the Commons of Great-Britain," &c. "do humbly *beseech* your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, and by and with the advice and consent of the Lords spiritual and temporal, and Commons," &c.[4] The remark we are to make from this, is, that the Commons recognize the necessity of the concurrence of King and Peers; and that their grant may be effectual, are obliged to "beseech" his "Majesty that that [*sic*] it may be enacted." If "the grant is of the Commons *alone*," how came it to be necessary that they should call in any other aid but their own authority! But the great commoner, that his doctrine might go down the better, and to clear it from this embrrassment [*sic*], tells the house, that this concurrence is necessary only to "close with the form of a law." To make mere cyphers of the two other branches, is, I think, paying them a pretty coarse compliment. What he called an absolute grant of the commons, is only their manifestation of a *disposition* to "give and grant."

But it may be said, and it has been said, that the power of the commons is so exorbitant, that they can refuse granting the necessary supplies, till this concurrence is allowed. I am aware of this: But have they the same power to command a concurrence to any other bill? The ingenious Mr. Hume makes no distinctions. The act always expresses the grant to be made to the King; but care is, for the most part, taken, that when he assents to the bill, it is put out of his power to apply the monies to purposes different from the express intent of the act. The improvement that I would make from these considerations is, that we incur the same guilt by refusing obedience to acts imposing duties "for the purpose of raising a revenue," that we should by refusing obedience to other acts: For America being represented to the house as in a state of rebellion, Mr. Pitt could find no other way to wipe off that stain, than by lessening the power of the crown. If the assent of the crown to a bill is only to "close with the form of a law," an offence against it can never be alledged to be *contra coronam et dignitatom suam*.[5] The popular gentlemen, who justified the American conduct in the late debates upon the King's speech, in order to clear the Americans from the guilt of rebellion, would not risk the event upon so trivial a

distinction: They soon saw, from the train of consequences that would follow at the heel of such a position, that the crown would suffer too great a diminution, and that it is safer that such a doctrine should be faintly mentioned, than seriously insisted on. A London merchant, who tells us he was in the house, says, that "they went upon the doctrine of representation, and made a distinction, that acts of opposition, which would be deemed rebellion in England, would be justifiable in America."[6] This, I must confess, was a much better varnish to gild over the American conduct; for the want of representation was solely insisted on; consequently, when a representation is allowed, according to them, the act binds the Americans; and such as deny the legality of it will be within the purview of such laws as aggravate the crime of denying the authority of the King. But Mr. Pitt's doctrine would make a resistance to an act imposing duties upon subjects, that *are represented*, cease to be a crime against the crown; for how is his authority denied by a resistance to an act to which his assent is "only necessary to close with the form of a law." *

As every measure is to be approved or condemned from its resulting consequences, I shall not think my time ill spent, if I attend a little, before I take a final leave of this famous distinction, to the effects that it would produce. The *Farmer*, who, like an industrious spider, spun out his whole web from this distinction, could not, however, shut his eyes quite close enough to help seeing, that a denial of the power of parliament to tax us, would involve in it the destruction of the other power, called the legislative one. He says, that it may be objected, "that it being granted that the statutes made for the regulating trade are binding upon us, it will be difficult for any persons but the makers of them to determine which of them are made for the regulating of trade, and which for the raising a revenue, and that from hence may arise confusion."[7] It is pity that this objection did not stop him in the perilous race he was running. He had a clear view of the train of mischiefs that would pursue his doctrine in the rear: Nothing but the sense of the shame of a retreat could have been a sufficient motive for him to prefer a road that is so often interrupted by crosspaths, and which leads directly to the unhinging of the constitution, to one that is old, and has been so long trod by our ancestors. It is plain he had argued himself into a conviction of the danger that his doctrine would lead into: Perplexities darkened his prospect forwards. If he allowed the jurisdiction of parliament to be altogether absolute and *privative*, his pretty vision would disembody itself, and no longer wanton in our eyes: If he still courted the Illusion, the idea of a divided allegiance and shattered constitution would haunt him. But how far the shame of confessing an error will triumph over the dictates of reason & conscience, I will leave you to judge from a quotation immediately after the last.

"It is true," said he, "that impositions for raising a revenue, may be hereafter called regulations of trade; but names will not change the nature of things. Indeed we ought firmly to believe, what is an undoubted truth, confirmed by the unhappy

experience of many states, heretofore free, that unless the most watchful attention be exerted, a new servitude may be slipped upon us under the sanction of usual and respectable names."[8]

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* *Mr. Pitt's doctrine, if carried into practice, would make it no offence against the crown, to deny the authority of parliament in point of taxation; for how is the dignity of it affronted when it's concurrence is* "*necessary only to close with the form of a law*." *This doctrine would not be so mischievous if it could be limited to America: But what is the consequence of it? Why, the same argument that makes a resistance against an act imposing taxes cease to be a crime here, must make it cease to be one in Great Britain. But these gentlemen are much happier in the choice of* colours *to gild over the American tumults*: *They alledge the want of a representation, which is a plea that is confined solely to America, and cannot reach Great-Britain, the subjects of which are represented in* fact. *How desultory and inconclusive this new argument is, will be taken notice of under the head of* Representation.

Whoever has read history with any profit to himself, cannot miss knowing, that amidst all the dispute about the eligibility of despotic or popular governments, *that* will be found best that has a proper temperature of both. Read the life of a Persian Monarch, and that of *Aristides*, or *Themistocles*, or *Phocion*, and you will find it difficult to determine which government affords the greatest security to property or person, the Persian despotism or the Athenian republick. Whatever ills are to be dreaded from the unlimited and arbitrary rule of one man, may be expected, with a large retinue besides, from a predominant popular power. The choice that the *Farmer* has made, appears from his exhortation to the people to exert "the most watchful attention" to the acts of the British Parliament. A line is drawn by him to limit the authority of that august body; and the people are called upon to judge when it is transgressed. No body of men invested with a legal authority, can sustain themselves judges of so nice a point: 'Tis the people, and they alone, that can set bounds to that authority.— This line of distinction exists only in the imagination, and is impracticable. The people, Sir, are but rude judges in matters of intricacy, and will be apt to make the same blunders in healing bodies politic, that quack physicians do in curing natural ones.

How idle is it to talk of the "legislative authority of parliament," when the people have it in their power to defeat it only by altering the name of it. The *Farmer* says, that it will be difficult to know which acts "are made for the regulation of trade and which for raising a revenue."[9] I know it will: And therefore no such distinction should have been made. What authority can the parliament have over a people who can limit the extent of that authority? If the people have not that power, then our assemblies, being their representatives, must be without it also. But if this power should be acknowledged either in the people or their representatives, what will

become of the "legislative authority" of parliament? Do you imagine, that it would survive long the fate of the other? Depend upon it, that the British legislature may date the loss of power over us, from the very moment that any part of it is given up.

[*To be continued.*][10]

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[1] The Stamp Act of 1765.

[2] These are quotations from *The Speech of Mr. P---*, 12–15, 27, as they appear in doc. 4:25, above. On a difference from the original, see ibid., n. 21.

[3] *Per formam doni*: Lat. "In English law. By the form of the gift; by the designation of the giver, and not by the operation of law" (*BLD*).

[4] The Revenue Act of 1767. See 27 *SAL* 505–12, at 505.

[5] *Contra coronam et dignitatom suam*: Lat. against the crown and its dignity.

[6] A quotation from an unexcerpted portion of doc. 4:169, above, reprinted in *The Boston Chronicle*, Feb. 23–27, 1769.

[7] Doc. 4:28, above.

[8] Ibid.

[9] Ibid.

[10] Doc. 4:185, below. Brackets in the original.

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N.P., "Letters in Answer to the Farmer's. Remainder of Letter VI," *The Boston Evening-Post*, April 10, 1769

LETTERS *in Answer to the* FARMER's.
Remainder of LETTER VI.

[*Begun in our last.*][1]

IT may be proper, in this place, to consider what our Delaware Patriot[2] has said upon the intended appointment of new Judges in America, independent of the people.[3] He seems to have taken his fright from the intent, in the late act, to raise a revenue "in his Majesty's dominions in America, for making a more certain & adequate provision for defraying the charge of the administration of justice, and the support of civil government, in such provinces where it shall be found necessary."[4]

The King, being the head of the executive government, has an indisputable right to name his judges in any part of his dominions; for the old English Kings were considered only as judges and generals. Even at this day the King is supposed to be present in all his courts. But what gravels him is, the judges being appointed only *durante bene placito*,[5] and not as they are in England, *quamdieu bene se gesserint*.[6] He thought, if they held their places only during pleasure, they would be too true to their appointment, and would not be quite so subservient to the views and interests of a populace. † It seems strange that this objection should be made: For are not the judges appointed by our assemblies in the same manner, at least annually? And is there not more danger that their judgments will be warped from the single view of justice, while they are resident upon the spot with the power of their creation, and subject to its immediate influence, than there can be when appointed by a power

three thousand miles distant? But, no doubt, he would willingly be in fashion, and readily oppose any measures that ensure a due weight and respect to the crown. Bribery and corruption, or the appearances of them, have nothing frightful in their countenances, while courts are running a popular race: But the most distant thought of such judicial appointments, as would render the laws effectual in revenue matters, presents these objects in their most uncouth shapes. Apprehensions of oppression are immediately raised; and the trumpet of disaffection is sounded from one end of the continent to the other.

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† *I should be sorry if I should be understood to mean a reflection upon the superior court of your province, who have showed, on different occasion, a laudable disinterestedness, and give us room to think, that justice will be the point in view upon any question wherein the honor of the crown may be concerned.—*[7] *Happy! if the courts in a neighbouring government could challenge so distinguished a character.*

But the *Farmer* has met with a new surprize from the "confusion in our laws," which he says "is quite unknown in Great-Britain."[8] The author of the history of New York,[9] in his opinion, had described it so clearly and properly, that he has not scrupled to let it pass upon the world as a copy of his own judgment. I shall therefore consider the historian's opinion as his own. "The state of our laws," says the historian, "opens a door to much controversy. The uncertainty with regard to them renders property precarious, and greatly exposes us to the arbitrary decisions of unjust judges. The common law of England is generally received, together with such statutes as were enacted before we had a legislature of our own; but our courts exercise a sovereign authority in determining what parts of the common and statute law ought to be extended: For it must be admitted, that the difference of circumstances necessarily requires us, in some cases, to reject the determination of both. In many instances they have also extended even acts of parliament, passed since we had a distinct legislature, which is greatly adding to our confusion. The practice of our courts is no less uncertain than the law. Some of the English rules are adopted, others rejected. Two things therefore seem to be necessary for the public security. First, the passing an act for the settling the extent of the British laws. Secondly, that the courts ordain a general set of rules for the regulation of the practice."[10]

What pity is it, that people who profess the law, or write about it, will never make themselves acquainted with the grounds and foundation of it!— These people may be useful in disputes about book-accompts, or an horse-jocky note, which are suited to their talents: But they are dangerous when they move out of their sphere, and turn their attention towards affairs of government. Had this scribbler understood his abilities, he would have escaped both the applause of

the mob, and the contempt of men of sense. He is puzzled to find out what part of the laws of England extend here, and complains, that British statutes, since we had legislatures of our own, have been held obligatory upon us. He then gravely advises to the passing of some act for "setling the extent of the British laws."

What an indiscriptable piece of insolence is this! Legislatures that are bound by the charters from which they exist, to obey the laws of England, are called upon to limit the extent of such laws. This naturally leads me to bring to remembrance the two grand divisions of the English laws, which, if properly understood, must have crushed in embrio this extravagant claim of provincial power. The first division is into RIGHT; the second into REMEDY. RIGHT, being inherent, is, like our allegiance, confined neither to climate nor soil, *nec cælum*, *nec solum*,[11] but pursues us even upon enemy ground. Right survives to an English subject, and accompanies him even in the mines of Peru, tho' remedy lies dormant. It follows, then, that all acts, declaratory of the rights of Englishmen should be the effort of that legislative body which holds all others in subordination; for, on a contrary supposition, the subordinate legislatures might enact laws to the annoyance of each other, and *right* might be variable in every government. I shall venture, then, to assert the extent of all British laws, whether *statute* or *common*, that any way relate to the rights of men. The common law we claim as our birthright; consequently all such statutes as are made either in abrogation, affirmance or amendment of it, must follow it, tho' the colonies are not named.

It has been too often asserted, and too generally believed, that no acts of the British parliament can or ought to bind the colonies without naming them.[12] This opinion could never have prevailed, had the distinction been kept up between *penal* and other statutes. The extent of such as affirm or amend the common law, is a privilege worth claiming. But *penal* statutes have nothing in them that heals or secures an invaded right: It is for this reason, no act that inflicts penalties, such as the late one, is made to extend to the colonies, unless they are expressly named. There is a case, which has been repeated by several hands, that has doubtless added greatly to the prevalency of this opinion. But who ever reads it with attention, will find, that the process was framed upon a *penal* statute, the extent of which to Jamaica, a conquered island, was disputed.[13] The reason why *penal* statutes ought not to be construed to bind the colonies without naming them, is apparent: For if the extent of such should be allowed; then every act of parliament that lays duties upon malt, beer, soap, &c. would bind the plantations, which would be more than an imaginary grievance. These acts are local in their operation, and, for the most part, are construed *strictly*. I shall, therefore, venture to affirm, that the colony legislatures can make no laws contrary to such of the laws and statutes of Great-Britain as establish right.

The other branch is Remedy, which is the avenue laid open to the subject to pursue his *right*. As the securing of *right* is the grand object of the law, and as that may be secured effectually by different processes (which constitutes the remedial branch) it is but reasonable that the colony legislatures should be impowered to make such laws establishing modes of process, as shall be most convenient to each government. Therefore, altho' the most usual process in England to remove causes from an inferior to a superior examen,[14] in civil actions, is by writ of error; yet an *appeal* may be *relevant* in the colonies, tho' attended with fewer formalities. Where, then, is the necessity of passing acts in the colonies to limit the extent of the British laws? Such as are only *remedial*, we may introduce or reject at will: Such as relate to right, whether statute or common, extend here naturally, and cannot be excluded by any provincial law. *Penal* statutes bind us only when we are named. Where, then, is the danger either of introducing or rejecting any part of the remedial branch? What is it to a man who has a just claim, whether it be pursued by *Latitat*,[15] *Bill of Middle-Sex*,[16] ar [*sic*] any other provincial process, however variant from these writs, provided the question of right is fairly tried?

The power of the King to name his judges in the colonies is indisputable: The *Farmer* has more than half acknowledged it; only he thought their salaries ought to depend upon the people here. A most solemn piece of banter! He would acquiesce in the authority of the King to name his judges; but would have it in the power of the people to starve them into a compliance with any measures that would tend to diminish his authority here! If their salaries, my dear Sir, are to depend upon the goodwill of the people, they are our assemblies judges, and not the King's: The laws of McEntosh,[17] and not the laws of England, must determine the properties of men, and the populace are to say whose house shall stand, and whose shall fall. If the King can of right name his judges, he can also prescribe the modes of their maintenance. Adieu!

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[1] Doc. 4:184, above. Brackets in the original.

[2] A reference to the Pennsylvania Farmer's residence "near the Banks of the River *Delaware*" (doc. 4:18, above).

[3] See doc. 4:36, above.

[4] The Revenue Act of 1767 (27 *SAL* 505–12, at 505). See also docs. 4:20, 4:28, 4:33, 4:36, 4:38, and 4:39, above.

[5] See doc. 4:48, n. 8, above.

[6] See ibid., n. 10.

[7] The Superior Court of Massachusetts, with Lt. Gov. Thomas Hutchinson as chief justice, remained firmly committed to protecting royal authority in the province. See Peter Edmund Russell, "His Majesty's Judges: The Superior Court of Massachusetts, 1750–1774" (PhD diss., University of Michigan, 1980), 111–16.

[8] Doc. 4:36.

[9] William Smith, Jr. See ibid., n. 13.

[10] Smith, *History*, 243.

[11] *Nec cælum*, *nec solum*: Lat. neither climate nor soil. See 7 Coke, *Reports* fol. 6, *Calvin v. Smith*, Trin. 6 Jac. 1, (1608).
[12] This was the opinion of English jurist Sir William Blackstone (1723–1780), who asserted that "the common law of England, as such, has no allowance or authority [in the American colonies]; they being no part of the mother country, but distinct (though dependent) dominions. They are subject however to the control of the parliament; though (like Ireland, Man, the rest) not bound by any acts of parliament, unless particularly named" (1 Blackstone 105).
[13] A reference to *Blankard v. Galdy*, Trin. 5 & 6 W. & M., B.R. (1693). The case concerned the enforcement of 5 & 6 Edw. 6, c. 16 (1552): "Against Buying and Selling of Offices" (5 *SAL* 383–85) in Jamaica. The court ruled that "Jamaica being conquered, and not pleaded to be Parcel of the Kingdom of *England*, the Laws of *England* did not take Place there, until declared so by the Conqueror or his Successors" (2 Salkeld 411).
[14] *Ad aliud examen*: Lat. "To another tribunal; belonging to another court, cognizance, or jurisdiction" (*BLD*).
[15] *Latitat*: Lat. "A writ summoning a defendant assumed to be in hiding to answer in the Court of King's or Queen's Bench" (*OED*).
[16] Bill of Middlesex: "A legal fiction formerly invoked to expedite cases by bill through the Court of King's (or Queen's) Bench, rather than through the more expensive and time-consuming writ of the Court of Common Pleas" (*OED*).
[17] Probably a reference to Ebenezer Mackintosh (1737–1816), a Boston shoemaker notorious as a leader of the August 1765 riots against the Stamp Act of 1765.

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Anonymous, Commentary on the Farmer's Observations, *The New-York Journal* (supplement), April 13, 1769

This article was a part of the "Journal of Occurrences," a series of articles chronicling the British Army's actions in Boston. The series was published weekly in *The New-York Journal* between October 13, 1768, and November 30, 1769, and was reprinted in several other papers. Although authorship of the series was anonymous, it seems to have been a group effort led by Samuel Adams.[1]

March 8. The following Letter from a Gentleman in Connecticut, does in a sprightly Manner, convey the Sentiments of the most judicious in the several Colonies, respecting the late violent and affrontive Measures of Ad——n,[2] and their Hopes of the happy Tendency they may finally have to promote the Trade and establish the Liberties of North-America.

"I am glad the Troops are come and, believe their Arrival will be for the Health of this Country.— There is a great deal of Oratory in the Glitter of Arms; and a few Ships of War contain all the Arts of Persuasion, A Cannon Ball carries with it, solid and weighty Arguments; and a Thrust in the Side with a Bayonet, will give Conviction in a Moment. I imagine we are now convinced of the Necessity of leaving off Trade with the People of Great-Britain, and the Danger of meddling with their Manufactures, till they are in a better Humour, and will rescind their Resolutions of taking our Money out of our Pockets without our Consent: We have

paid dear enough for being infatuated with this destructive Trade, it is the Source of almost all the Mischiefs and Confusion, that has happened in the Land; and it is Time the Inchantment was broke, and our Attention turned upon the Productions of America; we are able to live within ourselves, and have Business enough at Home, without gadding abroad after every Knick Knack, and Trinket that is worked up in Great-Britain, and as we can't be persuaded into such a wholsome Practice by lenitive and moderate Means, we must be brought to the exercise of Reason by vigorous Measures, and the Point of the Bayonet becomes necessary to fix the Conviction. Preparations of Steel and surgical Instruments when lenitives fail, often Times produce wonderful Effects, and are frequently used in opening the Eyes of the Blind.— If we were not a dull stupid Race of Mortals, and had seasonably relinquished the Trade to Great-Britain, the Operation of Cutlary Ware, and the Rhetoric of Red Coats, would be of no Service; but as Matters now stands, the Eyes of many want couching,[3] and these surgical Operations must take of [*sic*] the Film, and bring us to our senses, and to Measures that are so confessedly for our Interest.

"To speak without a Metaphor.— The Troops are highly necessary to clog, embarrass and obstruct the importation of British Manufactures, and to give us clear and distinct conceptions of the Nature and Tendency of the late Revenue Acts; and herein I think they will apparently Co-operate with the Measures we are pursuing, promote the Cause we are pleading, and be a Means of fixing our Attention upon the only Means of our Safety. America is greatly indebted to the Troops, and highly obliged to the Sagacity and Fore-sight of that incomparable Politician G——r B——d[4] for procuring them. And for my Part, I cannot but consider this military Parade, and every Insult and Abuse which the People of Boston meet with from the Soldiery, as a Comment upon the Farmer's Letters, a Confirmation of his Observations, and I believe they will serve as an Expositor, to illustrate and set his Reasonings, if possible in a more clear, conclusive and striking Light, and convince Americans of the inestimable Worth of Liberty, and establish them in the lasting Enjoyment of it."

[1] *Boston under Military Rule, 1768–1769, as Revealed in a Journal of the Times*, comp. Oliver Morton Dickerson (Boston: Chapman & Grimes, 1936), ix; John K. Alexander, *Samuel Adams: America's Revolutionary Politician* (Lanham, Md.: Rowman & Littlefield, 2002), 87; *PFB*, 5:216 n. 4.

[2] Administration.

[3] Couching: "*Surgery*. To remove (a cataract) by inserting a needle through the coats of the eye and displacing the opaque crystalline lens below the axis of vision" (*OED*).

[4] Governor Bernard.

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Notes on *Dominus Rex v. John Holland*, [c. April 10–13, 1769]

On Thursday, January 26, 1769, *The Pennsylvania Journal* reported the following incident:

> On Tuesday night last, John Holland, butcher, going to his slaughter-house near the barracks, stopped at a house near the same, where was a tanner, when after drinking some time, a dispute arose, & a challenge ensued, when the tanner stripped to fight, soon after which, Holland run the other through the body with a hanger[1] (he always wore when he slept in his slaughter-house) and killed him on the spot, on which Holland delivered himself immediately to the watch.

In this case, Holland was accused of murdering William McIlherring in a dispute about Freemasonry. JD formulated a defense for Holland that attempted to lessen the charge from murder to manslaughter by showing that Holland lacked the intent to kill and questioning the reliability of the prosecution's key witness.

First, JD's notes argue that Holland's actions, witness testimony, and logical inference demonstrate that Holland lacked the malice aforethought necessary for the killing to constitute murder. JD shows that Holland stopped at McIlherring's house not with an intent to kill but to warm himself. He did not conceal his sword or instigate the fight, and he immediately felt remorse for the stabbing. After attempting to find medical aid for McIlherring, he turned himself in to the authorities. JD also introduces the possibility that Holland may not have known that his cutlass's scabbard was broken—revealing about eight inches of the blade, the same depth as the victim's wound—so when Holland struck McIlherring, he thought the blade was covered and would not be lethal. Additionally, JD gathered several character witnesses to demonstrate Holland's upstanding reputation as "a sober—civil—obliging Man."

Second, JD impeaches the credibility of the prosecution's key eyewitness, Elizabeth Moore, McIlherring's mistress. Having interviewed multiple witnesses, JD revealed significant inconsistencies in her account, allowing him to challenge her credibility with testimony that she was a "disorderly Woman."

Pennsylvania's Court of Oyer and Terminer met from April 10 through April 13, and on April 17, *The Pennsylvania Chronicle* reported that "after a long Trial, the Jury speedily brought in their Verdict *Manslaughter*."[2] The court ordered that Holland's left thumb be branded with the letter *M* and required him to pay the costs of his prosecution and to give security for a year of good behavior.[3] For Holland's letter of gratitude to JD, written from jail, where Holland remained until he could gather the necessary funds to cover his costs and security, see doc. 4:188, below.

Dominus Rex v John Holland — Indictment for the Murder of W[illia]m M[c]Ilherring

Jury

Stephen Shewell[4]	W[illia]m Shute[5]
John Goodwin[6]	Eden Haddock[7]
Benj[amin] Loxley[8]	Jos: Watkins junior[9]
W[illia]m Pollard[10]	Tho[ma]s Britton[11]
W[illia]m Turner[12]	W[illia]m Jackson[13]
Caleb Hewes[14]	John Wilkinson[15]

{E[lizabeth] M[oore] malicious Bankson[16] & Stanley[17]
E[lizabeth] M[oore]'s Story im[pro]bable
Every [*illegible*]ed dont [pro]ve a Thrust—
contrad[ict]ed in our Inst[ance] by Fifert {as to kick[in]g}
by Kirle[18] as to Posture
by Potts[19] in another as to Place.
M[c][Ilherring] pushd her down
M[c][Ilherring] [pur]sued 10 Yards
H[olland] going Home
H[ollan]d's Conduct {before & after} immediately after in going for a D[octo] coming into House offer[in]g any Pay for Cure— Lamentation}

{Sheath on— {He might not recollect it, being broken} Sword publickly shewn}
Elizabeth Moore — M[c]Ilherring] at {the Fire just after} Supper— H[olland] knockd— said a Friend—knockd again—

M[c]Ilherring] told him to come in—he feard no Man M[c]Ilherring] askd him to set down & drink with him— After drink[in]g sometime— H[olland] sung—then askd M[c]Ilherring] to sing—he begun & sung 2 vers[es] of a Freemason's Song[20]—then held out his Hand to H[olland] & bid him if he was a man to give him his Hand— H[olland] off[ere]d his Hand—then M[c]Ilherring] said if You dont know what I mean dont give it to [~~*illegible*~~]{me}—[21] then H[olland] said—I dont know what You mean— M[c]Ilherring] then askd him to drink again## H[olland] did— Then both stood up at the Table & H[olland] calld M[c]Ilherring] a s—n[22] puppy— M[c]Ilherring] then told H[olland] he was a lowlivd Fellow & no man {& that he M[c]Ilherring] was as good a man as H[olland]}—then {[~~*illegible*~~]} H[olland] knockd off M[c]Ilherring]'s Hat—stand[in]g face to face—Table between— Then H[olland] went out & said Now You dog come out if You are a Man

M[ᶜIlherring] said he woud not take the Challenge from
X his Father—much more from him— M[ᶜIlherring] then strippd
X himself in the House of his Jackett & Shirt—I end[eavoure]d to
stop his going out—he pushd Me down & then went out— I got
up run out— I saw H[olland] & M[ᶜIlherring] stand[in]g face
to face—H[olland] with the Sword in his Hand held out towards
M[ᶜIlherring]s Breast—the Sheath on but the point broke off
X about so much—(about {eight} Inches) the Scabbard on in
the House {H[olland] brought the Sword in his Hand into the
X House—} Instantly M[ᶜIlherring] turnd about—clapt his Hands
on his Breast & said he had done for him any how— he fell on
the Bottom of the Door on his Belly {just within the House,}—
H[olland] run away

When Words first past between them—I desird M[ᶜIlherring]
not to have any Quarrel— H[olland] said ~~he~~{You} need not be
afraid of Me— I dont want to hurt Man Woman or Child.

X I dont believe he did— Not above 2 min[utes] from the
X Time of Challenge & M[ᶜIlherring]'s going out— H[olland]
stand[in]g at the Door—I saw him there—but he went farther
X before the {Blow was given, tow[ar]ds his own Home}

contra[dicte]d by her own Acco[un]t to Potts — When M[ᶜIlherring] fell I run after H[olland] & calld him— He stopt—{about ten Yards off—} held up the Sword—& I seeing the Point glisten the Moon being bright—I was afraid—& went & knockd at the Neighbours— About 3/4 of an Hour in the House The Point of the Scabbard quite broken off—not hanging on

Dec[ease]d spoke no more

I never spoke to him before he came into the House—but I had seen him— As I lookd hard at him after he came in He said—
X Dont You know Me— I am Holland a Butcher {& live with Mʳ. Naglee—}[23] [*page break*]

X H[olland] came into the House before deceasd died in less than
X an Hour wrung his Hands & said what have I done— I have Money enough— will Money save his Life— I will pay any D[octo]r that will save him

I have done 4 Crimes before—but never any like this— He askd Me if I wanted Money I said No— I wanted M[ᶜIlherring]'s Life but not Money

{contrad[icted]d by Fifert} No Blows in the House

I never said so

Randle Kirle— ♯ The first I heard was E[lizabeth] M[oore] call[in]g Murder— Murder— a Butcher has killd my Bill— I then went & saw him ly[in]g on his Back, with his Head to the Door— Nobody else there She hollow[in]g about

She then came & said H[olland] had killd him & was run off. When I went to the Barracks[24]—Centry said a Man had gone by, who said he had done a Crime which he woud not have done for £500

X Holl[an]d went away with the Barber Surgeon[25] after M[cIlherring] was dead tow[ar]ds Naglee's—in about 3/4 of an Hour after I first came M[cIlherring] a very quiet lad not quarrelsome— E[lizabeth] M[oore] livd with him about 5 or 6 months

James Conolly—[26] X Deceasd ly[in]g on his right side—

H[olland] moand & asked the D[octo]r if he could save M[cIlherring] D[octo]r s[ai]d no H[olland] went away with the D[octo]r— I frequently usd to meet H[olland] going that Way to Slaughter House—

H[olland] said he woud go & deliver himself up

W[illia]m Troutwine—[27] X About 8 or 9 Min[utes] after I was there—H[olland] came in—beseechd Me to save M[cIlherring]'s Life—he woud give any Thing to save him— H[olland] staid 5 or 6 minutes H[olland] lamented his Fate— wrung his Hands—

I advisd him to deliver himself up—that he woud stand a better Chance— H[olland] said he woud & woud plead guilty—off[ere]d Woman Money— Naglee adv[ise]d him to deliver himself up— I advisd him to consult Naglee

I was in the House all the Time H[olland] was there—& ♯ never heard him say anything about his being guilty of other Crimes

W[illia]m Cheer{X}—[28] About 12 [Pri][so]ner desird to go into Barr[acks?] to look for a D[octo]r for he had wounded a Man walking as he came up He had a Cutlass in his Hand

X A Man & a Woman came afterw[ar]ds for a D[octo]r in about 5 min[utes] after he went away— ~~h~~{H}e walkd off tow[ar]ds Town Woman said there had been a Quarrel about a Freemason Song [*page break*]

Robert Shepherd—[29] Friday before Accident—H[olland] & S[ickle][30] dress[in]g a Sheep—Sickle banterd H[olland] about one Billy— H[olland] displeasd & said he wishd he had never seen Billy— H[olland] said he believd he or Bil woud be hangd soon— Damnation take his Soul if he woud value putt[in]g his Knive into him any more than into that Sheep—



I apprehended that by the Expression about the Quarters that Night—that some [Per]son woud be there to rob the Slaughter House

Caleb Cash[31]— Wound 7 or 8 Inches deep— Blood on Cutlass

Witnesses for [Pri][so]ner

John Fifert— E[lizabeth] M[oore] told Me th[at] the deceasd kickd
∗ H[olland] out of the Door—& followd him to the Door— W[illia]m Cheer was walk[in]g ~~7~~{4} or ~~8~~{5} Y[ar]ds distant—

X H[olland] came first for a D[octo]r & said he had hurt a Man

John Naglee— Slaughter House broke & robbd some time before

I desird H[olland] to go & lye in Slaughter House— Sickle lay there with him—took the Hanger—sometimes with a Gun

X Soon after Accident came in made a Sad Lamentation

In Tears—said he did not know the Man he had

X hurt— Says he— Had I not better deliver Myself up— I said to be sure He deliv[ere]d himself up

X Have known [Pri][so]ner 7 Years— Never saw any thing cross—quarrelsome—revengeful—or malicious

W[illia]m Parr—[32] [Pri][so]ner a sober—civil—obliging Man—has the Goodwill of every body that knows him

W[illia]m Masters—[33] [Pri][so]ner of a fair—unblemishd Char[acte]r
quite the Reverse of a quarrelsome Man
Have known him 2 Years

W[illia]m Rush—[34] Have known [Pri][so]ner 3 or 4 Y[ear]s— Always esteemd an honest—Civil Man

Tho[ma]s Boldsby—[35]

John Scattergood—[36] About 5 weeks before this Accident—We ord[ere]d E[lizabeth] M[oore] to go out of the T[own]ship

W[illia]m Woodrow—[37] Her E[lizabeth] M[oore]'s Char[acte]r is {that of} a very ord[ina]ry disorderly Woman

Sept[imus] Levering[38] E[lizabeth] M[oore]'s Char[acte]r very bad—kept a shock[in]g bad House on Sabbaths— [*page break*]

John Bankson— E[lizabeth] M[oore] said—if it laid in her Power—
She woud have H[olland] hangd

R[ichar]d Stanley— confirms the preced[in]g Evidence

W[illia]m Potts— The Blood 31 or 32 Feet from the House E[lizabeth]
∗ Moore told Us the Killing was done just at the going out of the Door—

Rob[er]t Towers—[39] confirms preced[in]g Evidence—

Malice[40] what

A Stroke a suff[icien]t [Pro]voc[ati]on Hawk. 80.[41] Kel. 135[42]
A Stroke to a Horse. Hale[43] 1 Barn. 132.[44]
{Stopp[in]g Door— 1 Vent. 216.}[45]
Words of Menace— Hale's H. P. C. 456.[46]
Jurors have a Right to weigh Testim[ony]

E[lizabeth] M[oore] of bad Char[acte]r Woodrow— Levering
malicious— Bankson Stanley
Criminally intimate with dec[ease]d—her Billy— Kirle & others
{You find his Mother attempted to separ[ate] them}
Her Story inconsistent— such a sudden passion of [Pri][so]ner such Calmness of dece[ase]d
Contrad[icte]d by Potts as to her Acco[un]t of Place of Stroke
by Kirle as to Position of dece[ase]d's Body

after drinking again

by Fifert as to kick[in]g {Th[at] is before She had Time to form a Story—th[at] Night}

It{s} it credible th[at] dece[ase]d who began Quarrel by ask[in]g ~~unintelligible~~ Question he did not understand who stript to his Buff—rushd out—{pushd down his own Mistress} pursued 10 Y[ar]ds—did not strike before

All these [Pro]ofs of Violence & Danger to H[olland] Dead of Night none [pre]sent but dece[ase]d & his Doxy

H[olland]'s Cond[uc]t {knock[in]g twice} com[in]g in to warm himself—comply[in]g with Req[ues]t to sing—Sword publickly shewn— When Quarrel—he went out tow[ar]ds Home

Never drew Sword {publickly shewd it} & when he held it out might not recollect the Scabbard being broken

{♯ It dont app[ea]r he stabbd}

His humane Conduct immediately after going for D[octo]r {instantly}—offer[in]g to pay any Sum for Cure Coming into House Lament & Dist[ress] {Surrend[erin]g himself}

{♯ Compare all his Conduct together}

Circumst[ance] of threatn[in]g one Bil~~l~~y noth[in]g—for E[lizabeth] M[oore] says they did not know H[olland] & he told Naglee he did not know the Man he had hurt

{Make them agree} H[olland]'s excellent Char[acte]r

♯ His hold[in]g it up could be for no Reason—but to see if it was bloody Utterly absurd to make it a Threat as he immediately came back to the House— Did not shake it— Did not call to her—tho[ugh] within 30 or 40 Feet

AD (PHi-RRL)

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[1] Hanger: "A kind of short sword, originally hung from the belt" (*OED*).

[2] According to the indictment record, Holland pled "non Cu[lpa]b[lis] & de hoc po[nit] Se Sup[er] pat[riam]" [Lat. "Not guilty and of this he puts himself on the country"]. This phrase is the formal conclusion of a not guilty plea in English law, whereby the defendant submits himself to the judgment of his peers in a trial by jury.

[3] Courts of Oyer and Terminer, series 126, Supreme Court, RG 33, PHarH-Ar.

[4] Stephen Shewell (c. 1726–1809) was a merchant.

[5] Probably William Shute (died c. 1783), a chandler and soaper.

[6] John Goodwin (died c. 1775) was a carpenter.

[7] Eden Haydock (c. 1719–1776) was a painter and plumber.

[8] Benjamin Loxley (1720–1801) was a carpenter.

[9] Joseph Watkins, Jr. (d. 1808), was a cabinet maker.
[10] William Pollard (d. 1800) was a merchant selling imported cloth, later involved in textile manufacturing.
[11] Thomas Britton (c. 1739–1809) was a merchant.
[12] There were two William Turners in Philadelphia at this time. One was a ship carpenter of the Northern Liberties and the other a Southwark merchant.
[13] William Jackson was a Water St. merchant.
[14] Caleb Hewes was a hatter.
[15] John Wilkinson was a brush maker.
[16] Possibly John Bankson (d. 1770), a yeoman of Philadelphia Co., Pa.
[17] This witness's name appears in the indictment as Richard Standley. Possibly a man identified as a potter taxed in the Mulberry Ward in 1774.
[18] This witness's name appears in the indictment as Randle Curl or Curll. Possibly a man identified as a tanner and taxed in the Northern Liberties in 1779.
[19] William Potts kept a public house near the barracks on Second St. Road.
[20] The Freemasons are a fraternal order, originally of stone masons, that arose in the Middle Ages. Freemasonry had spread widely across the colonies by the late-18th century, with prominent figures such as George Washington and Benjamin Franklin serving as heads of provincial chapters. Members promoted Enlightenment ideas of self-improvement and social welfare.
[21] Freemasons use secret handshakes, sometimes known as "grips," to identify themselves as members of the order. In this case, it appears that McIlherring believed Holland was a Mason and asked Holland to confirm his membership with the secret handshake.
[22] Perhaps shitten.
[23] Probably John Naglee, a butcher taxed in the Northern Liberties in 1769 and in Mulberry Ward in 1774.
[24] Philadelphia's barracks, constructed during the French and Indian War, were located in the Northern Liberties near the present intersection of Third and Green Sts.
[25] In colonial America, the services of a barber and a surgeon were often combined.
[26] Probably the James Conoley taxed as a resident of the Northern Liberties in 1769.
[27] William Troutwine (d. 1822) was a Quaker barber-surgeon of Philadelphia.
[28] Possibly the sentry described above. At this time, a recruiting party from the 68th Regiment of Foot was stationed at the Philadelphia Barracks. See *PJ*, Feb. 16, 1769.
[29] Probably the Robert Shepherd who owned property near Second St. in the Northern Liberties. He may have been a vendue master.
[30] Possibly George David Seckel (Sickle; died c. 1798), a German-born Philadelphia butcher.
[31] Caleb Cash, Jr. (1701–1773), was a coroner of Philadelphia from 1763 until his death.
[32] William Parr (c. 1725–1786) served as sheriff from 1763 to 1767 and was at this time recorder of deeds for Philadelphia Co. During the Revolution, he moved to Lancaster Co., Pa., and represented that county in the Assembly in the 1780s.
[33] William Masters (c. 1735–1788) was a distiller in the Northern Liberties and later a sheriff and justice of the peace.
[34] Probably William Rush (c. 1717–1791), a Presbyterian blacksmith and ironmonger.
[35] Perhaps Thomas Boulsby (Bowlsby; 1708–1789), an English-born Anglican farmer of the Northern Liberties.
[36] John Scattergood (1742–1776) was a Quaker tanner in the Northern Liberties.
[37] William Woodrow (c. 1747–1777) was an Anglican resident of the Northern Liberties.
[38] Septimus Levering (c. 1731–1782) was a Baptist brewer in the Northern Liberties.
[39] Perhaps Robert Towers, a skinner who was taxed in Southwark but rented ground in the Northern Liberties in 1769.

[40] Malice: "In criminal law. In its legal sense, this word does not simply mean ill will against a person, but signifies a wrongful act done intentionally, without just cause or excuse. . . . A conscious violation of the law (or the prompting of the mind to commit it) which operates to the prejudice of another person" (*BLD*).

[41] A discussion of the circumstances in which a killing might be considered a justifiable homicide begins on 1 Hawkins 80. The most relevant passages appear on 1 Hawkins 82: "That where-ever it appears that a Man killed another, it shall be intended, *prima facie*, that he did it maliciously, unless he can make out the contrary, by shewing that he did it on a sudden Provocation"; and 1 Hawkins 82–83: "Neither can he be thought guilty of a greater Crime, who . . . being actually struck by him, or pulled by the Nose, or fillipped upon the Forehead, immediately kills him . . . the killing the Assailant hath been holden by some to be justifiable: But it is certain, That it can amount to no more than Manslaughter."

[42] Kelyng 135, *Regina v. Mawgridge*, Hill. 5 Ann., B.R. (1707): "If one Man upon angry words shall make an Assault upon another, either by pulling him by the Nose, or filliping upon the Fore-head, and he that is so assaulted shall draw his Sword, and immediately run the other through, that is but Manslaughter; for the Peace is broken by the Person killed, and with an indignity to him that received the Assault."

[43] Possibly, 1 Hale, *Pleas* 455–56: "If *A*. be passing the street, and *B*. meeting him, (there being convenient distance between *A*. and the wall,) takes the wall of *A*. and thereupon *A*. kills him, this is murder; but if *B*. had justled *A*. this justling had been a provocation, and would have made it manslaughter, and so it would be, if *A*. riding on the road, *B*. had whipt the horse of *A*. out of the track, and then *A*. had alighted, and kild *B*. it had been manslaughter."

[44] Not found in 1 Barnardiston 132. Perhaps this is an error and JD intended to cite 1 Barnardiston 302, *Rex v. How*, Hill. 3 Geo. 2, B.R. (1730): "IN an Indictment for Murder it was laid down by the Court as a Principle of Law, that wherever a Man strikes another without Authority, and upon that the other kills him, such Offence is only Manslaughter. And the Court said, that this has been carried so far, as to be but Manslaughter, even where a Man's Horse is only struck first. Upon this Rule of Law the Court accordingly directed the Jury to acquit the Defendant of Murder."

[45] 1 Ventris 216, *Rex v. Goffe*, Trin. 24 Car. 2, B.R. (1672): tax collector Goffe "distrained a silver Cup which stood by. The Maid thinking to prevent the Carrying of it away, stands against the Door where they were to have gone out, and *Goffe* took her by the Arm and beat her Head and Back against the Door-Post divers Times, of which she died within three Weeks after. The Court was of Opinion, That this was but Homicide, and directed the Jury to find it so; for Hindering their Passage out, to go away with the Distress, was a Provocation. And 'twas found accordingly."

[46] 1 Hale, *Pleas* 456: "it was agreed by all the judges except one, that if *A*. gives slighting words to *B*. and thereupon *B*. immediately kills him, this is murder in *B*. and that such words are not in law such a provocation, as will extenuate the offense into manslaughter, and the statute of 1 *Jac. cap.* 8 [(1604): "An Act to Take Away the Benefit of Clergy for Some Kind of Manslaughter" (7 *SAL* 84–85)]. of stabbing in such a case was but provisional, because the juries were apt upon any verbal provocation to find the fact to be manslaughter; but it was there held, that words of menace of bodily harm would come within the reason of such a provocation, as would make the offense to be but manslaughter."

188
From John Holland, April 14, 1769

Philadelphia Goal the 14th April 1769

Most Worthy Sir

When the Compassionate & humain, Confer's their Favours on the distress'd & Unhapy; the Latter can only return his most Sincere Acknowledgment's; your Extreem goodness in Condesending to Plead my Cause, has Conferr'd an Obligation on me too Strong to be Convey'd in the common Language of Mankind; non but a Compassionate Breast like yours can Conceive the Sentiments of Gratitude that flows from a Hart so tenderly Obliged. Oh!, may you be happy in this World; & never know Sorrow, & Enjoy perfect Filicety in the next, such as is prepared for the good & Mercifull, such as you is: is the Sincere prayer off

S[i]r;

Your Sincerely Obliged
& Once more happy
John Holland

P.S. Money being scace with me at present, Herewith I enclose you my Note of hand for £20, which I crave your Acceptance off?

ALS (PHi-Logan)

189
To John Macpherson, Sr., [c. April 19, 1769]

JD's relationship with John Macpherson, Sr, had begun over ten years earlier, when JD represented him in the Admiralty Court (see doc. 1:68). Since then, they had developed a friendship, and Macpherson's son was one of JD's legal apprentices. Macpherson's admiration for JD was such that in the previous year, he had published a poem in honor of the Pennsylvania Farmer (doc. 4:77, above) and possibly defended him from attacks by Ironicus Bombasticus (doc. 4:A54, below). In late 1768, however, Macpherson began exhibiting signs of mental illness. As his behavior became more erratic, his family began to fear that he posed a threat to himself and others. The following letter reveals that after one episode, Macpherson's personal weapons were confiscated and entrusted to JD for safekeeping. As a family friend, JD then helped assemble a team of Philadelphia physicians, including his uncle, Dr. Thomas Cadwalader, and Dr. James Bayard (c. 1730–1770),[1] who employed a standard treatment regimen for the time of confining the patient in an outbuilding on his property, where he was chained to the floor by his ankle, refused contact with anyone but his doctors, and fed bread and water. Throughout more than three months of confinement, Macpherson insisted that he was well and suspected that

JD, the physicians, and his family had conspired against him. The ordeal proved emotionally trying for both Macpherson (see doc. 4:212, below) and JD (see doc. 4:213, below).

Following his release in late August 1769, Macpherson remained estranged from his wife and children and blamed JD for his troubles. Among other conspiracy theories, Macpherson became convinced that JD had plagiarized the *Farmer's Letters* and written the tribute presented to him by the Society of Fort St. Davids. He later vented his ire in two publications: *Macpherson's Letters, &c*. (1770), an annotated collection of his correspondence from this period from which the following letters are taken; and *A Pennsylvania Sailor's Letters, Alias, the Farmer's Fall* (1771), an account of his confinement that presented JD as the author his misfortunes. Both publications will be discussed in full in *Volume Five* of the present edition. The letter immediately below is undated, but Macpherson believes it was written "about three weeks before [his] first confinement," which he recalls beginning on May 10, 1769.[2]

Dear SIR,

I SHOULD little deserve the character of your friend, to which my heart tells me I am justly intitled, if your reputation was not as dear to me as your life, and I should little deserve to be called prudent, if endeavouring to serve you, I have injured your reputation: Believe me, my dear Sir, that I have not; for I assure you upon my honour, that no mortal, except some of your own family, believes, or suspects that I have your arms.

The fever with which you have been afflicted, was so violent as greatly to alarm those who most affectionately loves you;[3] and I beseech you that you will not permit the least resentment to dwell in your mind, against any of your family, or me, to whom your anger will be a great misfortune.

Bernard[4] will deliver you the arms[5]—and if you will forgive me an offence, which arises from esteem, I will strive to convince you, with how much sincerity I am, dear Sir,

Your very affectionate, and very humble Servant,
John Dickinson.

Rpt (Macpherson, *Letters*, 20)

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[1] The team subsequently expanded to include Dr. Thomas Bond (c. 1713–1784), Dr. William Shippen, Jr., and Dr. Benjamin Rush.

[2] Macpherson, *Letters*, 19, 94.

[3] JD may be alluding to an alleged incident described in a Sept. 19, 1769, letter Macpherson wrote to his brother-in-law, Rev. Dr. John Rodgers (1727–1811). Macpherson said that the last time he spoke to Rodgers, he asked him to talk to Rodgers's sister and Macpherson's wife, Margaret "Peggy" Rodgers Macpherson (1732–1770), about whether she "was fully satisfied with the declaration" Macpherson had made to her about a schooner race he had proposed (see doc. 4:212, n. 4, below). Instead, Rodgers

apparently advised Macpherson's wife and eldest son, John Macpherson, Jr., to have him confined, claiming Macpherson had seized him by the throat during their meeting, though Macpherson denied doing so. When Macpherson published the letters relating to his confinement, he placed the present letter to JD immediately after the one to Rodgers describing this incident. See Macpherson, *Letters*, 18–19.

[4] Bernard, a man enslaved by Macpherson, was apparently tasked with delivering letters, including during Macpherson's confinement, and he was likely the enslaved man Macpherson claimed delivered a secret letter to Dr. William Shippen, Jr., that, according to Macpherson, began the process that ended his confinement. While in Norfolk, Va., in March 1770, Macpherson attempted to sell Bernard for the minimum price of £80, but the sale seems not to have gone through. See Macpherson, *Letters*, 12, 65, 74, and Macpherson, *Pennsylvania Sailor's Letters*, 7.

[5] At least some of Macpherson's weapons appear to have been returned by the time of his initial confinement on May 10. In an essay published alongside his letters, he recalls that on May 11, after an escape from the shepherd's house on his property, he returned to his house and, finding a locked door without a key, demanded that he be brought a pistol from "the parlour that [his] arms hung in," noting that his "pocket pistols were empty; but that [his] large pistols were loaded" (Macpherson, *Letters*, 99).

190
To Arthur Lee, April 20, 1769

Dear Sir,

I am greatly obliged to You for your Favor of the 31st of December;[1] and am extremely glad to receive such a proof of your remembering Me with Esteem, at so great a Distance.

Notwithstanding all the unfavorable Circumstances operating against these Colonies, yet I hope, that a few Months will demonstrate the Truth of your Observation—that nothing will more effectually frustrate the pernicious purposes of Ministers against them, than an inviolable Union.

This Union seems to be now formed, as I believe, every Colony has now joined in the common Cause— Some indeed—but let it be spoken in Whispers—very slowly—very awkardly— However, at Length, Spirit, Patriotism, Shame, and Fear, all speak the same Language.

Can You believe it, my dear Sir, that there are Americans, who discouraged to the utmost of their Power, the first Struggles against the present Oppression of their Country—yet afterwards being forced from their subterfuges, pretend to act the Part of Catos?

A just Resentment against these Men, makes Me almost pardon the Crimes of Ministers, as being of an inferior Degree, and in some Measure produced by the Folly or Wickedness of my Countrymen. I think with You, that the Appointment of such Agents, as many of the Colonies chuse, plainly has this Tendency. Men! who are either totally unconnected with the Colonies; or whose Connections are rendered trifling in their own light, by Dependencies on Ministerial Power.

I must confess, that the Choice of such Trustees of their Rights & Interests,

appears to Me, one of the most extraordinary Things in the Conduct of my Countrymen— Yet I am not surpriz'd at it— For nothing is more true, than that a People fond of Liberty, & striving for it, will in the midst of their Efforts, do Things inconsistent with Common Sense, & glaringly injurious to the Cause they are asserting. So much am I persuaded of this—that I am positive, ~~that~~ I could mention a Colony, that would receive Pleasure from their Agent becoming more dependent than he is, upon Administration—[2]

I have often thought, and I still think, that so great was the Veneration of these Colonies for Great Britain, such Affection was imprest in our Bosoms towards the People of that Kingdom from our Infancy, and so unsuspecting were we of any oppressive Designs on her Part, that if the least Policy had been used in executing the Schemes of those Men who were desirous of innovating, they might have fixed indissoluble Shackles upon Us, before We were warned of their Intentions— But by the Blessing of Providence, so impudently stupid has their overweening Conceit made them, that they could not be satisfied, without insulting Us by shewing Us the Chains & rattling them, before they attempted to put them on.

I do not believe that an arbitrary Spirit engaged in such great projects, ever committed so many rash, ridiculous Actions.

What Temper, what Prudence can We expect in Administration, when We find the House of Lords desiring His Majesty, that Offences committed in America, may be tried "within the [real]m" under the Statute in Henry the 8th's Time,[3] which was evidently intended for the Trial of Offences, where the King had no Courts open— and where the King could not be supposed to have any Subjects settled—

What American could vindicate his Innocence, when torn from his Home— from all those acquainted with his Character—unable to compel the Attendance of his Witnesses on the other side of the Atlantic—& the Weight of Government thrown into the Prosecution—

May You be blest with the Health to assert on the Spot against the weak & the wicked, the Cause of your Country, & of that Liberty which I know You so dearly love, and are so capable of defending— That every Happiness may attend You, is the earnest Wish of, dear Sir, your most affectionate Friend & humble Servant

John Dickinson

Philadelphia April 20th—1769

ALS (MH-H-ALP)

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[1] Letter not found.

[2] Perhaps a reference to Pennsylvania and a faction of the so-called Quaker party, led by Joseph Galloway, who had grown frustrated with the Assembly's agent, Benjamin Franklin, for his inability to secure royal government for the province. Franklin was suspected by others, including JD, of fostering a close relationship with the ministry at the expense of American rights. See James H. Hutson, *Pennsylvania Politics, 1746–1770: The Movement for Royal Government and Its Consequences* (Princeton, N.J.: Princeton University Press, 1972), 223–29; and Michael G. Kammen, *A Rope of Sand:*

The Colonial Agents, British Politics, and the American Revolution (Ithaca, N.Y.: Cornell University Press, 1968), 181–82.

[3] After considering for several days papers from America concerning unrest in Massachusetts, the House of Lords voted on Dec. 15, 1768, to address the king, requesting that "he will be graciously pleased to direct His Majesty's Governor of *Massachusetts Bay* to take the most effectual Methods for procuring the fullest Information that can be obtained, touching all Treasons or Misprision of Treason ["The bare knowledge and concealment of an act of treason or treasonable plot, that is, without any assent or participation therein, for if the latter elements be present the party becomes a principal" (*BLD*)], committed within His Government since the Thirtieth of *December* last, and to transmit the same, together with the Names of the Persons who were most active in the Commission of such Offences, to One of His Majesty's Principal Secretaries of State, in order that His Majesty may issue a Special Commission for enquiring of, hearing, and determining, the said Offences, within this Realm, pursuant to the Provisions of the Statute of the Thirty-fifth Year of the Reign of King *Henry* the Eighth" (*Journals of the House of Lords*, vol. 32 [1768–70]: 210). The statute is 35 Hen. 8, c. 2 (1544): "An Act for the Trial of Treasons Committed out of the King's Dominions." See 5 *SAL* 199.

191
From Thomas Penn, May 12, 1769

Sir

I should sooner have answered your Letter[1] but for some time past I have been ill[2] and could not attend business—

As I have a sincere regard and esteem for you I am concerned my Nephew[3] could not have it in his power to serve the person you recommended to him, I am certain he was not refused from any disregard my Nephew had to you but from some promise or other Cause that he was obliged to comply with; you may be assured that it will give me pleasure whenever he can comply with your request on any future occasion, and that I am

Sir
Your very affectionate Friend
Tho Penn

London May 12. 1769

ALS (PHi-RRL)

[1] Probably doc. 4:150, above.

[2] About six weeks earlier, Penn, along with his wife and daughter, had been "attacked with a sore throat and fever, which tho' not violent, rendered me incapable of Business, and confined us to our beds or Chamber" (Thomas Penn to John Penn, May 9, 1769. PHi-Penn).

[3] Lt. Gov. John Penn.

192
N.P., "Letters in Answer to the Farmer's. Letter VII," *The Boston Evening-Post*, May 15, 1769

LETTERS *in Answer to the* FARMER's.
LETTER VII.[1]

Dear Sir,

THE rectitude of any plan or system of government is to be discovered only by considering how far it is practicable. Plato's republic[2] is allowed, by the soundest politicians, to be, in speculation, the most perfect plan of government that has yet been held out to the world: But as soon as it is attempted to be put into practice, his nice philosophical refinements lose their force, and are looked upon only as chimeras, or the excrescences of an exuberant fancy. Plato's republic supposes all men to be honest and virtuous, which seems to be a contradiction; for if a disposition so amiable is really stamped upon our natures, government were altogether useless. Wrong and Justice are always inhabitants upon the same soil; and where the former does not discover itself, the latter cannot be necessary. It is equally dangerous to suppose all men dishonest and devoid of virtue. The only way, in my opinion, to form a true and lasting system of government is, to suppose mankind to be what they really are, a vast concourse of people, each having a predominant passion, guiding the actor to good or bad pursuits. To establish such a government, we need only to attend to contingencies and events; for by observing narrowly what has passed in the world, we may make a surer guess what may happen for the future. Curious and metaphysical distinctions ought to be carefully avoided, and the productions of these sublime theorists should arrogate to themselves that share of merit only which is due to their scholastic superiority.

Reflections, like these, seem naturally to recommend to further consideration the impracticable distinction that has been kept alive thro' the *Farmer*'s letters; I mean the distinction between *taxation* & *legislation*. I know of no position advanced by any politician, that leads more directly to the unhinging of the constitution, than this very dangerous one, which evidences the fallibility of a very distinguished genius. * Should the justice of this distinction be acknowledged, the people would become the sovereign judges of the extent of parliamentary authority, and a rude insulting mob exercise the power of legislators. Perpetual disputes would arise in determining what falls under the several denominations of these distinct powers. Subordinate legislatures would be gravely set to work to limit the authority of a superior one, and every species of confusion that is to be feared from the despotism of democracy, would be attendant upon a display of so profound a piece of casuistry.

For my part, I think the author of the discourse delivered from *Liberty Tree*

at Providence was mad in a lower degree, when he declared that he could not be "persuaded that the parliament of Great-Britain" had "any lawful right to make any laws whatever to bind us;"[3] for I shall always be of opinion, that if the British parliament has no right to tax us, it has no right to exercise any sort of jurisdiction over us. Suppose the parliament should lay duties upon any of the articles of trade, and that no intent should be expressed in the act of raising a revenue, and yet the revenue should be actually improved by it: What think you! Do you imagine that the people of America would be so stupidly blind as not to discover that, altho' the intent was not expressed, yet, the end was effected?— Where, then, is the practicability of the distinction? What signifies leaving the parliament in the possession of a power, and at the same time usurp another that will absorb it? If, indeed, it should be agreed, that the parliament has right to impose any duties that are not laid with an express intent of raising a revenue; then the parliament has only to frame an act that will effect no purpose but that of raising a revenue, provided care be taken that the intent be left out.

I shall not think it loss of time if I pursue this distinction a little further in it's consequences. It is easy to be seen, that it would put us immediately under the single government of the crown; for after the distinction is allowed, the loss of one power drawing after it the fate of the other, there can be no alternative. The way of raising money upon us must be then by requisition of the crown, † which

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* *Mr. Pitt, the author of the distinction.*

† *As there has been much ink and paper wasted upon the subject of crown requisitions, I beg leave to be guilty of the same want of œconomy. In my opinion, if we acknowledge that the King can make requisitions upon us by his servant of state, we shall confess more than is, at all times, legal. 'Tis true, last war,*[4] *these requisitions were made while the country was in distress, without any dispute concerning the legality of them: And altho' I am clearly of opinion that they were* legal *because they were, at that juncture,* expedient; *yet I am far from thinking that the King can or ought to stretch his prerogative ever in that manner in times of peace; for when the sword is sheathed the want of money can never be so great and sudden as to endanger a state 'till a parliament can be called. Accordingly we find, since the happy conclusion of a peace, which does honor to the nation, no such requisitions have been made upon us.*

But it is difficult to know in what sense to understand the colonists when they use the term Requisition. *If they allow a requisition to be so absolutely obligatory upon us as to be payable at all events, it is high time we had guardians appointed over our liberties. It must be the highest pitch of phrenzy to prefer a requisition, in that sense of the word, to a parliamentary grant: For, would not such a measure be much harder upon the colonies, which must be complied with at all events, than a tax upon commodities which we can choose whether we will purchase, or upon the articles of a trade which we can choose whether we will pursue?— But in the full enjoyment of this apparition of liberty what becomes with the fair idea of representation?*

If by the term Requisition *we mean only a simple request, which may be complied with or refused according to the humour of the colonists, they mean nothing but a banter. They would be then as independent of Great-Britain as of France or any other nation in Europe. Cannot the Emperor of Germany make such a requisition upon Great-Britain? And what need she care, as long as she has the power of saying* NO? *The King, last war, at the expence of the blood and treasure of his British subjects, quieted us in the enjoyment of our estates and liberties, and we are evidencing our gratitude towards him by allowing him the privilege of being a beggar.*

Besides what has been already observed in this note, I would add, that if the King can avail himself of our money only by applying to our assemblies as so many parliaments, it will be impossible for him to raise any sum upon America to answer any purpose of state, unless the Americans are solely interested in the event; for what power has he to enforce the payment of a requisition? If two thirds of the provinces should be disposed to be liberal, and the other should be refractory, the whole requisition would be clogg'd; for it can hardly be expected that any province would pay as long as any one denies. From these, & other very obvious reflections, we may pretty safely conclude, that to allow a requisition to be absolutely *payable would be too hard upon America, and to abstract from it that force, would make it of no consequence to the crown. The only alternative, therefore, is to submit to the authority of parliament in* EVERY RESPECT.

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demands of us a strict enquiry into the nature of them, particularly such as would suit the delicacy of the American palate.

America would be brought very reluctantly to relish a requisition upon her that should be deemed payable at all events. She would soon begin to reflect, that if the specific sum required must be paid *absolutely*, she would be in no better condition than she was when taxed by the British parliament without representation. It would require a bewitching rhetoric to make her believe herself secure in her rights because she enjoys the privilege of raising the money by ways and means that should be most consonant to her internal polity. She would soon discover, that if she is not taxed in an unrepresented state, money is required of her which is to be paid at all events, and she allowed no representation to lessen the demand. In my opinion, Sir, we have no reason to expect, from what has already passed, that she would be very gentle and tame upon this new mode of government, without abstracting from the requisition that essential property belonging to it, which would leave us no more subjects to the British King than any foreign Prince; for if she can dispute the *quota*, the name of subjection may survive, but the reality would be extinct.

Since we are upon the subject, we will advance a step further. If the power of disputing her quota should be decreed America's right, it requires no penetrating eye to discover that she must then be to Great-Britain just what Scotland was to England after the first union.[5] To examine the justice and propriety of this claim would be curious, and justify my being particular upon so interesting a subject.

America, before she can be a fair candidate for that dignity and eminence which distinguished the Scotish nation, must show herself intitled to them either from some *express compact* or *original source*. Whether she can ground such a claim upon the former, will be considered when we come to estimate and weigh the powers communicated in our charters: The latter shall be the subject of present enquiry.

Should even one of the members of the *Junto*[6] be taxed with favouring a doctrine that would make us independent of the mother-state, we should be told, that the King has no subjects in any part of his dominions that are more religiously attached to his person and government than the colonists in general. In short, they would willingly be thought subjects, and enjoy all the privileges of subjects: But the most distant thought of any burthens or impositions that are the lot of other subjects, will never fail to awaken in them the frightful apprehensions of slavery and oppression: They would drink altogether of the sweet cup, without ever tasting of the bitter. But let people of this stamp profess what regard they will to their Prince, let their petitions to the throne be crouded with the most solemn professions of exact obedience, you may rest assured that an eye of jealousy will be constantly fixed upon them, as long as they maintain doctrines that hold the authority of parliament at defiance, and have a direct tendency to make us independent; these fulsome effusions will be considered only as lip loyalty, which holds no correspondence with the heart. And let this idle distinction gain what credit it will among the republican tribe, it must be evident, beyond all scruple, that it will end at last in the destruction of that colonial dependency, which our mysterious politicians, on the present occasion, so frankly allow.

Each of our American assemblies, according to Mr Pitt's and the Farmer's logic, must be as independent of the British parliament as that of Scotland was after the first union, which only united both nations under one allegiance, but left the powers common to either parliament distinct and unwounded. This union could no more make the Scotish parliament subordinate to the British than it could the latter to the former, because both were equally independent before the national cement, and were acknowledged so in treaty by the neighbouring powers. This shows the necessity of striking a kind of parallel between the claims that the Scotish parliament and our American assemblies could severally make to independency; for if our assemblies have a right to dispute their quota upon a crown requisition, the powers they challenge to prove that right must be exactly the same with those that were the indisputable claim of the parliament of Scotland.

On the side of Scotland it may be urged, that she is an antient nation, known in the time of Vespasian,[7] whose intrepid general[8] pierced the almost inaccessible recesses in the mountains, and made it, for a time, tributary to the empire.[9] From that distant period we know very little about the Scots 'till after the dark ages, when she, soon after her neighbours, immerged out of a sea of uncertainty; for all between

the two periods is but fable and legend. No historian of any credit ever disputed her independency: On the contrary, France and other states have recognized it in treaty.[10] Nor has she been wanting, on different occasions, to turn the scale of victory by adding her own weight to contending powers, and so contributed towards preserving the balance of European power.

America, Sir, is but of Yesterday. No European power ever dared to treat with her as independent; awed, no doubt, by that jealousy which such a step must excite in other powers. The precedent, as it would dissolve a number of subjects from their allegiance, would be dangerous and unwarrantable. Had America been formerly independent, and acknowledged so in treaty by the English and other powers; and then upon principles of mutual advantage had both kingdoms agreed to a national cement, our assemblies being originally held by a distinct and separate allegiance, could have then aspired to all the dignity and eminence which the parliament of Scotland maintained after they were included in the same allegiance with the English subjects; for then the much vaunted powers of our assemblies would not have stood upon so *precarious* a footing as that of incorporating grants, the privileges conveyed by which may be annihilated upon a breach of the conditions. But, Sir, the case is different. The colonists are descendants from subjects of the British King, and are consequently subjects in the same sense that their ancestors were. Their assemblies are not held upon any *prescriptive* plan, but are only made corporations by *charter*, every privilege contained in which is determinable upon the event of *misuser*,[11] or *abuser*.[12] The American assemblies, who were bound by no allegiance but what they owed to the King of England, must, therefore, contend upon every unequal ground for the same degree of independency that was common to the *Scotish* parliament, which, before the accession of James VI. to the throne of England, held no privilege in common with the *British*; for in the one case, the subjection anteceded the incorporating grant, and in the other, originated upon the unity of allegiance. The American assemblies owe their existence to the benignity of a British King, and hold no privileges, *as legislatures*, but what are contingent upon certain events; but the Scotish parliament claimed their independency of the British from no *express compact*: They ground it upon an *absolute* original right, a right not determinable upon a plurality of the voices of the members. Can America ground her exemptory claim (which, properly speaking, is a claim of independency) upon the same footing? If her assemblies could be held upon that principle of *prescriptive right*, how came she to make a surrender of that inherent privilege for the scanty measure of power derived only from grant of corporations? ‡ If she had no *original right* to commence legislatures but by express paction, in which none of these marks of sovereignty are to be found that of late distinguish our assemblies, how came she to put in her claim to every power that indisputably belonged to the Scotish parliament, and which accrued

upon no *express* paction, but was incident to that body when bound by a separate allegiance?

I dismiss the subject, for the present, and am, your affectionate servant.

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‡ *I would not be understood that the subjects of America have no equitable claim to any privileges that are not granted in the charters, but only that the American assemblies can claim no powers that are not in the express diction of these grants. As individuals, their right to every blessing flowing from the British constitution cannot be disputed: But in the character of legislatures, they are confined within the primitive views of their institution.*

[1] The five-week gap in the printing of these letters is explained in *The Boston Evening-Post* of April 24: "*An unavoidable Accident has prevented the Continuation of the* Letters *in Answer to the* FARMER*'s for this Week or two past, but will shortly be renewed.*"

[2] Plato (Aristocles; c. 429–347 BC) was an Athenian philosopher and political theorist. His *Republic* outlines a plan for a utopian city-state ruled by philosopher-kings.

[3] On July 25, 1768, a Liberty Tree was dedicated in Providence, R.I., by the local Sons of Liberty, with a speech by Silas Downer (1729–1785). See [Silas Downer], *A Discourse, Delivered in Providence, in the Colony of Rhode-Island, upon the 25th Day of July, 1768, at the Dedication of the Tree of Liberty, from the Summer House in the Tree. By a Son of Liberty* (Providence: J. Waterman, 1768), 6; and Carl Bridenbaugh, *Silas Downer, Forgotten Patriot: His Life and Writings* (Providence: Rhode Island Bicentennial Foundation, 1974), 31–34.

[4] The French and Indian War.

[5] That is, the 1603 Union of the Crowns occasioned by the accession of James VI of Scotland to the English throne as James I of England.

[6] See doc. 4:181, n. 13, above.

[7] Titus Flavius Vespasianus (AD 9–79) was emperor of Rome from AD 69 until his death and the founder of the Flavian dynasty.

[8] Gnæus Julius Agricola (AD 40–93) was a supporter of Vespasian, who made him governor of Britannia in AD 77.

[9] In the Battle of Mons Graupius (c. AD 83), Agricola subdued the Caledonians in the northeastern highlands of Scotland.

[10] Franco-Scottish treaties include the Treaty of Paris (1295), the Treaty of Vincennes-Edinburgh (1371), and the Treaty of Rouen (1517). Treaties with other powers include the Treaty of Perth (1266) with Norway and the Treaty of Copenhagen (1468) with Denmark-Norway.

[11] Misuser: "Abuse of an office or franchise" (*BLD*).

[12] Abuser: "Misuse of a franchise or an office granted by the monarch, esp. when it results in its forfeiture" (*OED*).

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From Elizabeth Moland St. Clair, May 16, 1769

Eliza[beth] Town. May th[e] 16th. 1769

Sir

I have [~~*illegible*~~]{wrote} to you several times[1] to settle [wi]th Mrs. Stoute[2] of Lancaster, for my Brother Josephs Schooling, & it is not done, she has now sent her account to a Lawyer at Brunswick[3] in order to get her Money,[4] you know I have no money belonging to my father's Estate in my hands, there fore cannot pay it,

without I give it out of my own pockets which I will {not} do~~e~~ I therefor, desire you as my Lawyer to settle our affairs at Philadelphia as fast as posible [~~*illegible*~~] paying of all the little depts that where due at my Fathers Death & then I shall be able tell the 2 Children[5] what I am able to do for them, I at present know nothing what you have dun in our affairs, I should be glad to know <u>why</u> you would not accept of my order, on you, in favor of M^rs^ Stoute you know you reiceve the Intrest of the money that is out, you rec[eive]d at one time of me, Two Bonds each [~~bond~~] was for a[~~*illegible*~~] Hundred Pounds you likewise recoverd several Hundred Pounds for us in Lancaster,[6] which I have yet [~~got, no account~~] got no account of, from you, the Bonds are in your Hands, & of Course you have rec[eive]d the intrest I have nothing but that, & the Rent of the Farme[7] to support the Children, nither of which I get I hope you will be so good as, to let me hear from you by the first opportunity & you will greately oblige your

Sincear Friend
Eliz^a^. S^t^. Clair

I dare say ere this, you have heard that I have Married Col^o^. Templer of the 26^th^. Regiment,[8] he joyns me in beging your amediate assistance ~~in~~{as} our Friend, & Lawyer.

ALS (PHi-Logan)

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[1] St. Clair wrote JD on May 20, 1768, asking him to pay Mrs. Stout's account "when the rent of the farm is next due" (doc. 4:A45, below). Her other letters on this subject have not been found.

[2] Marguerite "Peggy" Valleau Stout (Margaret; 1718–1795) was the widow of David Stout, a lawyer who died at Lancaster, Pa., in 1764.

[3] Bernardus Lagrange (La Grange, LaGrange; 1721–1797) was an Anglican lawyer of New Brunswick, N.J. Lagrange became a prominent Loyalist during the Revolutionary War, and his substantial landholdings were confiscated and sold by Patriot authorities in 1778.

[4] In a deposition dated April 3, 1769, Stout offered an account of expenses for Joseph Moland's schooling, room, and board for 1767 amounting to £22.10.0 and empowered her attorney, William Augustus Atlee (1735–1793) of Lancaster, to file suit to recover that sum. On the verso, a note signed by Bernardus Lagrange attests that St. Clair paid the amount owed on May 25, 1769 (PHi-Logan).

[5] Joseph and Grace Moland, St. Clair's younger siblings.

[6] Possibly a reference to doc. 3:35.

[7] See doc. 4:15, n. 3, above.

[8] Elizabeth's first husband, Sir John St. Clair, died on Nov. 23, 1767, reportedly as a result of an old wound sustained during the French and Indian War (*The New-York Journal*, Dec. 10, 1767). Elizabeth married Lt. Col. Dudley Templer (Templar; d. 1795) of the 26th Regiment of Foot, on March 14, 1769, though she retained her title of Lady St. Clair. Templer left the British Army in 1777 following service against Continental forces in Canada and New York. The couple subsequently relocated to London.

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N.P., "Letters in Answer to the Farmer's. Letter VIII," *The Boston Evening-Post*, May 22, 1769

LETTERS *in Answer to the* FARMER's.
LETTER VIII.

Dear Sir,

IN my last,[1] I asserted, that the imaginary line drawn with so much care & boasted exactness between the power of *legislation* and that of taxation, would make America to Great-Britain just what Scotland was to England after the first union.[2] The next thing to be considered is, what principle America can ground her pretensions on. As our ancestors were held by an *absolute* allegiance to the British King before their emigration, it is clear that this sovereign authority challenged by America can be derived from no original or *prescriptive* right. I shall, therefore, prepare myself to meet this extravagant claim eminating from our Provincial Charters. 'Tis from this source alone, if from any, that she can hope to succeed in her pretensions. A vague loose prattle about *natural liberty* will be swallowed only by an undiscerning populace. If we were to attempt to define the term, and state the difference between it and civil liberty, we should be employed in an enquiry that would be rather curious than necessary in the present dispute.

It is evident that this new-fangled distinction would make our American Assembles [*sic*] as independent of the British Parliament, as the Parliament of Scotland was after the first union: For it appearing that a denial of a parliamentary taxation would precipitate the fate of the *legislative* power so much talk'd of; the only alternative (if any sort of subjection surviv'd) must be a submission to the single government of the Crown detached from the two other branches of legislature, which was just the case of Scotland. The British King always avail'd himself of Scotch property by requisition, which proved so inconvenient to both nations, that at last, upon principles of mutual advantage, a closer cement was proposed and effected; and the two nations represented two contracting powers.[3]

If it was tho't, Sir, so inconvenient that the King should be oblig'd to ask money of two Parliaments to effect any purpose of state, what shall we say of requisitions upon thirty subordinate jurisdictions existing upon *encorporating* grants, each claiming the privilege of a refusal. Suppose that the frontiers of Pennsylvania should be alarmed by an Indian attack, and that the King, whose affections are suppos'd to embrace the whole circle of his subjects, should think that a million of money ought to be raised to save that part of his dominions. Suppose also that requisitions should be made upon each Assembly for a determinate sum, and that the Province of Massachusetts and several others should dispute their *quota*; could any reasonable man but think it necessary that a power should be

lodged somewhere that could name the sum without being disputed? If the King's requisition is liable to be canvassed in Assembly, where is the legislative body in the British nation that can make laws "for the good of the whole?" There is but two ways that this "good" can be promoted by the Crown or Parliament. The one is by defending the subjects from invasions, and the other is by protecting them by laws; for the King's *protection* is not confined to a defence from foreign force, but extends to his laws which defend private property. But how can either of these kinds of *protection* be allowed us unless the *means* are in the hands of the Crown? Troops are necessary to be led into the field, and laws are requisite for the security of the property and person of the subject: But how can troops be maintained without taxes, or how can the civil list be defrayed without money? We are very eloquent upon the necessity both of *internal* and *external protection*, but are unwilling to provide the *means*.

I am now prepared to throw an eye upon some of our Charters, (especially such as establish governments of the most *democratical* kind) which will be found extremely barren & destitute of those high-sounding powers that are rung over the whole continent to draw off the unwary part of the people from their duty. We shall find in them certain *privatory* & *restraining* clauses that must silence the most sanguine pretenders to independency in Assembly. The Royal grantor, in the Connecticut Charter, communicates to the Assembly the power of erecting judicatories, and to "make, ordain, and establish all manner of wholsome and reasonable laws, statutes," &c. "not contrary to the laws of this realm of England, as well for settling the forms and ceremonies of government and majestracy, fit and necessary for the said plantation, and the inhabitants there, as for naming and stiling all sorts of officers, both superior & inferior, which they shall find needful for the government and plantation of the said colony." The words "not contrary to the laws of this realm of England" evidently imply *statutes* "of this realm of England;" for both common and *statute* law were there meant. What immediately follows shows it. "And the distinguishing and setting forth of the several duties, powers, and limits of every such office and place, and the forms of such oaths, not being contrary to the laws and *statutes* of this our realm of England."[4] There are clauses of the same tenor in the charters of Rhode Island, and province of Massachusetts-Bay.[5]

Can you tell me, Sir, or can the *Farmer* himself tell, where he rambled to pick up his powers so sovereignly efficacious as to rob the parliament of its right of taxing us? One who takes matters upon his credit wou'd be apt to conclude, that the royal grantor was a great spend-thrift of his prerogative, and was severely studious how to rid himself of the allegiance of his subjects. But he who reads with a proper caution must read himself wiser, and discover in the cited clauses a pruning hook to the powers contended for with so much warmth by the American assemblies. They have, indeed, the power of making laws; but there is a wide difference between such

as only "settle the forms and ceremonies of government and majestracy,"[6] which are confined to a particular government, and those that are of so broad an extent as to be *relevant* in every government.

You, doubtless, paid a proper attention to that part of the recited clause that restrained our assemblies to the making of such laws only as shou'd be consonant to the laws of England; and you may venture to take it for granted, that we are obliged, by receiving these grants, to pay implicit obedience to every act of the British parliament that cannot be contradicted by provincial laws. But is this obedience limited? No. It extends to all the laws of England *generally*, either *statute* or *common*, except such as are *remedial* only. The next thing to be considered is whether the *statute law* can operate in America in its full extent, or whether that part of it only ought to extend here that falls within the *Farmer*'s doctrine of *legislation*. Whoever attends to the cited clause in the crown grant, will wonder how that distinction ever came to be taken. Surely, the words "not contrary to the laws of England," if they mean any thing, must mean *all* the laws of England; not only as regulate the trade, but such as impose taxes; for if the distinction was not taken in the grant, one would think it too late to take it now. But the *Farmer* wou'd, doubtless, think it rare pastime to be set to work to explain the several charters upon the continent; and I wou'd venture to answer for him that he wou'd, if not timely checked, give our assemblies as much power as they wou'd have, provided any one of them wou'd dub him governor of BARATARIA.[7]

Is it not a little surprising, that the *Farmer* should dare to swell up the powers of our assemblies to the size of those that distinguish the British parliament, when we find them, upon examining their source, so limited and contracted as not to reach a step beyond the province of a corporation? Ought it not to make him blush to be asked to cite the clause in any of these crown grants, that impowers the assembly of any colony to levy a tax to effect any thing beyond its internal support? The words impowering them to make "laws and statutes," &c. "not contrary to the laws of England," "to settle the forms and ceremonies of government and majestracy," and to stile officers, &c. gave them all the power they ever had, or ought to have, to tax the American subjects. There is not a charter upon the continent that gives a greater latitude of power than that of Connecticut & Rhode Island with regard to the making of laws; and it is observable, that there is not a clause in them that impowers either assembly to make any laws but what may be fairly bro't within the *remedial* branch; and that even those are to be as nearly conformable to the "laws of England as may be." I would only ask what is to be done when NECESSITY OF STATE demands a tax which these assemblies, with all their vaunted authority, cannot, consistent with their charters, levy?— We may be told, Sir, that the King may make requisition upon us and make trial of our generosity. But I deny that our assemblies can, under the authority of these grants, even in obedience to the requisition, lay any such tax upon the King's American

subjects. The charters empower them to make laws only for the internal support of each government, and the subjects of each government are held by the grants to obey no others enacted by subordinate legislatures. If they owe obedience to the laws of any other body, it wou'd be proper to know what that body is. A crown requisition we don't allow to carry with it the force of a law; therefore the King cannot, in his executive capacity, oblige his American subjects to the observance of any laws that our assemblies cannot enact. It is natural, then, for us to acknowledge ourselves held to obey the authority of the King in his other capacity, being the head of the *magnum consilium*[8] of the whole nation. I have often lamented that so much has been said by our political brethren about our charters, without weighing the powers communicated in them.

I just said, that our charters are to be considered only as corporations. This will be best known by considering the nature of the privileges and immunities granted in them, and the duties the grantees are to perform in recompence for them. Whoever will give himself the trouble of searching authorities, will soon discover, that the immunities conveyed in grants of corporation, are committed to the grantees in *trust*, and are determinable upon the contingency of *misuser* or *abuser*: And that these grants are to be consider'd in this light, will appear from the express language of them: As we have received them as such, we must rest contented with such powers as they communuate [*sic*]. I have now prepared myself to ask, how it happens that we shou'd claim the same powers that were common to the parliament of Scotland which owed its existence to antient custom or *prescriptive* right, when the charters under which we claim them, can ensure them to us no longer than we conform to the conditions of the grant? Among other debates of the commissioners of either nation, concerning the last union, we find that the Scots insisted, that the two parliaments shou'd not unite but by the consent of every member of the Scotish parliament.[9] And a very judicious distinction was taken between the fundamentals of a government, and matters that are determinable by a plurality of voices. They insisted upon it, and it was not denied, that the right that each member had to set in that house was a fundamental, and could not be annihilated by the consent of the other members to make a surrender of each of their private rights. The privilege of setting there was annexed to the person, and was not determinable upon any thing that the parliament cou'd do as a collective body. It was, therefore, necessary that the consent of every member shou'd be obtain'd, before the last union cou'd be perfected.[10]

Can the powers that America derived from these grants be bro't into competition with those that were the acknowledged right of the Scotish parliament?— But, Sir, we shall find, upon examination, that America's exemptory claim is of greater latitude than the parliament of Scotland ever contended for. Sir GEORGE MACKENSIE[11] in his treatise upon the last union says, that "that tho' the English contend, that every nation does make such laws as concern their trade, according

to the advantage and different policy of their own country, and that they may differ in this from other nations with whom they are united in their allegiance; yet this principle should not reach so far, as to exclude those who are included in one allegiance with them, from an equal share with their subjects and natives, THEY BEING CONTENT TO OBSERVE THOSE LAWS, AND TO OBEY THOSE INSTRUCTIONS, WHICH THE MAKERS OF THEM SHALL PRESCRIBE."[12]

This, Sir, one wou'd imagine, must effectually disarm the whole host of scriblers of their impliments of war, and put them out of conceit with the empty distinction that escaped from a great man when he happened to be absent from himself, and which has distracted no inconsiderable part of the King's dominions. I wou'd have *justice* done the people at all times, but wou'd never humour them. The palate of such (if they can choose what laws they will obey) will soon become too delicate. Stomachs that have long been humour'd with an unlimited choice, will be apt to toy with their duty whenever that humour is contradicted. For people, Sir, grow factious or submissive to government from habit and custom; and when they have been so far humour'd as to get over one restraint, any new one that is laid will be sure to awaken their jealousy, nor will advocates be wanting to fix upon the new one every odious feature that distinguished the old. Every new measure that is adopted by government, however just and constitutional, will be coined anew in the political mint of the junto; and a fixed and uniform conduct in a crown officer to carry into execution the laws, will most assuredly procure to him the name of a *Verres*,[13] a condemned criminal, who govern'd with the assistance of no law but his own will, and whose lawless rapacity caused to be exhausted on him the thunder of the divinest eloquence.[14]

When a mutual harmony and affection will take place between the two countries, is a period that is to be rather wished than expected. But let the prospect forward be what it will, having proved THAT THE PARLIAMENT OF GREAT-BRITAIN CAN TAX AMERICA IN SOME SORT, I shall be mindful of every part of my promise to you, and enter, in my next, upon the second point proposed. In the mean time, be assured, that I am, beyond all formalities,

Your most obedient Servant.

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[1] Doc. 4:192, above.

[2] Ibid., n. 5.

[3] A reference to the Act of Union of 1707.

[4] Charles II granted Connecticut its royal charter in 1662. See *The Charter Granted by His Majesty King Charles II. to the Governour & Company of the English Colony of Connecticut in New-England in America* (New London, Conn.: T. Green, 1718), 4.

[5] For the Rhode Island Charter of 1663 and the Massachusetts Charter of 1691, see *The Charter Granted by His Majesty King Charles the Second, to the Colony of Rhode-Island, and Providence-Plantations in America* (Boston: J. Allen, 1719); and *The Charter Granted by Their Majesties King William and Queen Mary, to the Inhabitants of the Province of the Massachusetts-Bay in New-England* (Boston: B. Green and J. Allen, 1699).

[6] See n. 4, above.

[7] Barataria is a fictional island awarded to Sancho Panza as a prank in Miguel de Cervantes, *The Ingenious Gentleman Don Quixote of La Mancha* (1605, 1615). Its name likely derives from *barato*: Spa. cheap.
[8] *Magnum concilium*: Lat. great council. "In old English law. The great council; the general council of the realm; afterwards called 'parliament'" (*BLD*).
[9] Seemingly a reference to a failed proposal advanced by Charles II from 1667 to 1670 to unite the parliaments of England and Scotland. N.P. appears to be drawing on Mackenzie, "A Discourse Concerning the Three Unions Between Scotland and England," in *Works*, 2:637–70, at 669.
[10] While this condition was a requirement for the proposed union discussed in n. 9, above, the Scottish Parliament was not unanimous in its final vote for union with England in 1707.
[11] Sir George Mackenzie (c. 1636–1691) was a Scottish lawyer and lord advocate who served on the Privy Council and continued to hold office until the Glorious Revolution forced his retirement.
[12] Mackenzie, "A Discourse Concerning the Three Unions Between Scotland and England," in *Works*, 2:665.
[13] Gaius Verres (c. 115–43 BC) was a notoriously corrupt Roman governor of Sicily until his prosecution and exile.
[14] Cicero made a series of speeches during the corruption and extortion trial of Verres that forced him into exile, which were later published as *In Verram*.

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N.P., "Letters in Answer to the Farmer's. Letter IX," *The Boston Evening-Post*, May 29, 1769

LETTERS *in Answer to the* FARMER's.
LETTER IX.

Dear Sir,

WE have now to consider, whether *the Parliament of Great Britain can tax America in such a manner as will interfere with our internal police*, *and whether the late tax upon Window-Glass*, *Paper*, *&c.*[1] *is such an one?*

The *Farmer*, when he came to distinguish between *internal* and *external* taxes, made the analysis with about as much skill as a quack surgeon would attempt to bleed a man with a chizzel or pick-ax. The British Parliament, he says, has no right to lay any sort of *tax* upon the colonies, but acknowledges, in the same breath, that *impositions* may be constitutionally laid. Every *imposition*, he tells us, is not a *tax*, tho' every *tax* is an *imposition*.[2] The definition that he gives us of these two terms is, that impositions only impede our acquiring property, but *taxes*, being laid for the "express purpose of raising a revenue,"[3] takes money out of our pockets already acquired. All *taxes*, therefore, according to this reasoning, must be *internal*; and duties laid for the regulation of trade, are *external impositions*.

For my part, Sir, I scarce ever read any of the productions of our political brethren, without being guilty of a smile, especially when I find them exposing *internal taxes*, as they call them, to the public eye as an exorbitant stretch of dispotic power. Before the *Farmer* bro't forth, that which he calls *Impositions*, was called

by the smaller brothers of the pen, *external taxes*; and all others took the name of *internal* ones. But I have, as yet, met with no distinction between them that satisfies me; and as I condemn the old ones as inadmissable, you will doubtless expect of me that I give you a better.

An *internal tax*, Sir, I take to be such an one as interferes with our internal police. The Stamp Act was such from the *internal* operation of it upon the manner of the provincial administration of justice, for every judgment entred up, and plea filed in court, were render'd ineffectual by that act unless it was wrote upon stamp'd paper. Our assemblies derive their *internal* powers from their charters, a specimen of which you have already had. A parliamentary tax, therefore, upon articles that our assemblies could tax, and for purposes that they could tax the American subjects to effect, may be fairly denominated an internal tax, because it affects us from *within*. But does the duties laid by the late Act impede the operation of any laws that our assemblies can make, or burthen any commodities that they can tax?— surely Great-Britain can tax her own commodities, and yet have unwounded every power communicated in our charters.

But, Sir, I must find fault with the question I just put to you. I ask'd you if the duties laid by the late Act can "impede the operation of any laws that our assemblies can make?"— Surely they may; for altho' the tax is not *internal* because the duties are made payable in America, nor because they are laid with the "express intent of raising a revenue," yet it is so from the further purpose of providing for the "administration of justice."[4] Several of our charters leave it in the power of our assemblies to name the whole bench of judges, and to provide for them in a way most agreeable to themselves. The parliament, therefore, by laying duties that are to be applied towards providing for "administration of justice" in the colonies, interfere with the internal police of each province established by the grants of the Crown; and it is from this consideration alone that the duties laid by the late Act can be denominated *internal*. The next question is, whether the Parliament of Great-Britain can constitutionally lay such a tax?

Why not?— The King, it has been already observ'd, can appoint his judges in any part of his dominions, and the Parliament prescribe the mode of their maintainance: For if the King's right to name them, in his single capacity, be acknowledged, one would think that the mode of maintainance could not be denied when that authority is reinforced by the advice of the two other legislative branches. *

But the *Farmer*, Sir, upon this subject, in order to support his reasoning, and keep alive the argument, has took the freedom of weighing his own judgment against positive laws, and of raising up apparitions of British constitutional principles, to fright away the

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* *The inconsistency of denying the jurisdiction of Parliament to tax us, appears in nothing more than in the instance of appointing and maintaining judges in America. The right in*

the crown to name them has not been denied by our most passionate sticklers for liberty. The exercise of that authority does not seem to touch them in the tenderest part; for what need they care what faces appear upon the bench, as long as they have it in their power to starve them into a compliance with their most romantic designs? Is it not a little strange, that the authority of the crown, which is so frankly allowed by almost the whole host of scribblers, should be resisted with so much vehemence when it is joined with the other two branches of legislation?

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real objects. What signify the lucubrative dreams of sick-brain'd Pamphleteers, who are perpetually picturing out our constitution as shuddering on the brink of destruction, and the whole empire as nodding to its fall? What avails it to be always groping in the twilight regions of fiction, and hatching forms of government that cou'd exist no where but in a crazed imagination, and seeking out grievances merely ideal? Whether the British parliament can tax us *internally*, can be determined only by considering what power it has to alter or vacate a grant of the Crown; for if the operation of an act defeats any power within the express diction of a charter, it may be said to operate *internally;* if it imposes taxes, then such taxes may be called *internal*. It is idle to assert, that the authority of parliament can affect us *internally* only in the particular instance of taxation; for whatever act, by expressly naming the colonies, alters or amends the mode of provincial process, † may be as truly said to interfere with our *internal* police, as one imposing taxes. If therefore, no Acts of the British Parliament can constitutionally bind us that affect us *internally*, the authority of that body must be reduced to a very low ebb indeed.

But I was just saying that the question whether the parliament can lay *internal* taxes, could be determined best by considering the power of that body to alter or vacate charters: For if the internal polity established by these grants is cramped or wounded by parliamentary authority, then the charter may be said to be vacated *pro tanto*.[5] ‡

Upon forfeiture of the condition of a grant, the royal grantor, when he pursues *singly*, pursues the grantees by proceedings out of any of his courts: *Quo warranto*[6] issues, and the parties are let in to *shew cause*. But when the Parliament sustain themselves judges of the forfeiture, no notice is given, nor necessary, because they are always considered as the lawful representatives of the grantees. The Parliament, then, can annul our charters *at will*, without alledging PRO CAUSA[7] *misuser* or abuser, because the King is joined by the whole council of the nation. It does not militate against this reasoning to say, that the King's grant is good against himself till the conditions of it are forfeited; for allowing that to be true, as grants of this nature often affect the public very deeply, the Parliament, which may be said to be the guardian of the public welfare, will always take upon them to consider the nature and tendency of such grants upon principles of PUBLIC

UTILITY; and if it finds them prejudicial to the national interest, they vacate them without further ceremony. The question is not, whether the conditions of them are forfeited, but whether they tend to injure or promote the public good. Whoever will retrospect the reign of James I, will be no longer a stranger to this doctrine. It is a power incident to the very nature of the British Parliament to enact laws for the good of the whole,

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† *I would not be understood, that any act that alters the mode of provincial process, or otherwise interferes with the internal* police *of a government, can bind the colonies* without naming them, *any more than a* penal statute; *for at the power of providing for the maintainance of judges, and establishing modes of process most agreeable to ourselves resulted to us from* express compact, *no effort of civil policy ought to be construed to extinguish it, unless the design is positively expressed: Therefore the colonies may adopt or reject at pleasure any part of the* remedial branch *of the English laws, unless they are interdicted* expressly *by act of Parliament.*

‡ *I look upon it, that this point was settled at the opening of the present Parliament. 'Twas then insisted by those in the line of opposition against the ministry, that the crown could not suspend legislation in the colonies.*[8] *Why not? The King can dissolve the British Parliament at pleasure, but the American assemblies, it seems are peculiarly sacred, and are placed out of his reach. But how came they so? By his own act; I mean his grant communicating the powers of legislation, any part of which cannot be vacated but by* process *issued against the grantees: And it was doubtless thought by the line of opposition, that if the crown could dissolve an assembly existing by* charter *(that being a vacation of it* pro tanto) *without* process, *he might, under the same colour, vacate the whole, which might be productive of much mischief. If this was the principle that they went upon, their doctrine was plausible; but still I think the power of dissolving Parliaments (and consequently all subordinate jurisdictions) is too incident to the crown to be evaded by that general doctrine. But what was the tendency of that side of the debate? Surely it was, that altho' the crown could not singly dissolve the American assemblies (that being a vacation of the grant* pro tanto, *or a suppression of it, at least) yet it might be done by the aid and concurrence of the two other branches. If the Parliament, then, can vacate a charter in part, or suspend the powers flowing from it, the power of that body to vacate the* whole *will not be denied by men that are not blinded by prejudice or passion.*

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which cannot be promoted unless the whole are subject to those laws; and whatever stands in the way of that authority may be removed as an obstructer of it. If the King, therefore, has made a grant of a privilege that opposes the authority of himself joined by the two other branches, what can be said but that he has been *deceived* ‖ in his grant?

I venture, then, to assert, that duties may be laid for the "express purpose of raising a revenue," and yet may not be *internal*, unless they are made so in the

application of them, like the late act; that duties may be laid for the regulation of trade (which the *Farmer* calls *impositions)* and for the purpose of revenue too, and yet *neither* may interfere with our internal policy; that the *internal* operation of an act does not consist in the articles that are *taxed*, nor in the place where they are made payable, nor in their being laid for the purpose of revenue, unless that purpose be carried further, so as to interfere with what we call our charter privileges, and that very power conveyed in these grants may be extinguished upon principles of PUBLIC UTILITY, without that parade of process, which the law insists upon when the royal grantor pursues SINGLY.

The Parliament of Great-Britain, therefore, can CONSTITUTIONALLY TAX THE AMERICAN SUBJECTS BOTH INTERNALLY AND EXTERNALLY.

Adieu.

‖ *In the reign of James* I. *many cases upon monopolies were determined*, *declaring that they were void*:[9] *And surely all such must be in the same plight that tend to deprive the Parliament of a right that is incident to the very nature and existence of it. Out of complaisance to the crown*, *when his grant is declared void*, *he is said only to be* deceived in his grant, *which is certainly very reputable and becoming*.

[1] The Revenue Act of 1767.

[2] Doc. 4:25, above.

[3] Although JD employs a similar definition throughout the *Famer's Letters*, here N.P. quotes the Massachusetts circular letter of Feb. 11, 1768. See *PG*, March 31, 1768.

[4] The Revenue Act of 1767 (27 *SAL* 505–12, at 505). See also doc. 4:28, above.

[5] *Pro tanto*: Lat. "To such an extent, to that extent; in like measure, accordingly" (*OED*).

[6] *Quo warranto*: Lat. "a royal writ obliging a person to show by what warrant an office or franchise is held or claimed" (*OED*).

[7] *Pro causa*: Lat. for cause; that is, giving grounds or justifications for the action taken.

[8] Perhaps a reference to a debate in the House of Commons in November 1768 in which both the Rockingham Whigs and George Grenville questioned the ministry's right to dissolve colonial assemblies. See *The Boston Chronicle*, Jan. 26–30, 1769; and W.M. Elofson, *The Rockingham Connection and the Second Founding of the Whig Party, 1768–1773* (Montreal: McGill-Queen's University Press, 1996), 50–51.

[9] The most notable case during the reign of James I concerning monopolies is *Tailors of Ipswich v. Sheninge*, Mich. 12 Jac. 1, B.R. (1614). This case, limiting the monarch's power to grant monopolies, built on *Darcy v. Allein*, Trin. 44 Eliz. 1, B.R. (1602). An effort to curb the influence of monopolies through legislation, championed by Sir Edward Coke, resulted in 21 Jac. 1, c. 3 (1624): "An Act Concerning Monopolies and Dispensations with Penal Laws and the Forfeitures Thereof," known as the Statute of Monopolies. See 11 Coke, *Reports* fols. 53–54v; 11 Coke, *Reports* fols. 84v–88v; and 7 *SAL* 255–60.

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From Elizabeth Moland St. Clair, [May–June 1769]

My good Friend

I am extreamly distress[e]d at haveing incur'd your displeasure I hope you will never find me the ungratefull Woman you seem to think me in your last Letter{—}[1] I am very sensible you have done much for me & the rest of my Fathers Family for which they as well as my selfe are under great Obligations to you, and if I wrote improperly to you Blame my Head & not my Heart I shall allway's end{e}avor to deserve your esteem and if asking for Thousand pardon's for the offence I have committed will be a sufficient attonement I now do it.

I now have to acquaint you, that I got Col^o^. Templer to pay the Money to M^rs^. Stoute,[2] for my Brother Joseph, schooling &c I was not a little surprised to find by your Letter that Cap^t^. Hay had drawn on you for a Hundred Pounds for the ~~you~~{se} of the Children without ever acquainting me with it. I have had my Sister Grace upwards of a Yeare with {me} & have not rec[eive]d a grant for her support from Cap^t^. Hay, who is getting all the Money he can in the Name of the Children from you, when I am paying there debts out of my own pocket, my good Friend let me aske you, should not Cap^t^ Hay pay the rent of the Farme[3] to the Children or to somebody for them I dare say you will think with me in this particular, i[~~t~~*?*]{f} you~~,~~ do, pray speake to him about it. I was in hope's from what you said to me some time a go, that you would have been able to have put out ~~to~~ interest, the Money you recover{'}d at Lancaster for us[4] and that the 2 Bonds with the Money due on them would have p[ai]d the out Standing debts I hope you will not advance any more money to Cap^t^. Hay, without first acquainting me with it.

I have laid out a good [Deal*?*] on My Sister Grace & she now wants ~~more~~ Cloathng, & her schooling, must be p[ai]d for which reason I beg of your to send me by the first safe hand, the £57,,2,,0[5] that I may with part of it pay Col^o^. Templer the Money he adv[a]nced for my Brother. I send you, that you may know what the some was, the Account & rec[eip]t, you will take care of it for me.

I now hope you will forgive me for my past offences & permit me to make ~~a~~{my} best comp[limen]ts to M^rs^. Dickinson[6]

I am with the greatest esteem & Gratitude
Your Since~~a~~re Friend
Eliz^a^. S^t^. Clair

PS I shall be obliged to you to let no one have the Deads & papers[7] that I sent you pray write me whether our affairs are settled at Philadelphia, that is to say, whether all the debts are p[ai]d
Col^o^. Templer begs his best comp[limen]ts may be acceptable to you

ALS (PHi-Logan)

[1] Letter not found.
[2] See doc. 4:193, n. 4, above.
[3] See doc. 4:15, n. 3, above.
[4] Possibly a reference to doc. 3:35.
[5] JD, in his capacity as John Moland's executor, had received a payment of this amount from Paul Geer on Jan. 13, 1769 (PHi-Logan).
[6] JD's mother, Mary Cadwalader Dickinson.
[7] Deeds and papers not found.

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N.P., "Letters in Answer to the Farmer's. Letter X," *The Boston Evening-Post*, June 5, 1769

LETTERS *in Answer to the* FARMER's.
LETTER X.

Dear Sir,

OUR way is now paved to enter upon a question * that has been twisted into various shapes, and undergone refinements from the most barbarous and unrelenting hands. A scene has been opened discovering in us the two most *amiable* and *deformed* objects, *Liberty* and *Slavery*. Every one has been daubing on his own colours, like prentice boys at painting, who are ambitious in giving to a *goldfinch* the most gaudy plumage, and to the *owl* a dress the most frightful and uncouth: All which is done at the expence of nature, who is banished from the work thro' excess of *colouring*. Our political painters, being passionate imitators of them, have been so unskilful in mixing their colours, and so fond of setting off to advantage the *amiable goddess* (struck, no doubt, with a veneration for her god-head) that they have brightened her into Licentiousness, a Fury † as mischievous as what Virgil plung'd into the falls of *Velino*. The country being struck with the splendid appearance of this mock-deity, and grown out of conceit with the plain garb of Liberty; in whose countenance is discovered a mixture of austerity, have ever since been paying adulation and worship to a mistaken object. Thrice happy America! would she examine the idol by stripping her of her foppery, and become a worshipper of the real goddess (if we must needs ascribe divinity to her) who is amiable in her own native colours, and on whose forehead is inscribed, I AM THE PROTECTOR AND NOT THE DESTROYER OF MENS PROPERTIES.

The general cry on the liberty side has been, "We are unrepresented in the British Parliament; yet they challenge the right of taxing us: 'Tis oppression; 'tis the truest definition of slavery." On the prerogative side it has been urged, that America has ever been represented in Parliament; to prove which they distinguish between a representation in *fact* and a *virtual* one. To ward off the force of the prerogative argument, a distinction has been set up by the liberty men between non-electors

in Great Britain, and non-electors in America. "British representatives," they say, "cannot wound the properties of the non-electors without transferring the stab to the properties of their constituents, the interests of both being inseperable."

I must own, Sir, that I could never see the necessity of having recourse to this doctrine of *virtual* ‡ *representation* to extend parliamentary jurisdiction over the Colonies. The undivided nature of our allegiance, and the NECESSITY OF THE CASE, are more powerful motives for the extent of that jurisdiction: I say *the undivided nature of our allegiance*, for withdrawing it in part is high-treason by the laws

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* Whether our not being represented in fact, makes any alteration in the exercise of parliamentary jurisdiction?

† Alecto, a Fury called up by Juno to plague the Trojans, who, after she had executed her commission, plunged herself head long into the falls of Velinus, called by the moderns, Velino, a very suitable place for one of her stamp to make her exit.[1]

‡ *This has been maintained by several very ingenious writers*; *but still I must beg leave to dissent from them if I am to take the doctrine in the sense that it is generally taken in*. *If nothing more be meant by it*, *than that the Parliament of Great-Britain*, *having an absolute sovereignty over the colonies*, *ought not to be deprived of that sovereignty because we are not represented*, *in fact*, *or cannot be so represented there*, *we agree in* sense *and differ only in the form: But if any thing further be meant*, *it may be opposed only by considering what is necessary to compleat a representation*. *A man that appears in court by* power of attorney, *represents him that* appoints *him: But then it is to be noted*, *that appointment is* de facto, *and the powers delegated are* ex vi sygilli.[2] *If the word* virtual *carries with it any meaning at all*, *it must be that the person giving the power is to take all the benefit of an actual one*. *Now*, *how there can be any sort of representation where there is no appointment*, *is*, *with me*, *a mystery*. *An American governor is a Representative of the crown*, *and derives his power from his commission. He is*, *therefore*, *an* actual *Representative*. *If he had no commission*, *no man would be wild enough to say that he ought to act*, *in his private capacity*, *the part of a crown Representative*. *So a private man may represent his friend*; *but can he do it but by* actual *appointment? So may a man elected by an English borough represent that borough*; *but cannot do it without an* actual elective *appointment. So*, *in like manner*, *might America be represented in parliament by returning members*; *but she having not that privilege or choosing not to have it*, *cannot*, *of consequence*, *be said to be represented in parliament at all; tho' she may be fairly said to be obligated to obey the decrees of parliament*, *as the sovereign supreme authority of the empire (She being a member only*, *dislocated not by force*, *but by choice*, *from the main body) and that*, *too*, *without representation*. *In short*, *all representation must be* actual, *or not at all; if* actual *there must be an* actual *appointment*.

But I have not sagacity enough to discover the necessity of having recourse to this doctrine; *for the American plea is now that a representation is impracticable*. *But suppose she should think otherwise and challenge the privilege*, *who is to judge of the rectitude of the demand? If the colonists are to be the judges*, *then they may return as many members as they please*; *if they are not*, *then the parliament are to determine how many are to be sent*, *and consequently have a right to determine whether any at all ought to be returned: Whenever*

any of the interior parts of a province is so well settled as to intitle the inhabitants, in their opinion, to a representation, the necessity and expediency of the request *is ever consider'd in assembly, who will either grant it or refuse* at pleasure.

The Scottish nation, it is true, upon perfecting the last union, stipulated with the English concerning the number of members she ought to send;[3] *and the two kingdoms may be consider'd as two contracting powers. But America, I hope, will never think herself intitled to the privilege which distinguishes Imperial crowns. The crown of Scotland, Sir, was Imperial, and the nation cou'd never be considered as part of the British empire; consequently she had a good pretence to the dignity of* contracting. *America, therefore, ought to be contented with the privilege of petitioning, and submit the expediency of the request to that body, which, by every principle of the British constitution, we are bound to obey. Suppose Birmingham in Great-Britain should petition for the privilege of returning members, and because they were refused, should begin to think themselves a distant part of the kingdom; how long would it be before they would be bro't to proper sense of their duty, and be made to know that powers that ought to be petitioned have the right of refusal? But to bring an instance nearer home, we will suppose that some particular town in a province returned no members in assembly; and that upon petition made, and a refusal, because they had the powers of assessing and levying a town-tax, the jurisdiction of the assembly should be drawn into question, and a distinction be taken between acts imposing taxes and others; what think you?— Would the assembly tamely submit to this curtail of its authority? But we may be told, that the privilege of petitioning is denied us, which, by the way is a most wicked artifice made use of to make jealousies and uneasinesses in the minds of a naturally well inclined people. The late petitions to the King,*[4] *draw in question the authority of that parliament, of which he is head, and that too in the very instance of taxation which they would be relieved from. And is it not absurd, beyond description for the colonists to petition to be relieved from the imposition of a* BODY *that has, according to them, no right to lay them?— Let our assemblies rescind the* Resolves *that question the authority of parliament to tax them, and then petition for an* equitable *exercise of that authority so acknowledged, alledging the tax to be beyond their abilities, or that it may be laid upon articles that would be an easement to them and no prejudice to Great-Britain, and I will be answerable that no such petition will be rejected.*

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of all nations. ‖ To deny the authority of Parliament to limit the succession of the Crown, is high-treason by the 4 Annæ.[5] If a British subject draws upon himself the guilt of high-treason only by denying that power of the British Parliament (a point disputed at that time) what guilt do they incur, who deny the authority of Parliament in ordinary cases? Let the author of the late letter to the Earl of Hillsborough answer the question.[6]

We are subjects to the British King; as such we are bound to obey him. This obedience, being the essence of our allegiance, is *absolute*. We are subjects whether represented or unrepresented, for we cannot put on and off our allegiance as we do our cloaths. If we withold our obedience to the Crown in any respect (as we do in denying the authority of Parliament) the unlimited nature of our allegiance is lost: It could be no longer *absoluta, pura, et indefinita*.—[7] We should then be aliens; for the *ligamen*[8] or *nexus*[9] between the King and his subjects, could be no restraint upon the

Americans: According to *that* the chain that is to bind US must be made of brittler stuff; we must be left with the power of striking out a link in any place that should happen to gall us. What sort of subjection is this? Did any part of Great-Britain ever disown the authority of Parliament because they had an unequal representation, or none at all? The privilege of returning members has always been asked, and not demanded: And upon refusal, did any such unrepresented part think themselves absolved from their allegiance?

But to make the case just our own, we will suppose, that in some remote corner of the isle of Great Britain, there were lands wild and uncultivated, and open to the first occupants; that British subjects settled there, improved the soil, and increased in

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‖ *And in all such cases where the power of parliament is denied*, *the offence is laid to be against the King*; *and the indictment concludes* contra coronam et dignitatem suas.[10]

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numbers; that they were taxed and yet sent no members to parliament; and that they tho't a representation inconvenient, but at the same time were partakers of the benefit of the common law: Would not these people think themselves happy with their soil, and be cool enough to consider how they came there? If their situation is such as to render a representation impracticable, could they justify a refusal to be taxed for the common good of all, and at the same time enjoy every other blessing of the British constitution? Add to this, that they were incorporated by the crown, had subordinate legislatures of their own, and enjoyed privileges peculiar to themselves, which may recompence them amply for the imaginary privilege they deprived themselves of. But could this people pretend to an exclusive right of taxation because they are empowered by their incorporating grants to make municipal laws for the regulation and support of the internal polity of each province? I say, because each government can tax the subject for the maintainance of the poor, and make laws for the yoking of hogs and impounding of sheep, ought they to be exempted from bearing any part of a national expence that accrued from an effort to preserve the whole? At that rate a parish in England that has right to tax its members for maintaining the poor, may avoid a parliamentary tax, altho' the good of the whole is to be promoted by it.

This naturally leads me to bring up to remembrance the first migration of our ancestors to America. All allow it was voluntary: 'Twas a religious squabble that occasioned it. Could they have kept themselves within any bounds marked out by prudence, they might have been as happy in Britain as any where. 'Twas their own choice that bro't them here; and if they are not in a condition to be represented in parliament, let them charge the consequences to themselves. Under what principle of law or reason can this exemptory claim be set up? How can we refuse obedience to the British parliament, because we enjoy not a privilege we put ourselves out of the reach of? I know that it has been asserted, that if any body of people are deprived

of any particular privilege, and yet subjected to the same restraints or exactions as those who enjoy it, they are so far disfranchised. I hold that to be reason and good law: But how can that be applied to the American case? We are deprived of no privilege: If representation is one, we have deprived ourselves of it. I should be glad to be referred to the law that makes it a disfranchisement, for any corporation not to enjoy a privilege which they don't claim. If that should be the case any county in England might make a surrender of their right of returning members, and then deny the authority of parliament to tax them. §

Add also, that Great Britain has been lavish of her blood and treasure in defending us, in a late instance, from the thunder of the French arms. Had she not stretched forth her parental hand, we should have become provinces to France: And had it not been for the terror of the British NAME and FLEET, our vessels might have been picked up by every petty bark that crosses the ocean. The taking of Fort William Henry[11] is still recent in our minds. Had the late tax been proposed to America in that time of distress, would she have contested the right of representation at the expence of the country? While the forces of France menaced our destruction, gratitude was awake among us: But as soon as British valour had put them to flight, & gave us to breathe from the devastation of a bloody war, gratitude fled after them. Peace had no sooner stretched her Olive wand over us, than the spirit of wantonness prevailed. Peace, whose genial warmth ought to have awakened in us a spirit of thankfulness and submission, has been productive only of a crop of mockery and contempt poured out against the very rock of our late salvation. But let America be guilty of what ingratiude [*sic*] she will towards her best benefactor, you shall never, on the one hand, find among the catalogue of my failings, a heart unmindful of past favours, nor, on the other, any distrust of your good intentions towards me for the future, that may tend to weaken that sincerity with which I am,

Sir, your most humble Servant.

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§ In order to familiarize my doctrine, and that all may understand it that can read a news-paper, we will suppose that any town in the province of Massachusetts should, because it was remote from the capital town, and inconvenient to send members that distance, make a surrender of its privilege; would that be received as a sufficient excuse to screen them from the payment of taxes laid in assembly for the internal support of the government? Whatever our political madmen may think, the objections they make to a parliamentary taxation stand upon no better a foundation, and are, in all respects, equally ridiculous.

[1] Verg. *Æn*. 7.557–71. In fact, the Fury Alecto reenters the underworld at Lake Amsanctus, but in Verg. *Æn*. 7.517, the sound of her horn calling people to war is heard at Velinus.

[2] *Ex vi sigilli*: Lat. from or by force of the seal. That is, by formal contract.

[3] Under Article XXII of the Act of Union of 1707, Scotland was represented in the new Parliament of Great Britain by sixteen representative peers in the House of Lords and forty-five members in the House of Commons. See 11 *SAL* 207–09.

[4] A reference to the Massachusetts circular letter and the numerous petitions it inspired, including those from Massachusetts, Virginia, New Jersey, Pennsylvania, and New York. See *The Boston Evening Post*, March 21, June 12, July 25, 1768; Feb. 20, April 17, 1769.

[5] 4 Ann., c. 8. (1705 OS): "An Act for the Better Security of Her Majesty's Person and Government, and of the Succession to the Crown of England in the Protestant Line" (11 *SAL* 137–38). This law did not make it treasonous to deny the authority of Parliament over succession, but the law that replaced it two years later did: 6 Ann., c. 7 (1707 OS): "Act for the Security of Her Majesty's Person and Government, and of the Succession to the Crown of Great Britain in the Protestant Line." See 11 *SAL* 307–17, at 308.

[6] See doc. 4:179, n. 2, above.

[7] See doc. 4:181, n. 17, above.

[8] *Ligamen*: Lat. a tie or bond.

[9] *Nexus*: Lat. "a bond, link, or junction; a means of connection between things or parts; (also) the state of being connected or linked" (*OED*).

[10] *Contra pacem dicti domini regis coronam et dignitatem suas* (Lat. against the peace of the said lord the king, his crown and dignity) was a standard part of an indictment for felony. See also doc. 4:184, n. 5, above.

[11] Built on Lake George, N.Y., in 1755, Fort William Henry fell by siege to French and Indian forces under Maj. Gen. Louis-Joseph de Montcalm (1712–1759) on Aug. 8, 1757. After the surrender, France's Indian allies plundered the fort and attacked and killed many of the withdrawing British soldiers and civilian occupants, including the wounded, women, and children.

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[Benjamin Rush], "Extract of a Letter from London," *The Pennsylvania Gazette*, June 8, 1769

Benjamin Rush arrived in Paris on February 17, 1769, and embarked for New York on May 26 via Gravesend in England. While in Paris, he formed a friendship with Jacques Barbeu-Dubourg, who was finishing his French translation of the *Farmer's Letters*. Much of the wording of this letter matches closely with Rush's journal of his travels in France and the portion of his autobiography based on it.[1] Further, it was to Rush that Barbeu-Dubourg sent a letter on March 18, 1769, stating he wished to accompany him to America.[2] This letter likely predates the publication of Barbeu-Dubourg's translation (doc. 4:208, below), which Rush's autobiography suggests Barbeu-Dubourg had begun to share with his social and intellectual circles while Rush was in Paris.[3]

Extract of a Letter from London, dated April 5, 1769.

"*I returned from France a few Days ago*; *my Tour*, *tho*' *short*, *was agreeable. Mr. Dickinson*'*s Letters are now translated into French. The translator is a Man of the first Rank for Virtue and Learning in Paris*.[4] *In the Preface to the Translation*, *he has bestowed a Number of high Encomiums upon Mr. Dickinson*, *and says*, *that*, *in his Opinion*, "*The Roman Orator*[5] *was less eloquent than the Pennsylvania Farmer*."[6] *They sell very rapidly in France. I received a Letter a Day or two ago from the Gentleman who translated them*, *in which he tells me*, *that*, "*was he as young as I*

am, he would accompany me to America, in order to pay his Homage in Person to Dickinson, Otis, and all the other illustrious Advocates for AMERICAN LIBERTY."[7] *Who can fail of being charmed with such Sentiments in a Frenchman?* HERE *(to borrow an Allusion from the Farmer's Letters) we behold the Fire of Liberty still glowing in a Country, after the Altar, upon which it was kindled, is burnt to the Ground*."[8]

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[1] *SWBR*, 373, 393, 395; Corner, *Autobiography of Benjamin Rush*, 66–68, 73–74.

[2] Jacques Barbeu-Dubourg to Benjamin Rush, March 18, 1769 (PPL-RFP). See also Aldridge, "Barbeu-Dubourg," 345–46.

[3] Corner, *Autobiography of Benjamin Rush*, 68.

[4] Jacques Barbeu-Dubourg. See headnote to doc. 4:208.

[5] Cicero.

[6] See *SWBR*, 393; and doc. 4:208.

[7] A paraphrased translation of Barbeu-Dubourg's third-person statement, "S'il ~~etoit~~ aussi jeune que vous, il ne vous laisseroit pas partir seul. Il iroit porter lui même l'hommage de sa haute estime à tous vos genereux Compatriotes, et de sa veneration singuliere aux Franklin, aux Otis, aux Dikinson, &c." (Jacques Barbeu-Dubourg to Benjamin Rush, March 18, 1769 [PPL-RFP]).

[8] A paraphrase from doc. 4:38, above.

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To William Allason, June 21, 1769

Sir,[1]

Contrary to the Expectations of those who knew him, Allen Gillespie the special Bail of William Green, proves to be in very bad Circumstances. His Land, it appears, is mortgaged to its full Value, and his personal Estate is but small. The Sheriff,[2] as is usual, has allowed him a long Time, to endeavor to extricate himself from his Difficulties; and his Creditors in this City are so sensible, that selling every Thing at Vendue[3] {& taking his Body,} would answer no purpose, that they allow him peaceably to carry on his Business, which is represented to Me as profitable, & likely to afford him the Means of lessening his Debts.

I know, that the Delays in this Affair must put your Patence to the utmost Trial, and so disagreable a Conclusion is a wretched Atonement for them— but I confide in your Candor & Good Sense, that You will not suspect, that any Care or Diligence has been wanting on my Part— So far from it, that tho[ugh] this Action has only been for the Recovery of Debt, I have had more Trouble about it, than about almost any Action I ever brought— So many Conferences, Proposals, & Attempts to get the Money— So many Expectations & Disappointments, have I experienced on this Occasion, that nothing less than a Sense of my Duty, & my Respect for You could tempt Me thro[ugh] so troublesome a Business.

Last Night I returnd from New Castle, to which place I went the Day before, solely upon this Affair—& have Had the good Fortune to get into my Hands three

hundred Pounds, towards the Payment of your Debt— Our Execution being prior to all others—

I have Expectations, if Gillespie lives, that he will pay part of the Debt every Year—and there is another prospect, of getting something, that I hope will not fail.

Green remitted several Times to one W[illia]m Ball in this City Effects to discharge Your Debt—[4] The greatest Part of these Effects have been attached by other Creditors— The Sales are not yet concluded & settled by the Sheriff[5] nor the several Demands adjusted; so that I cannot yet ascertain what will come to our Share—but shall continue that Attention to it, which I have always paid to this Affair—& shall inform You what I receive, as soon as any Money comes to my Hands— I shall be glad to know from You in what manner I shall remit to You, the Cash I now have[6] & am, Sir,

Your very h[um]ble Serv[an]t
John Dickinson
June 21st—1769[7]

FO (De-Ar-SMDFP)

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[1] Allason noted above the start of this letter: "Copy sent Mr. A Sproull / 5th July." Andrew Sprowle (d. 1776) was a British merchant, navel agent, and Virginia landowner, who founded the Gosport Shipyard (now the Norfolk Navy Yard) in 1767. According to Allason's letter to JD of June 26, 1769, which apparently crossed with this in the mail, Sprowle was "half concerned in" the Gillespie debt (doc. 4:A93, below).

[2] John Thompson was sheriff of New Castle Co., Del. See doc. 4:31, n. 3, above.

[3] Vendue: "A public sale; an auction. . . . Now chiefly *historical*" (*OED*).

[4] An inventory of July 23, 1767, lists goods with a total value of £172.5.4 sent by William Green to William Ball (PHi-Logan).

[5] Joseph Redman (c. 1721–1779) was sheriff of Philadelphia.

[6] Allason replied in a letter to JD of July 25, 1769 (doc. 4:A96, below), asking him to send half to Andrew Sprowle and give the rest to Philadelphia merchant Amos Strettell (1720–1780).

[7] Allason noted that the letter was "Rece'd 5th. July 1769."

200
To Unknown, June 22, 1769

Sir,

I am sincerely sorry, that I happend to be out of Town during the whole Time, that Colonel Dyer and Major Elderkin were here,[1] as I have the Pleasure of knowing the Colonel, and should have been very glad, from my Respect for You, to have exprest my Regard for your Acquaintance.

I return You many Thanks for the Pamphlets You were so obliging as to send Me. The Candor and Moderation of Temper, the Clearness and Strength of Argument, with which they are written, and the Information they contain, render them truly valuable—but I will say no more as I am writing to You, than that I have been very greatly entertained in reading them.

I am,
Sir, with great Esteem,
your most obedient humble Servant,
John Dickinson
Philadelphia
June 22d. 1769

I shall be obliged to You, Sir, if You will please to present my Compliments to your Son and Coll. Dyer.

FO (DeHi)

[1] Eliphalet Dyer (1721–1807) was a Windham, Conn., lawyer who served as a lieutenant colonel in the Connecticut militia during the French and Indian War. He had been a delegate to the Stamp Act Congress and was later a delegate to the Continental Congress. Jedediah Elderkin (c. 1717–1793) was a Windham lawyer and a member of the Connecticut Assembly. The two arrived at Philadelphia on June 13 and left on June 17, en route to Easton, Pa., to meet with some of the Connecticut men who had settled in the Wyoming Valley under the auspices of the Susquehanna Land Company. See *PC*, June 12–19, 1769.

201
To Richard Henry Lee, June 22, 1769

JD's frustration with Philadelphia Quaker merchants' reluctance to join the resistance to the Townshend Acts found its vent in this letter. The first meeting of merchants to consider a response to the acts took place on March 26, 1768, the second on April 25. No action had come from either, despite JD's goading in inflammatory publications (docs. 4:111 and 4:112, above). On November 1, the Committee of Merchants of Philadelphia sent a memorial to their counterpart in England stating the colonists' case, but they went no further than to threaten to join the intercolonial boycott if their grievances had not been redressed by spring. The committee met and promised to stop importing from Britain in early February 1769, and by early March, when the final boycott went into effect, some 290 individuals had agreed to the measure. Still, their resolution went no further than to pledge no new orders of British goods.[1]

Sir

I am very much obliged to you for the Papers sent by Mr Wormley,[2] and sincerely congratulate you on the noble Conduct of your Colony. Administration and its august Tools are certainly prompted by as detestap{b}e[{l}] a spirit, and directed by as despicable a Policy, as ever distracted the British Empire. If they have the least Virtue or wisdom slumbering in them, I think it must be roused on reading your Resolves and address—[3] But indeed, from them we are to look for no Justice, our own Integrity and Prudence must be our Guardians—and if the other Colonies perserving{vere}

as I hope they will do in emulating the generous Examples given them in Virginia,[4] Tyranny and Folly will unquestionably have Cause to deplore th~~is~~{eir} shameful and contemptible Efforts to extinguish american Freedom. I make no Doubt, but it will give you particular Pleasure{,} ~~wheas~~ as {you} could scarcely expect it, that your ardor has even warmed this most temperate Province. It was once {the} Interest of particular men, that this Colony should make a great Bustle about small matters— It then raged with Patriotism. It is now the Interest of the Samee men that it shall promote a submission to administration. It therefore sleeps, lulld by Loyalty.[5] The troublesome Vigilance & vigor of our neighbours have repeatedly made us yawn & give a forced, feeble assent to what they were doing. If you proseed, I dont know but we shall get quite awake, notwithstanding the large Doses of opium, that have been administred to us. Certain it is that in the late Letters written to England by the Committee of our merchant[s] they applaud your Behavior[6]—and yet in that Committee are many persons, who are very fond of "public Tranquility."[7] Perhaps these people approvd these Letters, as beleiving, they would not be publich'd but I think their joining in them pros~~e~~{c}eed{s} from the~~i~~ general approbation of your Measures. Our assembly indeed are too humble subjects to give administration any Cause to think, that they will encourage any Discon~~te~~{te}n~~d~~{t}s {on} this Continent—and therefore, tho[ugh] they had an opportunity of taking the Lead, as Virginia has done, in opposition to o~~u~~{n}e of the vilest Acts of Despotism that ever violated the Rights of America, yet meekly & peaceably, the good men, having well provided perhaps, again{st} the trespasing spirit of incroaching Hogs, left the most daring & dangerous outrages against the Liberties of themselves & their Constituent{s,} uncens[u]r[ed] [*torn*] unnoticed. Quite different has been the Conduct {of the} little Assembly of the Lower Counties.[8] In a Conversation I had with one of the principal Members of that House, we were of opinion, that it woud be a jus[t] mark of their Respect for your assembly, to adopt your Resolves verbatim— This has been done, and I hope, every assembly on the Continent will concurr with you— We shall come in at the eleventh Hour

I am, Sir, with great Esteem &c
John Dickinson

Philadelphia June 22d. 1769

LbC (PPAmP-RHLP)

[1] Schlesinger, *Colonial Merchants*, 127–28; Robert F. Oaks, "Philadelphia Merchants and the Origins of American Independence," *Proceedings of the American Philosophical Society* 121, no. 6 (1977): 407–36, at 415–16; Thomas M. Doerflinger, "Philadelphia Merchants and the Logic of Moderation, 1760–1775," *WMQ* 40, no. 2 (1983): 197–226, at 218–22. See also docs. 4:56 and 4:74, above.

[2] Perhaps Ralph Wormeley IV (1715–1790), a planter of Middlesex Co., Va., and former member of the House of Burgesses.

[3] The resolves of the Virginia House of Burgesses, passed on May 16, 1769, asserted that "the sole Right of imposing Taxes" on Virginians was vested in the Burgesses and the king or his governor; that

it was "the undoubted Privilege" of Virginians "to petition their Sovereign for Redress of Grievances" and "to procure the Concurrence of his Majesty's other Colonies, in dutiful Addresses, praying the royal Interposition in Favour of the Violated Rights of *America*"; that trials for treason or other felonies committed in Virginia should be held in Virginia and sending the accused "beyond the Sea, to be tried, is highly derogatory of the Rights of *British* Subjects"; and that "an humble, dutiful, and loyal Address, be presented to his Majesty . . . to beseech his Royal Interposition . . . to avert from them, those Dangers and Miseries which will ensue" from carrying persons abroad for trial. A subsequent address to the king of May 17 complained of the "fatal Tendency" of the "pernicious" idea of trying Americans abroad and beseeched the king "to avert from your faithful and loyal Subjects of *America*, those Miseries which must necessarily be the Consequence of such Measures" (*JHB* (1766–69), 214–16.)

[4] On May 17, 1769, Virginia's governor, Lord Botetourt, dissolved the Virginia House of Burgesses (*JHB* [1766–69], 218). The next day, members assembled unofficially and adopted a program for the nonimportation of British goods. See *PJ*, June 1, 1769.

[5] Perhaps a reference to Joseph Galloway and other supporters of the campaign for royal government in Pennsylvania who had loudly protested proprietary violations of colonists' rights but offered minimal opposition to the Townshend Acts.

[6] In a June 5, 1769, letter to the London Committee of Merchants, the Committee of Merchants of Philadelphia wrote that the "resolutions of the late Assembly of Virginia . . . are the Sentiments of the North Americans in general, & Sentiments from which they will not easily be persuaded to recede." ("Letter to the London Committee," June 5, 1769, Charles Thomson Papers, MS Sparks 62, pp. 190–92, at 191, MH-H).

[7] See doc. 4:111, n. 7.

[8] On June 17, the Assembly for the Three Lower Counties passed resolutions "the same verbatim with those of the Assembly of Virginia." See *PJ*, June 22, 1769.

202
From Henry Melchior Mühlenberg, June 23, 1769

Honor'd and Worshipful Sir—

By the Support and Blessing of God Allmighty we have advanced So far upon Credit as to finish the Building called Zion Church,[1] whereof Your Worship have been a Benefactor and munificent Contributer, and intending if God Willing to open the same on the 25th. of June for Divine Service in the German and on the 26th. of June about Eleven o Clock ante merid[iem] for Divine Worship in the English Language to be performd by the Revd. Mr. Peters,[2] our Corporation the ministers Wardens and Vestry men, most humbly entreat therefore whether it might please Your Worship to honour and favour the said Convention on either Day with Your Benevolent and Comfortable presence in Zion Which patriotic favour and Act of condescending kindness would be recorded in our Annals for Posterity and infinitely Oblige

Your Worships

Philad[elphia] June 23d. 1769

most humble & Obedient Serv[an]t

H.M. R[ector][3]

To John Dickinson Esq

by order and in the name of St michaels Corporation

LbC (LAC-Mühlenberg)

[1] The Zion Lutheran Church at Cherry and Fourth Sts. in Philadelphia, see doc 3:133.

[2] Rev. Richard Peters (1704–1776) was the Anglican rector of Christ Church and St. Peter's Church in Philadelphia. He also served as secretary of the Land Office and secretary and clerk of the Provincial Council.

[3] Rev. Henry Melchior Mühlenberg (Heinrich; 1711–1787), a native of Einbeck in Lower Saxony, arrived in America in 1742 to serve the German-speaking Lutheran colonists of Pennsylvania. A key figure in the establishment of Lutheran churches throughout the colonies, Mühlenberg maintained strong relationships with leading Presbyterians and Anglicans.

203
To Arthur Lee, June 26, 1769

Dear Sir,

I am much obliged to You for your Favor of the 26th of February,[1] & hope, the Maxim You lay down, will be universally adopted on this Continent—"that from the Justice of G[reat] B[ritain] nothing is to be expected; from her Fears & Interests every Thing."

I think this Sentiment is generally taking Place; and having informd Ourselves, what are the best Measures for promoting our Wellfare, I hope We shall have Virtue enough to persist in them. Much Reliance I doubt not, is placed in our Vanity & Carelessness; that our Enemies flatter themselves, that these will engage some of Us to break thro[ugh] the general Resolutions that have been taken, against importing British Manufactures;[2] that when a few have departed from this Restriction, others will follow their Example; & thus Individuals & Colonies, impatient to be on a Footing with one another, will dissolve their noble & formidable Association.

This kind of Reasoning is specious enough; but our Enemies shoud at the same Time consider, that an opprest State, may be so violently irritated by the Injuries done to them, that it becomes dangerous for those Members of it, who have not Virtue enough to espouse the true Interests of their Country through Principle, to discover the want of this Virtue. They are bound by their Fears—by their Selfishness, to cooperate with the Society in the Means used for obtaining Relief.

Our Enemies shoud also consider, that by a Concurrence of Events it happens, that the very Measure pursued by the People of this Continent, to bring G[reat] B[ritain] to Reason, is extremely suited to the present Circumstances of the Colonies, even if the immediate Cause of Disgust was taken away. These Circumstances & this Cause together operate so powerfully among Us, that I, who confess that I have no Idea of our Happiness, unless We are dependant on G[reat] B[ritain] am afflicted at the Prospect, which sometimes presents itself to my mind— For very much I fear, that such a spirit of Manufactory & Oeconomy will irrevocably settle among Us, as may affect the Vitals of [~~*illegible words*~~]{that Country.}. Never, surely was the Welfare of a Kingdom played with, by such despicable Politicians. They are teazing, they are forcing Us, to injure the State We love & revere. If We

may consider the Connection between G[reat] B[ritain] & this Continent, as a Marriage—a [~~*illegible*~~]{Condition,} in which the parties are always happiest, when they never dispute about their Rights, then these flattering Statesmen, may justly be called **Political Adulterers**, who utterly poison the Peace of Families. I always hear from You with Pleasure, but I shall read with inexpressible Satisfaction those Lines, which shall inform Me, that public Affairs are put into the Hands of Men possest of some Virtue & good Sense.

I congratulate You on the noble Conduct of Virginia—[3] The particulars You will see in the Papers—[4]

I am, D[ea]r Sir, with great Sincerity
Your very affectionate &
very humble Servant
John Dickinson

Philadelphia
June 26th—1769

I return You many Thanks for the Favor You did Me, in procuring Me the Honor of your Brother's[5] Correspondence— I cannot tell You how much I esteem it.

ALS (MH-H-ALP)

[1] See doc. 4:176, above.
[2] See the headnote to doc. 4:74, above.
[3] See doc. 4:165, n. 3, above.
[4] *PJ*, June 1, 1769; *PG*, June 1, 1769; *PC*, May 29–June 5, 1769.
[5] Richard Henry Lee. See doc 4:114, above.

204
From David Hay, June 26, [1769]

Captain David Hay of the Royal Artillery was the husband of Hannah Moland Hay. In an incident that generated newspaper coverage in Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, and New Hampshire, Hay joined William Duddingston, commander of HMS *Gaspee*, in an attack on the Chester County, Pa., tavern keeper Davis Bevan (1738–1818).[1] According to a statement first published by Bevan in *The Pennsylvania Journal* of June 29, 1769, Duddingston forcibly took Bevan aboard the *Gaspee* and "accosted [Bevan] with the most abusive language." Hay arrived on the scene, and, with Bevan restrained by a shipmate, he and Duddingston beat Bevan severely for allegedly being disrespectful and attempting to strike Duddingston. Colonists already resented the *Gaspee*, a revenue schooner built for the British to pursue smugglers, and Duddingston had a reputation for brutality. Thus when Bevan explained to the public that "all [Duddingston's] threats and menaces did not break my spirit, trusting to the protection of the laws of my country," his situation was seen as representative of British infringements on American rights. According to Bevan's account, he filed suit against Duddingston and Hay shortly after the incident, but no records of the case have been found.

On board the Gaspee[2] June 26th.

Sir,

You will receive this by Capt: Duddingston[3] of His Majestys Schooner Gaspee, who will inform you of the cause of my troubleing you with this; I believe I have given an opening for the law to convince me that it is dangerous to listen to insolence, if I would keep myself out of scrapes.[4] I rely on your friendship to make the best of a bad market for me, & I enclose a fee for no other reason, than that you may with a safe consience declare you are engaged, should your known abilityes bring my adversary to you. Capt: Duddington will inform you of the whole story, and should a summons be taken out against me, I beg you will take the proper steps

I am—
Sir
Your most obe[dien]t &
most humble serv[an]t
David Hay

I believe a Mr: Beven, of Chester, is the person, to whom I would willingly give a trifling sum to pass it over.

ALS (PHi-Logan)

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[1] *PJ*, June 29, 1769; *PC*, June 26–July 3, 1769; *PG*, July 6, 1769; *The New-York Gazette; or, the Weekly Post-Boy*, July 3, 1769; *The New-York Journal*, July 6, 1769; *The Boston Evening-Post*, July 10, 1769; *The Boston-Gazette*, July 10, 1769; *The New-York Gazette, and the Weekly Mercury*, July 10, 1769; *The Essex Gazette* (Salem, Mass.), July 4–11, 1769; *The Massachusetts Gazette* (Draper; Boston), July 13, 1769; *The New-Hampshire Gazette* (Portsmouth), July 14, 1769; *The Providence Gazette*, July 15, 1769; *The Boston Post-Boy*, July 17, 1769; *The Newport Mercury*, July 17, 1769; *The New-London Gazette* (Conn.), July 21, 1769.

[2] HMS *Gaspee* later appeared at the center of the so-called *Gaspee* Affair of 1772, when a group of Rhode Island Sons of Liberty burned the ship to the waterline in response to an aggressive series of searches and seizures. In June 1769, it was docked in Philadelphia.

[3] Lt. William Duddingston (Dudingston; 1740–1817), a Scottish-born officer of the Royal Navy, had commanded the *Gaspee* since September 1768. Despite the courtesy title granted by Hay in this letter, Duddingston was not promoted to captain in the Royal Navy until 1777.

[4] In his statement in the *PJ*, June 29, 1769, Bevan also accused Hay of attempting to kill a Philadelphia gentleman in a drunken rage a few years prior.

205
From Hannah Moland Hay, [June 27, 1769]

Sir

Capt. Hay is Not at home, but should he come time enough to wait on You at one o'clock I shall certainly acquaint him with Your kind Message,[1] I know the affair which happened on board the Schooner Man of War and Capt. Hays Sentiments on

that head, he condemns himself at present, tho' seeing such insolence used carried him too far, but I am convinced that any thing You do to Settle Matters, will be agreeable To Cap[t]. Hay, as he left that orders with Me should any Message come from You in answer to a Note[2] he wrote to You yesterday by Cap[t] Duddingston.

I shall esteem My self much obliged to You if You will do all You can to soften Matters and bring this affair to an end without Much expence, this is a Needless caution to You who is ever ready to Serve those who are favoured with Your friendship. I am

Sir

Your Most humble Ser[van]t

Hannah Hay

Teusday 10 o'clock

ALS (PHi-Logan)

[1] Letter not found.

[2] Doc. 4:204, above.

206
To David Hay, June 27, 1769

Sir,

M[r]. Bevan has been with Me, & has ~~mentioned~~ {informed} Me of several Circumstances, not mentiond to Me by Captain Duddingston, which give Me so much Uneasiness, that I beg You will excuse my returning the Fee. If I can serve You as a Friend, in accommodating this Affair, it will give Me Pleasure to express the Esteem with which I am Sir,

Your most obedient Servant

John Dickinson

June 27th—1769

ALDft (PHi-RRL)

207
From John Blair, Jr., June 30, 1769

Williamsburg. 30 June 1769.

Dear Sir,

I have received your kind letter by M[r]. Pleasants,[1] accompanied with Gilbert's law of evidence,[2] which you say you had borrowed of me; a circumstance I did not at all remember, but all along supposed it had been packed up with my other books, which fell into the hands of the French in the late War.[3] I should at all convenient opportunities be extremely glad to hear of your welfare, & that your state of health is better now, than it used to be when I had the pleasure of your acquaintance at the

Temple.[4] M[r]. Mason,[5] who is I think your only surviving acquaintance besides, in this country, is in very good health, has a great share of practice, & deserves it all; but he lives at such a distance from this place,[6] that I seldom see him oftener than twice a year— Since I had the pleasure of seeing you, M[rs]. Blair[7] (who is well & desires her compliments to you) has made me the father of four children, all girls— the eldest being born in Scotland, & too young to bring with us, I have never seen since we left that country—[8]

Presuming your may sometimes unbend your mind from higher concerns, to divert your self with trifles, I have ventured with[ou]t apology, to obtrude the alterations that have happened in my domestic affairs; & if you ever honour me with another letter, should be obliged to you, if you'ld follow the example—for tho[ugh] I have heard so much of you lately, I have not been able to inform my self of your family—

When you see M[r]. Hicks,[9] I beg my compliments to ~~him~~ {that Gentleman.}

This will be delivered you by Peyton Randolph Esq[r].[10] who was Speaker of our late House of Burgeses, a gentleman highly esteemed by all that know him, & one whom I could wish to introduce to your acquaintance. He goes as one of the Commissioners appointed ~~to~~ {for} settling the boundary between N[ew] York & N[ew] Jersey—[11]

Hitherto, my dear Sir, I have been writing to you as to ~~an ol~~ {M[r]. Dickinson,} an old acquaintance; if I was not afraid of offending your delicacy, I should like now to address you under another character, in contemplating of which, the freedom of friendship seems to shrink behind the awe of respect— I want to express, if I could, the strong sense I have (& it is I believe the universal sense of our Countrymen) of the high obligation America in general lies under to the elegant & convincing Farmer of Pensylvania, standing forth in support of a cause of the greatest importance, & affecting her dearest interests. May the success be equal to your labours, your generosity, & Benevolence, & you will have your reward.

I am
Dear Sir
with great friendship, & perfect respect,
Y[ou]r most obed[ien]t Serv[an]t
John Blair jun[r].[12]

ALS (PHi-RRL)

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[1] Possibly Samuel Pleasants (1737–1807), who moved from Virginia to Philadelphia in 1762 and was known to JD. The letter has not been found.

[2] Sir Jeffray Gilbert (1674–1726), an English jurist, wrote *The Law of Evidence*, which was published posthumously in 1754. It was a landmark work for establishing evidence as a branch of law.

[3] The French and Indian War.

[4] On JD's poor health during his studies at the Middle Temple in the 1750s, see letters to his parents in *Volume One* of the present edition.

[5] Thomson Mason (1733–1785), a younger brother of George Mason, was at this time representing Stafford Co., Va., in the Virginia House of Burgesses.

[6] Probably referring to Chopawamsic plantation in Stafford Co.
[7] Jean Balfour Blair (1736–1792), John Blair's Scottish-born wife.
[8] The three daughters born in Virginia were Nelly (1759–1773), Mary (c. 1759–1820), and Jane (1760–1800).
[9] William Hicks, who had also studied at the Middle Temple.
[10] Peyton Randolph (c. 1721–1775) was a planter, politician, and Middle Templar who chaired the initial Virginia Conventions during the Revolution and served as president of the Continental Congress.
[11] The New York–New Jersey border had been in dispute for the entire 18th century, with the last fight commencing in 1765. In 1769, George III appointed commissioners to settle it. The compromise was ratified by the colonial legislatures in 1772 and approved by the king in 1773.
[12] John Blair, Jr. (1732–1800), was JD's contemporary at the Middle Temple. At this time a member of the Virginia House of Burgesses, he was later a delegate to the Constitutional Convention and a US Supreme Court justice.

208
Jacques Barbeu-Dubourg, preface and postscript to *Lettres d'un fermier de Pensylvanie, aux habitans de L'Amèrique septentrionale* (Amsterdam [Paris?]: aux dèpens de la Compagnie, [c. June–July] 1769)

Benjamin Franklin probably arranged for Jacques Barbeu-Dubourg (1709–1779), a renowned botanist and physician, to translate and write the preface to the French edition of the *Farmer's Letters*.[1] Claiming a lack of adequate knowledge of the conflict between Great Britain and her colonies, Barbeu-Dubourg spends very little time discussing it. He also privately fretted that his translation was not worthy of the original but consoled himself that it was better that they be known in France imperfectly than completely unknown.[2] The majority of the preface is devoted to presenting the situation of the American colonists in a very favorable light in order to advance a natural philosophy inspired by François Quesnay (1694–1774), whose physiocratic economic theories were very much in vogue at the time. Americans, especially Quakers, with whom the French were generally enthralled, were said to be much healthier, wealthier, and more fertile than Europeans because of the simplicity of their morals, their employment in husbandry, and their lives conducted according to natural law. Much of the preface, therefore, consists of a series of calculations to impress upon the reader the idea that Britain's American colonies would surely surpass Europe's population within one hundred years. This prediction seems to Barbeu-Dubourg inevitable unless Americans succumb luxury and corruption, a clear reference to the present state of Europe. This volume also contains other documents, some in translation, concerning the American colonies.

This translation appears to have been completed in late March 1769 but probably was not published until June. Benjamin Rush traveled to Paris between February 17 and March 21, where he met with Barbeu-Dubourg and "found him employed in translating the *Farmers Letters* into French."[3] On March 22, as Rush was traveling to England, Barbeu-Dubourg wrote him a letter promising copies once the translation had been printed. By April 5, Rush claimed that it had been

published and was selling well,[4] despite the fact it was not until June 8 that Barbeu-Dubourg told Rush that the translation was finally finished and that he was sending copies. The first advertisements for its sale in Paris seem to have appeared first in July.[5] The *Farmer's Letters* were well received among sympathetic elites in France, and JD became renowned as the "Demosthenes of America" in those circles.[6] Nearly two decades later, an observer claimed that the translation and republication of the *Farmer's Letters* in France had "first excited" in the French people "the spirit of liberty."[7]

LETTRES D'UN FERMIER DE PENSYLVANIE, AUX HABITANS DE L'AMÈRIQUE SEPTENTRIONALE,
Traduites de l'Anglois.
A AMSTERDAM,[8]
AUX DÈPENS DE LA COMPAGNIE.
M. DCC. LXIX.

PRÉFACE DU TRADUCTEUR.

L'AMÉRIQUE Septentrionale est aujourd'hui dans un état fort différent de ce qu'elle étoit il y a deux cens ans; ce n'est plus cette Terre sauvage & presque déserte, dont on seroit tenté de dire que les Habitans les plus distingués, tant par leur nombre que par leur industrie, étoient des Castors. Peu-à-peu les Côtes maritimes & les Provinces adjacentes se sont couvertes d'hommes, & les progrès de la population y ont été si rapides, que l'on compte déjà dans les seules Colonies Angloises du Continent, trois millions d'ames,[9] qui connoissent peu de superfluités, mais à qui il ne manque rien, ni pour les besoins, ni même pour les commodités de la vie.

Comment ces Colonies agricoles sont-elles devenues en si peu de tems si considérables, tandis que les Colonies, tant Militaires que Mercantiles, des autres Nations de l'Europe, à-peuprès dans les mêmes climats, n'ont pas fait à beaucoup près les mêmes progrès? Cette question, quoique de l'Histoire la plus moderne, est aussi intéressante qu'aucune de l'Histoire Romaine, Greque ou Egyptienne.

Il n'en faut, à mon avis, chercher la solution que dans la simplicité de leurs mœurs & de leurs loix. Tout doit constamment prospérer là où l'Agriculture est en honneur, où l'industrie se développe sans contrainte, où l'émulation anime tout, & où l'intrigue ne peut rien; en un mot, je regarde comme un théorême fondamental de toute saine politique, que *la prospérité d'un peuple est en proportion de son exactitude à se conformer à l'ordre que la Nature nous a elle-même prescrit.*

L'intolérance Européenne a fait les principaux frais de la population de l'Amérique Angloise. La *haute Commission* des Episcopaux, sous Charles Premier, donna la chasse à une multitude de non-Conformistes Anglois & Ecossois de différentes Sectes, qui allerent fonder la Nouvelle-Angleterre vers l'an 1628.[10]

La même espece d'*Inquisition Protestante* occasionna peu après une semblable émigration de Catholiques, qui, sous la conduite du Lord Baltimore, fonderent le Maryland en 1631.[11]

La Pensylvanie, aujourd'hui si florissante, ne fut fondée qu'en 1681, par Guillaume Pen, à la tête de cinq cens Quakers persécutés dans leur Patrie, & qui furent bientôt suivis d'environ deux mille autres.[12]

Vers le même tems, un grand nombre de Protestans réfugiés d'Allemagne, & sur-tout du Palatinat,[13] trouverent un asyle à la Nouvelle-Yorck. Et la Virginie, la plus ancienne do toutes ces Colonies, fut pareillement recrutée de quantité de François réfugiés, aprés la révocation de l'Edit de Nantes, en 1685.[14]

La Caroline, la Géorgie, &c. ont tour-à-tour puisé plus ou moins dans les mêmes sources. Toutes, enfin, ont tendu les bras à ces malheureux Herrenhutters, ou Freres Moraves,[15] à qui, depuis trois cens ans, la Bohême, la Hongrie, la Pologne, la Russie, la Prusse & le Dannemarck avoient successivement interdit le feu & l'eau.[16]

Il est à remarquer que les non-Conformistes qui ont fondé la Nouvelle-Angleterre, porterent dans les forêts du nouveau Monde cet esprit d'intolérance, dont ils avoient eu tant à souffrir dans leur pays natal; que le Lord Baltimore,[17] avec ses Catholiques, donna à l'Amérique le premier exemple de cette tolérance chrétienne, qui a fait la base de sa félicité; mais que c'est sur-tour aux Quakers que l'on doit l'établissement de la pleine liberté de conscience & de la paix fraternelle, son incomparable compagne, qui de leur Colonie de Pensylvanie, s'est répandue successivement dans toutes les autres Colonies Angloises.[18]

Est-il surprenant que son example ait fait impression? Quoique sa fondation ne remonte pas encore à un siécle on l'estime déja quatre fois plus riche elle seule, que ces trois fameuses conquêtes des Anglois, le Canada, l'Acadie[19] & la Floride, toutes ensemble.

Les premiers Quakers étoient des enthousiastes, des convulsionaires, des trembleurs, comme leur nom le porte; mais leur nom est tout ce qui leur en reste, & ne doit pas nous en imposer. Ce qu'ils ont de plus singulier aujourd'hui, c'est plus de modestie, plus de frugalité, plus de modération en toutes choses, & conséquemment plus d'union entr'eux, qu'on n'en trouveroit peut-être chez aucun autre Peuple de l'Univers. S'ils ont démenti le nom de leur Secte, il paroît qu'ils soutiennent à merveille celui de leur Ville capitale (*Philadelphie*, c'est-à-dire, amour fraternel). Eh! qui ne seroit touché de cette franchise honnête avec laquelle on va voir qu'ils défendent leur Liberté; de ces sentimens inaltérables de respect & de bienveillance qu'ils ne cessent de témoigner envers ceux qui les maltraitent; enfin, de cette heureuse sérénité avec laquelle ils attendent, sans armes, une armée destinée à les subjuguer?

Indépendamment de l'affluence des nouveaux Colons, que la douceur du Gouvernement de la Pensylvanie y attire de jour en jour, ses plus grandes ressources sont & seront feront toujours en elle-même. Comme le Pays est grand, le sol fertile,

l'air sain, la Liberté assurée, tous les hommes s'y marient, & tous se marient jeunes, n'ayant aucune inquiétude sur l'établissement de leur famille, si nombreuse qu'elle puisse être; de sorte que que chaque mariage produisant aisément 4 à 5 nouveaux sujets, le nombre des hommes y double au moins de vingt ans en vingt ans.[20]

La plûpart des autres Colonies Angloises, soit pour être moins heureusement situées, ou moins sagement régies, ne prosperent pas autant; mais il passe pour constant que, le fort compensant le foible, la somme totale des habitans de ces Colonies double tous les vingt-cinq ans.[21]

Le Continent de l'Amérique Septentrionale est si vaste, qu'avant que la terre y manque à ses habitans, il faudra qu'elle soit beaucoup plus peuplée que n'est aujourd'hui l'Europe. Mais quand verra-t-on cela? Si l'instabilité des choses humaines pouvoit être soumise au calcul, des Politiques spéculatifs ont supputé que cet événement ne se feroit attendre gueres plus d'un siecle.[22]

On pourra crier au paradoxe; mais daignons faire attention au cours que les choses ont pris. Deux causes sensibles concourent à peupler très promptement ces Régions; l'une externe, dépendante de la déraison & de la mauvaise politique de notre Europe; l'autre interne, dépendante de la sagesse & de la bonne conduite de ces Colonistes. Quant à la premiere, il est vrai que nous avons commencé à reconnoître nos torts, mais nous ne paroissons pas encore tellement disposés à nous corriger, que l'Amérique ne puisse encore se promettre de nos vexations politiques, ou religieuses, un assez bon nombre d'émigrans. Quant à la cause interne, pour savoir ce que l'on en peut attendre, suivons un peu la progression ci-dessus établie. On ne compte encore que trois millions d'habitans dans ces Colonies,[23] tandis qu'on évalue constamment ceux de l'Europe à cent millions; mais si le nombre de ceux-là continue à doubler tous les 25 ans, ils auront au bout d'un siécle seize hommes pour un, & 16 fois 16 à la fin du siecle suivant. Multipliez donc trois millions par 16, & le produit encore par 16, vous verrez ce qui en résultera, & de combien l'Amérique l'emporteroit sur l'Europe avant deux siecles, si ces Peuples pouvoient conserver leur régime autant de tems.

La progression réguliere d'une population si peu commune, aura sans doute des bornes; mais d'où viendront-elles? peut-être d'où on les attend le moins. Tout ce que je puis entrevoir au travers des ténèbres d'un futur contingent, c'est que 1°. le Pays, tout immense qu'il paroît, ne fournira certainement pas toujours de nouvelles terres à défricher. 2°. N'est-il pas à présumer que le luxe s'y introduisant tôt ou tard, amollira & abatardira ce Peuple simple & généreux. 3°. Il est très probable qu'au défaut de voisins à redouter pour eux, la jalousie de l'Angleterre même leur suscitera des embarras, qui ralentiront au moins leurs progrès, s'ils ne les arrêtent pas tout-à-fait: cette jalousie a même déja éclaté, & de petites menaces paroissent avoir de grandes suites.

Il ne faut pas confondre les Colonies en question, avec quelques autres Etablissemens formés aussi par les Anglois, sur le même Continent de l'Amérique

Septentrionale. Des Comptoirs établis pour le seul intérêt des Marchands de l'ancienne Angleterre, & des Forts construits pour la sûreté de ces Comptoirs, n'ont rien de commun avec les Colonies purement agricoles, dont ils bordent la frontiere.

Cependant le Parlement de la Grande-Bretagne, sur lequel les Marchands Pelletiers de Londres ont plus d'influence que tous les Colons & Planteurs de l'Amérique, a entrepris depuis quelques années de faire supporter aux Colonies la dépense qu'exige l'entretien de ces Forts, & de leur imposer à cet effet des taxes, non-seulement inusitées, mais encore sous une forme qui leur paroît illégale. Les Assemblées de toutes les Colonies se montrent fermement résolues à soutenir leurs droits; on les soupçonne d'aspirer à l'indépendance. La prospérité les a-t-elle enivrées? ou le Parlement en a-t-il pris ombrage mal-à-propos? c'est sur quoi je n'oserois prononcer.

Quoi qu'il en soit, quiconque aime à voir une grande cause bien discutée, aura de quoi se satisfaire en cette occasion; ces Lettres d'un Fermier de Pensylvanie suffisent au moins pour montrer qu'en ce Pays-là (& il en pourroit être ainsi de tout autre) la culture des terres n'a point nui à celle des esprits.

M. Dickinson, de Philadelphie, est l'Auteur de ces Lettres, dont la premiere est datée avec affectation du 5 Novembre, jour anniversaire du débarquement du Prince d'Orange en Angleterre.[24] D'ailleurs, elles sont écrites avec autant de sagesse que de vigueur. Aussi ont-elles fait un effet prodigieux, en excitant le Peuple de toutes les Colonies à s'opposer aux nouvelles impositions avec la plus grande unanimité. Si l'éloquence, dont on n'a communément qu'une très fausse ou très frivole idée, n'est autre chose (comme je le crois fermement) que ce grand art de gouverner les hommes par la parole, l'Orateur Romain[25] fut moins éloquent que ce bon Fermier.

Il y a eu trente Editions de ses Lettres en Amérique dans l'espace de six mois;[26] & elles ont été réimprimées à Londres par les soins de M. Franklin. Quel honneur pour l'Ouvrage, d'avoir mérité un tel Editeur!

J'aurois dû sentir qu'il ne m'appartenoit point de traduire un tel Ouvrage, & moins encore de le traduire à la hâte; mais je m'étois passionné à la lecture, & la passion ne réfléchit gueres. Heureux donc si le peu de tems que j'ai eu à donner à cette Traduction, ne m'attire d'autres reproches que celui d'y laisser trop sentir un certain goût de terroir, que je n'aurois pû lui enlever, qu'en la remaniant beaucoup & long-tems!

Pour moi, ce que je regrette le plus, c'est de n'être pas assez instruit des affaires de l'Amérique, pour mettre le Lecteur parfaitement au fait de la matiere de ces Lettres; cependant comme bien des gens sont peut-être encore moins avancés que moi à cet égard, j'ai cru devoir exposer succinctement ici le peu que j'en sais.

Tout Anglois tient pour principe qu'il doit contribuer à proportion de ses moyens aux charges de l'Etat, dont la protection fait sa sûreté; mais que cette contribution ne doit être levée que de son consentement, accordé par lui-même, ou

par ses représentans; que c'est un droit essentiel à sa condition de *sujet libre*, n'y ayant point de liberté, là où il n'y a point de propriété assurée.

Les Anglois établis dans les Colonies ont été formellement assurés, par les Chartes mêmes de leurs fondations respectives, qu'ils seroient toujours traités comme vrais Anglois, & jouiroient de tous les droits inhércns à ce titre. Ils ont été maintenus en cette possession depuis leur premier établissement. Ils demandent ce qu'ils ont fait pour mériter d'en être dépouillés? en quoi ont-ils manqué à leur *Mere-Patrie*?

Pendant 150 ans, la Couronne (c'est-à-dire le Roi, ou le Ministre en son nom) leur a fait de tems-en-tems des demandes pour contribuer aux besoins de l'Etat, & leurs Assemblées respectives lui ont octroyé de bonné grace ce qu'elles ont cru que les besoins publics requeroient, & que leur propre situation comportoit. Leur zele les avoit même tellement aiguillonnés, qu'ayant contribué pendant quelques années de la derniere guerre, non-seulement en raison de leurs moyens, mais même beaucoup au-delà, le Parlement de la Grande-Bretagne, qui tient par sa constitution la balance générale des devoirs & des droits respectifs de toutes les parties intégrantes de l'Empire Britannique, jugea à propos de leur faire remettre des sommes considérables par forme de restitutions ou d'indemnités.

Il paroît singulier que ce soit à-peu-près dans ce même tems qu'un Acte[27] émané de ce méme Parlement a exigé de ces mêmes Colonies une chose qui n'étoit pas d'usage, & qu'elles ne croyoient pas qu'il fût en droit d'exiger: c'étoit de fournir différentes provisions pour la subsistance des troupes réparties sur leur territoire, ou dans leur voisinage. Les Assemblées de ces diverses Colonies ne voulant ni lutter contre le Parlement, ni abandonner leurs privileges, prirent presque universellement le parti d'accorder, comme de leur propre mouvement, ces provisions aux troupes, sans faire aucune mention de l'Acte par lequel on avoit prétendu leur en faire un devoir. La seule Assemblée de la Nouvelle-Yorck, pour marquer un peu mieux son indépendance, accorda toutes les mêmes provisions, à l'exception de trois articles: du sel, du poivre & du vinaigre.[28]

La majesté du Peuple Anglois (*) se trouvant blessée par cette restriction, on résolut d'en faire repentir les Colonistes de la Nouvelle-Yorck, & d'en imposer aux autres par leur exemple. Pour cet effet, le Parlement suspendit, par un Acte exprés, l'Autorité législative de l'Assemblée de cette Colonie.[29]

(*) Voyez, par rapport à cette expression, les *Lettres Philosophiques* de M. Voltaire.[30]

M. Dickinson s'attache dans sa premiere Lettre, à faire sentir les conséquences de cette entreprise Parlementaire, & la nécessité de la concorde entre toutes les Colonies de l'Amérique, qui ressentiroient tôt ou tard le contre-coup d'une telle innovation, mais dont l'attention avoit été détournée de cet objet par un autre,

auquel elles étoient toutes plus directement intéressées.

Cet autre objet étoit le fameux Acte du Timbre, par lequel le Parlement établissoit des droits sur le papier marqué, & défendoit d'en employer d'autre dans toutes les écritures publiques, tant judiciaires, qu'extrajudiciaires: cet Acte est de l'année 1764.[31]

L'opposition des Colonies à son exécution fut si universelle, si vive & si constante, & parut si légitime à quelques personnes du premier ordre, même en Angleterre, que le Parlement l'a enfin révoqué au bout de deux ans.

Rien n'a tant contribué à le faire revenir ainsi sur ses pas, que la conspiration patriotique des Colonies à se priver absolument de toutes marchandises des Fabriques de la Grande-Bretagne, jusqu'à ce qu'on leur eût donné satisfaction sur tous les objects de leurs Remontrances. Cette généreuse résolution, enlevant très pacifiquement à l'Angleterre un benéfice annuel de 50 millions de notre monnoie, fit jetter les plus hauts cris à tous les Marchands de la Nation, & força, en quelque sorte, la main au Gouvernement: circonstance qui mérite la plus grande attention de notre part, & qui, en supposant même qu'elle n'affectat le reste de l'Europe que par simple curiosité, peut intéresser la France d'une maniere très particuliere.

Le Parlement n'ayant pû se dispenser de révoquer l'Acte du Timbre, a bientôt cherché une autre tournure pour y suppléer; il a passé un nouvel Acte,[32] par lequel il octroie quelques petits droits sur le Verre, le Papier, &c. exportés de la Grande-Bretagne pour les Colonies, qui ne sont pas expressément obligées d'en acheter, mais qui ne sauroient s'en passer, & à qui il est défendu d'en tirer d'ailleurs.

C'est contre cet Acte, dont il est aisé de pressentir les conséquences, que M. Dickinson s' éleve dans le reste de ces Lettres (c'est-à-dire, depuis la deuxieme jusqu'à la douzieme); mais il me tarde de le faire entendre luimême, & que l'on voie avec quelle douceur la persuasion coule de ses levres.

[. . .]

PS.

Cette Traduction étoit presque achevée d'imprimer, lorsqu'un jeun Pensylvain (*le Dr. Benjamin Rush*) *m'a appris que M. Dikinson*, *Auteur de ces Lettres*, *est à peine âgé de* 32 *à* 33 *ans*,[33] *qu'il est Avocat à Philadelphie*, *qu'on l'a surnommé le Démosthène de l'Amérique*; *qu'en considération de son zele patriotique*, *un habitant de la Virginie lui a fait présent de dix mille livres sterlings*;[34] *que ce généreux Virginien est un Ecclésiastique*; *qu'il ne s'en rappelle pas le nom*, *mais qu'il me le mandera dès qu'il sera de retour dans sa chere Patrie*.

[1] Kaestle, "Public Reaction," 328 n. 10.

[2] Jacques Barbeu-Dubourg to Benjamin Rush, June 8, 1769 (PPL-RFP).

[3] *SWBR*, 393.

[4] Jacques Barbeu-Dubourg to Benjamin Rush, March 22, 1769 (PPL-RFP); and doc. 4:198, above.

[5] Jacques Barbeu-Dubourg to Benjamin Rush, June 8, 1769 (PPL-RFP). For the Paris advertisements, see *Mercure de France*, July 1769 (vol. 2); *Gazette de France*, July 10, 1769, p. 224; *L'Avantcoureur*, July 17, 1769, p. 464; and doc. 4:A97, below.

[6] See, for example, the review in *Le Journal Des Sçavans* (Paris), April 1770, p. 214–16; *Gazette d'Agriculture, Commerce, Arts et Finances* (Paris), Sept. 27, 1774, p. 618; Corner, *Autobiography of Benjamin Rush*, 67–68; Aldridge, "Barbeu-Dubourg," 346; Jacques Barbeu-Dubourg to Benjamin Rush, Jan. 2, 1770 (PPL-RFP); and docs. 4:222 and 4:223, below.

[7] *The New-Jersey Journal* (Elizabethtown), May 14, 1788.

[8] The edition was most likely actually printed in France (Ford, *Writings*, 285). Jacques Lecombe was possibly the real publisher, as the July advertisements point to his bookshop. See n. 5, above, and doc. 4:222, n. 2.

[9] Barbeu-Dubourg's estimate of 3 million inhabitants of the British North American colonies in 1769 is likely high. In 1751, Benjamin Franklin estimated the population of British North America to be 1 million white inhabitants. Franklin had expected the white population of the colonies to double every twenty years, which would have put the total white population at fewer than 2 million in 1769 when Barbeu-Dubourg was writing. Modern estimates place the mainland colonial population in 1770 at 1.8 million white inhabitants. See Franklin, "Observations," 3–4, 12; John J. McCusker and Russell R. Menard, *The Economy of British America, 1607–1789* (Chapel Hill: Published for the Institute of Early American History and Culture by the University of North Carolina Press, 1985), 54.

[10] The Massachusetts Bay Company was founded in 1628; the first permanent English colony in New England was the Plymouth Colony, established in 1620.

[11] Maryland's charter was granted in 1632, but the first colonists did not arrive until March 1634.

[12] Pennsylvania's charter was granted in 1681, though Barbeu-Dubourg considerably understates early migration to Pennsylvania, which by 1690 had increased the European population of the colony to over 8,000 individuals. See Thomas J. Sugrue, "The Peopling and Depeopling of Early Pennsylvania: Indians and Colonists, 1680–1720," *PMHB* 116, no. 1 (1992): 3–31, at 27.

[13] Palatinate: "Originally: the territory of the Holy Roman Empire under the rule of the *Pfalzgraf* (Count Palatine) of the Rhine, one of the seven original electors of the Empire" (*OED*). Now this region is part of the state of Rhineland-Palatinate.

[14] The Edict of Nantes, promulgated by Henry IV (1553–1610) of France in 1598, gave considerable religious freedom to French Protestants, called Huguenots, and ended for a time the religious wars in France. It was revoked in 1685 by Louis XIV (1638–1715), prompting hundreds of thousands of Huguenots to flee France, including a group of several hundred who received a grant of land in Virginia about twenty miles above the falls of the James River, which became known as Manakin. Pennsylvania and South Carolina also received significant numbers of Huguenot refugees, and the diaspora reached as far as the Cape Colony in South Africa. See Owen Stanwood, "Between Eden and Empire: Huguenot Refugees and the Promise of New Worlds," *American Historical Review* 118, no. 5 (2013): 1319–44, at 1333–34, 1341.

[15] The Moravian Church is a Protestant denomination that has its origins in 15th-century Bohemia and Moravia. After the Catholic Reformation and Thirty Years' War in the 17th century made Protestantism illegal in Bohemia, a group of Moravian refugees established a community in Saxony at Herrnhut in 1722 with the permission of the local Protestant prince.

[16] A reference to *aquae et ignis interdiction*: Lat. interdiction from fire and water. It was a form of legal exile in which a criminal lost their citizenship and legal protection and were prohibited from receiving the necessities of life within the jurisdiction of Rome.

[17] Cecil Calvert, second baron Baltimore (1605–1675), was a Roman Catholic English nobleman and the first proprietor of Maryland. Though Calvert intended Maryland as a Catholic haven, it soon became home to large populations of Anglicans and Puritans, and in 1649, he wrote, and the Assembly accepted, the Maryland Toleration Act, guaranteeing freedom of worship to Trinitarian Christians. Following the Glorious Revolution, Catholic worship was prohibited in Maryland.

[18] In fact, religious liberty remained limited to Protestants in most British colonies. Even Pennsylvania excluded Roman Catholics from holding public office. See doc. 4:80, n. 9, above.

[19] Acadia was a French colony along the North Atlantic seaboard centered in what are now the Canadian provinces of New Brunswick, Nova Scotia, and Prince Edward Island. It was partially ceded to Great Britain by the Treaty of Utrecht (1713) and came fully under British control after the Treaty of Paris (1763), along with French Canada and Spanish Florida, which included what is now southern Alabama and Mississippi.
[20] The claims about marriage and that the population doubled every twenty years are from Franklin, "Observations," 3–4.
[21] Ibid., 12.
[22] Ibid. predicts that in one hundred years the English population of America will outnumber that of England, not of Europe.
[23] See n. 8, above.
[24] JD had pointed this out with a footnote. See doc. 4:18, n. 65, above.
[25] Cicero. JD was often referred to generically as "the Roman Orator," and in Rush's account of his journey to Paris, he writes that Barbeu-Dubourg specifically compared JD to Cicero. See *SWBR*, 393.
[26] Seven American pamphlet editions of the *Farmer's Letters* were published in the first six months of 1768, along with twenty newspapers that published full or partial versions. See Appendix B, below.
[27] The Quartering Act of 1765.
[28] Doc. 4:18.
[29] The New York Restraining Act of 1767.
[30] Voltaire's *Letters Concerning the English Nation* (London: C. Davis, 1733) was first published in English in 1733. The first French edition was published in Rouen a year later under the title *Lettres Philosophiques* (Rouen: Jore, 1734). This French edition did not receive the approval of the royal censor, and its praise for British constitutional monarchy caused a scandal, forcing Voltaire to flee Paris. "La majesté du Peuple Anglois" is from the eighth letter, "On the Parliament" (pp. 51–58, at 51), which favorably compares the British Parliament to the Roman senate and to the French government, praising its ability to preserve liberty by acting as a check on royal power.
[31] The Stamp Act was actually adopted on March 22, 1765.
[32] The Revenue Act of 1767.
[33] In March 1769, when Rush visited Barbeu-Dubourg, JD was thirty-six years old.
[34] See doc. 4:135, above.

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From Dudley Templer, July 5, 1769

Elizabeth Town 5th. July 1769

Sir,

I should not have been so long returning You Lady St Clair's and my sincere thanks for your very kind and polite letter,[1] had not the Review[2] and my indisposition prevented me.

Agreable to your desire Lady St Clair and I have joined in an order for £52..18..0. proclamation money,[3] which we beg You will pay to Major Will[iam] Shirriff[4] D[eput]y Q[uarte]r Master General for North America the Bearer of this. if there is any thing in this Part of the Jersies in which I can be of service to You I beg You will command me. Lady St Clair joins me in her best respects

I am with great esteem
Sir,

Your most Obedient
Humble Servant
Dudley Templer
Lieut. Colo. to the 26th Reg[imen]t

ALS (PHi-Logan)

[1] Letter not found.
[2] A review of Templer's 26th Regiment was held on June 23. See *The New-York Journal*, June 29, 1769.
[3] Proclamation money was colonial currency valued at the official par of £133.6.8 per £100 sterling as established by a 1704 royal proclamation. See McCusker, *Money and Exchange*, 121 n. 18, 126.
[4] Maj. William Christopher Shirreff (c. 1733–1804) had served as deputy quarter master general for North America since 1768 and later served as aide de camp to Lt. Gen. Thomas Gage at the beginning of the Revolutionary War. A note appended to the enclosed order indicates that JD paid £52.18.0 to Shirreff on July 8 (PHi-Logan).

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Richard Henry Lee, preface to *The Farmer's and Monitor's Letters to the Inhabitants of the British Colonies* (Williamsburg, Va.: William Rind, [c. July 20–27], 1769)

The April 6, 1769, issue of William Rind's *Virginia Gazette*, advertised "Proposals For Printing by Subscription, The Farmer's and Monitor's Letters. In One Volume." The July 27, 1769, issue of the same newspaper advertised the "Just Published" volume, suggesting a publication date sometime in late July of 1769.

In addition to the *Farmer's Letters* and *Monitor's Letters*, Rind's publication also included in the same issue a version of the "Liberty Song" with lyrics that varied substantially from other published versions. See notes to doc. 4:100, above.

THE
FARMER's and MONITOR's
LETTERS,
TO THE
INHABITANTS
OF THE
BRITISH COLONIES.

WILLIAMSBURG:
Printed by WILLIAM RIND,[1] MDCCLXIX.

THE
PREFACE.

IT may perhaps seem strange to slight consideration, that these LETTERS which have already passed through all *America*, should now a second time be produced

before the Public in their present form. But a little further reflection will shew the UTILITY of this WORK. The sacred cause of liberty is of too great consequence, and the necessity of freedom for the security of human happiness too obvious, not to render every precaution wise, that tends to prevent the introduction of slavery. Notwithstanding therefore, these letters have been already published, yet here, they have been seen only in the Gazettes, which, from the incertainty of their dispersion, and the length of time passing between the reception of newspapers in the country, may probably have prevented much of the benefit to be derived from a collective, uninterrupted view of the manly reasoning, the timely information, and the true constitutional principles of liberty with which these letters every where abound. Whoever considers again that the nature of men in authority is inclined rather to commit two errors than to retract one * , will not be surprised to see the *Stamp-Act* followed by a Bill of Right, declaring the power of Parliament to bind us in all cases whatsoever; and this act followed again by another, imposing a duty on paper, paint, glass, *&c*. imported into these colonies.[2] But however unbounded may be the wish of power to extend itself, however unwilling it may be to acknowledge mistakes, 'tis surely the duty of every wise and worthy *American*, who at once wishes the prosperity of the Mother country and the colonies, to point out all invasions of the public liberty, and to shew the proper methods of obtaining redress. This has been done by the Authors of the following LETTERS with a force and spirit becoming freemen, *English* freemen, contending for our just and legal possession of property and freedom. A possession that has its foundation on the clearest principles of the law of nature, the most evident declarations of the *English* constitution, the plainest contract made between the Crown and our forefathers, and all these sealed and sanctified by the usage of near

* Clarendon's History of the Rebellion.[3]

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two hundred years. *American* rights thus resting on the best and strongest ground, it behoves all her inhabitants with united heads, hearts, and hands, to guard the sacred deposit committed by their fathers to their care, as well to bless posterity as to secure the happiness of the present generation. In vain 'tis for some few (and very few I hope they are) who, governed either by base principles of fear, or led by vile hopes of gain, the reward of prostituted virtue, to say, "your rights are indeed invaded, but *Great-Britain* is too strong. What can we do against superior strength?" Let these evil designing men remember what the highest authority has told us, "that the race is not always to the swift, nor the battle to the strong."[4] And if inspiration needed to receive assistance from genius, *Shakespeare* says, "thrice is he armed that has his quarrel just, and he but naked, tho' lock'd up in steel, whose conscience, with injustice, is oppressed."[5] History also informs us,

that *Xerxes*[6] with his armed millions could not accomplish his purpose of reducing to slavery the much weaker but free States of *Greece*. Three hundred brave men at *Thermophylæ*, contending for liberty, destroyed twenty thousand who attempted its ruin.[7] In later times we see the States of *Holland* free, and the generous *Corsicans* likely to be so,[8] although the far greater powers of *Spain*, *Germany*, and *France*, have at different periods combined to enslave these noble nations.

THE truth is, that the great Author of nature has created nothing in vain, and having with the life of man joined liberty, the virtuous enjoyment and free possession of property honestly gained, has undoubtedly furnished all nations with the means of defending their natural rights, if they have but wisdom and fortitude to make the proper use of such means. In this instance we find ourselves three thousand miles removed from *Great-Britain*, we possess a country abounding with woods in all parts, and in many with mountains of difficult and dangerous access. The ease with which the staple colonies could put an entire stop to the exportation of their commodities, and the peaceable but vital injury that this would convey to those who might insist on oppressing them, are truths so plain as to require no further animadversion. *Verbum sapienti sat est*.[9] The nature of the climate, the soil, and its various produce, point out the ease and extent with which manufactures may be conducted here. These things are mentioned as a proof of what is above asserted, that the bountiful Author of nature has furnished his creatures with the means of securing their proper rights, and that the event depends much upon their own wise and brave determinations. A benevolent mind indeed, cannot but lament that either ambition, avarice, or ill-placed resentment, should ever be so exercised as to force men into the investigation of those methods by which they may be secured from the operation of these bad passions. For certain it is, that there is nothing more becoming to human nature than well ordered government, or more valuable than liberty: How ignominious then must his conduct be who turns the first into confusion, and the latter into slavery? But whatever may be the opinion, or the design of a rapacious ill-advised Minister,[10] the *Americans* have in their view this happy prospect; that the people of *Great-Britain* are generous and brave, they know the value of liberty, because they have purchased that knowledge with much of their blood:

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and therefore they cannot but esteem us their children for venerating the good old cause which they themselves have contended for in many a well-fought field. It is really wonderful that this unhappy dispute between *Great-Britain* and her colonies should ever have existed, when a moment's retrospection shews the Mother country for near two centuries exercising legislative authority here without complaint, while she abstained from that single destructive claim of taking our money from us without the consent of our representatives. The exercise of which claim, would

indeed reduce *America*, to a state of slavery more deplorable and more ignominious than has ever yet been known in the world. But to what purpose this should be desired is still more amazing, when *Britain* from her exclusive trade to these colonies, and from the manner in which she tied up our manufacturing hands,[11] not only received the entire produce of the lands and labour of these countries, but has besides involved the people here in a heavy debt, which agriculture, without arts, and a trade so confined, will probably never pay. Mr. *Grenville* it seems had the honour of devising this new system of *American* policy.

> —Till one shall rise
> Of proud ambitious heart, who not content
> With fair equality, fraternal state,
> Will arrogate dominion undeserved
> Over his brethren, and quite dispossess
> Concord and the law of nature from the earth,
> Hunting—
> With war and hostile snare such as refuse
> Subjection to his empire tyrannous.
> —O execrable son so to aspire
> Above his brethren, to himself assuming
> Authority usurped, from God not given:
> He gave us only over beast, fish, fowl,
> Dominion absolute; that right we hold
> By his donation; but man over men
> He made not lord; such title to himself
> Reserving, human left from human free.
> —Justly thou abhorrest
> That son, who on the quiet state of men
> Such trouble brought.—
>
> MILTON'S PARADISE LOST, B. XII. L. 24. *et seq*.[12]

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[1] William Rind (d. 1773) worked with Jonas Green on *The Maryland Gazette* (Annapolis) before establishing *The Virginia Gazette*, one of two papers with that name in Williamsburg, Va., in 1766.

[2] The Declaratory Act of 1766 and the Revenue Act of 1767, respectively.

[3] "Whosoever considers that the nature of men, especially of men in Authority, is inclined rather to Commit two errours, than to Retract one" (Edward Hyde, first earl of Clarendon, *The History of the Rebellion and Civil Wars in England, Begun in the Year 1641*, vol. 1 [Oxford: Theater, 1702], 423).

[4] Eccl. 9:11.

[5] Shakespeare, *Henry VI, Part 2*, 3.2.241–43. The original line reads, "And he but naked, though locked up in steel, / Whose conscience with injustice is corrupted."

[6] Xerxes I (c. 519–465 BC) was king of Persia from 486 BC until his death. He is best known for his failed invasion of Greece.

[7] At the Battle of Thermopylæ (480 BC), a small Greek force defending a mountain pass fought to the death, delaying the invasion of a much larger Persian army.

[8] On Corsica, see doc. 4:164, n. 5, above.

[9] *Verbum sapienti sat est*: Lat. A word to the wise is sufficient.
[10] Possibly a reference to Charles Townshend.
[11] On British laws restricting manufacturing in the colonies, see doc. 4:20, above.
[12] This refers to the second edition of Milton's *Paradise Lost. A Poem in Twelve Books* (London: S. Simmons, 1674), 12:314–16. Several lines of the original quote are omitted.

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"Extract of a Letter from London, April 25," *The Virginia Gazette* (Purdie & Dixon; Williamsburg), July 27, 1769

Extract of a letter from London, *April* 25.

"THE friends of America had the satisfaction to observe the debates about the repeal conducted on both sides with the utmost calmness and decency, turning wholly on commercial considerations, and not one syllable passing about the right. They heard with pleasure the revenue acts most opprobriously attacked, and not one tittle urged in their justification;[1] even Mr. Grenville himself, that arch-friend of America, joined in their condemnation.—[2] The representatives of commercial places and manufacturing towns afforded much assistance; setting forth the apprehensions of their constituents; and many country Gentlemen, who had conceived that by taxing America, their estates might be saved from a heavy burthen, dread the increase of the poor's rate, from an apparent declension of trade.

"I told you from the beginning, my opinion of the embarrassments of government, and how happy they would be to extricate themselves with credit. I see most clearly, that they wish to meet with no future checks to their design of repealing the acts next sessions, and have consented to their being made the first object of their attention. From the temper and complexion of all parties, I may venture to say there is little doubt of the repeal; but let temper and moderation be encouraged, for I am certain they are the only means of healing the wounds.

"I assure you no argument or pains have been omitted by the Agents for the colonies; they have taken their instructions from the best writers: If the Parliament will not hear BLAND[3] and DICKENSON, neither will they be persuaded if one rose from the dead."

[1] This description somewhat overstates the level of support for repeal of the Revenue Act of 1767. The former governor of Massachusetts Thomas Pownall (1722–1805) argued in favor of repeal in an April 19 debate on the grounds that the duties hurt British commerce, but his arguments received a mixed reception, with Lord North arguing against appeasement in response to the American boycotts. The debate revealed sufficient opposition, however, to prompt the ministry to pursue a partial repeal, eliminating most of the duties while retaining the tax on tea. See Thomas, *Townshend Duties Crisis*, 133–41.
[2] The author's implications distort Grenville's position in the debate. He did not urge the act's repeal, declaring that he meant to give no opinion on that matter. His inquiry to the ministry—"If you are ready to repeal the law, why keep it an hour?"—was intended only to embarrass his political opponents. See Simmons and Thomas, *Proceedings*, 3:153.

[3] Richard Bland (1710–1776) was a thirty-year member of the Virginia House of Burgesses and later a delegate to the Continental Congress. He gained fame for his *A Letter to the Clergy of Virginia* (1760), which vindicated Virginia's Two-Penny Act (1758), the law at the center of the court case popularly known as the Parson's Cause (1762–63). In *An Inquiry into the Rights of the English Colonies* (1766), he challenged the right of England to tax the colonies without affording them representation and questioned the absolute prerogative of Parliament to legislate for them.

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From John Macpherson, Sr., August 11, 1769

For other correspondence in this series, see doc. 4:189, above, and doc. 4:213, below. We have included Macpherson's footnotes to the poem as endnotes.

Mount-Pleasant, August 11, 1769.

Dear SIR,

THOUGH I do not undertake to vindicate all I have said or done since my confinement; yet I declare in the presence of the Almighty GOD, that I think, I never had my reason better than when I was confined last. The first time I was confined (as I told you before) I was sensible of a small injury from walking in the sun; but well knew what I was about, until confined without being told for what. I believe my sufferings are unprecedented, every thing considered. *Declare a dog is mad*, *he will soon be made so*, *and afterwards killed for being what barbarity made him*. I took more liberty with Mr. *Willing*[1] than any other person, knowing the goodness of his heart; and designing to make proper concessions at a proper time—Should this letter please you, please to shew it to Mr. *Willing*; I should like to stand well with him—The verses were wrote with the point of a nail, the seventh day of the second confinement, on a white wall;

I am Sir,
Your friend and humble servant,
JOHN MACPHERSON

P.S. If the sense will pass, don't mind the spelling.

"*The power supreme*, *whose eyes no sleep invades*;
Perceives our thoughts and deeds, thro' thickest shades."
If she would have the *marriage union* last.
Virtue and confidence must hold it fast.
MUST my flocks from pastures be sold,[2]
Whilst I am confin'd and can't see;
My pen too denied, I am told,
For fear I diverted should be.
Has my talents or reason done wrong?
Why do they strive both for to hide?
O Woman! you swore to obey,

To love and stick close to my side.
Your children of late were so blest;
Your husband was happy and gay;
But now he's in prison distress'd,
By you or the *auto da'fe*.[3]
My phrenzy was chiefly pretence,
To serve my brave sailors and me;[4]
For daring attempt it I'm chain'd,
Nor do I know how to get free.
I've suffered for seamen, much bad;
I never did cheat them, not I;
Nor falsely declare I was mad:[5]
By Heaven's I sooner would die!
A woman I must blush to own,
Until she doth in me confide;
Her conduct must make man believe,
I us'd to belabour her hide.
She ne'er felt my blow in her life;
Nor one of her sex that was white,
Except one old shrivel'd Dutch hag,[6]
Who strove to stab me with a knife.
What, shall I dishonor the hand,
By basely abusing my wife?
Forbid it, O God!—O command
Me sooner to part with my life.
That hand ne'er did flinch in the field,
While ever its master could stand;
But now he must lie still conceal'd;
And never attempt to command.[7]
O! *Farmer* now open your eyes;
Remember the writings you saw;[8]
Don't leave your friend a sacrifice,
But bravely defend him by law.
You'll say, it is done by my friends:
By those who partake in my smart;
I'll grant it, but yet my dear friend,[9]
I never from truth will depart.
If friends, they will surely repent
For doing what blasts my good name:
When that is safe there is my heart,
Which with them shall ever remain.

Nor mad, nor a liar I am,
And yet I no credit can gain;
I am sure I've served this land;
With pleasure, I'd serve it again.
Then why do they say I'm insane,
When I've often swore it's not so;
It must be the plot of fell fiends
To blast me wherever I go.
The name of the perjur'd insane
I never, O never! can bear:
I'll sooner again to the main,
And there hope to banish despair.
My off-spring don't in me confide,
Altho' I could die for their sake,
Omnipotent God! be their guide:
O may they thy blessings partake.

I am, as before, with sincerity,
Yours,
JOHN MACPHERSON.

Rpt (Macpherson, *Letters*, 6–9)

[1] At this time, Thomas Willing was a justice of the Pennsylvania Supreme Court.

[2] Macpherson's note: "They sold about one hundred and forty head of my cattle, while I was confined."

[3] *Auto-da-fé*: Pt. "The execution of the sentence of the Inquisition; *esp.* the public burning of a heretic" (*OED*). Macpherson's note: "Act of faith; the greatest stretch of human tyranny, not unknown in *Neal*'s history of the *Puritans*, nor to the persecuted QUAKERS in *New-England*." At the end of his *Letters* (pp. 102–04), Macpherson included the entries for "Inquisition" and "Act of Faith" from *A New and Complete Dictionary of Arts and Sciences; Comprehending All the Branches of Useful Knowledge*, 4 vols. (London: W. Owen, 1754–55), 1:34 and 2:1772. In the 17th century, New England Puritan authorities had persecuted Quakers with flogging, banishment, and execution. See Daniel Neal, *The History of the Puritans, or Protestant Non-Conformists* . . . , 4 vols. (London: R. Hett, 1732–38).

[4] Macpherson's note: "Before I was confined, I had sent advertisements to be printed, wherein I offered to run with a small vessel of my own, against any other that could be found for a considerable wager; by which means I intended to jockey some men, who I apprehended had wrong'd myself and sailors; I had told Mrs. *Macpherson*, 'That the race would look romantic and wild, but that I was very sure of success.' I am still of the same opinion, and now offer to lay against any vessel that can be found, in *North-America*, for Ten-thousand pounds." Advertisement not found.

[5] Macpherson's note: "I have been frequently told, if I did not confess I had been mad, I should die in those chains."

[6] Macpherson's note: "Who was stealing some very fine young saplings from me."

[7] Macpherson's note: "What seaman in his senses would go under the command of a man, whose very children had been afraid of him."

[8] Macpherson's note: "My piece on Religion, Friendship, Love and Marriage." In Macpherson's autobiography he includes a list of his works, including "John Macpherson's last Legacy, or a treatise upon religion, friendship, love and marriage" (John Macpherson, *A History of the Life, Very Strange*

Adventures, and Works of Captain John Macpherson [Philadelphia, 1789], 6). In a later letter to JD, apparently intended for the public and published in *Macpherson's Letters*, Macpherson claimed that JD had said, "O God! is this the writings of a Captain of a privateer; that had I had proper education, you thought I would have wrote without an equal" (Macpherson, *Letters*, 86). Though Macpherson did not specify the work, context suggests his treatise may have been the subject of JD's comments. No copy of this work has been found.

[9] Macpherson's note: "God preserve me from such friends for the future."

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To John Macpherson, Sr., August 13, 1769

Macpherson subsequently claimed that this letter proved JD did not believe he was insane, writing, "No man in his senses would write such a letter to a man deprived of reason, who consequently could not judge of, nor form any idea of the arguments contained in it. THAT LETTER, SIR, is a proof to the world, *you knew I was not mad*."[1]

Dear Sir,

I Have received your letter, which distresses me more than you can possibly imagine; for I perceive by it you are extreamly unhappy, and that you believe you are ill treated.

In what manner to express myself to you, I am utterly at a loss: for on the one hand, my sincere friendship for you, requires, that I should write freely and plainly, lest I should injure, by deceit, a man whom I heartily love: yet, on the other hand, perhaps my writing in that manner may give you offence, which would be giving pain to myself.

You have heretofore often requested me to speak plainly, and openly, my true sentiments to you, on affairs relating to yourself—you have press'd me to speak so—and when I have done it, you have been pleas'd, even tho' I sometimes presum'd to blame you: for your mind was convinc'd that what I said proceeded from my esteem for you; and your generous spirit forgave the "faithful wounds of a friend."[2]

Encourag'd by remembring these instances of your friendship, I will therefore continue to act in the same candid manner—I will do my duty towards you, and beseech the Divine Goodness, that he will graciously be pleased to enable you to receive what I say in such a manner as may be useful to you.

You cannot have forgot, I think, the deep affliction into which I was thrown the last time I saw you. To what cause, my friend do you think that grief was owing? You cannot believe it was counterfeited: it was too evident that it sprung from the heart.

Besides, what motive, what interest can I possibly have in deceiving you? To what cause then (I repeat it) do you think that grief was owing? To what else could it be owing but the dreadful misfortune of seeing a man, who I so much esteemed, disturbed in his understanding.

If you will reflect for one moment on what past, you must be convinced, that

sight of you in so melancholly a condition, produced that affliction of which you were a witness.

That affliction was honest; let it at once be a proof with you, how much I love you, and how much I am persuaded that your reason is injured. Dr. *Cadwallader*, Mr. *Willing*, and every person that knows and esteems you, is of this opinion. What should make so many men of sense adopt this opinion, unless there was some foundation for it? If they are not mistaken, must you not acknowledge that your family is not only to be pitied, but also to be commended for taking the best advice and using the properest means for perfectly restoring you to that remarkable strength of understanding that used to give pleasure to all your acquaintance. I beg you, my dear Sir, to view things in this light; you are still beloved by your family and friends; and it is a great deal of grief to them that you believe all their attempts to relieve you, are cruelties practised upon you.

That you may be happy, is the wish of,

Dear SIR,
Your sincere friend,
And very humble servant,
JOHN DICKINSON.

Rpt (Macpherson, *Letters*, 10–11)

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[1] John Macpherson, *Letter to John Dickenson, Esq; Philadelphia, November 13, 1770* (Philadelphia, 1770), 3, Evans, No. 11712.
[2] Prov. 27:6.

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From John Witherspoon, August 18, 1769

It is unknown whether Witherspoon had a personal relationship with JD at this juncture, but they could have met when Witherspoon arrived in Philadelphia from Scotland on his way to Princeton in August 1768.[1]

Princeton August 18. 1769

Sir

The Bearer M[r] Waggaman[2] is a Student of this College He begged of me an Introduction to You having a Desire of applying to the Study of the Law. He wants one Year of finishing his Course in the College here. He has behaved himself unexceptionably Since he came under my Inspection is certainly of very good Capacity & in Several Exercises exceeded the Common rate of Students. I must also say that by a Certain Civility & Sweetness of Carriage he possessed a very consederable Share of my Esteem. If You take him to Study under You I am persuaded he will please you & in time be a Credit to You

At the same time I must tell You that by an unhappy Defect in the Manner of teaching in the Schools in this Country he is but very ill Accomplished in

the Languages I mean Greeke & Latin & from Several Circumstances, I am persuaded that a fear of not being able to Stand trial in that Respect next year has a consederable Influence in inclining {him} to leave the College immediately I have conversed with him and though he assigns Some other Reasons also yet he admits that this incurs him in part. He has done very well in the Mathematical Studies this Year And if he would take such De{i}rections as I should give him & Continue another Year I believe he might get a tollerable Notion of the Greeke & Latin and likewise learn the french language. If You think this of any Moment to his Improvement & Appearance in future Life You may talk with him of it & advise him to it— If otherwise I have no Scruple of attesting his behaviour & Capacity So that he may enter immediately on the Study of the Law I Am

Sir your most obed[ien]t
humble Servant
Jno Witherspoon[3]

P.S. If the above be really his principal Reason for leaving the College You See it is an Argument of Some Spirit and Dignity of Mind You may therefore draw it from him if You please by Conversation & if You find that I have Conjectured right You may let him know that I have writ my Opinion to You on the Subject

JW

ALS (PPL-JDP)

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[1] *PG*, Aug. 11, 1768.

[2] Henry Waggaman. His name is found on a 1767–68 store account book belonging to the merchant Enos Kelsey (d. 1811). See John Frelinghuysen Hageman, *History of Princeton and Its Institutions*, 2 vols. (Philadelphia: J.B. Lippencott, 1879), 1:72.

[3] John Witherspoon (1723–1794), a native of Scotland, was a Presbyterian minister, political philosopher, and president of the College of New Jersey. He later served as a New Jersey delegate to the Continental Congress and signed the Declaration of Independence.

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To [Hannah Harrison], August 24, 1769

Hannah Harrison's cousin, Sally Norris, died of smallpox on June 24, 1769. This letter reveals the nature of JD's friendship with Sally and his mourning over his broken engagement with her sister, Polly. In her bereavement at losing Sally, Polly gradually allowed JD back into the Rural Circle at Fairhill. Polly finally relented and agreed to marry JD in a civil ceremony. With Presbyterian George Bryan presiding, the pair wed on July 19, 1770, at the home of Mary Parker Norris on Chestnut St. in Philadelphia.[1] Polly was reprimanded by the Philadelphia Monthly Meeting on December 28, 1770.[2]

About twelve Months ago, dear Madam,[3] I promised your late excellent

Cousin, to shew her a Head representing Cleopatra dying,[4] which I mentioned to her as being very finely executed.

The inexpressible Misfortune,[5] that quickly after utterly destroyed all my Happiness on this Earth, was the Occasion I believe, of my forgetting this Engagement.

At last an Accident recalled it to my Memory, and I designed to make some Amends for my Negligence, by presenting to her a Head I had lately receivd from London, that I spoke of not being my own.

But on the very Day I intended to write to her, I heard that my invaluable, my beloved, my sincere Friend—for such She affectionately and generously declared herself to Me—was seized with the fatal Disease, that robbed the World of one of the greatest Treasures it ever held.

You, dear Madam, have given Me Cause to believe, that You favour Me with some Share of your Esteem. I know, You have mine; and You certainly loved my departed Friend. As the little Piece now sent, may be regarded as having in some Measure belonged to her, I shall receive a particular Pleasure, if You will accept it, as a small Mark of my perfect Affection.

I once hoped, it would have been in my Power, to have given far other proofs of that Affection. Convinced in my Mind, that your Honored Mamma[6] and You were truly worthy of every dutiful, every kind Service, and warmly inclined by the Impulses of my Heart to render them, I took delight in my Resolutions, my Expectations of demonstrating by my tender and unceasing Attention to her venerable Age and Virtues and to your Goodness, how desirous I was to deserve those Titles of Relationship, by which I wished to be called.

The Prospects that charmed for a few Days, are darkened for ever: But Affliction itself cannot extinguish my Remembrance of your Kindnesses, or my Gratitude for them; and whatever I suffer—that You and your revered Parent may be happy, shall be the earnest Prayer of, dear Madam,

your very affectionate
and obedient Servant
John Dickinson
August 24th 1769

Permit Me to intreat, You will be pleased to present my most respectful Compliments to your Honored Mamma.

I am told, Madam, that You have a Profile in Paper of your late dear Cousin—[7] If I may be allowed to take the Liberty of making such a Request, I beg to be favoured with a Copy of it, which will extremely oblige Me. I shall also be obliged to You, if You will please not to mention this Letter to Miss Norris,[8] as it might make her desirous to see the Head, and I am afraid, so strong an Expression of departing Life may affect her too sensibly.

ALS (DLC-Charles Thomson Papers)

[1] The marriage announcement is in the *PC*, July 16–23, 1770.
[2] William Wade Hinshaw, *Encyclopedia of American Quaker Genealogy*, vol. 2 (Ann Arbor, Mich.: Edwards Brothers, 1938), 505.
[3] Hannah Harrison (1728–1807) was a first cousin of the Norris sisters who sometimes resided at the Norris's estate of Fairhill and was a member of the Rural Circle. She married Charles Thomson on Sept. 1, 1774.
[4] Cleopatra (69–30 BC) was queen of Egypt from 51 BC until her death. A member of the Greek-speaking Ptolemaic dynasty, she was a lover of both Julius Cæsar and Mark Antony. Her alliance with Antony led to war with Augustus, resulting in her capture and suicide. Her dramatic death, depicted in many classical and early modern works of art, may have been of interest to JD and the Rural Circle as an example of a female ruler defying tyranny.
[5] JD's broken engagement to Polly Norris.
[6] Hannah Norris Harrison (1696–1774), sister of Isaac Norris, Jr., had married Richard Harrison, Jr. (d. 1747), in 1717.
[7] A silhouette of Sally Dickinson is in PHi-Logan, endorsed by Sally Norris Dickinson: "My Aunt S Norris—said not to be a good likeness."
[8] Polly Norris, JD's future wife.

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From Arthur Lee, August 26, 1769

London Aug[us]t 26th. 1769.

Dear Sir,

Your favor, of the 26th of July,[1] gave me great pleasure. Nothing can flatter me more, than to be assurd you are mindful of me; nothing can make me happier than to know, that our Countrymen are determin'd to pursue those measures which will effectually vindicate them from oppression. I sympathise, very sincerely, with you, in the pain you feel from the danger, which threatens that union, between great Britain & her Colonies, on which our mutual safety, honor, prosperity & happiness so much depend. I wish there was a prospect of wiser & worthier men being call'd, to repair those injuries, which the ignorance & wickedness of the present Ministers have done to the public. But at present there is little hope; it being difficult to find such men, & I fear there is little inclination to search for them. The present awaken'd & incens'd temper of the nation, will, I believe, force some change; but I doubt not greatly for the better. The Rockingham[2] & grenvillean[3] parties having united, form a formidable opposition; & from them the new Administration will in all probability be form'd. And for my own part, I can expect no good from a Ministry whose measures are contaminated with the corrupt & blundering counsels of Grenville. My {Lord} Shelburne means well to the rights & liberties of the subject, universally, & for that reason I apprehend will never have the confidence of the Cabinet. Lord Mansfields[4] artful schemes for subverting the constitution, the prostituted readiness for any villainy which renders the contemptible L—d B—g—n[5] [~~*illegible*~~]{detesta}ble also, & the infamous compendium of them both,

S[r] Francis B—d,[6] are more acceptable there; & entitle them to long conferences & the honor of informing his M—y[7] of the state of great Britain & her Provinces. Pure & excellent must be the knowlege deriv'd from such sources; & wise the Prince, who governs his people by such Counsellors. I often pray to God, in the words of the good old song,[8] to confound their politics & frustrate their knavish tricks; & on him, in my mind, do our hopes depend.

Very fair promises are made to America; but they are the promises of Courtiers & I hope will be treated as such by our Countrymen. They will not trouble themselves about what they Ministry are inclin'd to do, but endeavor to make them feel what they must do. Such conduct only will render them sincere; & make them assume a virtue which they really have not. I speak on a supposition that the present Ministry will stand; for not with[st]anding all the efforts us'd, no change appears yet even to be meditated.[9] The virtue of consulting the voice of the people, in the choice of Ministers; is not among the jewels, that adorn the crown at present.

I believe the hope of your determinations against the consumption of british Manufactures, proving futile has now forsaken every one here; & they begin universally to think that a resolution inspir'd at once by resentment & necessity is really alarming. Influenced by this apprehension, the Merchants now talk much of petitioning, a measure to which I endeavor'd in vain to incite them during the last Session. I was anxious about it then because, I thought the breach occasiond by that pernicious Act, coud not be heald too soon; & in truth, I had my fears about the virtue of my Countrymen in making a firm & spirited opposition. Those fears have now given place to entire confidence; which makes me secure, that petitioning is a measure to which their own interest; the only motive by which they are governd, will of necessity lead the merchants.

I was exceedingly disappointd in the London Petition,[10] which was greatly alterd from the Original I had seen, with respect to the greivances of America. How this happen'd, I have not yet learn't, being just returnd to London after a long absence[11]

I think myself happy in having form'd a correspondence between you & my Brother;[12] as I am satisfied you are both animated with the same sacred zeal for liberty & the social rights of men.

Please to remember me to all the friends of Liberty with you & beleive me most sincerely Yours

Arthur Lee

ALS (PHi-RRL)

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[1] Lee likely meant June, as ships leaving Philadelphia in late June arrived in the British Isles around this time, and this letter responds to JD's June 26 letter. See doc. 4:203, above.

[2] A parliamentary faction of Whig politicians led by the Marquess of Rockingham. In general, they supported parliamentary supremacy over the colonies but favored pragmatic concessions to colonial grievances. During Rockingham's first ministry (1765–66), Parliament repealed the Stamp Act of 1765 and passed the Declaratory Act of 1766.

[3] A parliamentary faction of Whig politicians led by George Grenville. In general, they supported a

hardline approach to colonial discontent, and it was during Grenville's ministry (1763–65) that Parliament passed the Stamp Act of 1765.

[4] William Murray, first earl of Mansfield (1705–1793), was lord chief justice of the King's Bench and supported the administration against the colonies.

[5] William Wildman Barrington, second viscount Barrington (1717–1793), was Great Britain's secretary at war. He was a patron to Massachusetts governor Sir Francis Bernard, who was married to Barrington's cousin. Barrington, who served in government posts for over thirty years through many changes of ministry, was criticized by some as a sycophantic timeserver.

[6] Bernard.

[7] Majesty.

[8] A reference to the anthem, "God Save the King."

[9] Although a coalition of opposition factions, led by Grenville, Rockingham, and the Earl of Chatham, had begun a concerted effort to topple the Duke of Grafton's ministry in the summer of 1769, their efforts bore little fruit. Only in January 1770 did Grafton resign as prime minister, and he was swiftly replaced by his ally Lord North, keeping the opposition factions out of office. See Thomas, *Townshend Duties Crisis*, 142–45, 161–65.

[10] On June 24, 1769, the representatives of the city of London issued a petition to the Crown that included mention of injustices in the colonies. See *Addresses, Remonstrances, and Petitions; Commencing the 24th of June, 1769* (London: H. Fenwick, [1778]), 5–9.

[11] Lee had been at "Bristol Wells, where I was spending the summer season, to look about me, and form acquaintances which may be useful hereafter" (in Richard H. Lee, *The Life of Arthur Lee . . .* [Boston: Wells and Lilly, 1829], 194).

[12] Richard Henry Lee.

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Anonymous, Dedication in *An Elegy to the Infamous Memory of Sr. F--- B-----* (Boston, [c. August] 1769)

The following document is the dedication of a poem attacking Sir Francis Bernard on the occasion of his leaving office on August 1, 1769. Governor Bernard had been granted a baronetcy on April 5, 1769, and the news had reached Boston by April 27.[1]

TO

John Dickinson, Esq

THE INGENIOUS AND LEARNED

AUTHOR OF THE

FARMER'S LETTERS.

This Elegy is humbly Dedicated:

As a sincere Testimony of the Author's

Esteem and Respect for the MAN,

Who has gloriously distinguished HIMSELF;

By asserting the RIGHTS and LIBERTIES of

AMERICA,

In a Manner, that renders HIM an HONOUR

to his Education, A PUBLICK BLESSING to
his Country;
And will immortalize his Name with RENOWN, to
the latest Ages of Time.

Evans, No. 11246

[1] *The Boston Chronicle*, April 24–27, 1769.

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Honorary Degree from the College of New Jersey, *The New-York Gazette; or, the Weekly Post-Boy*, October 9, 1769

These honorary degrees, granted at a commencement ceremony on September 27, were the first of their kind awarded by the College of New Jersey at Princeton.[1]

The College was pleased to compliment John Dickinson, Esq; and Joseph Galloway, Esq; of Philadelphia, with a *Doctorship of Laws*.

[1] John Maclean, *History of the College of New Jersey, from Its Origins in 1746 to the Commencement of 1854*, 2 vols. (Philadelphia: J.B. Lippincott, 1877), 1:308.

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To Arthur Lee, November 25, 1769

Dear Sir,

I am much obliged to You for Your Favors of the 2^{d}. of June[1] & the 26th of August,[2] which I should have answered sooner, but that they were a long Time coming to my Hands.

I sincerely thank You for the vigilant Zeal with which You attend to the Interests of our injured Country; and I begin to hope, that You will find your generous Efforts rewarded {by a successful} Issue of our anxious & painful Struggles for Liberty. Surely, nothing can more advance this Cause, than the well concerted Plan You mention, of joining our Force to that of the public spirited Men, who are now asserting the Rights of Englishmen, against those degenerated Englishmen, who woud destroy them.

I am extremely pleased with your Enumerations of our Grievances;[3] but am afraid, so just a Recapitulation of them, and so strong a Remonstrance as is made in some of the Addresses, will at best procure but a partial Relief.

There is a Littleness and an Obstinacy in late Measures, that seem to threaten great & dangerous Consequences. I apprehend that Magnanimity & Wisdom, to do {perfect} Justice & to conduct Affairs with true Policy, will be wanting. Twists & Turns to answer the private Ends of Ministers, We may expect: But an Adherence to

the grand Principles of Government, tending to the mutual Happiness of Sovereign & Subject, We cannot expect.

Therefore, as We cannot in the slightest Manner confide in our Rulers, We must take Care of ourselves; and it is with sincere Satisfaction I can assure You, that a Resolution to pursue such Measures as most probably will effectually vindicate our Rights, [se]ems to be firmly formed.

The Merchants of this City, who waited a long Time, before they took any Step, are now exerting themselves, to prevent the Importation of British Goods.[4]

The People of Rhode Island did not enter into the Agreement till lately; and perhaps would not have done it yet, if our Merchants and those of Boston and New York, had not begun to concert Measures, that would have proved very disagreable to the Rhodians.[5]

Some of these Agreements mention "the late Revenue **Acts**:" and a Doubt has arisen among some well disposed persons, whether the Importation of Goods should be prohibited, untill the Repeal of the Paper & Glass Act[6] only, or of that Act & the 4th of Geo. 3d. ch. 15th—the Preamble of which shews it to be a Revenue Act.[7]

I wish, Sir, You would be so good as to have this Point well explained to Administration & Parliament. Certainly the two Acts mentioned, should be repealed So should any other of the same nature; and I am told there is such a one in the sixth Year of the present Reign, tho[ugh] I have not seen it. If the Paper & Glass Act alone is repealed, Heart Burnings & œconomical Measures will still prevail, and by establishing Discontents & inventive Industry among Us, Great Britain will lose solid & lasting Blessings in pursuit of empty & fleeting Advantages. May Divine Goodness inspire her with a right Understanding both for her Sake, and our Own.

That You, Dear Sir, may enjoy every Happiness, is the sincere Wish of

your very affectionate
& very obedient Servant
John Dickinson

Philadelphia
November 25th—1769

ALS (MH-H-ALP)

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[1] Letter not found.

[2] Doc. 4:216, above.

[3] *The London Chronicle*, June 3–6, 1769; *The Public Advertiser* (London), June 6, 1769; and reprinted in the *PG*, Aug. 17, 1769.

[4] Perhaps referring to the meeting of Philadelphia merchants on Aug. 2. They voted that anyone who received or assisted in landing, storing, or selling goods consigned from Great Britain after Philadelphia's nonimportation resolution was known there and anyone who ordered goods from Great Britain after Feb. 6, 1769, "unless with a Condition not to ship them until the late Revenue Acts against

America are repealed, shall be deemed an Enemy to the Liberties of America, and the Printers shall be justified in publishing his Name" (*PC*, July 31–Aug. 7, 1769).

[5] Philadelphia, Boston, and New York merchants had agreed that if Rhode Island merchants failed to join the nonimportation agreement, they would cease to do business with London merchants who continued to ship to Rhode Island (see *PC*, Oct. 9–16, 1769). On Oct. 10, the merchants of Providence "resolved to adopt similar Measures with the other Colonies, relative to the Importation of British Superfluities," and a Providence town meeting on Oct. 24 reinforced the decision (*The Providence Gazette*, Oct. 7–14, 14–21, 21–28, 1769). The merchants of Newport met on Oct. 30 and agreed to join the boycott (see *The Newport Mercury*, Nov. 6, 1769).

[6] Referring to the Revenue Act of 1767. The duties on glass and paper specified in that act were repealed in 1770 by the act of 10 Geo. 3, c. 17.

[7] The Sugar Act of 1764, whose preamble begins: "Whereas it is expedient that new provisions and regulations should be established for improving the revenue of this kingdom" (26 *SAL* 33). In October, Boston merchants sought to prevail on those in Philadelphia to expand their agreement to include repeal of the Sugar Act of 1764 and 4 Geo. 3, c. 34 (1764): "An Act to Prevent Paper Bills of Credit, Hereafter to Be Issued in Any of His Majesty's Colonies or Plantations in America . . . ," known as the Currency Act (26 *SAL* 103–05). John Hancock traveled to Philadelphia to meet with JD on the matter. Although the Philadelphia merchants agreed that these acts were also objectionable, they refused to make them the object of their resistance at that time. See Schlesinger, *Colonial Merchants*, 131–33.

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From Cecilia Shee, December 18, 1769

D[ea]r Sir

You will please to examine these accounts[1]—I Sent to Dover for them—and believe they are right You know what Bonds they are—that are mention'd with{out} the Sums Carryed out—the Ballence—I Shoud be Infinitely obliged—to pay it to {Mis[te]rs} John & Lambe[rt] Cadwalader[2]—as my Fathers[3] estate yet owes them a Sum of Money— I am Sir your obliged fr[ien]d

Cecilia Shee[4]

Dec[embe]r 18th 1769

ALS (PHi-Logan)

[1] A docket on the address page reads, "John Wilson's / Acco[un]ts," referring to John Willson, the son of Thomas Willson, for whom JD acted as guardian.

[2] Philadelphia merchants John Cadwalader and Lambert Cadwalader (1742–1823) were brothers, business partners, and JD's first cousins. Both served as Patriot officers in the Revolutionary War, and Lambert later represented New Jersey in Congress.

[3] Thomas Parke (d. 1766) was a hatmaker of Dover, Del., and served as a sheriff of Kent Co., Del., in the 1750s.

[4] Cecilia Shee (died c. 1777), a daughter of Thomas Parke of Dover, was the wife of Philadelphia merchant Bertles Shee (c. 1742–1787), whom she had married in July.

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To William Killen, December 20, 1769

Sir,

I shall be obligd to You, if You will immediately sue the Adm[inistratri]x of Cousin W[alter]'s & Cousin W[illia]m's Estates, & Govey Emerson, for their Debts to T[homas] Wilson's Estate, unless they immediately pay You, or give indisputable security. I a great while ago desired You woud be so good as to sue every Debtor to that Estate, whose Circumstances appeared to You to be in the least doubtful.[1] I now earnestly repeat my Request. Jud[gmen]t has been obtained several Years against Robinson's Estate—[2] Not a shilling of Money yet rec[eive]d— My Jud[gmen]t ag[ains]t W[illia]m Hall[3] still older—still unpaid "Inomque abutere, Catilina, patientia nostra"?[4]

I sent You Copies of Rob[er]t Hall's & Govey Emerson's Bonds, which You assigned to me desiring ~~You~~{they} might be sued. If they are not sued, please to have it done directly.

Dec[embe]r 20th—1769[5]

ALDft (PHi-Logan)

[1] Doc. 4:11, above.

[2] Daniel Robinson (Robisson; d. 1764) was a prominent landowner and former sheriff of Kent. Co., Del.

[3] William Hall was a yeoman of Murderkill Hundred, Kent Co. William Killen's accounts indicate that he later received £18.17.8 for the balance of Hall's debt to JD on Jan. 19, 1771 (PHi-Logan).

[4] "*Quousque tandem abutere, Catilina, patientia nostra?*": Lat. "How much longer, Catiline, will you abuse our patience?" (Cic. *Cat*. 1.1)

[5] JD's docketing: "Copy of a Letter sent to W[illia]m Killen Esqr. in Dover."

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Anonymous, Review of *Lettres d'un Fermier de Pensylvanie* in *Éphémérides du citoyen* (Paris), 1769, 10:43–121, [c. December 1769]

In 1769, the editors of *Éphémérides du Citoyen* fell two months behind schedule. Consequently, this commentary on the *Farmer's Letters*, published in *tome* 10, appeared in December rather than October.[1]

Much like the French translation of the *Farmer's Letters* (doc. 4:208, above), the author's discussion of the *Farmer's Letters* does not focus on the political dispute between Great Britain and its American colonies but rather on physiocracy, an economic philosophy that held that land and agriculture were the sources of all wealth and with which *Éphémérides du citoyen* was closely associated. Though largely positive, at several points, the author criticizes JD for being too accepting of taxation and the regulation of trade based on the physiocratic principles of free trade and the single tax (*l'impôt unique*) on land. At the same time, the author also

criticizes JD's position that the American colonists have an absolute right to reject taxes to which they do not consent. The page numbers cited throughout refer to the translated French edition of the *Farmer's Letters*.

EPHEMERIDES
DU CITOYEN
OU
BIBLIOTHEQUE RAISONNÉE
DES SCIENCES
MORALES ET POLITIQUES
1769. Tome Dixième
SECONDE PARTIE
Critiques Raisonnées.
N° PREMIER.

LETTRES *d'un Fermier de Pensylvanie aux Habitants de l'Amérique septentrionale, par M. Dickinson: traduites de l'Anglois.*

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Volume in-12 *de près de* 300 pages, *qui se trouve à Paris, chez* Lacombe[2]
Libraire, rue Christine.

NOUS avons annoncé ce livre dans notre *sixieme volume* de cette année (pag. 257),[3] & il nous tardoit beaucoup d'en rendre à nos Lecteurs un compte plus détaillé. Ils y trouveront des particularités intéressantes sur un fait qui peut de jour en jour devenir plus intéressant. Ils y apprendront à connoître un peuple qui n'a qu'à peine un siecle & demi d'existence, & qui peut-être est déjà le plus respectable de tous les peuples. C'est celui des Colonies Angloises dans l'Amérique Septentrîonale. On dit que nous sommes prevenus en faveur de ces Amériquains. Pour justification nous rappellerons les réponses si nobles & si précises de M. FRANKLIN au *Parlement d'Angleterre* (5),[4] & nous offrirons ces

5) Voyez en la Traduction dans nos septieme

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Lettres a lire. Nous osons croire que ceux qui auront pesé les unes & les autres, partageront, non pas notre prévention, mais notre estime & notre vénération, pour des hommes dont la sagesse est si vigoureuse & le courage à la fois si ferme & si doux. Ce caractère, qui peut donner une idée de la dignité dout l'espece humaine est susceptible, est celui de la nation florissante, qui peuple de trois millions d'hommes heureux, ces belles contrées, *dont* pour nous servir d'une expression du *Traducteur de* M. DICKINSON, *les habitants les plus distingués, par leur nombre & par leur*

industrie, *il n'y a pas cent ans*, *étoient des Castors*.

Un grand Naturaliste, & peut-être encore un plus grand Ecrivain, a employé des raisonnements très spécieux pour prouver que l'Amérique étant un pays fort couvert de bois, & qui a beaucoup de grandes rivieres, de

& huitieme Volumes de l'année derniere.

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lacs & de marais, devoit n'avoir que des hommes inférieurs en tout à ceux du reste du monde, & sur tout à ceux d'Europe.[5] Sans relever ici les observations particulieres, par lesquelles il semble quelquefois démentir lui même, ce principe qu'il pose comme général; nous prendrons la liberté de lui représenter que les habitants des Colonies Angloises de l'Amérique Septentrionale, qui forment un grand peuple, sont au physique & au moral, peut être les mieux constitués qu'il y ait sur tout le globe. Nous avons vu plusieurs de ces hommes, & de différentes Colonies, & ils nous en ont donné cette idée. Ceux qui n'en ont point vu, peuvent se procurer les écrits de M. FRANKLIN & de M. DICKINSON. Ils peuvent s'informer des succès prodigieux qu'ont eu ces écrits dans la patrie de leurs Auteurs. Ils peuvent songer que le mérite des grands hommes ne se développe que chez les Nations

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déja disposées à en connoître le prix, & à lui rendre les hommages dont il est digne. Chez les peuples brigands & guerriers, on trouve des conquérants & des héros. Les Huns eurent *Attila*, & les Tartares *Gengis* & *Tamerlan*.[6] Chez les peuples où l'on peut influer sur les affaires publiques par la parole, on a des Orateurs: témoins les Grecs, & les Romains du tems de la République. Dans les pays où le Gouvernement trop peu éclairé, détourne l'activité de la nation vers des objets frivoles, de peur qu'elle ne s'occupe du bien de l'Etat, il naît de toutes parts de grands Poëtes & de beaux esprits & des Artistes ingénieux: tels furent ceux du siecle d'*Auguste* & ceux que le *Cardinal de Richelieu* sema en France, & que la magnificence du régne de LOUIS XIV alimenta.[7] On n'a des FRANKLIN & des DICKINSON, & on ne les prise tout ce qu'ils valent, que chez les peuples

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singulierement courageux, modérés & sages: & des peuples qui physiquemet seroient mal organisés, n'auroient aucune de ces qualités. Or, si comme le prétend *M. de* BUFFON, le climat s'oppose à ce que les choses soient ainsi: il faudra convenir, ce que nous croyons très fort, que la bonté du Gouvernement influe beaucoup plus

sur les hommes que le climat.

On nous dira peut-être que ces *Amériquains*, qui se montrent si dignes de l'estime universelle, ne sont que des *Européens dégénerés*. Oui, *dégénerés*: comme le bled, que l'on prétend aussi n'être qu'un *gramen*, originairement de peu de valeur, mais *dégéneré* par la culture; ou comme les fruits délicieux & salubres de nos vergers sont *dégénerés* du *sauvageon* dont ils rent leur origine. Puissions nous *dégénerer* à leur exemple, de la barbarie qui depuis si long-tems afflige nos climats!

C'est cette barbarie même qui a forcé

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des hommes persécutés, de chercher une retraite dans un autre hémisphere, & d'aller cultiver la terre & la paix fraternelle au fond des bois du nouveau monde. "L'intolérance Européenne," dit très bien, & dans une Préface excellente, le sage *Traducteur* des *Lettres* du Fermier de Pensylvanie, "l'intolérance Européenne a fait les principaux frais de la population de l'Amérique Angloise. La *haute commission* des Episcopaux, sous *Charles I*, donna la chasse à une multitude de *non-conformistes Anglois* & *Ecossois*, de différentes sectes, qui allerent fonder la *nouvelle Angleterre*, vers l'an 1628. La même espece d'Inquisition protestante occasionna une semblable émigration de Catholiques, qui, sous la conduite du *Lord Baltimore*, fonderent le *Maryland* en 1631.

"La *Pensylvanie*, aujourd'hui si florissante, ne fut fondée qu'en 1681,

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par *Guillnume* PEN, à la tête de *cinq cents* QUAKERS persécutés dans leur patrie, & qui furent bientôt suivis d'environ *deux mille autres*.

"Vers le même tems, un grand nombre de Protestants réfugiés d'Allemagne, & sur-tout du Palatinat, trouverent un asyle à la *Nouvelle Yorck*: & la *Virginie*, la plus ancienne de ces Colonies, fut pareillement récrutée de quantité de *François* réfugiés, après la révocation de l'Edit de Nantes, en 1685.

"Le *Lord Baltimore*, avec ses Catholiques, donna le premier à l'Amérique l'exemple de la tolérance chrétienne, qui a fait la base de sa félicité: mais c'est sur-tout aux *Quakers* que l'on doit l'établissement de la pleine liberté de conscience & de la paix fraternelle, son inséparable compagne, qui, de leur Colonie de *Pensylvanie*, s'est répandue

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successivement dans toutes les autres Colonies Angloises.

"Est-il surprenant que son exemple ait fait impression? Quoique sa fondation

ne remonte pas encore à un siecle, on l'estime déja *quatre fois plus riche*, elle seule, que ces trois fameuses conquêtes des Anglois, la *Canada*, l'*Acadie* & la *Floride*, toutes ensemble.

"Indépendamment de l'affluence des nouveaux Colons, que la douceur du Gouvernement de la *Pensylvanie* y attire de jour en jour, ses plus grandes ressources, sont & seront toujours en elle-même. Comme le pays est grand, le sol fertile, l'air sain, la liberté assurée, tous les hommes s'y marient, & tous se marient jeunes, n'ayant aucune inquiétude sur l'établissement de leur famille, si nombreuses qu'elle puisse être; de sorte que chaque mariage produisant

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aisément *quatre* à *cinq* nouveaux sujets, le nombre des hommes y double au moins de *vingt* en *vingt* ans.

"La plupart des autres Colonies Angloises, soit pour être moins heureusement situées, ou moins sagement régies, ne prospérent pas autant; mais il passe pour constant, que le fort compensant le foible, la somme totale des habitants de ces Colonies double tous les *vingt-cinq* ans.

"Le continent de l'Amérique Septentrionale est si vaste, qu'avant que la terre y manque à ses habitants, il faudra qu'elle soit beaucoup plus peuplée que n'est aujourd'hui l'Europe entiere."[8]

Le Traducteur démontre par un calcul fort simple que cet événement ne se fera guére attendre plus d'un siecle. Encore dans ce calcul ne fait-il point entrer les transmigrations, qui ne manqueront pas de continuer jusqu'à ce que tous les Souverains d'Europe ayent achevé de

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prendre des mesures efficaces, pour que le métier d'*homme* soit aussi bon dans leurs Etats, que sur les bords de la riviere *Délaware*; comme ils paroissent généralement commencer à s'y disposer.

Le judicieux Traducteur observe néanmoins que l'accroissement naturel de la population Amériquaine peut rencontrer des obstacles qui en arrêtent la progression. Telles feroient, 1°. le défaut de nouvelles terres propres aux défrichements; mais celui-là n'est guére présumable dans un pays si étendu, 2°. Le luxe, dont l'introduction détourneroit une partie des capitaux & des dépenses de l'usage le plus profitable à l'agriculture, & qui d'ailleurs introduiroit la molesse & les maux qui la suivent toujours, 3°. La jalousie de l'Angleterre même, qui commence à se manifester, & qui pourra susciter à ces Colonies des embarras qui ralentiront au moins leurs progrès.

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Il fait ensuite un exposé de la querelle des Colonies Angloises avec leur Métropole, au sujet du fameux *Acte du timbre*. Nos Lecteurs ont déjà pris une connoissance fort nette de cette querelle, dans les deux interrogatoires de M. FRANKLIN, dont nous avons donné la traduction l'année derniere.

Nous devons cependant leur faire observer que c'est moins l'*acte du timbre* qui a excité le zéle patriotique de M. DICKINSON, que deux autres actes qui ont suivi la révocation du premier; l'un qui suspend l'assemblée législative de la *nouvelle Yorck*; l'autre par lequel le Parlement de la Grande Bretagne impose des droits sur le verre, le papier, &c. que l'ancienne Angleterre s'est attribué le privilége exclusif de fournir à ses Colonies, qui ne sauroient s'en passer.

M. DICKINSON a donné à chacune de ses Lettres un titre particulier,[9] & il les a toutes terminées par des épigraphes

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qui y sont analogues. Il a *affecté* de dater la premiere du 5 Novembre, *jour anniversaire de la descente du Roi Guillaume en Angleterre*. Nous allons parcourir ces Lettres successivement.

PREMIERE LETTRE.
Nécessité de la Concorde.

L'AUTEUR s'annonce comme un Fermier établi, après bien des vicissitudes, sur les bords de la riviere *Délaware*, dans la Province de *Pensylvanie*. Il fait de sa situation & de ses occupations une description intéressante qui le conduit naturellement à l'exposition des motifs qui lui ont fait prendre la plume.

"La bienveillance pour les hommes, *dit-il*, excite des souhaits pour leur bien être, & ces souhaits font cherir tous les moyens qu'on peut avoir de les remplir; on ne peut trouver ces moyens que dans la *liberté*. C'est

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pourquoi sa cause sacrée doit être épousée par chacun de nous en toute occasion & de tout son pouvoir. De même qu'une personne charitable & pauvre ne laisse pas que de fournir son obole, quoiqu'elle ne soit pas capable de soulager toutes les peines des malheureux: ainsi un honnête homme ne sauroit dissimuler son sentiment sur la liberté, quelque peu d'influence qu'il doive avoir."

Après ce début modeste, il entre en matiere: "j'ai observé avec la plus grande surprise, que l'on a fait peu d'attention à un certain acte du Parlement, aussi contraire dans son principe aux libertés de nos Colonies, que l'étoit l'acte du *timbre*. Je veux parler de l'acte qui suspend la législation de la *Nouvelle Yorck*."

Cet acte fut passé au Parlement, sur ce que l'assemblée de la *Nouvelle Yorck*, en délibérant de faire donner aux

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troupes que la Grande Bretagne a envoyées dans cette Province, toutes les provisions que le Parlement Britannique avoit ordonné qui leur fussent fournies, en a seulement, pour constater son droit de se *taxer* elle-même, retranché trois articles de peu de conséquence, savoir le *sel*, le *poivre* & le *vinaigre*.

"Si le Parlement de la Grande Bretagne (dit M. DICKINSON, p. 5 & 6) a une autorité légale pour nous ordonner de fournir un seul article aux troupes employées ici, & pour nous obliger d'obéir à un tel ordre: il a le même droit de nous ordonner de fournir ces mêmes troupes d'armes, d'habillements, & généralement de tout ce qui leur est nécessaire, & de nous obliger d'obéir à ce nouvel ordre; en un mot, de nous imposer tel fardeau qu'il lui plaira. N'est-ce pas la même chose que s'il nous *taxoit* à une certaine somme, en nous

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laissant seulement le choix de la maniere de la lever? En quoi ce moyen est-il plus supportable que l'*Acte du timbre*? Cet acte eut-il paru plus agréable aux Amériquains, si en leur ordonnant de lever la somme totale des taxes, on leut eût laissé le noble privilége de déterminer combien on payeroit pour une piece d'écriture sur du papier, & combien pour une autre sur du parchemin."

Il fait voir ensuite à quel point la cause de la *Nouvelle Yorck*, lui est commune avec celle des autres Provinces de l'Amérique Angloise. "*Cependant*, continue t il (pag. 13), j'ai remarqué avec peine, que deux assemblées de cette Province ont été tenues & ajournées, sans prendre connoissance de l'acte qui suspend les fonctions de celle de la *Nouvelle Yorck*. Peut-être, me demandera t on; qu'auroit-il été à propos que l'on fit? Je ne suis point

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du tout porté aux moyens violens; je les deteste. Je serois fâché que l'on fît rien qui pût justement déplaire à notre Souverain, ou à notre *mere-patrie*, mais faire paroître avec fermeté & modestie un esprit libre, c'est à quoi l'on ne doit jamais manquer dans les occasions qui intéressent le public. Il me semble que notre *assemblée*, n'avoit autre chose à faire que d'ordonner à nos Agens de représenter au Ministre du Roi leur sensibilité au sujet de l'*Acte de Suspension*, & d'en solliciter la révocation. Ainsi nous aurions porté notre témoignage contre cet *Acte*, & nous serions bien fondés à esperer qu'en pareille occasion, nous pourrions recevoir des autres Colonies la même assistance."

Concordiâ res parvae crescunt.

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[60]

SECONDE LETTRE.
De l'essence de la liberté.

L'OBJET de cette seconde Lettre & des suivantes, est encore, non pas plus réellement, mais plus directement commun à toutes les *Colonies* que les Anglois possédent dans l'Amérique septentrionale, puisqu'il s'y agit principalement de l'*Acte du Parlement*, qui les soumet toutes également à payer des droits sur le papier, le verre & sur d'autres marchandises qu'il leur est défendu de tirer d'ailleurs que de la Grande-Bretagne.

Les Chinois disent, avec assez de raison, qu'eux seuls y voient bien clair; que les Européens n'ont qu'un œil, & que le reste de la terre est aveugle. Un homme d'esprit disoit, à-peu-près dans le même sens *On vante beaucoup le Gouvernement d'Angleterre*, *parceque la*

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liberté y sautille sur un seul pied, *& qu'ailleurs elle est cul-de-jattée*.

En effet, la Législation angloise si célebre, est, comme une autre, pleine de contradictions. Aucune autorité ne peut, il est vrai, mettre formellement la main dans la bourse d'aucun sujet de l'Empire Britannique, ni en exiger un seul denier comme *taxe*, sans son aveu, ou celui de ses Représentants. Mais on peut, tant qu'on veut, gêner la liberté de leur commerce & de leurs travaux; les priver du débit de leurs productions, & de l'usage naturel de leurs facultés; les soumettre aux priviléges exclusifs les plus durs et les plus tyranniques, & les écraser sous le faix des monopoles les plus accablants. Et personne, ou presque personne, ne s'apperçoit que ce sont là des manieres très cruelles de *taxer* les gens & de leur enlever leur argent; sans qu'il y ait même le prétexte de fournir aux besoins publics de l'Etat, &

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seulement pour accroitre la fortune de quelque Bourgeois de *Londres*, ou de *Bristol*. Il faut que l'Angleterre pousse l'Amérique à bout, pour que celle ci commence à se douter de la parité complette de ces deux manieres d'attaquer la propriété des Citoyens. M. DICKINSON, lui même, croit encore, ou feint de croire, (pag. 15 & 17.) que "le *Parlement* possede incontestablement l'autorité légale de *réglementer* le commerce de la Grande-Bretagne, & *de toutes ses Colonies* . . . & d'établir des

impositions de droits sur leur commerce . . . pourvû que ces droits ne soient imposés que dans le dessein de *limiter* le commerce d'une part lorsqu'il parait préjudiciable de l'autre . . . & qu'on ne se propose pas de lever un revenu par cette voie." Et il se borne à prouver, par les préambules mêmes des Actes dont il se plaint, qu'ils ont eu précisément & déterminément ce

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dernier objet. C'est-là seulement ce qu'il appelle (pag. 24.) "une innovation de l'espece la plus dangereuse.

"On pourra m'objecter," continue-t-il, "que la Grande Bretagne a droit d'imposer tels droits qu'il lui plait sur ses exportations, & qu'il nous est indifférent qu'on les fasse payer ici où là.

"A cela je réponds: ces Colonies ont besoin de beaucoup de choses pour leur usage, que les loix de la Grande Bretagne leur défendent d'acheter ailleurs que chez elle; tels sont le papier, le verre, &c. On convient que nous pouvons être légalement tenus de payer tous les droits généraux imposés sur ces marchandises, *relativement aux Réglements du Commerce*; mais étant obligés comme nous le sommes, par les loix de la Grande Bretagne, à tirer d'elle seule ces marchandises, *tous droits*

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particuliers que l'on impose sur leur exportation, *par rapport à nous seulement*, *dans l'intention de lever un revenu sur nous seuls*, sont aussi bien des *taxes* imposées sur nous, que l'étoient celles que l'on avoit imposées *par l'acte du timbre*." On voit que M. *Dickinson* n'allegue point de raison contre le monopole de la Grande Bretagne; ni même contre les impositions qu'on pourroit y joindre, avec le motif ou le prétexte de le *modifier* ou d'en resserrer les liens. Il semble que ce n'est que l'abus du monopole même pour lever des taxes, & dirigé dans cette seule vue, qui lui paroisse mériter ses réclamations: quelque estime que nous ayons pour lui, nous croyons qu'il auroit pû mieux remplir le titre de sa lettre, *de l'essence de la liberté*.

S'il a manqué une partie de cet objet, il discute mieux les inconvéniens de l'impôt sur les marchandises, joint au privilége exclusif de les fournir, & à

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l'impossibilité où les Colonies Angloises feroient d'éviter ceux auxquels le Parlement de la Grande Bretagne a voulu les soumettre par l'*acte* dont il s'agit. "Je n'ai entendu parler, (dit il p. 30 & 33), que de deux ou trois Verreries, & d'un très petit nombre de Moulins à papier dans tout ce continent; & supposé que l'on voulut

en établir davantage, il s'écouleroit bien des années avant qu'on put porter ces établissements à leur perfection. Ce continent est un pays de Planteurs, de Fermiers & de Pêcheurs, & non de Fabricans. Il y a une difficulté presque insurmontable à établir des manufactures particulieres dans un tel pays; car chaque espèce de manufacture est tellement relative aux autres, qu'on peut dire qu'il est impossible d'en établir une ou deux, sans en établir une quantité d'autres: l'expérience de la plupart des Nations peut nous convaincre de

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cette vérité. Nous nous jetterions donc dans des embarras inexprimables pour éluder le dernier *acte*, en cessant de nous servir du papier & du verre de la Grande Bretagne; & ce ne sera pas là le dernier terme de notre infortune, si nous admettons cet *acte* comme *légal*.

"Il nous est défendu de tirer des marchandises de toutes autres manufactures, que de celles de la *Grande Bretagne* seule, à l'exception des toiles qu'il nous est permis d'importer directement d'*Irlande*. Il nous est défendu, par rapport à quelques articles, de les fabriquer par nous-mêmes; & on peut étendre cette prohibition à d'autres articles. Nous sommes donc exactement dans la situation d'une Ville assiégée, qui est investie de toutes parts par les ouvrages des assiégeans, à l'exception d'un seul côté: si l'on ferme ce passage, il n'y

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a plus d'autre ressource que *de se rendre à discrétion*. Si la *Grande Bretagne* peut nous ordonner de tirer d'elle les choses qui nous sont indispensablement nécessaires, & si elle peut en même-tems nous ordonner de payer telles taxes qu'elle jugera à propos, soit avant d'enlever ces marchandises, soit en les débarquant ici; nous sommes d'aussi vils esclaves, que ceux que l'on voit en Pologne & ailleurs, avec des sabots à leurs pieds, & avec des buissons de cheveux qui ne furent jamais peignés."

Il cite l'exemple des Peuples de Sardaigne, auxquels les Carthaginois qui les avoient soumis, défendirent de semer du bled & d'en tirer d'ailleurs que de Carthage. "Après quoi, en imposant des droits à leur gré sur une denrée si nécessaire, ils tiroient de ces pauvres gens telles sommes qu'il leur plaisoit, & toutes les fois que ce

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Peuple opprimé faisoit le moindre mouvement, pour recouvrer sa liberté, ses tyrans l'affamoient jusqu'à la mort, ou à l'entiere soumission: on peut appeller cela *un parfait modele de contrainte politique*. . . ."

"Tout considéré," dit-il en terminant cette Lettre, "la question se réduit à savoir si le Parlement peut imposer légalement des droits, *pour être payés par le Peuple de ces Colonies seulement*, ou en d'autres termes, si le Parlement peut *légalement* tirer de l'argent de nos poches, sans notre consentement? S'il le peut, notre liberté tant vantée n'est plus que:

"Vox, praetereàque nihil."

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[69]

TROISIEME LETTRE.

Moyens de défendre ses droits.

NOUS devons rapporter une partie de l'Exorde & beaucoup de morceaux de cette Lettre excellente.

Après avoir remercié ses compatriotes de l'attention qu'ils ont faite à ses deux précédentes, M. *Dickinson* commence celle-ci par les assurer qu'il n'est pas plus intéressé qu'un autre dans tout ce qui affecte l'Amérique. "Si elle perd sa liberté (pag. 38), je puis la quitter plus facilement que la plupart d'entre vous. Mais tant que la divine Providence, qui m'a donné l'existence dans un pays de liberté, laissera à ma tête la faculté de penser, à mes levres celle de parler, & à mes mains celle de se mouvoir; je suis trop pénétré de reconnoissance du bien inestimable que j'en ai reçu, pour ne pas prendre

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garde de paroître donner, par mon silence & mon inaction, un consentement implicite à un acte capable de dégrader & mes freres & moi-même, du droit de notre naissance, que nous tenons du ciel, *qui nous a fait libres*."

Quelques personnes témoignoient de l'inquiétude sur l'objet de ces Lettres, & paroissoient craindre qu'elles ne conduisissent a des démarches violentes & propres à attirer encore de plus grands malheurs sur le pays déja opprimé. C'est à ce sujet que l'Auteur expose le véritable objet de ces Lettres, à ce qu'il nous parait, avec toute la dignité de la sagesse amériquaine. L'histoire prouve que dans ces cas extrêmes, toutes les Nations du monde ont crié *aux armes*. Nos vertueux Amériquains se contentent de s'exhorter mutuellement à *défendre la liberté & la vérité par la raison*; & leur raison, en effet, est assez vigoureuse, & ils voyent d'assez haut & assez

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loin, & ils sont assez maîtres de leurs passions pour être convaincus que *la raison*

& *la justice* manifestées avec évidence, & réclamées clairement, unanimement & fortement par tout un Peuple, peuvent, & doivent même être, en général, plus fortes que les *bayonettes* & les *canons*, & forcer à la fin ceux-ci de se taire. "Mon but," dit M. *Dickinson*, pag. 41, "est de convaincre le Peuple de ces Colonies qu'il est, dans ce moment, exposé au plus éminent danger, & de lui persuader de s'élever immédiatement, vigoureusement & unanimement, de la maniere la plus ferme, *mais la plus pacifique*, pour obtenir du soulagement.

"La cause de la liberté est une cause trop remplie de dignité, pour être fouillée par les troubles & les soulevements: elle doit être maintenue d'une maniere assortie à sa nature.

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Ceux qui s'y engagent doivent respirer un esprit calme, mais vif, qui les anime des actions de prudence, de justice, de modestie, de bravoure, d'humanité & de magnanimité.

……...…….

"J'espere, mes chers compatriotes, (pag. 42.) que vous vous tiendrez en garde contre ceux qui pourroient chercher, en quelques tems que ce soit, à vous pousser, sous prétexte de patriotisme, à des démarches peu respectueuses envers notre Souverain & notre *mere-patrie*. Des procédés ardents, précipités, irréguliers, font tort à la réputation d'un Peuple, quant à la sagesse, à la valeur & à la vertu, sans lui procurer le moindre avantage. Je prie Dieu de vous inspirer, & à votre postérité, jusqu'aux siecles les plus reculés, cet esprit dont j'ai une idée, mais qu'il m'est difficile de rendre. Pour l'exprimer, autant

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qu'il est en moi, j'entends un esprit qui nous guide de façon qu'il soit impossible de déterminer si le caractere d'un Amériquain se distingue le plus par sa fidélité à son Souverain, sa soumission à sa mere-patrie, son amour pour sa liberté ou son affection pour son pays natal.

"Il n'y a point de Gouvernement qui ne se laisse entraîner tôt ou tard en de fausses démarches, qui peuvent provenir ou d'erreur ou de passion; mais de telles demarches ne sont point capables de dissoudre le nœud qui lie ceux qui gouvernent à ceux qui sont gouvernés. Les erreurs peuvent se corriger; les passions peuvent s'amortir. Il est du devoir de ceux qui sont dépendans de travailler à rectifier les erreurs, & à calmer les passions. Ils n'ont d'abord d'autres droits que celui de représenter leurs griefs & d'en demander le

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redressement; à moins que la conjoncture ne soit trop urgente pour laisser le tems de recevoir la réponse à leurs requêtes, ce qui ne peut être que fort rare. Si l'on n'a point d'égard à leur réquisition, ce cas paroît justifier une sorte d'opposition qui peut se faire sans enfreindre ses loix, ni troubler la paix publique. Cette opposition consiste, non pas à punir les oppresseurs, mais à les empêcher de tirer avantage de leur oppression; car l'expérience peut les instruire mieux que la raison, & les moyens violens ne sauroient jamais convenir, jusqu'à ce que de plus doux ayent échoué.

"Si à la longue il est indubitablement constaté que l'on ait formé une résolution invétérée d'anéantir les libertés du Peuple subordonné, l'histoire d'Angleterre fournit, il est vrai, de fréquens exemples d'une résistance à

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force ouverte. Quelles circonstances peuvent justifier une telle résistance dans aucun cas à venir? C'est de quoi on ne peut jamais juger, que la chose ne soit arrivée. Peut-être seroit-on fondé à dire en général, que *rien ne peut la justifier*, jusqu'à ce que le Peuple soit pleinement convaincu que la soumission ultérieure seroit la ruine entiere de sa félicité. Quand on a une fois appellé à la décision du glaive; il est extrêmement probable que la punition excédera le délit, & que les calamités qui s'ensuivront de la guerre, surpasseront celles qui l'auront fait entreprendre. Ces considérations de justice & de prudence feront toujours la plus grande impression sur l'esprit des hommes sages & honnêtes. . . .

"Nous ne saurions agir avec trop de circonspection dans nos disputes. L'aigreur produit l'aigreur: & les

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différents qui pourroient être accommodés par une conduite honnête et respectueuse, peuvent être poussés par imprudence jusqu'à un point de fureur irrémédiable. . . . Les moyens légitimes d'obtenir du soulagement sont ceux dont je désire qu'on fasse usage dans l'occasion présente: ils consistent en des réquisitions adressées par nos assemblées ou (dans le cas où l'on ne permettroit pas de les convoquer), par le peuple même aux Puissances qui peuvent nous donner du soulagement. . . . Comportons-nous comme des enfants respectueux qui ont reçu, sans le mériter, un souflet d'un pere chéri; plaignons-nous à notre pere; mais que nos plaintes parlent tout à la fois le langage de l'affliction & du respect.

"S'il arrive néanmoins, par un cours infortuné d'événemens, que nos requêtes à *Sa Majesté* & au

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Parlement, pour le redressement de nos griefs, ne produisent aucun effet, faisons un autre pas en avant, en privant la Grande Bretagne de tous les avantages qu'elle a coutume de retirer de nous. Essayons si notre ingénuité, nos travaux & notre frugalité ne donneront pas du poids à nos remontrances. Soyons tous unis dans une même cause, par un même esprit; inventons, travaillons, économisons, persistons en même tems dans nos réclamations, & renouvelons incessamment nos plaintes. . . .

Nil desperandum."

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[78]

QUATRIEME LETTRE.
Taxes directes & indirectes.

CETTE lettre roule sur la définition du mot *taxe*. L'Auteur appelle dans le cas dont il s'agit, *taxes directes & internes*, celles qui sont levées sur les Colonies & chez elles; & *indirectes & externes*, celles que la Grande Bretagne fait payer sur l'exportation des marchandises qu'elle envoie dans ces Colonies, & qu'elle les empêche de tirer d'aucun autre pays, ou même de fabriquer chez elles. Il fait voir que la grande Bretagne n'a pas plus de droit pour imposer sur les Colonies une de ces especes de taxes que l'autre. Ses preuves sont tirées de la constitution Britannique & de l'histoire même d'Angleterre. Nous ne le suivrons pas ici dans cette discussion, qui trouvera mieux sa place dans la continuation de notre *Histoire abrégée*

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des Finances de l'Angleterre, que nos Lecteurs veulent bien regarder avec indulgence, & dont nous leurs mettrons incessamment quelques Chapitres sous les yeux. M. DICKINSON cite vers la fin de cette Lettre, sans s'en plaindre, mais pourtant de maniere à faire connoître qu'il en sent la dureté, quelques uns des priviléges exclusifs que la Grande Bretagne s'est réservés. On ne croiroit pas que l'Angleterre empêche les Colonies de commercer *entr'elles* le *drap* même qu'elle leur porte, & les *chapeaux*, dont la matiere premiere est une des productions de leur pays. On ne croiroit pas qu'elle leur a défendu de fabriquer, *avec le fer de leurs mines*, aucun instrument de fer ou d'acier. Les expressions de l'acte du *Parlement Britannique* qui porta, en 1750, cette terrible prohibition, sont remarquables; "*& afin que le fer en gueuses & en barres provenant des Colonies de sa Majesté*

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en Amérique, *soit ultérieurement fabriqué dans ce Royaume*, *qu'il soit ordonné . . . qu'aucun moulin ou autre machine pour fondre ou pour tourner le fer*, *ou forge à laminer*, *ou façonner avec l'enclume & le marteau*, *ou fourneau pour faire de l'acier*, *ne sera établi*, *ou étant établi ne sera entretenu dans aucune des Colonies de sa Majesté en Amérique*." Ceux qui après avoir lu ces paroles, seroient tentés d'aller chercher la liberté sous la protection du *Parlement de la Grande Bretagne*, vivent sans doute dans des pays où l'on en ignore jusqu'à l'idée. M. DICKINSON prouve très bien, qu'avec une telle législation, que l'Angleterre peut étendre sur d'autres objets, il seroit impossible aux Amériquains d'éluder les *taxes* qu'on mettroit sur les exportations angloises. Il en conclut la nécessité de se tenir fortement attaché au droit commun de l'Angleterre, qui ne permet pas

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que les Peuple soyent taxés sans le consentement de leurs Représentants. Nous avons les Loix britanniques, dit-il:

"Habemus Senatus Consultum, tanquam gladium in vaginâ repositum."

CINQUIEME LETTRE.
Possession constante des Colonies.

NOUS avons passé rapidement sur la Lettre précédente, nous ne nous arrêterons guères plus sur celle-ci, dans laquelle l'Auteur s'appuye d'un autre moyen, pour établir l'indépendance des Colonies touchant les *taxes*: c'est la conduite invariable des Parlements & des Ministres, depuis la fondation des Colonies jusqu'à l'entreprise de M. *Greenville*. Dans toute cette longue période, la Grande Bretagne n'a fait aucun Statut *dans la seule vue de lever un*

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revenu sur ces Colonies; malgré les guerres longues & dispendieuses qu'elle a soutenues, & quoiqu'elle ait été: "*troublée*," dit M. DICKINSON, "*par quelques Parlements tumultueux & entreprenants*, *& gouvernée par plusieurs Ministres audacieux & pervers* (pag. 66.)." Il en cite plusieurs exemples, qui prolongeroient inutilement cette analyse.

Nous rapporterons seulement une réflexion qu'il a placée à la fin de cette Lettre (pag. 76.).

"Jusqu'ici la Grande Bretagne s'ètoit contentée de sa prospérité; la modération avoit été la régle de sa conduite. Mais à présent, un Peuple humain & généreux, qui a si souvent protégé la liberté des étrangers, se laisse emporter jusqu'à vouloir

arracher, à ses propres enfants, un privilége qu'ils pensent qu'on ne peut leur enlever sans les réduire à l'esclavage. Et pourquoi? Pour un

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pouvoir pernicieux, qui ne lui est point nécessaire, comme sa propre expérience peut l'en convaincre, & qui est pour eux un objet d'exécration & d'effroi. . . .

"Mens ubi materna est?"

SIXIEME LETTRE.

AU commencement de cette Lettre, l'Auteur accorde que le Parlement de la Grande Bretagne peut avoir le droit de mettre des taxes sur les marchandises des Colonies à leur arrivée, ou à leur consommation en Angleterre. Cette idée prouve, ou que les vrais principes de l'impôt ne sont pas encore entierement connus en Amérique, ou que les Habitants de ce pays sont diposés à sacrifier une partie de leurs droits, par amour pour la paix, ou peut-être qu'il entre un peu de l'une & de l'autre raison dans les motifs qui les déterminent.

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M. DICKINSON prévient ensuite une conséquence qu'on pourroit tirer de ce que les Amériquains ne contestent pas à l'Angleterre le droit de *réglementer le* commerce, & dans cette vue même d'y mettre des impôts. "Il est vrai" (*dit-il pag*. 80.) "qu'il pourra se faire par la suite, que des impositions pour lever un revenu, seront intitulées *Réglements de Commerce*; mais les noms ne changent point la nature des choses. Nous devons être fermement persuadés, parceque c'est une vérité indubitable, confirmée par la malheureuse expérience de plusieurs Etats jusqu'alors libres, qu'*à moins que l'on n'y veille avec la plus grande attention*, *on peut nous glisser une nouvelle servitude sous la sanction de termes usités & respectables*. . . . chaque nouvelle usurpation s'autorise d'une précédente: *ce qu'on appuie aujourd'hui par des exemples*, disoit Tacite, *en*

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veillissant deviendra exemple à son tour." C'est ce que l'auteur appelle très bien la *politique des usurpateurs*: titre qu'il a donné à sa Lettre entiere.

"Il n'est que trop vrai," (*ajoute-t-il*, *pag*. 82.) "que les formes de la liberté peuvent rester, lorsque la substance en est perdue." Nous nous permettrons d'observer que cela n'est vrai que chez les Peuples ignorants, où la liberté ne pourroit exister que précairement & transitoirement; car la premiere condition

de la liberté est la connoissance du *droit* & de la *justice*. Cette connoissance une fois établie par l'instruction générale, on sait combien le droit de l'entretenir est sacré, & la liberté de penser, de parler & d'écrire devient la base & le garant de toutes les autres libertés. Elle éclaire également tous les Membres de l'Etat gouvernant & de l'Etat gouverné: ce qui fait que personne n'a l'envie, ni le pouvoir, de toucher à la

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substance de la liberté non plus qu'à sa forme.

SEPTIEME LETTRE.

APRÈS un préambule dans lequel M. DICKINSON fait voir que les Communes de la Grande Bretagne n'ont jamais pu stipuler pour celles d'Amérique; & qu'elles ont toujours décidé avec beaucoup de négligence & de légereté de ce qui regardoit les Amériquains: il entre dans une discussion fort intéressante au sujet de la nature des droits sur les marchandises & les consommations. Nous allons transcrire tout ce qu'il en dit, & nous invitons les partisans de cette forme d'imposition, l'Auteur des *Principes & Observations économiques*,[10] & surtout le *Directeur des Fermes de N****.[11] qui dans leurs Ecrits ont tant préconisé ces impôts, de vouloir bien apporter quelqu'attention à la lecture de ce passage. Il se trouve

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à la p. 93 & suivantes. "Il y a deux manieres d'asseoir des *taxes*: l'une directe, qui consiste à imposer une certaine somme sur des especes particulieres de biens, ou à cottiser les personnes à de certaines sommes; l'autre *indirecte*, qui consiste à imposer une certaine somme sur des marchandises de diverses especes, & à la faire payer par le vendeur.

"Lorsque quelqu'un paye la premiere espece de taxes, *il sait avec certitude*, qu'il paye tant d'argent *pour une taxe* . . . ; & c'est pourquoi cette sorte de taxe a coutume de déplaire au Peuple.

"On est soumis à l'autre sorte de *taxe*, d'une maniere fort différente. L'acheteur d'un article ne fait guère de réflexion que le vendeur en rehausse le prix, pour l'indemniser de la taxe qu'il a à payer; cet acheteur sait que les prix des choses varient

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continuellement; & s'il pense à la taxe, il s'imagine en même-tems que, selon toute vraisemblance, on auroit pu lui faire payer cet article tout aussi cher, quand il n'eut pas été taxé. Il remporte, pour son argent, quelque chose de visible, &

qui est à son gré; & la taxe est tellement confondue avec le prix, qu'il n'en sauroit faire la distinction, ou qu'il ne voudroit pas se donner la peine de la faire.

"Cette maniere de *taxer* est donc assortie aux Gouvernements *arbitraires* & *oppressifs*. L'amour de la liberté est si naturel au cœur humain, que des tyrans insensibles, se croyent obligés d'ajuster leurs plans, autant que faire se peut, aux apparences de la justice & de la raison, & de *tromper* ceux qu'ils ont résolu de ruiner ou d'opprimer, en leur présentant un malheureux simulacre de liberté, lorsqu'ils en ont perdu l'inestimable original.

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"Cette politique n'échappa pas à l'inique et cruel Néron. Ce monstre, appréhendant que ces crimes ne missent son autorité & sa vie en danger, jugea à propos de faire quelques actes populaires, pour s'assurer de l'obéissance de ces sujets. *Entr'autres choses*, dit Tacite, *il fit remise du vingt-cinquieme du prix des Esclaves achetés*. *Mais cette remise fut plutôt en apparence qu'en réalité*; *car*, *ayant ordonné que le vendeur payeroit ce vingt-cinquieme*, *il devint partie du prix pour l'acheteur*. . . .

"D'autres Nations, (pag. 96.) ont été traités à cet égard comme les Romains. Ces honnêtes & laborieux Allemands, établis en différents endroits de ce continent, peuvent nous apprendre que ce fut cette sorte de *taxes* qui les *chassa de leur pays natal*, & leur fit chercher un réfuge dans nos forêts, alors le siége d'une parfaite liberté. Leurs Princes

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emflammés par la convoitise de l'autorité, & par celle de l'avarice, (deux furies qui plus elles se gorgent, moins elles se rassasient,) transgresserent les bornes dans lesquelles ils auroient dû se contenir pour leur propre intérêts. . . ."

HUITIEME LETTRE.

Le pour & le contre des nouvelles Conquêtes.

LE Fermier de Pensyvanie discute ici le pour & le contre des conquêtes des Anglois dans l'Amérique septentrionale, il met en évidence, que ces acquisitions sont plutôt préjudiciables qu'utiles aux Colonies de ce continent.

"Les Colonies ont donné à la Grande Bretagne l'assistance la plus vigoureuse dans la derniere guerre qu'elle avoit *entreprise uniquement pour son avantage propre*. Si elle a en effet eu

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quelques avantages, ils ont été pour elle uniquement; mais les animaux subalternes qui ont chassé avec le lion, ont été amplement récompensés de toutes les sueurs & de tout le sang que leur fidélité leur a couté, par l'honneur d'avoir sué & saigné en si belle compagnie (pa. 113.).

"Ces Colonies, dans le tems qu'elles étoient beaucoup plus foibles, se défendoient d'elles-mêmes avant qu'on eût fait cette conquête, & auroient pû continuer à se défendre de même contre tout ce qu'on auroit pu proprement appeller leurs ennemis. . . .

"Le plus fort dénombrement que j'aie vu du Peuple du Canada, ne monte pas à plus de *quatre-vingt-dix mille hommes*; à peine peut-on dire qu'il y ait dans la Floride aucuns habitans: on compte qu'il y en a *trois millions* dans nos Colonies, par conséquent notre force doit croitre en

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raison inverse de la leur, ce qui devoit nous mettre dans la plus grande sureté.

"Tel étant l'état des choses, je ne puis croire qu'il soit juste que ces Colonies, traversées par tant de calamités, soient chargées de *taxes* pour défendre des pays qui leur sont plutôt nuisibles qu'utiles.

"L'entretien du Canada & de la Floride coute, dit-on, annuellement *un million sterling*, (environ *onze millions cinq cents mille livres de France*). Nous pouvons former d'après cela quelques conjectures sur le fardeau que l'on veut nous imposer; car nous aurons non-seulement à les défendre, les protéger & les assurer, mais encore à pourvoir complettement à acquitter les charges de l'administration de la Justice, & le soutien du Gouvernement civil dans telle de ces Provinces où il sera jugé nécessaire.

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Jamais aucune des Provinces du Canada, de la Nouvelle Ecosse & de la Floride, n'ont été en état de fournîr par elles-mêmes à ces dépenses; & si on leve le droit imposé par le dernier statut, toutes les trois ensemble, (suivant les informations les plus exactes qu'il m'a été possible de me procurer) *ne payeront pas le quart de ce que la Pensylvanie aura seule à payer*. Desorte que les Colonies Britanniques seront saignées jusqu'à la derniere goute du fruit de leurs travaux, pour arroser les sables brulans de la Floride, & les rochers glacés du Canada & de la Nouvelle Ecosse, qui ne nous rendront jamais un liard de ce que nous leur aurons fait passer."

L'Auteur auroit pû ajouter que ces conquêtes si peu profitables aux Anglois d'Amérique, le sont encore moins à ceux d'Europe. Il en a couté pour les faire à la Grande Bretagne, une

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augmentation de *quinze cent millions de dettes* monnoie de France: ce qui est un fait constaté par les papiers publics d'Angleterre, & par l'Ouvrage de M. *Gréenville*, sur les Finances de ce Royaume. L'intérêt de ces *quinze cents millions à trois & demi* pour *cent*, coute annuellement à la Grande Bretagne, *cinquante-deux millions & demi*, monnoie de France. Il paroit par le refus très décidé des anciennes Colonies de l'Angleterre, que celle-ci restera encore chargée du payement des *onze millions & demi* que coutent les établissements civils & militaires des Colonies nouvellement conquises. Il s'ensuit évidemment que les Anglois se sont soumis à lever annuellement pour cet objet sur leurs contribuables un impôt de 64 *millions* de notre monnoie, ou environ *trois millions de liv*. *sterlings* de la leur. Ils levent ces sommes au moyen de droits sur le commerce & sur les consommations, qui, par leur

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nature coutent, nécessairement à la Nation, le double au moins de ce qu'ils rapportent au Fisc. C'est donc environ 128 *millions* de *livres tournois*, ou *six millions de livres sterlings* qu'il en coute d'impôt annuel aux *Francs-Tenanciers* de l'*Angleterre* & de l'*Ecosse*, pour le plaisir d'arborer leur pavillon sur les Forts du *lac Champlain*, & d'avoir des peaux de castor qu'il faut encore payer toute leur valeur aux Sauvages qui les vendent, & plus que leur valeur aux autres Sauvages, appellés *monopoleurs*, qui les vont chercher en Amérique, & en font magasin en Angleterre. C'est pour cela qu'ils ont fait massacrer ou périr de misere *un million* d'hommes dans les quatre Parties du Monde. Mais aussi peut-on dire que c'est bien-là le cas de verser les larmes les plus ameres sur le sang innocent qu'on a fait répandre pour de telles acquisitions.

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NEUVIEME LETTRE.
S'opposer aux progrès du mal.

APRÈS un préambule assez court, cette Lettre commence par une maxime. "Il n'a jamais existé ni pû exister un Peuple libre, sans tenir, pour me servir d'une expression commune, mais énergique, les cordons de sa bourse en ses propres mains." Cette maxime nous paroit très vraie quand elle est bien entendue. Mais elle peut l'être *mal* & nous croyons qu'en général elle ne l'est pas *bien* par les Anglois, & pas beaucoup mieux par ceux d'Amérique que par ceux d'Europe.

On pense dans tout l'Empire Britannique, que le peuple ne tient pas *les*

cordons de sa bourse, s'il ne détermine tous les ans, ou du moins à des époques très prochaines l'une de l'autre, par lui-même ou par ses représentans, la

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some qu'il peut employer aux besoins publics, & s'il ne peut en diminuant arbitrairement cette somme dans de certaines occasions, ou comme le dit M. HUME, cité par M. DICKINSON, (pag. 121) *en refusant des subsides au Roi*, *l'avertir régulierement & pacifiquement*, &c.

Nous croyons, quant à nous, que si l'impôt ne doit en aucun cas être exigé *arbitrairement*, il ne doit non plus jamais être *arbitrairement* refusé. Tout *arbitraire* de quelque part qu'il puisse être émané, nous paroit redoutable en matiere d'impôt. Il y devient une source nécessaire d'injustices, de querelles & de violences réciproques. Il établit un Etat de guerre entre ceux qui gouvernent & ceux qui sont gouvernés. La paix une fois bannie, il n'y a plus de propriété assurée; tout dépend du sort des combats. On passe de la démocratie tumultueuse au despotisme arbitraire, & du despotisme

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arbitraire à une démocratie encore plus tumultueuse. Tel est en deux mots l'extrait complet & raisonné de toute l'Histoire d'Angleterre.

On y voit alternativement des souverains qui disposent selon le caprice de leurs Officiers, des biens, de la fortune, & même de la vie de leurs Sujets, pour la pourvoirie de leur maison, pour étendre les forêts royales & les tenir bien garnies de gibier, pour enrichir quelque favoris. Et puis des sujets mutinés qui veulent avoir la liberté de refuser à l'autorité, les moyens d'être tutélaire, & de remplir ses fonctions paternelles. Et puis un pays, dont les habitants sont assez riches, mais forment un corps politique pauvre; & dont une partie des dépenses publiques, regardées cependant comme très importantes, demeurent à faire, ou du moins à payer, par les fonds annuels de la Nation. Et puis des Ministres adroits, qui

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fomentent de ridicules haines nationales, pour engager des guerres qui les mettent dans le cas de disposer d'un peu plus d'argent. Et puis un Peuple qui, toujours décidé à *refuser* l'impôt présent, se laisse plutôt emporter à mettre en gage ses terres & le produit de ses travaux futurs: des Peres qui débâtissent ce matin, la maison où ils devoient coucher ce soir, & où auroient du loger leurs arriere-petits enfants, pour en jetter les pierres à la tête de leurs voisins. Voilà les maux qu'a versé sur cette Isle célebre, l'envie qu'ont eu ses Souverains, de

la *taxer* sans régle, & de leur seule autorité; & la prétention du Peuple, au droit illimité de refuser l'impôt.

C'est encore cette même envie d'une part, & cette même prétention de l'autre, qui causent la division actuelle de l'Angleterre, & de ses Colonies. Combien de malheurs & d'inimitiés ne

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s'épargneroit pas un Peuple qui concevroit que la portion du produit net des terres, qui est nécessaire au maintien de la chose publique, n'appartient en effet à aucun particulier;[12] puisqu'elle est la condition nécessaire de l'engagement qui lie tous les particuliers les uns aux autres, & qui en forme une SOCIÉTÉ *politique*. Si les Propriétaires, qui sont les premiers Collecteurs établis par la nature pour cette portion qu'elle consacre au paiement des frais qu'entraîne l'autorité sociale, qui doit veiller à ce que les loix naturelles soient observées, & les droits respectés entre les hommes réunis. Si les Propriétaires, disons-nous, vouloient être les maîtres *de serrer à leur gré les cordons de la bourse* qui doit contenir cette part, ils commettroient une injustice; car *cette bourse* n'est pas *la leur*. C'est celle de leurs freres & de leurs enfants; c'est sur-tout celle du foible qu'on pourroit opprimer, & qui

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souvent n'a pas lui-même le moyen de contribuer à former la puissance qui doit cependant garantir ses droits comme ceux des riches, & empêcher que les diverses classes de la société soient entr'elles dans un état de guerre.

Dans les sociétés naissantes, les besoins publics sont très *évidents*; chacun sent vivement l'avantage d'y consacrer une partie du revenu de sa terre. Chacun voit que, sans la protection sociale, il ne pourroit pas y avoir de revenu, puisqu'il n'y auroit pas même de propriété assurée. Et l'on se détermine alors sans effort à donner à l'association publique une part suffisante, pour la mettre à portée de remplir ses fonctions. Si dès lors on statuoit par les loix constitutives & fondamentales de la société, que le *corps politique*, ou si l'on veut, la *communauté publique* jouira à jamais dans le revenu du territoire, d'une part qui soit avec la totalité de ce

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revenu, dans la même proportion que celle que les besoins sociaux lui ont fait adjuger dans ces premiers moments de lumiere générale & nécessaire; il s'ensuivroit que l'intérêt de l'Etat gouvernant seroit toujours évidemment lié à celui de l'Etat gouverné. Car le revenu public croîtroit alors avec les revenus particuliers, &

décroîtroit comme eux, si une mauvaise administration publique forçoit ceux-ci de décroître. Il y auroit donc un thermomêtre sûr pour savoir si le Gouvernement est bon ou mauvais. Et ce thermomêtre seroit dans la main même du Gouvernement; qui se trouveroit *averti*, comme le veulent les Anglois, non parceque *le Peuple*, dont les idées peuvent être inconstantes & injustes: mais parceque *la nature* qui n'est susceptible d'aucune passion, d'aucune prévention, ni d'aucune séduction, refuseroit très pacifiquement, mais très sûrement, très constamment & très irrévocablement à ses Trésoriers, la

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rentrée du revenu ordinaire, lorsqu'on seroit tombé dans des erreurs qui l'auroient fait déchoir. Rien ne seroit plus propre sans doute à inspirer une vigilance paternelle & salutaire, qui l'empêcheroit de décroître souvent.

Il y a mieux, les premiers effets de la protection sociale accordée à toutes les propriétés, accroîtroit nécessairement le revenu des terres, par la sécurité que cette protection donneroit à tous ceux qui voudroient consacrer des travaux ou des avances à la culture. Mais cet accroissement des revenus particuliers augmenteroit donc selon la proportion donnée, le revenu public lui-même. Mais encore, cet accroissement du revenu public, qui dans le commencement ne suffisoit guere qu'à la protection, mettroit à portée de faire des entreprises publiques, profitables, telles que sont les chemins & les canaux les plus nécessaires. A peine ces travaux

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publics seroient-ils achevés, que les débouchés qu'ils procureroient accroîtroient encore les revenus particuliers. Ce qui affluëroit une nouvelle augmentation du revenu public, qui faciliteroit de nouveaux chemins, de nouveaux canaux, des récompenses pour les machines qui ménagent le travail des hommes, & mille autres opérations d'où résulteroit d'autres accroissements des revenus particuliers & publics; avec lesquels, lorsqu'on auroit fait tout le possible pour la prospérité du pays, on étendroit les avances utiles sur d'autres pays, où l'on fonderoit des Colonies laborieuses, qui offriroient de nouveaux objets de jouissances, de nouveaux débouchés & de nouvelles augmentations de revenus. Ainsi la terre entiere s'enrichiroit par dégrés, & de proche en proche se peupleroit d'hommes heureux; & l'on ne pourroit pas dire que l'impôt dont l'emploi auroit

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produit tous ces bons effets, eut cependant pris *un sol* dans *la bourse* de personne. Au contraire; car bien loin d'augmenter *aux dépens* de quelqu'un,

ce seroit lui qui auroit principalement contribué à accroître la fortune *de tout le monde*.

Mais, *dira-t-on*, si l'on assigne perpétuellement à l'impôt une part proportionnelle du *produit net*, (comme *le cinquieme* plus ou moins), & que l'accroissement général des richesses aura porté ce *cinquieme* à une telle somme, qu'elle paroîtra surpasser les dépenses courantes de la société, comment s'assurer que le surplus sera en effet employé à former des entreprises utiles, comme les chemins, les canaux, les ports, les machines? Et comment empêcher que ces sommes ne soient sacrifiées pour enrichir des favoris, pour accroître l'inégalité des fortunes au-delà des bornes naturelles, pour corrompre les mœurs, &c . . . ?

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C'est certainement en cela que consiste la difficulté. Toutes les choses humaines en sont susceptibles. Mais tant que l'impôt sera levé réguliérement & directement, d'après une loi perpétuelle & connue, & toujours dans la même proportion avec le produit net du territoire; tant par conséquent qu'il n'empiétera jamais sur la part que les propriétaires des terres ont dû se réserver dès l'origine de la société, la seule qu'ils se soient transmise, & qu'ils aient pu se transmettre par succession, vente ou donation; l'abus même dans sa dépense ne seroit pas à beaucoup près si redoutable que le seroient les discussions nécessaires & les vexations réciproques qu'entraîneroit un impôt *arbitraire* en quelque chose, soit de la part du Gouvernement, soit de celle des Sujets. D'ailleurs, il n'est nullement impossible de prévenir les abus dans la dépense de l'impôt. A la Chine cette partie de

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l'administration est confiée à une des grandes *Cours Souveraines* de l'Empire, qu'on appelle le *Hou-Pou*.[13] Ce Tribunal auguste, formé d'un grand nombre de Magistrats long-temps éprouvés dans des emplois inférieurs, a sous lui un très grand nombre de Tribunaux subalternes composés avec le même soin: & la législation qui regle la conduite de ces Tribunaux est si bonne, que dans cet Empire immense il y a très peu de déprédations. Tous les travaux publics y sont supérieurement bien entretenus. On n'y voit point ce que nous appellons de grandes fortunes. Il y a de la dignité dans les dépenses publiques de l'Empire & de l'Empereur; mais ses favoris mêmes ne sont pas très riches. Indépendamment de ce qu'en disent les Historiens, on voit dans un roman véritablement *chinois*, & qui par conséquent peut donner plus d'idée des véritables mœurs du pays, que beaucoup

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d'histoires; que le Héros *Tié-chung-u*, fils unique d'un des plus grands Mandarins

de la Cour Impériale, n'a pas en voyageant de quoi payer *un mulet* pour porter sa personne & son bagage.[14] Cela n'est pas fastueux, & cela ne se *supposeroit* même pas dans un pays où les fonds de l'impôt seroient aisément détournés de leur emploi légitime, pour être dispersés en *faveurs*.

La *Chine* n'est pas le seul pays où des Cours souveraines de la plus haute considération soient chargées de répondre de l'impôt & de son emploi au Gouvernement & à la Nation. Ailleurs on a des Cours des Aides[15] & des Chambres des Comptes:[16] institutions admirables & d'autant plus admirables, que la Jurisdiction des unes s'étend sur la levée, & celle des autres sur la dépense de l'impôt. Si ces respectables Compagnies ne produisent pas, par-tout, tout le bien qu'on en pourroit attendre, cela ne

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peut venir que d'un vuide, facile à suppléer, dans la législation.

C'est donc à se procurer des établissement de ce genre, avec une législation plus complette, qu'il nous semble que les Colonies Amériquaines de l'Angleterre doivent songer. Mais ce qui doit sur-tout fixer leur attention est la solution de ce problême. *Vaut-il mieux consacrer à perpétuité aux besoins publics de la société une part proportionnelle*, *claire & distincte*; *des revenus qui naissent par les travaux de tous ses membres*; *de maniere que toute contestation fiscale soit à jamais bannie*; *qu'aucun Citoyen ne puisse se prétendre propriétaire de tout ou de partie de l'impôt qui appartient à la société entiere*, *comme les chemins dont il paie la construction*; *& qui non plus que ces chemins*, *ne doit être laissé en héritage*, *ni acheté*, *ni vendu*, *ni donné*, *par aucun particulier*, *à aucun particulier*; & de maniere aussi que *l'impôt ne puisse rien*

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prétendre sur la propriété particuliere de personne, *ni rien demander à la bourse d'aucun Citoyen*. *Ou vaut-il mieux laisser à jamais la caisse publique confondue dans toutes les caisses des particuliers*; *de maniere que chacun d'eux se croie pleinement propriétaire de l'impôt*, *& l'achete & le vende*, *& le donne & le refuse à son gré*; *de maniere encore*, *que d'une part*, *tous les Citoyens se trouvent directement exposés à toutes les vexations de l'autorité*, *dès qu'elle devient dominante sans regle*, *& que de l'autre part les grands travaux publics qui sont les véritables avances foncieres des Nations*, *demeurent subordonnés aux préjugés populaires*, *à l'esprit de parti*, *aux petites vues étroites*, *à la mesquinerie de l'intérêt particulier exclusif & presque toujours mal entendu?*

La situation où se trouvent aujourd'hui les Colonies Amériquaines, celle de la Grande-Bretagne elle-même, & les diverses révolutions que cet Empire

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a essuyées, peuvent donner de grandes lumieres sur ce problême; & faire voir, pour parler toujours le langage Anglois, que *le plus sûr moyen d'exposer grandement sa bourse*, *est d'y vouloir englober & resserrer ce qui appartient à la bourse commune*.

Avant de quitter cette matiere importante, qui forme le véritable objet des Lettes de M. DICKINSON, pour continuer à suivre le cours de son Ouvrage, il faut encore répondre à une question qu'il pourroit nous proposer. *En supposant l'impôt une fois statué pour toujours par les loix constitutives de la Nation*, *convenablement & proportionnellement au produit net des terres*, *n'y auroit-il cependant aucun cas où la Nation fût obligée de prendre*, *par elle-méme*, *ou par ses Resentants*, *une résolution relative à l'impôt?* Nous croyons qu'il y en auroit un: ce seroit le cas, très rare, où il pourroit s'agir d'ajouter à l'impôt ordinaire &

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régulier, un impôt de subvention. Alors la Nation se trouve replacée comme elle l'étoit au commencement de la Société; où l'évidence des besoins publics lui fit établir & accepter la loi fondamentale de l'impôt. Si l'évidence des nouveaux besoins qui paroissent nécessiter l'impôt de subvention, lui paroit alors moins frappante; on ne voit pas, selon le droit naturel, comment on pourroit se passer de son consentement. Et il semble que ce seroit alors aux chefs à faire face, par leur prudence, par les ressources de la politique, par des alliances, &c. aux circonstances du moment.

Ce cas est précisément celui où se trouvent les Colonies angloises, vis-à-vis du Gouvernement & du Parlement Britanniques. Au fait, ceux-ci voudroient augmenter d'environ *douze millions* l'impôt que payent les premieres. Les Amériquains n'en reconnaissent ni

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l'utilité, ni la nécessité, ni la justice, & ils prétendent qu'on n'a pas le droit de les contraindre. M. DICKINSON en paroit si fortement & si vivement persuadé, qu'il s'écarte un peu dans ce seul endroit de sa modération ordinaire. "S'il n'y a aucun moyen," (dit-il, pag. 138) "de sortir d'une telle situation, que M. *Gréenville* exerce donc encore une fois son imagination féconde. Et comme par une premiere production de son cerveau, il nous a dépouillés de notre propriété & de notre liberté; qu'il nous prive, par une autre, de notre raison. Afin que n'ayant aucune notion de ce que nous avons été & de ce que nous sommes, & n'étant pas déchirés par de cruelles réflexions, nous puissions courber nos cols avec la stupide sérénité des esclaves, à toutes les bassesses qu'il plaira à nos Seigneurs & Maîtres de nous commander."

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DIXIEME LETTRE.

Profit à tirer des Exemples étrangers.

CELUI sur lequel l'Auteur appuie le plus, n'est pas fort *étranger* aux Etats dépendans de l'Angleterre; car c'est celui de l'*Irlande même. Après avoir exposé une partie de la conduite de la Grande Bretagne*, relativement à cette Isle; il conclut ", ceci peut nous faire aisément prévoir à quoi nous devons nous attendre lorsqu'un Ministre aura le revenu de l'Amérique entre ses mains pour en disposer à son gré. Car tout l'argent à lever en conséquence du dernier acte, doit être *employé en vertu d'ordres signés à la main*, *& contre signés par le grand Trésorier*, *ou par trois des Commissaires de la Trésorerie*: *il est vrai que le* reliquat *doit être porté en recette à l'Echiquier*, *&*

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remis à la disposition du Parlement. Ainsi un Ministre n'aura autre chose à faire que de prendre garde qu'il n'y ait *aucun reliquat*; & le voilà à l'abri de toute censure."

Cette lettre finit par un morceau fort piquant, que son étendue nous empêche de transcrire ici; c'est *l'histoire de la décadence des Colonies Amériquaines*, telle qu'on pourroit la faire dans cent ans, si ces Colonies abandonnoient au Parlement Britannique le droit de *les taxer arbitrairement*. Cette histoire amene l'épigraphe.

"Et majores vestros & posteros cogitate . . ."

ONZIEME LETTRE.

SI M. DICKINSON désire que les Colonies Amériquaines apportent une très grande vigilance à maintenir leurs

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droits, c'est, dit-il, qu'il voit dans cette vigilance même un moyen de resserrer leur union avec la *Grande Bretagne*. Il pourroit arriver, par la suite des circonstances, que ce moyen ne réussiroit pas à atteindre son but: cependant les raisons que l'Auteur allègue pour faire voir qu'il y tend directement, sont très fortes & très plausibles.

"Il sera d'autant moîns à craindre qu'aucune séparation entre *l'Angleterre & ses Colonies*, puisse être occasionnée par des discordes civiles, que toute entreprise capable de causer du mécontentement éprouvera séparément, & dans sa nouveauté,

une plus grande opposition. Car en y procédant de cette maniere, toute entreprise de ce genre sera vraisemblablement rectifiée; tandisqu'au contraire, quand on a laissé accumuler les oppressions & les griefs . . . Si jamais les sujets rejettent le fardeau,

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ils feront plus: le peuple ne reforme point avec modération.

"Les droits des sujets ne sauroient être trop souvent examinés, éclaircis ou défendus; & quiconque tâche de le faire, se montre en cela même (qu'elles que puissent être les réflexions précipitées & chagrines d'une prétendue sagesse & d'une prétendue docilité), également ami de ceux qui exercent leur autorité d'une maniere peu circonspecte, & de ceux sur qui on l'exerce ainsi.

"Si tous les points de la prérogative Royale, réclamés par CHARLES *premier*, avoient été séparement contestés & décidés sous les régnes précédens, son sort auroit été, suivant toute apparence, très différent de ce qu'il fut; & le peuple se seroit contenté de cette liberté, qui est compatible avec l'autorité royale" (page 172),

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Une autre raison non moins puissante excite le zéle de M. DICKINSON; c'est celle qu'il a déja indiquée dans sa sixieme lettre, mais qu'il développe & sur laquelle il appuie beaucoup davantage dans celle-ci; c'est le danger de laisser passer *en exemple* une violation quelconque des droits de la nation & de l'humanité. L'histoire de tous les peuples asservis prouve qu'ils ne l'ont été que par dégrés; d'essais en exemples, & d'exemples en nouveaux essais. "Il y a des millions d'hommes qui n'ont d'autre idée de la légalité d'un pouvoir, que celle que l'on fonde sur l'exercice même de ce pouvoir. . . . Tout considéré, quant à moi, je regarde le dernier acte comme une tentative pour sonder nos dispositions. C'est un oiseau lâché sur les eaux pour découvrir si les vagues, qui, dans ces derniers tems ont agité cette partie du monde avec tant de violence,

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sont bien calmées. Si cet avanturier trouve où poser le pied ici . . . nous le verrons incontinent suivi par d'autres de la même espece."

DOUZIEME LETTRE.

NOUS terminerons cette analyse par le résumé des lettres précédentes que l'Auteur présente dans la douzieme d'une maniere très rapide (p. 200).

"Que ces vérités soient gravées dans nos cœurs en caracteres inéfaçables; *que nous ne saurions être heureux sans être libre*; que nous ne saurions être *libres*, sans

être *assurés de nos propriétés*; que nous ne saurions être *assurés de nos propriétés*, *si d'autres ont droit de nous les enlever sans notre consentement*; que *les taxes que le Parlement nous impose nous les*

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enlevent ainsi; que *des droits établis dans la seule vue de lever de l'argent*, *sont des taxes*; qu'*il faut s'opposer immédiatement & vigoureusement à l'entreprise d'imposer de tels droits*; que *cette opposition ne peut jamais être efficace*, *sans la réunion des efforts de ces Provinces*; qu'*en conséquence l'affection réciproque des unes envers les autres*, *& l'unanimité des résolutions sont essentielles à la prospérité de toutes*; & enfin que par cette raison, quiconque d'entre nous tend en quelque maniere que ce soit à encourager la *dissention*, la *défiance*, ou l'*indifférence* entre ces Colonies, est ennemi de *lui-même* & de sa patrie."

NOUS avons pensé que l'intérêt & la curiosité qu'inspirent aux Philosophes, amis de la liberté, les Colonies Angloises de l'Amérique Septentrionnale, feroit approuver l'étendue que nous

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avons cru devoir donner à l'analyse de l'ouvrage de M. DICKINSON. Nous parlerons dans notre prochain volume, de diverses additions qu'y a jointes *le Traducteurs*, parmi lesquelles il se trouve deux mémoires de M. FRANKLIN, & une *Notice de l'Histoire de l'état & des loix de la Pensylvanie*.

[1] Earle E. Coleman, "Éphémérides du Citoyen, 1767–1772," *Papers of the Bibliographical Society of America* 56, no. 1 (1962): 17–45, at 22, 32. The royal censor's approbation of *tome* 10 is dated Dec. 20, 1769.

[2] Jacques Lecombe (1724–1811) was a French bookseller and publisher. In addition to owning several periodicals, including *Le Mercure de France* and *L'Avantcoureur*, Lacombe had many connections to the *philosophes* and was a personal friend of Voltaire.

[3] See doc 4:A97, below.

[4] Referring to Benjamin Franklin's testimony before Parliament about the Stamp Act in 1766. The translation cited in footnote 5 appeared in *Éphémérides du citoyen* (Paris), 1768, 7:34–91 and 8:159–92. *The Examination of Doctor Benjamin Franklin* . . . had been widely printed in America and England in 1766 and 1767 under slightly variant titles. For one, see *PBF*, 13:124–62. The part printed in *tome* 8 begins with question 109.

[5] Referring to Georges-Louis Leclerc, comte de Buffon (1707–1788), whose thirty-six-volume *Histoire Naturelle, Générale et Particulière* (1749–1789) included what came to be known as a theory of New World degeneracy.

[6] Attila (d. 453) was king of the Huns from 434 until his death and is noted for his attacks on the Roman Empire. Genghis Khan (c. 1162–1227) founded the Mongol Empire. Timur or Tamerlane (1336–1405) founded the Timurid Empire in Central Asia.

[7] Armand-Jean du Plessis, cardinal et duc de Richelieu (1585–1642), served as chief minister to French king Louis XIII (1601–1643) from 1624 until his death. Louis XIV became king following the death

of Louis XIII. The two men greatly strengthened France as a major European power.
[8] Doc. 4:208, above.
[9] In fact, the titles are original to the French translation.
[10] François Véron Duverger de Forbonnais (1722–1800) was an influential French economist and administrator. In the 1750s, he contributed several articles to Diderot's *Encyclopédie* and served as inspector-general of the French coinage. A mercantilist, his economic theories were opposed to those of the physiocrats, and his *Principes et Observations Oeconomiques. . . .* , 2 vols. (Amsterdam: M. Rey, 1767) was a critique of the theories of foundational physiocrat François Quesnay.
[11] Nantes. Jean-Joseph-Louis Graslin (1727–1790) was the receiver-general of taxes for the Port of Nantes. His *Essai Analytique sur la Richesse et sur L'impôt . . .* (London, 1767) was critical of the physiocrats.
[12] The importance of the *produit net* (Fr. net product) was a core tenet of physiocratic thought, which held that agriculture was the only human activity that yielded surplus value. They therefore believed that the net product of agriculture was the only determinant of a nation's wealth and that, because land was the only source of wealth, all taxes ultimately fell upon landowners. This, in turn, led them to argue that it was more efficient to eliminate all taxes besides a single tax on the rent of land (*l'impôt unique*).
[13] 戶部 (*Hùbù*): Ch. Ministry of Revenue. One of the six ministries of the Qing government. The physiocrats viewed imperial China as an example of ideal, humane, and rational enlightened despotism based on agriculture. François Quesnay's "Despotisme de la Chine," *Éphémérides du citoyen* (Paris, 1767) portrayed China as an excellent example of physiocratic principles (3:5–88, 4:5–77, 5:5–61, and 6:5–75). See Walter W. Davis, "China, the Confucian Ideal, and the European Age of Enlightenment," *Journal of the History of Ideas* 44, no. 4 (1983): 523–48, at 539–40.
[14] A reference to *Haoqiu zhuan*, a Chinese novel published anonymously in the late-17th century. With the publication of [James Wilkinson and Thomas Percy, trans.], *Hau Kiou Choaan, or the Pleasing History . . .* , 4 vols. (London: R. and J. Dodsley, 1761), it became the first Chinese novel translated into a European language. A French edition, translated from the English—[Marc-Antoine Eidous, trans.], *Hau Kiou Choaan, Histoire Chinoise . . .* , 4 vols. (Lyon: B. Duplain)—was published in 1766.
[15] The *Cours des Aides* (Fr. Courts of Aids) were French sovereign courts primarily concerned with taxation.
[16] The *Chambres des Comptes* (Fr. Chambers of Accounts) were French sovereign courts that dealt with financial affairs, including oversight of the king's accounts and crown lands.

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Denis Diderot, "Sur les lettres d'un fermier de Pensylvanie, aux habitans de L'Amérique septentrionale," in *Œuvres de Denis Diderot, publiées, sur les manuscrits de l'auteur, par Jacques-André Naigeon*, t. 9 (Paris: Desray, et Determille, 1798), 440–46

Denis Diderot (1713–1784), a French *philosophe* known as founder and editor of the *Encyclopédie*, wrote a comment on the French edition of the *Farmer's Letters* in 1769 and probably intended it for the *Correspondance littéraire, philosophique et critique*, but it was only published posthumously in 1798.[1]

SUR LES LETTRES D'UN FERMIER
DE PENSYLVANIE,
aux habitans de l'Amérique septentrionale.

C'EST une grande querelle que celle de l'Angleterre avec ses colonies. Savez-vous, mon ami, par où nature veut qu'elle finisse? Par une rupture. On s'ennuie de payer aussitôt qu'on est le plus fort. La population de l'Angleterre est limitée; celle des colonies ne l'est pas. Avant un siècle, il est démontré qu'il y aura plus d'hommes à l'Amérique septentrionale qu'il n'y en a aujourd'hui dans l'Europe entière. Alors un des bords de la mer dira à l'autre bord: Des subsides? Je ne vous en dois pas plus que vous ne m'en devez. Faites vos affaires, et laissez-moi faire les miennes. Me pourvoir des choses dont j'ai besoin, chez vous, et chez vous seul? Et pourquoi, si je le puis avoir plus commodément et à meilleur prix ailleurs? Vous envoyer les peaux de mes castors pour que vous m'en fasriez [*sic*] des chapeaux? Mais vous voyez bien que cela est ridicule, si j'en puis faire moi-même. Ne me demandez donc pas cela. C'est ainsi que ce traité de la mère-patrie avec ses enfans, fondé sur la supériorité actuelle de la mère-patrie, sera méprisé par les enfans quand ceux-ci seront assez grands.

Voici une exposition abrégée des démêlés présens de l'Angleterre et de ses colonies. Lorsque l'Angleterre avoit besoin des subsides de ses colons, elle faisoit remettre par les gouverneurs d'outre-mer, aux assemblées provinciales, des lettres circulaires écrites au nom du roi, par le secrétaire d'état qui en faisoit la demande. Le parlement s'adressoit aux colonies, précisément comme le roi s'adresse au parlement. Les colonies s'imposoient elles-mêmes. Le parlement a tenté de changer cette taxe volontaire en une taxe arbitraire.

L'assujettissement au papier timbré dans tous les actes civils, fut le premier écart de la forme de réquisition accoutumée.[2] Celui qui forma le projet de lever arbitrairement de l'argent sur les Américains par ce moyen, sentit toute l'opposition qu'il y trouveroit. Pour prévenir cette opposition, l'acte du timbre fut accompagné d'un bill qui autorisoit les officiers des troupes réparties dans les différentes contrées, à loger leurs soldats dans les maisons particulières.[3]

L'acte du timbre n'eut point lieu;[4] quant au bill qui exigeoit des assemblées provinciales de loger des soldats, il fut modifié. L'entrée des maisons fut fermée aux soldats, et les assemblées fournirent aux troupes des provisions; mais chacune à sa manière, sans prendre aucunement connoissance du bill. Elles affectèrent de donner à leur acquiescement la forme d'un acte volontaire et libre. Les gouverneurs d'outre-mer mirent tout en œuvre pour traduire cette conduite comme une rébellion, et le parlement indigné, spécialement contre la province de la Nouvelle-Yorck, ôta à cette province tout pouvoir de législation.[5]

Cependant le projet d'asseoir une taxe arbitraire en Amérique ne fut point abandonné. On en tenta l'exécution sous une autre forme. Les colons sont possesseurs de certaines matières premières qu'ils n'ont ni le droit de manufacturer, ni de prendre ailleurs que chez leur mère-patrie. Ce fut sur ces matières manufacturées qu'on imagina d'établir des impôts.[6] On devoit former un bureau de

péages et envoyer à Boston une légion de commis chargés du recouvrement de ces impôts, qui, selon l'énonciation de l'acte, étoient destinés à payer les honoraires des gouverneurs, juges et autres officiers de la couronne en Amérique, parce que c'étoit une spéculation générale en Angleterre, que ces officiers ne doivent dépendre des colons pour aucune partie de leur entretien.[7] Les Américains furent, comme on le pense bien, révoltés, et de l'impôt, et de l'emploi de l'impôt.

Le démêlé de l'Angleterre avec ses colonies en est là; et c'est pour confirmer les Anglois de l'Amérique dans leur opposition à ces deux points que les lettres du fermier ont été écrites. Ces lettres sont pleines de raison, de simplicité et de véritable éloquence. Elles ont eu quarante éditions à Londres en moins d'une année.[8] Un monsieur Dikinson, qui en est l'auteur, est à peine âgé de trente-trois ans.[9] Il exerce la profession d'avocat à Philadelphie, où il a été surnommé le Démosthène de l'Amérique.[10] En considération de son rôle patriotique, un ecclésiastique de la Virginie lui a envoyé en présent dix mille livres sterlings.[11] Les femmes de Boston ont renoncé aux rubans,[12] jusqu'à ce que cette affaire soit finie. Elle finira comme elle pourra; en attendant, celui qui le premier a mis les colonies dans le cas de prendre leur quant à moi, est un fou.

J'ai été un peu surpris de voir paroître ici la traduction de ces lettres. Je ne connois aucun ouvrage plus propre à instruire des peuples de leurs droits inaliénables, et à leur inspirer un amour violent de la liberté. Parce que M. Dikinson parloit à des Américains, ils[13] n'ont pas conçu que ses discours s'adressoient à tous les hommes. Mon dessein étoit de vous en recueillir les principes généraux; mais je m'en tiendrai à quelques morceaux de la dernière lettre, qui a pour titre: Assoupissement, avant-coureur de l'esclavage.[14] Voici comme elle commence.

"Un peuple marche à grands pas vers sa destruction, lorsque les particuliers considèrent leurs propres intérêts comme indépendans de ceux du public. De telles idées sont fatales à leur patrie et à eux-mêmes. Cependant combien n'y a-t-il pas d'hommes assez foibles et assez vils pour croire qu'ils remplissent tous les devoirs de la vie, lorsqu'ils travaillent avec ardeur à accroître leurs richesses, leur puissance et leur crédit, sans avoir le moindre égard à la société sous la protection de laquelle ils vivent; qui, lorsqu'ils peuvent obtenir un avantage immédiat et personnel, en prêtant leur assistance à ceux dont les projets tendent manifestement au détriment de leur patrie, se félicitent de leur adresse, et se croient fondés à s'arroger le titre de fins politiques? Misérables! dont il est difficile de dire s'ils sont plus dignes de mépris que de pitié, mais dont les principes sont certainement aussi détestables que leur conduite est pernicieuse"![15]

Il peint ensuite la conduite de ces hommes, les espérances, les terreurs dont il faut se garantir, puis il ajoute:

"Notre vigilance et notre union feront notre succès et notre sûreté. Evitons également le morne engourdissement et la vivacité fébrile. Remplissons-nous d'une générosité véritablement sage. Considérons-nous comme des hommes, et

des hommes libres. Gravons réciproquement dans nos cœurs; disons-nous en nous rencontrant dans les rues, en entrant dans nos maisons, en en sortant, que nous ne saurions être heureux sans être libres; que nous ne saurions être libres sans être assurés de nos propriétés; que nous ne saurions être assurés de nos propriétés, si d'autres ont droit d'y toucher sans notre aveu; que des taxes arbitraires nous les enlèvent; que des droits établis dans la seule vue de lever de l'argent sont des taxes arbitraires; qu'il faut s'opposer immédiatement et vigoureusement aux tentatives d'imposer de tels droits; que cette opposition ne peut être efficace sans la réunion commune des efforts; et qu'en conséquence l'affection réciproque des provinces et l'unanimité des résolutions est essentielle à notre salut. Nous sommes destinés par la nature dans l'ordre marqué des choses, pour être les protecteurs des générations à venir dont le sort dépend de notre vertu. C'est à nous à savoir si nous donnerons la naissance à des nobles et incontestables héritiers de nos titres, ou à de bas valets de maîtres impérieux. Pour moi, je défendrai de toutes mes forces la liberté que mes pères m'ont transmise. Le ferai-je utilement ou sans fruit? c'est de vous, mes chers compatriotes, que cela dépend."[16]

On nous permet la lecture de ces choses-là, et l'on est étonné de nous trouver, au bout d'une dizaine d'années d'autres hommes. Est-ce qu'on ne sent pas avec quelle facilité des ames un peu généreuses doivent boire ces principes et s'en enivrer? Ah! mon ami, heureusement les tyrans sont encore plus imbécilles qu'ils ne sont méchans; ils disparoissent; les leçons des grands hommes fructifient, et l'esprit d'une nation s'agrandit.

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[1] Denis Diderot, Œuvres *Complètes de Diderot* . . . , ed. J. Assézat et M. Tourneux, vol. 4 (Paris: G. Frères, 1875), 86–89.

[2] The Stamp Act of 1765.

[3] The Quartering Act of 1765.

[4] Although the Stamp Act of 1765 was not enforced due to resistance in most British North American colonies, it was fully implemented until its repeal in the newly acquired province of Quebec. See W.B. Kerr, "The Stamp Act in Quebec," *English Historical Review* 47, no. 188 (1932): 648–51.

[5] The New York Restraining Act of 1767.

[6] The Revenue Act of 1767.

[7] The Commissioners of Customs Act of 1767.

[8] John Almon's edition is the only known London edition published in 1768. See doc. 4:79, above, and Appendix B, below.

[9] See doc. 4:208, n. 33, above.

[10] This sobriquet for JD was promoted in France by Dr. Benjamin Rush. See doc. 4:208.

[11] See doc. 4:135, above.

[12] Jacques Barbeu-Dubourg, the French translator of the *Farmer's Letters*, included an extract from the *PC*, Nov. 11, 1767, to this effect in his translation. See doc. 4:208.

[13] Here, "they" (*ils*) refers to French authorities that allowed the circulation of the French translation of the *Farmer's Letters*.

[14] The title of "Letter XII" in the French-language edition of the *Farmer's Letters*. See doc. 4:222, n. 9, above.

[15] Doc. 4:40, above.

[16] Ibid.

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Notes for *John Denn Lessee of Elias Hugg v. Robert Friend Price, Mary & Rebecca Harrison*, [1769]

The following two documents relate to an ejectment[1] brought on behalf of a fictitious lessee of Elias Hugg against JD's clients, Robert Friend Price, Mary Harrison, and Rebecca Harrison, to establish Hugg's title to a 300-acre tract of land in Gloucester (now Camden) County, N.J. Hugg's grandfather Elias Hugg and father, John Hugg, had sold the tract of land in 1742, but Hugg argued that they could not legally alienate the property because the land had been entailed by the elder Elias Hugg's father, John Hugg (died c. 1707).[2] Hugg claimed legal title to the land, despite the fact that subsequent sales had left the property in possession of two minors, Mary and Rebecca Harrison, the wards of Robert Friend Price. Hugg initially brought his case in May 1767, but a jury was selected only in April 1769.[3]

As further demonstrated in doc. 4:225, below, JD argued that the elder John Hugg had not intended to entail the property and had added language that created a fee tail[4] out of ignorance. That is, John Hugg had not sought to restrain his heirs from alienating the property and meant to grant his heirs the estate in fee simple.[5] While records of the jury's decision in the case have not been found, a later deed reveals that Mary and Rebecca Harrison retained possession of the property.[6]

John Denn[7] Lesee of Elias Hugg
v
Rob[er]t Friend Price,[8] Mary & Reb[ecc]a Harrison[9]

Ejectment

Sal. 153.[10] th[at] a Q[ues]tion may be askd of the Jury—whether he has given his Opinion on the Point in Disp[ute]

Demise[11] the 1st Day of April 1767

Title down to Penn,[12] Gawen,[13] Lucas[14] & Billing[15] {[pro][prie]tors}[16] admitted

12 April 1677 — Deed from [pro][prie]tors to Turner, [~~Zane~~]{Slay}, Zane, Zachary & Bate[17]—1/2 to Turner—2/10 to Slay—2/10—to Zane, 1/20 to Zach[ary] & 1/20 to Bate—for 1/[~~8~~*?*]{9}0 of West Jersey

10 Feb[ruary] 1685 — Deed from Zach[ary] to John Hugg for 500 Acres—referring to Survey to John Hugg for 500 next abovementioned
Admitted th[at] this Survey includes Land in Question

20 Dec[embe]r 1706 — Will of John Hugg devis[in]g 1/2 to his Son John[18] & 1/2 to his Son Elias

17 Apr[il] 1731 — Will of John Hugg the Son

Mary Jackson— — I am D[aughte]r of Elias Hugg the Son of John Hugg— John Hugg Son of Elias livd part of his Time at Lewis where he went when single—married—then he & his Wife came up & brought the P[lainti]ff a good big Boy with him— I never saw him but that once—till after my Brother's Death—when he was of age

Elizabeth Niell— — I was present at the Marr[iage] of John Hugg to Eliza[beth] Molleston at Lewis—

Call John Ladd Esquire as to John's [~~*illegible*~~]{Con}sent

Defendant's Title

3 July 1732 — Deed from Elias Hugg & his Son John for 20 Acres to W[illia]m Grow[19] {& Wife} Consid[erati]on £20—

4 October 1736 — Will of Will[ia]m Grow after his Wife's Death to Samuel Hugg in Fee[20]

1 September 1750 — Deed from Samuel Hugg to Francis McMurray in Fee Cons[iderati]on £36—

Admitted that Elias Son of John Hugg—& John Son of the said Elias sold {for good & valuable Consid[erati]ons} his Moiety[21] devised[22] to the said Elias by his Father, to sev[era]l persons—& that the said Moiety by divers mean Convey[ance*?*]s is now vested in Mary & Reb[ecc]a Harrison [*page break*]

John Ladd[23] Esquire I knew Elias & his Brother John—
Ellison & Grow settled in John's Lifetime

Consid[erati]ons paid—£20—
50—4
100
170,,4 besides other pieces wh[ich] we dont hold

M[r]. Allison—[24] Wood's Ins. 124.[29] Descript[ion] of a Fee Tail
6 Co. 16.[30] An express Est[ate] for Life cant be enlargd—
but by plain & manifest Intent[ion] of Test[at]or—
Answ[er] We agree this Law—

2 Str. 1175.[31] Word "or" construed "And" to fulfill Intent— Answ[er] Agreed—

{our Author[ities] [pro]ve it—} See {2} Bac. tit. Devise th[at] this {present} Case is not among Cases of {Dev[ise] by Impl[icati]on ## 53. 66.[25]

2 Bac. 66.[32] Impl[icati]on must be necess[ary] Answ[er] th[ere] is such a Constr[ucti]on as the Words strongly require

Vaugh. 261.[33] Impl[icati]on must be necess[ary]— th[at?] is where A. must have it or nobody Answ[er] Or in other words as that very Book says—where the Intent is apparent

2 Bac. 58. 66.[34] Same Doct[rine] Answ[er] same

1st. Answ[er] ~~All these Cases of [*illegible*]~~— {Ours is an express Dev[ise] being to "dispose"[26] &c

2d. Answ[er]—plainly settled in Burr. 50.[27]

2 Str. 969.[35] Necess[ary] Impl[icati]on denote "a plain Intent of Test[at]or Answ[er] agreed
12 Mod. 597[36]— Same Doct[rine] Answ[er] Same

— th[at] a necess[ary] Impl[icati]on means an Impl[icati]on necess[ary] to fulfill Intent of Test[at]or ~~for Disp[osition] is not always about the [per]son as in Vaugh. 261.~~[28] Then Q[ues]tion recurrs—what is the Intention—for Words are to follow that not intention the Words

Sal. ~~29—~~ {226}.[37]

1 Raym. 204.[38] Same Doct[rine] Answ[er] Same—
& besides L[or]d Hale's Opin[ion] [to cont[rary][39]

1 P. Will. 54.[40]
2 Ab. Eq. 343. c. 4.[41]
2 Bac. 68.[42]

9 Mod. 154.[43]
10 Mod. 521.[44]
2 P. Will. 282. 457.[45]
3 Mod. 81. 82.[46]
10 Mod 33— 72[47]
Dyer 171. a.[48]
Moore {pl} 801.[49]
Gilb. Devises 78. 79.[50]
3 Buls. 195.[51]
1 Ch. Rep. 77.[52] [*page break*]

M[r]. Kinsey—[53] Talb. 157—160.[54] Constr[ucti]on to be made on whole Will—no Stress to be laid on [par][ticu]lar Words—where Will {[incorrect?]}

Vent. 30.[55] Intent the PoleStar[56]—& to be spelt out by little Hints

Peere Will. {605}[57] Notion th[at] an express Est[ate] shoud not be changd by Impl[icati]on—exploded—[per] L[or]d Ch[ancello]r Parker

1 Burr. 50[58]— Same Notion exploded

6 Mod. 111.[59] A Dev[ise] to dispose &c is a Fee

1 Ins. 9. b.[60] to give & sell—in [per]petuum[61]—a Fee
{##} tho[ugh] not said to give & sell in Fee

1 P. Will. 171.[62] There may be a [par][ticu]lar Est[ate] with a Power to dispose of the Fee

1 Leon. 156—[63] A Dev[ise] th[at] Lands shoud be at Disp[ositi]on of J. S. gives a Fee—tho[ugh] not said to dispose in Fee

9 Rep. 128[64]—Restrictions from sell[in]g are void in Law—

1 Co. Shelley's Case[65]—The Death of a [per]son shall not injure any one

AD (PHi-Logan)

[1] Ejectment: "At common law, this was the name of a mixed action (springing from the earlier personal action of *ejectione firmæ*) which lay for the recovery of the possession of land, and for damages for the unlawful detention of its possession. The action was highly fictitious, being in theory only for the recovery of a term for years, and brought by a purely fictitious person, as lessee in a supposed lease from the real party in interest. The latter's title, however, must be established in order to warrant a recovery, and the establishment of such title, though nominally a mere incident, is in reality the object of the action. Hence this convenient form of suit came to be adopted as the usual method of trying titles to land" (*BLD*).

[2] West Jersey Deed Book F, pp. 145–47, Nj-Ar; Record of Wills of New Jersey, Book 1, pp. 166–67, Nj-Ar.

[3] Hugg's initial action of trespass and ejectment for the 300 acres and £50 in damages named only Robert Friend Price as the defendant. Mary and Rebecca Harrison appeared as codefendants in documents from February 1768 onwards. See Court of New Jersey Case Files, 1704–1844, Case No. 17290.

[4] Fee tail: "An estate tail; an estate of inheritance given to a man and the heirs of his body, or limited to certain classes of particular heirs. It corresponds to the *feudum talliatum* of the feudal law, and the idea is believed to have been borrowed from the Roman law, where, by way of *fidei commissa*, lands might be entailed upon children and freedmen and their descendants, with restrictions as to alienation" (*BLD*).

[5] See doc. 4:30, n. 5.

[6] See the sale of the property by the heirs of Rebecca Harrison Blackwell to Benjamin B. Cooper and John Gill, March 5, 1805, Gloucester Co. Deeds, Book H, pp. 492–93, Gloucester Co. Courthouse.

[7] John Denn is a variant of John Doe and, in this case, fictitious.

[8] Robert Friend Price (d. 1782), a Quaker landowner, represented Gloucester Co. in the New Jersey Assembly and held a variety of local offices until the advent of the Revolutionary War.

[9] Mary (1754–c. 1775) and Rebecca (1757–1782) Harrison had inherited the tract of land at issue from their father, Joseph Harrison (1725–1761). While Joseph Harrison's will had named his brother, Samuel Harrison, as the girls' guardian, the fact that Robert Friend Price, rather than Samuel Harrison, was named as a defendant indicates that they had become wards of Price by 1767. See Record of Wills of New Jersey, Book 11, pp. 83–85, Nj-Ar; 1 Blackstone 452.

[10] 1 Salkeld 153, *Anonymous*, Canc.: "*COOKE* being indicted for high Treason, and the Jury called he offered to ask the Jurors, in order to challenge them, if they had not said he was guilty, or would be hanged: *Et per Cur.* [Lat. "By the court. A phrase used in the reports to distinguish an opinion of the whole court from an opinion written by any one judge. Sometimes it denotes an opinion written by the chief justice or presiding judge" (*BLD*)] This is a good Cause of Challenge, but then the Prisoner must prove it by Witnesses, not out of the Mouth of the Juryman: A Juryman may be ask'd upon a *Voir dire* [LFr. "To speak the truth. This phrase denotes the preliminary examination which the court may make of one presented as a witness or juror. Where his competency, interest, etc., is objected to" (*BLD*)], whether he hath any Interest in the Cause: Whether he hath a Freehold: For these do not make him criminal; but you shall not ask a Witness or Juryman, whether he hath been whipped for Larceny, or convict of Felony? Or whether he was ever committed to *Bridewell for a* Pilferer, or to *Newgate* for Clipping and Coining? Or whether he is a Villain or outlawed? Because that would make a Man discover that of himself which tends to Shame, Crime, Infamy or Misdemeanor: So it is in this Case, the Answer would charge him with Misdemeanor or Misbehaviour. *Et per Powel* Justice. In a civil Cause you may perhaps ask a Man if he has not given his Opinion before-hand up the Right? For he might have done that as Arbitrator between the Parties: Otherwise in this Case."

[11] Demise: "In conveyancing. A conveyance of an estate to another for life, for years, or at will: most commonly for years; a lease" (*BLD*).

[12] William Penn.

[13] Gawen Lawrie (1630–1687) was a Quaker merchant of London who served as deputy governor of East Jersey from 1683 to 1686. East and West Jersey had been partitioned in 1674 and were reunited as the royal colony of New Jersey in 1702.
[14] Nicholas Lucas was a Quaker maltster of Hertford, England.
[15] Edward Byllynge (c. 1623–1687) was a Cornish-born Quaker brewer and a gentleman of London. He was titular governor of West Jersey from 1680 until his death.
[16] Penn, Lawrie, and Lucas served as trustees for West Jersey from 1675 to 1683 as the chief proprietor, Byllynge, was bankrupt.
[17] According to the deed, Robert Turner was a Dublin linen draper, Joseph Sleigh was a Dublin tanner, Robert Zane (d. 1694) was a Dublin serge-maker, Thomas Thackera (Thackerey; died c. 1702) was a Dublin stuff weaver, and William Bate (d. 1700) was a carpenter from Co. Wicklow, Ireland (West Jersey Deed Book B, pp. 50–52, Nj-Ar). Zane, Thackera, and Bate became residents of Newton Township in Gloucester Co.
[18] John Hugg (died c. 1731), the great-uncle of the plaintiff in this case, was the son of the eldest John Hugg and brother of the elder Elias Hugg.
[19] William Grow (d. 1736) was a Gloucester Co. yeoman.
[20] Fee: "An estate of inheritance in land" (*OED*).
[21] Moiety: "The half of anything. Joint tenants are said to hold by moieties" (*BLD*).
[22] Devise: "A testamentary disposition of land or realty; a gift of real property by the last will and testament of the donor" (*BLD*).
[23] John Ladd (d. 1771) was a Gloucester Co. surveyor. He was a member of the New Jersey Council from 1763 until his death.
[24] Samuel Allison, the attorney for the plaintiff, was a Burlington, N.J., lawyer.
[25] 2 Bacon, *Abridgment* 53: "Although a set Form of Words, and the Word *Heirs* particularly, are necessary in Deeds to convey an Inheritance, yet may they be dispensed in Last Wills, at which Time it is presumed that the Testator is *inops Concilii* [Lat. "Destitute of counsel; without legal counsel. A term applied to the acts or condition of one acting without legal advice, as a testator drafting his own will" (*BLD*)]; hence great Regard is paid to the Intention of the Testator, and such Intention is to govern in all Cases where it can square with the Rules of Law; therefore if a Man devises Lands to another *in perpetuum*, or *in Feodo Simplici* [Lat. "A simple or pure fee; fee-simple" (*BLD*)], or to his and his Assigns for ever, or to him and his, or that such a one shall be universal Heir; in all these Cases, a Fee passes by the Will; for it is evidently the Devisor's Intention that the Gift should continue beyond the Life of the Devisee." See n. 28, above.
[26] Dispose: "To alienate or direct the ownership of property, as disposition by will. Used also of the determination of suits" (*BLD*).
[27] 1 Burrow 50, *Robinson v. Robinson*, Mich. 30 Geo. 2, B.R. (1756): "The Words, 'Such Son' must let in *All* Sons; and cannot exclude ALL *Sons* BUT the Eldest. It was a contingent Remainder ["An estate in remainder which is limited to take effect either to a dubious and uncertain person, or upon a dubious and uncertain event, by which no present or particular interest passes to the remainder-man, so that the particular estate may chance to be determined and the remainder never take effect" (*BLD*)], that the Court will keep open, till there is a Necessity to determine it. And there is no Need to determine it, (for there is no Need that the Remainder should vest,) TILL *the Death* of the Tenant for Life: *Then* indeed it must vest, *eo instante* [Lat. "At that instant; at the very or same instant; immediately" (*BLD*)]. . . . And as to the Devise of the *Perpetuity* ["A future limitation, whether executory or by way of remainder, and of either real or personal property, which is not to vest until after the expiration of or will not necessarily vest within the period fixed and prescribed by law for the creation of future estates and interests, and which is not destructible by the persons for the time being entitled to the property subject to the future limitation, except with the concurrence of the individual interested under that limitation" (*BLD*)] of the Advowsons [LFr. "In English ecclesiastical law. The right of presentation to a church

or ecclesiastical benefice; the right of presenting a fit person to the bishop, to be by him admitted and instituted to a certain benefice within the diocese, which has become vacant" (*BLD*)], the latter Devise is not to be construed *by the former*: But both the former and latter Words are to be taken *together*, and a reasonable Construction made upon them, agreeable to the General Intention of the Testator. Upon the whole, This is an Estate either in *Fee*, or in *Tail*; or at lowest, for *Life* ["A freehold estate, not of inheritance, but which is held by the tenant for his own life or the life or lives of one or more other persons, or for an indefinite period, which may endure for the life or lives of persons in being, and not beyond the period of a life" (*BLD*)]."

[28] See n. 30, above.

[29] Wood 124: "*Usucapion or Prescription is defined to be an Acquisition of Property by a Continuance in the Possession of it for so long time as is required by Law*. Prescription therefore is nothing else but a continued Possession. . . . This Policy was brought into the Commonwealth, not for the natural Reason or Equity of it, (for it is injustice to deprive an Owner of his Right against his Will) but for the sake of Government; that the Property should be ascertained and Trade encouraged, and that there should be some end of Controversies, by inflicting such a Punishment on the Negligence of the true Owner. Neither is the Law of Nature changed here, which directs that every Man should have what is due to him; but that Law in this *particular* only is altered by a superior Law of Nature, which enjoyns that publick Societies of Men ought to be maintain'd, tho' some private Persons suffer; and that if a Man does subject himself to those Laws which bring in Prescription, he does consent to the Consequences of it."

[30] 6 Coke, *Reports* fol. 16v, "Wild's Case," Hill. 41 Eliz., B.R. (1599): "and it was resolved, That *Rowland* and his wife had but an Estate for Life, and no Estate-tail. And in the Construction of this Will, the Judges did first consider the Judgment of the Common Law, If the Conveyance had been made by the Devisor in his Life. And, 2. The Reason and Cause that the Judgment shall not be according to the Rule of Law: And it was resolved, without Question, that at the Common Law they had but an Estate for Life, the Remainder to their Children for Life. Then what shall be the Reason and Cause to give them an Estate-tail by Construction in this Case? It will be answered, the Intent of the Testator. But it was resolved, that such Intent ought to be manifest and certain, and not obscure or doubtful."

[31] 2 Strange 1175, *Barker v. Suretees*, Mich. 16 Geo. 2, B.R. (1742): "ON a special verdict ["A special finding of the facts of a case by a jury, leaving to the court the application of the law to the facts thus found" (*BLD*)] in ejectment, the question turned upon these words in a will, (*viz.*) I give the said premisses to my grandson, his heirs and assigns, but in case he dies before he attains the age of twenty-one years *or* marriage, *and* without issue, then and in such case he devised the same to the defendant. The fact was, that the grandson attained twenty-one, and died having never been married. And it was insisted, that the attaining twenty-one was a performance of the condition, and vested the estate absolutely in the grandson, under whom the lessor of the plaintiff claimed. And judgment was accordingly given in the county palatine of *Durham*, whereof error was brought *in Banco Regis*. And after several arguments, the court affirmed the judgment, upon the authority of *Price v. Hunt* in *Pollexf.* 645. where the word *or* was construed conjunctively. And they said they would read this without the word *or*, as if it run, "And if he dies before twenty-one, unmarried and without issue"; which he did not do, for one of the circumstances failed. And all put together are but in the nature of one contingency: and it was considerable, that this was not a condition precedent, but to destroy an estate devised by the former words in fee."

[32] 2 Bacon, *Abridgment* 66: "The Law in conveying of Estates did not regularly suffer any to pass by Implication, because it is a Manner of Transferring no Way agreeable to the Plainness and Solemnity of the Law; as if *A*. surrenders to the Use of *B*. and for Want of Issue of *B*. the Remainder over to *C*. this in a Conveyance at Law had been but an Estate for Life to *B*. and no Estate-tail by Implication; but as there has been greater Favour and Latitude allowed in the Disposition of Estates by Will; and in the Construction of them, the Judges, to support the Intent of them, where it is very apparent, have admitted Estates by Implication, tho' to the Disherison ["Disinheritance; depriving one of an inheritance"

(*BLD*)] of the Heir at Law; but where such Estates have been allowed only to arise by a necessary, and not a possible Implication or Intention in the Devisor; for the Heir's Title being plain and obvious, no Words by Construction shall impeach it, which will bear a contrary Signification. As if *A*. devises Lands to his Heir, after the Death of his Wife; this is a good Devise to the Wife for Life by Implication; for by the express Words of the Will, the Heir is not to have it during her Life; and if the Wife has it not, none else can, for the Executors cannot intermeddle. But if a Man devises to a Stranger ["A person not of one's kin" (*OED*)], after the Death of his Wife, this gives the Wife no Estate for Life by Implication; for it is but a Demonstration when the Estate of the Stranger shall commence."

[33] Vaughan 261, *Gardner v. Sheldon*, Hill. 20 & 21 Car. 2, C.B. (1669): "1. As to the first, it is clear, That no Estate is devis'd to the Son or Daughters, or any of them by *express* and *explicit* devise; but if any be, it is devis'd by *implication* only, and collection of the Testators intent. 2. If any Estate be given by this Will by *Implication* to the Son or Daughters, or any of them, it must be either a *Joynt* Estate to them for their lives, with several inheritances *in tayl*, or several Estates tayl to them in Succession, that is to one first, and the Heirs of his or her body, and then to another, and so *successively.* 3. Such an *Intail* in Succession cannot possibly be, because it appears not by the Will who should first take and have such Estate, and who next, &c. and therefore such an Intail were meetly void, for the incertainty of the person first taking, as was rightly observ'd, and assented at the Bar. It remains then, That the Estate devis'd by this Will (if any be) to the Son and his two Sisters, must be a *joynt* Estate for their lives, with several Inheritances to them in tayl, by *implication* only. And I am of Opinion, That no such Estate is devis'd by this Will to the Son and two Daughters; and I shall first observe, That the Law doth not, in *Conveyances of Estates, admit Estates to pass by implication regularly*, as being a way of passing Estates not agreeable to the plainness requir'd by Law, in transferring Estates from one to another."

[34] 2 Bacon, *Abridgment* 58: "*A*. devised Lands to *B*. his Son, and if *C*. his Daughter survived *B*. and his Heirs, then she should have the Lands; it was adjudged that *B*. had but an Estate-Tail, for the Word *Heirs* must be intended Heirs of his Body, for he could not die without collateral Heirs while his Sister was alive; but if the Will had said that if *J.S.* a Stranger survives *B*. and his Heirs, then he should have the Lands; there *B*. had a Fee-simple, and then the intended Remainder over must be void, for 'tis to vest on a Contingency of *B*.'s dying without Heirs, which is too distant to expect." See n. 28, above.

[35] 2 Strange 969–70, *Comber v. Hill*, Pasch. 7 Geo. 2, B.R. (1734): "The general question in this case is, in whom the moiety devised to *Elizabeth* the grandaughter vested on her death without issue. Whether in *Richard* the grandson, the other devisee in tail, or in *Anne* the grandaughter under her remainder in fee. Or in other words, whether any cross remainders ["Where land is devised or conveyed to two or more persons as tenants in common, or where different parts of the same land are given to such persons in severalty, with such limitations that upon the determination of the particular estate of either, his share is to pass to the other, to the entire exclusion of the ultimate remainderman or reversioner until all the particular estates shall be exhausted, the remainders so limited are called 'cross-remainders.' In wills, such remainders may arise by implication; but, in deeds, only by express limitation" (*BLD*)] are created by this will. If there are, it will be with the defendant; if not, with the plaintiff. And we are all of opinion, that no cross remainders can arise upon this will; but the moiety of *Elizabeth* goes over to her sister *Anne*. To make cross remainders in any case, there should be either express words, or a strong necessary implication ["In construing a will, necessary implication means not a natural necessity, but so strong a probability of intention that an intention contrary to that which is imputed to the testator cannot be supposed" (*BLD*)]. For the first of these, I do not find it was insisted on at the bar, that there are any express words; all they contended for on the part of the defendant was, to bring it under the other head of a necessary implication. This necessary implication must arise from words that denote the plain intent of the devisor, and that cannot be satisfied without such a construction; for if it stands indifferent, we cannot raise cross remainders by conjecture."

[36] 12 *Modern* 597, *Shaw v. Bull*, Mich. 13 Will. 3, B.R. (1701): "And this Residue, after Sale and Payment of Legacies, is an Overplus of his Estate; and where Words in a Will may be satisfied, without carrying an Estate from the Heir at Law, they shall never be construed to disinherit him; for the Heir is not to be disinherited at all by any Implication, but such as are necessary and without which the Words would be rejected as void, and of no Sense or Signification."

[37] 1 Salkeld 226, *Goodright v. Cornish*, Hill. 5 W. & M., B.R. (1694): "IN *Ejectment* a special Verdict was found, *viz. Knowling* has Issue two Sons, *John* and *Richard*, and devised Lands to *John* for 50 Years, if he should so long live, *and as for my Inheritance after the said Term, I devise the same to the Heirs males of the Body of* John, *and for Default of such Issue, then to* Richard. The Court resolved; 1st, That *John* had not an Estate-Tail by Implication upon the Words *without Issue*; because the Deviser had given him an Estate for Years by express Words, and the Court cannot make such a Construction against express Words, when thereby they would also drown ["To merge or sink" (*BLD*)] the Estate for Years, and make an Estate of Inheritance. 2dly, The Court held this Devise to the Heirs males of the Body of *John* to be void in its Creation: For, for want of an Estate of Freehold to support it, it was void as a Remainder; and they seemed not to think it an executory Devise, because it was limited as a Remainder, and because it is limited *per verba de præsenti* [Lat. "By words of the present (tense.) A phrase applied to contracts of marriage" (*BLD*)]. If one devise his Estate to the Heir of *J.S.* and *J.S.* is living, the Devise shall not be construed an executory Devise, and such a Devise is therefore void; but if it were to the Heir of *J.S.* after the Death of *J.S.* that is good, as an executory Devise; so note the Diversity *inter verba de præsenti & verba de future* [Lat. words of the future tense]. 3dly, The Court held the Limitation to the Heirs males of *John* was become void by Event, whatever it was in its Creation; because *John* is now dead without Issue. 4thly, The Court held, That if the Remainder to the Heirs males of *John* was void in Point of Limitation, then the next Remainder limited to *Richard* took Effect presently."

[38] 1 Raymond, *Cases* 204, *Luddington v. Kime*, Pasch. 9 Will. 3, C.B. (1697): "1. As to the first he said, that there were apt words to raise an estate tail by implication . . . But in all these cases no express estate for life was devised. But where there are words which convey an express estate for life, as in this case, there subsequent words will not create another different estate in the same party by implication."

[39] Hale's opinion is found in 1 Ventris 230, *Rex v. Melling*, Mich. 24 Car. 2, B.R. (1672): "For an Implication of an Estate of Inheritance shall never ride over an express Limitation of an Inheritance before; being 'tis said here, for want of such Issue the Land should remain, 'tis plainly meant, That it should not before the Issue failed, and then the Issue must have so long, (for none else can) and so 'tis an Estate-tail."

[40] 1 Peere Williams 55–56, *Bamfield v. Popham*, Hill. 1 Ann. (1703): "*First*, They all resolved, that here being an express Estate given to *Popham* for Life, with Remainder to his first and every other Son, *&c*. the Words (if *Popham* should die without Issue Male) should not enlarge this Estate to an Estate-Tail; in regard these amounted only to make an Estate-Tail by Implication; and Words of Implication would never destroy what was before expressed; so that the Words (if he should die without Issue Male) could mean no more, than if he should die without *Sons*. And though it might be objected, that unless these Words were construed to create an Estate-Tail in *Popham*, then a *posthumous* Son would not take, which would be contrary to the Intention of the Testator: The Answer was, that notwithstanding it might have been intended that such posthumous Son should take, yet the Testator was herein mistaken as to the Law, or might not consider of it; and this was but a remote Mischief or Contingency; whereas it was very obvious, that the Testator intended it should not be in the Power of *Popham* to bar the Remainders, which it was plain he could do, if he had an Estate-Tail; so that this being a Mischief near and easy to be foreseen, it was certainly in the Intent of the Testator to obviate and prevent the same; and it was a Maxim in Law equally certain, that where there is an express Estate limited, no Implication ought to be admitted to control it; *Expressum facit cessare tacitum* [Lat. "That

which is expressed makes that which is implied to cease, (that is, supersedes it, or controls its effect.) Thus, an implied covenant in a deed is in all cases controlled by an express covenant" (*BLD*)]."

[41] 2 Bacon, *Cases* 343: "Where an Entail is created by *Implication*, it is *ever in favour of the Heir at Law*; to whom no Estate being given by the Will, so as to enable him to take by Purchase, and there being a Necessity, if he takes at all, of his taking by Descent, therefore to support the Intention of the Testator that the Heir should take, the Law creates by Implication an Estate-tail in the Ancestor, to vest it in the Issue by Descent. . . . But where there is a Provision how it shall go to the Issue, this Reason entirely ceases."

[42] 2 Bacon, *Abridgment* 68: "Another Rule relating to Devises by Implication is this, that where the Devisee takes a particular Estate of Inheritance by express Words in the Will, such Estate shall not be inlarged by Implication; for since Devises by Implication are allowed in Favour to Wills, that where the Intention of the Testator may be presumed, the Judges will pursue it; tho' it be not expressed in plain Words, yet there is no Room for such Construction where the Devisee has an Estate given him by express Words in the Will; for that would be to over-rule the plain Meaning of the Testator against his own Words."

[43] 9 *Modern* 154, *Adams v. Clerke*, Trin. 11 Geo. 1, Canc. (1725): "*THE* Case was, (*viz.*) The Testator devised several *specifick Legacies* to several Persons, and in particular he devised specifick Legacies to each of his Grandchildren, to be *paid at their respective Ages of twenty-one Years*, or Days of Marriage, which should first happen; and by a subsequent Clause in his Will, he appoints, that all the Legacies there-by devised shall be paid *within one Year* after his Decease. Now the Grandchildren, tho' under Age, and unmarried, exhibited their Bill, and insisted, that by Virtue of this last Clause in the Will, their Legacies ought to be paid *within a Year* after the Death of the Testator. The subsequent Clause in this Will, which seemingly contradicts the Payment of the Legacies to the Grandchildren in Point of Time, must be constituted so as it may not be repugnant to any former Clause in the same Will, and therefore that last Clause must only relate to the other specifick Legacies given to the other Legatees, and not to the Legacies devised to the Grandchildren."

[44] 10 *Modern* 521–22, *Atcherley v. Vernon & al.*, Mich. 10 Geo. 1, Canc. (1723): "It being foreseen by Mr. *Atcherly*'s Counsel, That the Clause of the Release to be given by the Sister and Niece, would be urged as a plain Proof that it was the Testator's Intention, that his Heir at Law should have nothing more: They endeavour'd to obviate that Objection, by saying, That as the Sister had then a subsisting Demand upon the Estate of Mr. *Vernon* (as it was admitted she had) it was probable, that the Release was directed by the Testator, with a view to *that* only, and not to any further Claim; it being very unlikely to suppose, That a Man who is Master of his own Estate, and may dispose of it where he thinks fit, should order his Heir to release, in Order to cut him off from the Estate; when the very devising of it away, does *that* as effectually as 500 Releases possibly can. On the other Side, it was said by the Counsel for Mr. *Bowater Vernon*, That a Revocation was no more to be presumed than the Disinherison of an Heir. That the only Use of Wills, is the disinheriting of Heirs, and preventing that Descent, which would otherwise fall upon them. It is the Buisness of all Courts, so to construe a Will, as that the whole may be consistent; and Revocations arising from Inconsistencies will never be admitted, but where the Inconsistency is plain and unavoidable: Therefore, if in the Beginning of a Will, Land is devised to *J.S.* and afterwards in the same Will, the same Land is devis'd to *J.N.* the Law will make them Jointenants, rather than the latter Part should be esteem'd a Revocation of the former."

[45] 2 Peere Williams 282–83, *Barker v. Giles*, Trin. 11 Geo. 1, Canc. (1725): "*Lord Chancellor:* It is a certain Rule in the Exposition of Wills especially, that every Word shall have its Effect, and not be rejected if any Construction can possibly be put upon it; and here I think there may; the first Part of the Devise being to two and the Survivor of them, makes them plainly Jointenants for Life, and therefore they shall be so taken; and then, as to the next Words (and to their Heirs equally to be divided between them Share and Share alike) these are plainly Words importing a Tenancy in common, and shall operate accordingly, so as to make them Tenants in common of the Inheritance, by

which Construction of the Will every Word takes Effect; wherefore the two Nephews would have been Jointenants for Life, with several Inheritances to them in common: But one of them dying in the Life of the Testator, by that Means the surviving Nephew becomes intitled to the whole for Life; and the Inheritance being devised in common, the one Moiety whereof having lapsed by the Death of one of the Devisees in the Life of the Testator, for this Reason tho' the surviving Nephew shall have the whole for his Life, a Moiety of the Inheritance expectant upon the surviving Nephew's Death shall descend to the Testator's Heir at Law, and the other Moiety of the Fee shall go to the surviving Nephew's Heir."

[46] 3 *Modern* 81, 83, *Friend v. Bouchier*, Trin. 34 Car. 2, B.R. (1682): "*Ejectment* upon the Demise of *Henry Jones*, of certain Lands in *Hampshire.* The Jury found this Special Verdict following, *Viz.* That *William Holmes* was seised in Fee of the Lands in question, who by his last Will, dated in the year *1633.* devised it to *Dorothy Hopkins* for Life; Remainder to her first Son, and to the Heirs of the Body of such first Son, *&c.* and for default of such Issue to his Cousin W. with several Remainders over. And in default of such Issue, to *Anne Jones*, and to her Heirs (who was the Lessor of the Plaintiff;) That before the sealing and publishing of this Will, he made this *Memorandum, Viz. Memorandum that my Will and Meaning is, That Dorothy Hopkins shall not alien or sell the Lands given to her from the Heirs Male of her Body lawfully to be begotten, but to remain upon default of such Issue, to W. and the Heirs Males of his Body to be begotten, according to the true intent and meaning of this my Will. Dorothy Hopkins* had Issue *Richard*, who had Issue *Henry*, who had Issue a Daughter, now the Defendant. The Question was, Whether the Son of *Dorothy* did take an *Estate Tail* by this Will, to him and to the Heirs of his Body *in general*, or an *Estate in Tail Male. . . .* The Court was of Opinion that it was a plain Case; for in the Limitation 'tis clear that 'tis a general Tail; and it doth not follow that the Testator did not design any thing for his Grandaughters, because no provision was made for Daughters: for where an Estate is entailed upon the Heirs of a Man's Body, if he hath a Son and a Daughter, and the Son hath Issue a Daughter, the Estate will go to her, and not to the Aunt. Now this *Memorandum* doth not come to make any alteration in the Limitation, because it directs that the Estate shall go according to the true intent and meaning of the Will, and is rather like a *Proviso* [Lat. "A condition or provision which is inserted in a deed, lease, mortgage, or contract, and on the performance or nonperformance of which the validity of the deed, etc., frequently depends" (*BLD*)] than an *Habendum* [Lat. "In conveyancing. The clause usually following the granting part of the premises of a deed, which defines the extent of the ownership in the thing granted to be held and enjoyed by the grantee" (*BLD*)] in a Deed. And therefore Judgment was given accordingly for the Defendant."

[47] 10 *Modern* 33, *Thomlinson v. Dighton*, Trin. 10 Ann., B.R. (1711): "Judges are said to be *astuti* [Ital. astute, shrewd] to do Right; and therefore this Power, instead of a strict Interpretation, ought to have a large and extensive one; so that any Writing whatever, that was but enough to signify the Intention of the Parties, where the Power is so general, and no particular Way of Execution is prescribed, would have been enough; and if so, then certainly the Power is well executed. For a Deed of Lease and Release was a sufficient Declaration of her Mind; and as for her Estate being limited without Impeachment of Waste ["Liability for waste committed, or a demand or suit for compensation for waste committed upon lands or tenements by a tenant thereof who, having only a leasehold or particular estate, had no right to commit waste" (*BLD*)], *that* shall be rejected as Surplusage ["In pleading. Allegations of matter wholly foreign and impertinent to the cause. All matter beyond the circumstances necessary to constitute the action" (*BLD*)], which even in pleading *non nocet* [*Surplusagium non nocet*: Lat. "Surplusage does no harm" (*BLD*)]."

10 *Modern* 71–73, *Thomlinson v. Dighton*, Mich. 10 Ann., B.R. (1711): "LORD Chief Justice *Parker* gave the Resolution of the Court, to the following Effect. Questions Two, 1*st*, Whether the Wife by this Devise took an Estate in Fee, or for Life? 2*dly*, Whether her Power was well executed? As to the 1*st*, all of Opinion, That she took but an Estate for her Life. *First*, Because the Will expresly

gives her an Estate for Life. *Secondly*, The Power of disposal does not at all alter her Estate, because it is a distinct Clause. . . . 2*dly*, We are all of Opinion, That the Power is well executed. For as to the 1*st* Objection, That the Power was extinguished by the Fine; it may be answered, That if the Power was well executed, it was executed by the Deed, which was antecedent to the Fine; and therefore it is impossible for the Power to be extinguished by the Fine. As to the 2*d* Objection, That the Power ought to have been executed by Will, and not by Deed; which is built upon the Word *then*, importing, as they say, that very Instant of Time, when her Estate determines; *then*, *and not till then*, her Power enables her to dispose, and which must necessarily be done by Will. To this Objection we answer, 1*st*, That the Words of the Power do not expresly mention any particular Way of Conveyance, by which this Power should be executed, but leave it indifferent. *Hobart* 312, *Dicitur* [Lat. it is said], That all Forms and Circumstances of Powers are to be observed; but then it is added, that this is to be understood of such Forms and Circumstances as are express'd, not imagin'd: Now here no particular Sort of Conveyance is express'd. That Case last mentioned in *Hobart*, was indeed the reverse of this; for there the Question was concerning the Revocation of a Power, but here of the Execution. However it fits the present Case . . . 2*dly*, The Word *then* refers to the remaining of the Lands, and not to the Time of the disposing them, *viz*. that *then* her Disposal, *when* so made, shall take *Effect*. 3*dly*, *Then* is equivalent to *after her Death*, which shews it cannot be done by Will, 3 *Leonard* 71. 3*d Objection:* That it was executed by a Conveyance to the Parties, and not Trustees. *Resp*. These Powers are executed by all Sorts of Conveyances . . . 4*th Objection:* This Conveyance left in her an Estate for Life, without Impeachment of Waste, which was not in her Power to do. *Answer:* The Children will be in, not by Virtue of her Conveyance, but the Will, and so will over-reach her Estate without Impeachment of Waste; and consequently that Clause in the Conveyance, *without Impeachment of Waste*, will have no Operation; for the Children may notwithstanding, bring an Action of Waste against her."

[48] Dyer (1585) fol. 171, *Turke v. Frencham*, Mich. 1 & 2 Eliz. (1559): "(7) Clement Frencham seisie de terres en fee tenus en socage per son darreine volunt *in scripto*, deuisa ceo a son feme durant son vie, le remaind a vn Clement Frenchā son cosin, & a les heires males de don corps engenders, *& si contingat quod prædictus Clemens* son cosine *obierit sine heredibus de corpore suo legittime procreatis*, sans dire males, ou tiels hr̄es *vel huiusmodi*, le remainder a vn Alexander Frencham son cosin and to his heires males in fee simple, & for lacke of heires males to remaine to the next heires males begotten of that kinde and stocke of his body lawfully begotten. & le primer en remainder ad issue file, & deuie sans heire male de son corps, fuit le doubt le quell la file auera la terre per les general parolls apres le *si cotingat supra*. & per *loppinion de tout la Court*, ceo ne fair ascun general taile al dit Clement forsqs a les heires males &c. car lentent del deuisor appiert expressement per les parolz subsequents, & sie suit adiudge, sans argument del demurrer": LFr. "(7) *CLEMENT Frencham* seised of lands in fee holden in socage ["Socage tenure, in England, is the holding of certain lands in consideration of certain inferior services of husbandry to be performed by the tenant to the lord of the fee" (*BLD*)] by his last will in writing devised it to his wife during her life, remainder to one *Clement Frencham* his cousin, *and to the heirs male of his body begotten, and if it should happen* that the said *Clement* his cousin should die *without heirs of his body lawfully begotten* (without saying '*male*' or '*such heir*', or any thing of that sort), remainder to one *Alexander Frencham* his cousin, and to his heirs male in fee-simple, '*and for lack of heirs male, to remain to the next heirs male begotten of that kind and stock of his body lawfully begotten.*' And the first in remainder had issue a daughter, and died without heir male of his body. The doubt was, whether his daughter should have the land by the general words after the '*if it should happen*' above mentioned. And by the opinion of all the Court that makes no general tail to the said *Clement*, only to the heirs male &c. for the intent of the devisor appears expressly by his subsequent words: and so it was adjudged without arguing the demurrer ["A pleading which, admitting for the moment the facts as stated in the opponent's pleading, denies that he or she is legally entitled to relief, and thus stops the action until this point be determined by the court" (*OED*)]." Trans. Dyer (1794) 171a.

[49] Moore 593 pl 801, *Atkins v. Atkins*, Hill. 35 Eliz. (1593): "Dower per la feme de *John Atkins* vers un *George Atkins*, Le case fuit que le pere devise le terre al *John Atkins* et heires de son corps, et add ouster *Item, I will that after the decease of my son John my land shall remain to George son of John.* Et adjudge que la feme *John* avoit dower, et que *John* avoit estate en tail": LFr. "Dower by the wife of John Atkins against George Atkins. The case was that the father devised the third [part] to John Atkins and the heirs of his body, and adding *Item, I will that after the decease of my son John my land shall remain to George son of John.* And it was adjudged that John's wife had dower and that John had an estate in tail."

[50] Gilbert, *Devises* 78–79: "If a Man expresses in a Letter, that his Land after his Death shall go after such a Manner; this had been adjudged a good Devise. But, besides this Circumstance of Writing, which is called the Inception of the Will, there are others to be considered, *viz*. the Progression or Publication of it, and Consummation by the Death of the Testator; and we must carefully consider his Ability and Intent at every one of these Times. For if *A*. be seized of ten Acres in Fee, and devises all his lands to *B*. and then purchases *Black-acre*; this shall not pass by the Will, according to the Judgment in *Brett* and *Rigdon*'s Case, for the Statute only impowers Persons having Lands to devise: But *A*. had not *Black-acre* at the making his Will, and therefore not within the Statute; besides, since the Intent of the Devisor is the best Rule in Wills, it will be very reasonable to conclude, that he never design'd to convey *Black-acre*, since he had it not in his Power when he settled the Disposition of his other Possessions."

[51] 3 Bulstrode 192, 195, *Webb v. Herring*, Trin. 14 Jac. 1, B.R. (1616): "IN an Action of Trespass and Ejectment, and upon *Non culp.* [Lat. "In pleading. Not guilty" (*BLD*)] pleaded, the Jury found a special verdict, upon which the Case appeared to be, That a man being seised of certain Houses in Fee, held in Soccage, having a Wife named *Barbery*, a Son called *Francis*, and three Daughters, and being thus seised, he makes his last Will and Testament in writing, and thereby deviseth his Houses and Land in this manner, (*S*.) To *Francis* my Son, after the death of *Barbery* my Wife: And if my three Daughters do fortune to overlive their Mother, and *Francis* and his Heirs, then I do devise the same Houses to them for their lives, and after their deaths, I do give them to my two Nephews, *John Wittenbury*, and *William Wittenbury*, and that they and their Successors shall pay 3 l. Rent yearly, to the Company of Merchant-Taylors in *London*, for ever; and if they fail of payment, then I devise, that the said Company shall have the said Houses for ever. . . . And for the first Point. *Montague Chief Justice. Francis* the son here by this Will hath an Estate-tail, and the same so to be taken of necessity by implication, out of the words of the Will; this proved by *16 Eliz. Dyer, fol. 330. Clatches* Case. The whole Court agreed with him herein. As for the second point, paying to a Corporation so much yearly for ever. *Montague.* This is a Fee-simple in them. *Dodderidge Justice.* If one doth devise Land to *I.S.* paying to *I.D.* and his Heirs so much; this is in Law a Fee-simple in *I.S.* because the limitation of payment which ought to guide the precedent Estate is so. The whole Court agreed with him herein."

[52] 1 *Chancery Rep*. 76–77, *Marsh v. Kirby*, 10 Car. 1, Canc. (1634–35): "THAT *Julius Marsh* deceased by his Will devised the Rents, Issues and Profits of all his Messuages [LFr. "This term is now synonymous with 'dwelling-house,' but had once a more extended signification. It is frequently used in deeds, in describing the premises" (*BLD*)] during his Interest therein to his Wife for Life, and if she died before the Expiration of his said Interest then the same to come amongst all his Children equally, and that his Wife should not sell. And the said Testator conceiving his Wife to be with Child, devised to the Child, she then went with, a Lease of two Houses, and ordered a Moiety of the Profits thereof to be put out by the Overseers of his Will as a Stock for the Benefit of such Child, and the other Moiety for her Maintenance till Age or Marriage. And by his Will farther declared, that if all his Children should die before Marriage or Age of 21 Years, then the Premises devised to his Children should remain to Brothers and Sisters Children; and that four of the Testators Children died before Marriage or the Age of 21 Years. And *Alice* who was not born at the Time of the Testators Death is only living. This Court on

reading the Will doth conceive that the collateral line have nothing to do with the Estate of the Testator during the Life of the said *Alice* the Daughter, and dismissed the Plaintiffs Bill."

[53] James Kinsey (1731–1803), the attorney for the defense, was a Burlington, N.J., lawyer. He served in the New Jersey Assembly from 1772 to 1775, the Continental Congress from 1774 to 1775, and as chief justice of the New Jersey Supreme Court from 1789 until his death.

[54] *Talbot* 157–61, *Ibbetson v. Beckwith*, Mich. 9 Geo. 2, Canc. (1735): "Mr. *Solicitor General* and Mr. *Fazakerley* argued, That this was a Fee-simple in *Thomas Dodson*, the Testator's Intent being to dispose of his whole Estate; and there such Construction should prevail as should make the Whole to pass. That as this was his Intent, so had he used Words sufficient to carry the Whole; three things only being necessary in Wills to make the Devise good, *viz*. The Person described who is to take, the Thing which is to be taken, and the Interest which the Party is to have in it; all which concur here: The Words being sufficient to describe the Person, the Thing, and the Interest which the Party is to have in that Thing. In Wills the Word *Estate* carries the whole Interest the Party hath; as was held in *Wilson* and *Robinson*'s Case, 2 *Lev*. 91. where the Opinion of the whole Court was, That the Words *Tenant-Right Estate* were sufficient to pass the Fee . . . That the Objection of a precedent Estate being given (*viz*. to the Mother) by the Word *Estate*, was idle: For, that as it was restrained to be but for Life; and had the Word *Inheritance* been used instead of the Word *Estate*, with such a *Restriction*, it would have passed but an Estate for Life. That the other Parts of the Will made his Intent to pass a Fee-simple quite plain; as the Provision that he should take the Testator's Name, and the Limitation over to another, and her Heirs for ever, upon his Refusal to take the Name, is a plain Proof that he intended him a Fee-simple, not to be devested out of him but upon his refusing to take the Testator's Name. . . . Mr. *Attorney General* and Mr. *Verney* insisted on the other Side, That *Thomas Dodson* took but an Estate for Life; it being a known Rule, That an Heir was never to be disinherited but by express Words, or by necessary Implication; and there could be no necessary Implication where the Words were capable of being taken in two Senses; as they are in the present Case, where it is natural to take the Words in that Sense which is used by People in common Parlance, rather than in the strict legal Sense. This Will was drawn by the Testator himself, who appears not to have been very knowing in the legal Signification of the Words. Now the Word *Estate* does, in common Speech, imply only the personal Possession; as when it is said, That a Man has an Estate, by that is meant Land, Houses, *&c*. . . . *Lord Chancellor*. The Question turns intirely upon the Construction of the Words of the Will, what Interest was intended to *Thomas Dodson*, whether an Estate for Life, or in Fee? In order to come at the Testator's Intent, the whole Complexion of the Will has been very properly taken into Consideration on both Sides; and it has been said, that the first Words, *Worldly Estate*, were used only to shew, that what he was then doing was *animo Testandi* [Lat. "With intention to make a will" (*BLD*)]; but not intended by him to reach to the Whole of his Estate. As to that, I am of Opinion, that these Words prove him to have had his whole Estate in his View at that Time. Indeed he might have made but a partial Disposition; but if the Will be general, and that taking his Words in one Sense will make the Will to be a complete Disposition of the Whole, whereas the taking them in another will create a Chasm; they shall be taken in that Sense which is most likely to be agreeable to his Intent of disposing of his whole Estate. If therefore *Thomas* takes an Estate in fee, the Will will be perfect, and take in the Whole: Whereas, if he takes but an Estate for Life, one Moiety will, after his Death, descend upon him as Heir at Law, and the other Moiety to the other Coheirs. The Clause whereby the Estates are devised over to his Mother and her Heirs, in case *Thomas* should refuse to take his Name, hath been argued as a Proof of his intending him but an Estate for Life; but that depends upon the Construction of the Word *Estat*e, which will be clear from the Sense he hath taken it in through all the other Parts of this will, where, whensoever he hath used it, he has meant thereby to pass the Inheritance."

[55] It appears JD meant 1 Ventris 229–30, *Rex v. Melling*, Mich. 24 Car. 2, B.R. (1672): "'Tis true, in Conveyances, *&c.* the Wisdom of the Law has appropriated the Word Heirs as a Term of Art. In *Clerk*'s Case, a Lease was made to commence after the Death of his Son without Issue; the Son had a

Son and died, and then that Son died without Issue. It was resolved both in the King's Bench and the Exchequer, That the Lease should commence; for Issue being *nomen collectivum* [Lat. "A collective name or term; a term expressive of a class; a term including several of the same kind; a term expressive of the plural, as well as singular, number" (*BLD*)], whenever the Issue of the Son failed, the Term of Commencement did happen. But now to see the Difference: *Tyler*'s Case, *Mich*. 34 *Eliz*. *B.R*. He had Issue *A*.*B*.*C*. and *D*. and devised to his Wife for Life, and after her Death to *B*. his Son in Tail, and if he dies without Issue, then to his Children. *A*. had Issue a Son and died, and *B*. died without Issue. Resolved, That the Son of *A*. should not take as one of the Children of the Testator. Which Case I cite, to shew the Odds between the Word Issue and the Word Children. My second Reason is from the Manner of the Limitation, which is to his Issue, and of his Body lawfully begotten upon the second Wife; Phrases agreeable to an Estate-tail; and the Meaning of a Testator is to be spelled out by little Hints. It is admitted in *Wild*'s Case in 6 *Co.* 17. that if the Devise had been to the Children of their Bodies, it would have been an Entail."

[56] Swinburne, *Testaments* 10: "The Intention of the Testator is called by my Lord *Coke*, the Pole Star, to guide the Judges in the Exposition of Wills." This attribution does not appear in earlier editions of Swinburne and the phrase does not appear in Coke's works. The phrase appears in Raymond, *Special* 428, *Brown v. Cutter*, Hill. 32 & 33 Car. 2, B.R. (1681): "The intention of the Devisor being the Pole Star that ought to guide the Judges in the Exposition of all Wills, 'tis necessary to consider, what Estate the Testator intended for his Wife by this Will."

[57] 1 Peere Williams 605–06, *Blackborn v. Hewer Edgley, & econtra*, Hill. 5 Geo. 1 (1719): "But the Court exploded the Notion, that Words of Implication should not turn an express Estate for Life into an Estate-Tail, and said, That if I devise an Estate to *A*. for Life, and after his Death without Issue, then to *B*. this will give an Estate-Tail to *A*. according to *Sunday*'s Case, 9 *Co.* 127. *b*. But here being a Limitation upon *Hewer Edgley*'s Death to his Sons, and after to his Daughters, the following Words (*if* Hewer Edgley *should die without Issue*) must be intended, if he should die without such Issue. And as to what had been urged, that unless these Words were to create an Estate-Tail in *Hewer Edgley*, his Sons and Daughters could not take; it did not appear the Testator intended *Hewer Edgley*'s Sons Daughters should take, for he might think that on *Hewer Edgley*'s dying without Issue Male, his Name and Family would be determined, for which Reason he might limit it over to the Daughters of *Hewer Edgley* himself; besides, the Son of *Hewer Edgley* would be Tenant in Tail, and when of Age might, by docking the Intail, give the Premisses to his Daughters."

[58] See n. 33, above.

[59] 6 *Modern* 110–11, *The Countess of Bridgwater v. the Duke of Bolton*, Hill. 2. Ann., B.R. (1704): "But for another Reason this must be a Fee: And here I will quit the Word *Estate*, and suppose the Devise to be of his Fee-farm Rents; and so I hold a Fee-simple would pass as this Devise is, for this Reason: For the Earl is injoined to make Provision for his younger Children out of the Estate devised to him. Suppose a Man seised of the Manor of *Dale*, devises it without any Limitation, to make Provision for *J.S.* in such Manner as he shall think convenient, and declares, that he leaves it intirely to him? Sure a very good Fee will pass, for in all Cases where Lands are devised to a particular Purpose, and that the Death of the Devisee may prevent that Purpose, there the Devisee shall have Fee; and that is *Collier's Case* in *Co. 6.* And if here the Duke had appointed a certain Sum to be paid, it had been within the express Words of *Collier's Case*; but though that be not done, yet here is a Trust reposed in him, and how can he discharge that Trust if he has only an Estate for Life? Devise to a Man to dispose at Will and Pleasure, is a Fee, *Latch 134.* and this is to dispose as he pleases, *Mo. 57 Pl. 165.* Devise of Land to his Wife to dispose thereof upon her self and her Children, held that she had Fee subject to a particular Trust for the Children."

[60] 1 Coke, *Institutes* fol. 9v.: "So it is if a man devise lands to a man *imperpetuum*, or to give, and to sell, or in *feodo simplici*, or to him and to his assignes for ever, In these cases a fee simple doth passe by the intent of the Devisor, but if the devise bee to a man and his Assignes without saying (for ever)

the Devisee hath but an estate for life."

[61] *In Perpetuum*: Lat. "Forever, for all future time, in perpetuity" (*OED*).

[62] 1 Peere Williams 171, *Tomlinson v. Dighton*, Trin. 10 Ann. (1711): "*Parker* C.J. With Respect to the first Question, *viz*. What Estate passes by the Will to *Margaret* the Testator's Wife; We are all of Opinion, she has but an Estate for Life, with a Power of disposing of the Inheritance. And as to this, the Difference is, where a Power is given with a particular Description and Limitation of the Estate, (as here,) and where generally, as to Executors to give or sell; for in the former Case, the Estate limited being express and certain, the Power is a distinct Gift, and comes in by Way of Addition; but in the latter, the whole is general, and indefinite; and as the Persons instructed are to convey a Fee, they must, consequently, and by a necessary Construction, be supposed to have a Fee themselves."

[63] 1 Leonard 156, "Whiskon and Cleyton's Case," Mich. 30 & 31 Eliz., C.B. (1588): "IN an *Ejectione firmæ*, upon a special verdict found, the case was this, That *C* was seised in Fee, and devised the same to *Solomon Whisker* his God-son after the death of his Wife; and if he fail, then he willed all his part to the discretion of his Father, and dyed; *Solomon* survived, the Father being dead before without any disposition of the Land. *Gawdy* was of opinion, that upon those words, that the Father had a Fee-simple, as, I will that my Lands shall be at the disposition of *I S*, by these words, *I S* hath a Fee-simple, *quod Periam concessit* [Lat. which Periam has conceded]; and they amount to as much as, I will my Land to *I S* to give and sell at his pleasure: And by *Windham* and *Periam*, there is no difference where the Devise is, that *I S* shall do with the Land at his discreision, and the devise thereof to *I S* to do with it as his discretion."

[64] 9 Coke, *Reports* fol. 128, *Sonday v. Sonday*, Hill. 8 Jac. 1, Court of Wards (1611): "The Thing prohibited proves it also; for as well his Sons as their Heirs Males are prohibited to alien or mortgage, *&c*. and every Restraint implies (and especially in a Will) that the Parties (if the Restraint had not been made) had Power to do that which is prohibited, which is the Reason that he restrains them. And if his Sons should have but an Estate for Life, this Clause of Restraint, That if they should alien, *&c*. that then the next Heir should enter, *&c*. would be idle, and of none Effect."

[65] 1 Coke, *Reports* fol. 97v–98, *Wolfe v. Shelley*, Trin. 23 Eliz., C.B. (1581): "But for the Argument of the third Point, which was the great Doubt in the Case, admitting the Law in both the said Points to be against the Defendant, that is to say, that Execution might be sued against the Issue in Tail; and that, the Recovery was not executed in the Life of *Edw. Shelley*, but after his Death, and before the Defendant was born: yet the Defendant's Counsel argued that the Defendant's Entry was lawful. The first Reason in Effect was as followeth: When the Law prescribes a Means to perfect or settle any Right or Estate, if by the Act of God this Means in some Circumstance (as in our Case in Time) becomes impossible, yet no Party who was to have received Benefit, if the Means had been with all Circumstances executed, shall receive any Prejudice for not executing it in such Circumstance which became impossible by the Act of God, if everything be performed without Lachess [LFr. "Negligence, consisting in the omission of something which a party might do, and might reasonably be expected to do, towards the vindication or enforcement of his rights" (*BLD*)] that the Parties might perform; for it would be unreasonable that those Things which are inevitable by the Act of God, which no Industry can avoid, nor Policy prevent, should be construed to the Prejudice of any Person in whom there was no Lachess. . . . So in this Case, when *Ed. Shelley* died the Morning of the same Day that Judgment was given, immediately upon the Judgment the Recoverers sued forth an *Habere fac' seisinam* [Lat. "That you cause to have seisin. The writ of execution in real actions, directing the sheriff to cause the demandant to have seisin of the lands recovered" (*BLD*)], so that no *Lachess* was in any Party, but it became impossible by the Act of God that Execution cou'd be had in the Life of *Edw. Shelley*; and therefore Execution being had after his Decease, shall not prejudice the Son born after, who at that Time was *in utero matris* [Lat. in the mother's womb]."

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"Intention the Guide—the Pole Star in Construing Wills," [1769]

{Here [pur]chasers for valuable Connd[iti]on admitted}
Intention the Guide—{that Interest of Test[at]or sacred} the Pole Star in construing Wills[1]

Burr. 50. 51. 52. 272.[2] Every Will theref[ore] must stand on its own Circ[umstance]s

This Intention it is said must be agreeable to the Rules of Law—that is—it must not be regarded so far as to set aside Max[im] of Law— so as to alter the fundamental Principles of it—

such as these, that a Man cannot limit a Fee upon a Fee— nor limit a Chattel over after a dying without Issue {8 Co. 95.}[3]— Except to prevent these Alterations of Law—the Intention must prevail— See Burr. 51.[4]

Est[ate]s Tail not to be fav[oure]d C o L. 19. b.[5] {Engl[and] never flourishd so much as it did after the Est[ablishmen]t of Noblemen set free from these Shackles}

Words added to support Intent— 1 Will. 235[6]
transposed—5 Bac. 526.[7]
changd— Str. 1175.[8]

See Swin 153 {154.}[9] —as to disposing

The same Word taken in diff[eren]t Senses—1 Burr. 272.[10] Ca. Temp Talb 161.[11]

In Deeds Intent[ion] must follow Words—but in Wills—Words must follow Intent. 4{5} Bac. 526.[12]

Such a Constr[ucti]on to be made as will be [pro]fitable to Devisee—ib[idem]

Construction to be made on <u>all</u> the Words—ib[idem] Vin. Dev. 181.182.[13]

{Another Testament—sacred—to be construed in this Manner}

A Diff[eren]t Constr[ucti]on put on the very same Words—to support Intent

1 Burr. 272.[14] Cas. temp. Talb.[15]

"or" construed "and"—Str. 1175.[16]

His Expr[essi]on "if any Children there be" shews

Wills to be construed accord[in]g to the most plain Meaning of the Words—1 P. Will. 666.[17]

th[at] these Words were put in by a false Art of the Drawer, to give the greatest Est[ate] for both John & Elias had Children then—for if any there be was cont[rary] to a Fact known to the Test[at]or}

1st— Test[at]or inops Concilii[18]—not acq[uainte]d with legal Meaning of Words—

Could Test[at]or intend a greater Est[ate] in Negroes than in Lands—?

View Sign[in]g & [pro]of of Orig[ina]l Will—wh[ich] shews it to be executed in extremis[19]

This evident from us[in]g Word Heirs on the Dev[ise] of the Use of the Orchard for 7 Years {so in giv[in]g away Negroes—for Years—}—His add[in]g "of his Body"—shews th[at] the Test[at]or thought this Expression the strongest he could use—to give the best Estate—

{Where the Will is correct—no great Stress to be laid on [par][ticu]lar Words—Ca. Temp. Talb. 160.[20] Greater Latitude on [the?]}

greater Latitude allowed in Engl[an]d now 2 Bac. 66.[21]

to be allowed in construi[in]g Wills made in our woods th[an] in England

Obj[ecti]on John's an Est[ate] Tail {Why not Elias &c—} Answ[er]

Appeal to Jury—if People in gen[era]l know the Force of Words in Law, & that add[in]g "of his Body"—woud prevent the Dev[is]ees sell[in]g unless he suff[ere]d a Common Recov[ery]—[22] None ever suff[ere]d here then—theref[ore] it could not be sold at all

Call John Ladd Esquire as to John's Consent

It might be vastly more convenient for Elias to sell than to keep it—

2d. Test[at]or give author "to sett lett or dispose"—This [pro]ves th[at] he did not think he had restraind the Power of dispos[in]g by any preced[in]g Words—Obj[ecti]on—Those Words must referr to such Leases as ten[an]t in Tail might make Answ[er] [*page break*]

words to be construed most fav[oura]bly for Dev[is]ee 4 Bac. 526.[23]

Besides to make these Words ref[er] to the Test[at]or's Knowl[edge] that Ten[an]t in Tail might make Leases for three Lives or 21 Years—is the most im[pro]bable in the World—

Appeal to all the Jurymen— Do they know those points of Law—How can they suppose it known to a Farmer in this new settled young Country in 1706— Test[at]or then had some Meaning What was it? Can You believe th[at] Test[at]or meant power to make Leases for 21 Y[ears] or 3 Lives? {Egregiously ignorant—us[in]g the Word "Heirs" about the orchard}

You cant— What other can it be? There is no other but a gen[era]l power to sell or dispose—

3d. Test[at]or surely intended to give away his <u>whole</u> Est[ate] {as appears from the Dev[ise] of the whole during his Wife's Life to her} But by construing this a Fee Tail—the Rem[nan]t is undisposed of Explain to Jury— What is a Feesimple— What is a Fee Tail & Re[as]on

Test[at]or give all the <u>rest</u> of his [per]sonal Est[ate]—why not of his <u>real</u>—what Reason can he assign—but that he thought he had disposed of the <u>whole</u>

I ask this Question— Can You believe he would disp[ose] of the rest of his [per][so]nal {wh[ich] is inferior}—& not of his <u>real</u>—if he did not believe he had disposd of it all before ~~—Obj[ecti]on~~ No Lim[itati]on over in Case of either Brother dy[in]g w[ith]out Issue— Obj[ecti]on—Such a Disposal of the Residue unnecessary—because if one Brother died the other woud be his Heir—Answ[er] This is founded on a Suppos[iti]on of Test[at]or's being knowing in the Law—& th[at] none of his Daughters woud take—

True way is to consider Test[at]or as a Common Country man—ignorant of our intricate—tho[ugh] acq[uainte]d with those Po[in]ts of Right & wrong &c This the Law Requires—1 P. Will. 666.[24] & other Author[itie]s

John's Consent not necessary in his Lifetime—if it was—suff[icient]ly [pro]vd by presumption[25]—& John Ladd's Evid[ence] Tho[ugh] John Hugg died before Sale Deed made, yet Contr[ac]t made before—Ladd expressly [pro]ves

Family has had full <u>Worth</u> & <u>Benefit</u> {## good & valuable Consid[erati]on—admitted} of this Land—now will have Land itself—We to lose both— Tho[ugh] P[lainti]ff's Father & Grand Father joind in Deed—& quiet Poss[esi]on ever since— Obj[ecti]on – John's assent to Sale of part only [pro]vd Answ[er] His allowing Elias to sell, shews th[a]t he permitted Elias to exercise full Acts of [pro][per]ty wh[ich] strongest Evid[ence] th[at] he left the Sale to Elias

AD (PHi-Logan)

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[1] See doc. 4:224, n. 59, above.

[2] 1 Burrow 51–52, *Robinson v. Robinson*, Mich. 30 Geo. 2, B.R. (1756): "The Estate Tail is said to vest in *Lancelot Hicks*, the Father. The *manifest Intent* of the Testator, expressed by his Will, was, that the Estate should *not* go over to his *Heir at Law*, till Failure of Issue Male of *Lancelot Hicks.* The Difficulty was, how to mould an Estate *agreeable to the Rules of Law*, to effectuate the Testator's Intent; and to construe his Sense and Meaning into *apt* Words of *Limitation.* If the Father could have taken an Estate

for Life, and the Sons successively an Estate in Tail Male, the whole Intention of the Testator would have been *better* answered: For by *such* Construction, *All* the Words in the Will would have received their natural Sense and Meaning, *without rejecting* any Words; and None should be rejected, *unless* the Testator's Intent cannot be otherwise attained. But THAT could *not* be, by Law. An Estate to the Heirs Male of the Body of *Lancelot Hicks* is *implied*, though an Estate for Life only is *given* to Him; because the Testator's Heir was not to take, *till Failure* of such Heirs Male. But by Law the Testator could, by *no* Words, have made the Father Tenant for Life, and the Heirs Male of his Body *Purchasers.* If He had devised 'to the Father for Life, Remainder to the Son for Life, Remainder to the Heirs Male of the Body of the Father;' Or 'to the Father for Life, Remainder to the Son, and the Heirs Male of the Body of the Father:' In *either* of these Cases, the *Father* must have taken an Estate in *Tail Male.* The Case put in *Lit. Sec.* 30. and the Determination mentioned in Lord *Coke*'s Comment upon that Section, (in *pa.* 26. *b.*) on the Gift 'to *Roberge* and to the Heirs of *John de Mandevile*, her *late* Husband, on her Body begotten,' are no Exception to this Rule: For in *both* Cases, the *Father* was DEAD at the Time of creating the Entail. It is said too, 'That he must, by necessary Implication, to *effectuate* the manifest *general* Intent of the Testator, be construed to take an Estate in Tail Male; NOTWITHSTANDING the *express* Estate devised to him, for his Life, and no longer.' Those Words seem intended to express the *governing Reason* in this Case, to have been the *manifest main Intent* of the Testator, collected from all the Parts of his Will taken together; *without shaking* the Authority of *Backhouse* v. *Wells*, and other Cases, which have laid a Stress upon the Words '*only*,' '*not otherwise*,' or *like* Expressions, after an Estate for Life, together with other Clauses and Circumstances; in Favour of the manifest Intent of a Testator, to make the Issue or Heir take as a Purchaser, designed by a Personal Description."

1 Burrow 271–72, *Hope, ex dimiss. Brown et Ux. v. Taylor*, Pasch. 30 Geo. 2, B.R. (1757): "LORD MANSFIELD—Mr. *Clayton* admits that *if* the word 'LEGACY' *is applicable to Land*, *W.T.* has an Estate Tail. This is plainly a Will of the Man's *own* drawing. He professes to dispose of his *whole* Estate. He means to make *One* of his Relations his General Heir: The *other* Objects of his Bounty are 4 Nephews. And he gives them Land; And also gives some pecuniary Legacies, to be paid *within* 12 *Months* after his Death: (Which indeed the *Law* would have implied.) Then He gives his Brother-in-Law 5 *l.* And if either of these Persons before named shall *die without Issue* lawfully begotten, then he gives the 'said LEGACY' to those that shall be left alive, to be equally divided between them. The Explanation of this Word 'LEGACY' must be governed by the *Intention* of the Testator: And to this Purpose, some Stress may be laid upon this Introduction of the professed Disposition of *All* his wordly Estate. A *different* Construction has been sometimes put upon the very *same* Words, as applied to Money and Lands; in order to *support the Intent* of the Testator: As in the Case of *Forth* v. *Chapman*, by Ld. *Macclesfield.* It is *most agreeable to the Intention* of the Testator in this Case, to construe this Word 'Legacy' to extend to *Lands.* It would *not* be a *legal* Limitation, if confined to Money. The Legacies may happen to be *spent*, soon after the Twelve-month is expired. And it could never be intended that so *small* a Sum as the 5 *l.* should be put out to Interest, and kept liable to this Limitation. If the Brother-in-Law died *without* Issue, there would be *No One left* to divide the Legacies. *Common* People do not make such Distinction between Money and Land, as Persons conversant in Law Matters do. The Testator meant this Clause as a Restraint upon his former Bequest; and meant that the Issue should have it. The Word 'Legacies' *does* extend to Lands, as well as to Monies. Common Persons would not think of using the Word '*Devise*:' (Which is the more usual *legal technical* Term.) Therefore upon the 1st Question I think it is an Estate *Tail*." See also doc. 4:224, n. 33, *Robinson v. Robinson*.

[3] 8 Coke, *Reports* fols. 95–96, *Clark v. Manning*, Trin. 7 Jac. 1 (1609): "And the Case was argued at the Bar, and at divers several Days debated at the Bench, and *prima facie Walmsley* Just. conceiv'd, That the Devise to *Matt. Manning* after the Death of the Wife was void, for the Wife having it devised to her during her Life, she had the whole Term, and the Devisor could not devise the Possibility over, not more than a Man can do by Grant in his Life; for that which the Testator cannot do by no Advice of Counsel in his Life, the Testator, who is intended to be *inops consilii*, shall not do by his Will; but by Grant in

his Life he could not grant the Land unto the Wife for her Life, the Remainder over to another, for by the Grant the Wife had the whole Term at least if she so long lived, and a Possibility cannot be limited by Way of Remainder; and altho' the later Opinions in the Case (where a Man possessed of a Lease for Years, devises it to one for Life, the Remainder to another) have been, that the Remainder was good; yet he said that the old Opinion, which hath more Reason, as he conceived, was, that the Remainder in such Case was void. . . . But *Coke* Ch. Just. *Warburton*, *Daniel*, and *Foster* contrary, that the Devise was good to *Matt. Manning*; and five Points were by them resolved. 1. That *Matt. Manning* took it not by Way of Remainder, but by Way of an executory Devise, and one may devise an Estate by his last Will in such Manner, as he can't do by any Grant or Conveyance in his Life . . . So in the Case at Bar when the Wife dies it shall vest in *Mat. Manning* as by an executory Devise, as if he had devised that after his Son has paid such a Sum to his Executors, that he shall have his Term; or that after the Death of *A.* that *B.* shall have the Term; Or that after his Son shall return from beyond the Seas, or that *A.* dies, that he shall have it, in all these Cases and other like, upon the Condition or Contingent performed, the Devise is good, and in the mean Time the Testator may dispose of it, and therefore in Judgment of Law, *ut res magis valeat* [*Ut res magis valeat quam pereat*: Lat. "That the thing may rather have effect than be destroyed" (*BLD*)], the executory Devise shall precede, and the Disposition of the Lease, till the Contingent happen, shall be subsequent, as in the Case at Bar it was, and so all shall well stand together; for when he made the executory Devise he had a lawful Power, and might well make it; and afterwards in the same Will he had lawful Power, and might well devise the Lease 'till the Contingent happen'd, and therefore it is as much, as if the Testator had devised, that if his Wife died within the Term, that then *Mat. Manning* should have the Residue of the Term; and farther devised it to his Wife for her Life. 2. The Case is more strong, because this Devise is but of a Chattel, whereof no *Prœcipe* [Lat. "An original writ, drawn up in the alternative, commanding the defendant to do the thing required, or show the reason why he had not done it" (*BLD*)] lies; and which may vest, and revest at the Pleasure of the Devisor, without any Prejudice to any. . . . 3. There is no Difference when one devises his Term for Life, the Remainder over; and when a Man devises the Land, or his Lease, or Farm, or the Use or Occupation, or Profits of his Land; for in a Will the Intent and Meaning of the Devisor is to be observed, and the Law will make Construction of the Words to satisfy his Intent, and to put them into such Order and Course, that his Will shall take Effect. And always the Intent of the Devisor expressed in his Will, is the best Expositor, Director and Disposer of his Words: And when a Man Devises his Lease to one for Life, it is as much as to say, he shall have so many of the Years as he shall live, and that if he dies within the Term, that another shall have it for the Residue of the Years; and altho' at the Beginning it be uncertain how many Years he shall live, yet when he dies it is certain how many Years he has lived, and how many Years the other shall have it, and so by a subsequent Act all is made certain."

[4] See n. 2, above.

[5] 1 Coke, *Institutes* fol. 19v: "When all Estates were Fee simple, then were Purchasers sure of their Purchases, farmors of their Leases, Creditors of their Debts, the King and Lords had their Escheates [LFr. "an obstruction of the course of descent, and consequent determination of the tenure, by some unforeseen contingency, in which case the land naturally results back, by a kind of reversion, to the original grantor, or lord of the fee" (*BLD*)], Forfeitures, Wardships, and other profits of their Seigniories [LFr. "A lordship; a manor. The rights of a lord, as such, in lands" (*BLD*)]; and for these and other like cases, by the Wisdome of the Common Law all estates of inheritance were Fee simple; and what contentions and mischiefs have crept into the quiet of the Law by these fettered inheritances, daily experience teacheth us."

[6] 1 Peere Williams 235, *Kentish v. Newman*, Trin. 12 Ann. (1713): "Decreed, that the Daughter should have this 200 *l.* and not the Wife's Brother and Sister; for that the Intention of the Articles was, to provide for the Wife, and the Issue of the Marriage, and not for the Brother and Sister of the Wife; and for that the Parents were, by the Law of Nature, bound to take Care of the Issue, but not of the Wife's Brother and Sister, who were provided for before, and for whom, tho' they had been left destitute, still the Wife was under no Obligation to provide. That it could not be intended that the Wife ever thought

of preferring her Brother and Sister before her own Child; and tho' the Words were, *if the Wife should die*, *living the Husband*, *then the* 200 *l. to go to the Wife's Brother and Sister*, yet must they be construed to mean, if the Wife should die *without Issue*."

[7] 5 Bacon, *Abridgment* 526: "That the Clauses and Sentences of a Will shall be severally transposed to serve the Meaning of it. And Construction shall be made of the Words to satisfy the Intent, and they shall be put in such Order as the Intent may be fulfilled."

[8] See doc. 4:224, n. 27, *Barker v. Suretees*.

[9] Swinburne, *Testaments* 153–54: "Devise to *E.G*. for Life, Remainder to *R.N*. in Tail, and if he die without Issue of his Body, living *E.G*. then the Lands to remain to her, *to dispose at her Pleasure*: Adjudged she had a Fee-simple. Devise to his Wife for Life, then to his Son; and if he fail, then all his Part to the *Discretion* of his Father: Adjudged, that the Father had a Fee-simple; and so it had been if the Devise was to be at his Disposal. 1 *Leon*. 156 *Whisken* versus *Cleyton*. So a Devise of Lands to his Wife to dispose and employ them upon her self and Sons *at her Will and Pleasure*: Adjudged a Fee-simple in the Wife. If it had been to dispose at her *Will and Pleasure, and to give it to which of her Sons she pleaseth*, probably this might have been an Estate for Life in the Wife, with a Power to dispose the Reversion ["the residue of an estate left by operation of law in the grantor or his heirs, or in the heirs of a testator, commencing in possession on the determination of a particular estate granted or devised" (*BLD*)]; but the better Opinion was, that she had a Fee-simple with a restrictive Power to alien to one of her Children, and no Body else. A Devise of several Lands to his Three Sons, *John*, *Stephen*, and *Roger*, severally, and if they live to the Age of Twenty-one, and *have Issue of their Bodies*, then to them and their Heirs, to *give and sell at their Will and Pleasure*: Adjudged a Fee-simple in them when they come of Age and have Issue; 'tis true, these Words, *Issue of their Bodies*, create an Estate-tail by Implication; but the Testator in this Case could never intend such an Estate, because he gave his Sons Power to *sell and give at their Will and Pleasure*, which Tenant in Tail cannot do. The Father devised his Lands to his Son *George and his Heirs*; and if he die before Twenty-one, and without *Heirs of his Body*, Remainder over: Adjudged that by the first Clause *George* had an Estate in Fee, the Devise being to him and *his Heirs*, and the subsequent Words, (*viz*.) If he die before Twenty-one, *and without Heirs of his Body*, qualify the Estate, (*viz*.) that the Fee-simple shall not determine, unless he die before Twenty-one, and without Issue, and are not Words of *Limitation.* Devise to the *Wife for Life*, with a *Power* given to her to *dispose* it, *&c*. to such of her Children as she shall think fit, and accordingly she did *dispose* it to her Son *Philip and his Heirs*: Adjudged, that by the Word *Dispose*, the Testator intended it should be in Fee; and though the Wife had an express Estate for Life, yet she had a Power to dispose the Fee-simple and Inheritance; but this is contrary to a Case in *Leonard*, where the Devise was to his *Wife for Life*, *and she to give it to whom she will* after her Decease; in which Case it was adjudged a Fee-simple, if there had not been an express *Estate for Life* devised to the Wife; therefore she had it only for Life, with a Power to dispose the Reversion in Fee; and when that is done, then the Grantee will be in by Virtue of the Will; but in the principal Case, Justice *Levins*, who reports it, tells us, the Court was divided."

[10] See n. 2.

[11] *Talbot* 161–62, *Ibbetson v. Beckwith*, Mich. 9 Geo. 2, Canc. (1735): "It hath been said indeed, That in those Clauses the Fee doth not pass from the Force of the Words, but from the Nature of the Purposes, *viz.* That of paying Debts, *&c.* But still the Words are an Argument that he intended to pass the Inheritance, though not the whole Argument. It has been said likewise, That the Word *paying* does not of itself import a Fee; but still, In what Sense hath he used the Words *my Estate?* to pass the inheritance. As for Example; The Word is left out in the Clause now in Question; which is a very material and a very operative Word: But yet none will pretend that this Clause should be expunged by reason of the Omission of that single Word. Then the next Words are, *All my Estate*, *Northwith Close*, *North Close*, *&c.* without either *in* or *at*; which is likewise very imperfect: So that it must return to the Words, *All my Estate to my Mother for Life*, *and to my Nephew* Thomas Dodson *after her Death.* Now although the Word *Estate* may, in common Speech, not mean an Inheritance; yet is clear he has meant it so here: And then taking

it in that proper legal Sense, it will be a complete Disposition of the Whole: Whereas, taking it to carry but an Estate for Life, there will be a Chasm, an incomplete Disposition; since Half much descend to this very *Thomas*, and the other Half to the other Coheirs, as hath been before observed."

[12] 5 Bacon, *Abridgment* 526: "In Deeds the Rule of Construction is, That the Intention must be directed by the Words, but in Wills, the Words must follow the Intent of the Devisor; and such a Construction is to be made of them, as to make use of all the Words, and not of Part, and so as they may stand together, and have no Contrariety in them."

[13] 8 Viner, 181–82: "1. THE *Defect* of a Will *in Words* shall be *supplyed by Intent* of Devisor in making an Estate, but not in the naming the Devisor or Devisee. . . . 2. There will be a great Difference in a Will between *Words of Restraint* which do *follow general Words*, and which do follow *particular Words*. . . . 3. In Wills the Effect or *Intent* is more to be regarded than the *Form*. . . . 4. In several Cases the *Intent* in Devises shall *make Estates pass contrary to the Rules of Common Law* in Deeds or other Gifts . . . 5. Words in Wills ought to *receive such favourable Exposition*, *that the Intent of the Testator apparent in the Will shall be perform'd in every Point*, *and no Jot*, (or not the least Part of it) *shall be confounded*. And to this Purpose it is the Office of Judges to marshal the Words of Wills, and the rather because for the most Part Wills are made in Extremity, and when there is no Counsel in the Law ready or present, and the Testators themselves are not for the most Part, learned in the Law, nor know how to place Words in good Order, and consequently their Ignorance and Simplicity require a favourable Interpretation of their Words in Wills. . . . 7. It is the usual Course in the Construction of Wills *to consider all the Clauses* of the Will, *and to judge upon all the Words* of the Will, and not upon one Part only . . . 8. If the *Intent* be not apparent out of the *Words*, then the Words are to be expounded by the *Common-Law*. . . . 10. In *Conveyances*, *subsequent Words* may be *Explanatory* of the former, but in *Wills* the *first Words* do actually guide those which follow. . . . 11. A Will ought to receive Construction by a due Consideration of the *Intention of the Testator collected out of all the Parts thereof*, so that there be no Repugnancy ["An inconsistency, opposition, or contrariety between two or more clauses of the same deed or contract" (*BLD*)], but a Concordancy in all Parts thereof. . . . 13. There are Three Rules. 1st. No Will ought to be construed *per Parcellas* [Lat. by parts], but by Entierties. Secondly, To admit of *no Contrariety*, or Contradiction. Thirdly, *No Nugation*, nor any Nugatory ["Futile; ineffectual; invalid; destitute of constraining force or vitality" (*BLD*)] Thing ought to be in a Will. Per Croke J. who said these Rules observed will open all the Doors in every Will. . . . 14. Wills and the Construction of them do more perplex a Man than any other Learning, and to make a certain Construction of them, this excedit Juris-prudentis Artem [Lat. exceeds the art of jurisprudence]; But I have learned this *good Rule always to judge in such Cases as near as may be and according to the Rules of Law*; and in so doing I shall not err, and this is a good and a sure Rule, if a Will be plain then to collect the Meaning of the Testator out of the Words of the Will. . . . 15. These Rules are to be observed in the Exposition of Wills. 1st, The *Intent* of the Devisor. Secondly, The Intent *within the Will according to the Law*. Thirdly, the *Scope* of the Will should be enquired. Fourthly, It should be interpreted, that *every Word may have its Effect*; For it shall not be intended he would speak contrary Things. . . . 16. Such an Interpretation is to be made of Wills as *that all the Parts thereof may stand together*. . . . 17. These Words in a Will, viz. *I purpose to devise* is all one as if I said, I do devise; for whatsoever may be taken to be the Will of the Testator is his Will."

[14] See n. 2.

[15] See n. 11, above.

[16] See doc. 4:224, n. 27, *Barker v. Suretees*.

[17] 1 Peere Williams 666, *Forth v. Chapman*, Mich. 7 Geo. 1 (1720): "*His Lordship* likewise took Notice that in a *Formedon* [LFr. "An ancient writ in English law which was available for one who had a right to lands or tenements by virtue of a gift in tail. It was in the nature of a writ of right, and was the highest action that a tenant in tail could have; for he could not have an absolute writ of right, that being confined to such as claimed in fee-simple" (*BLD*)] in Remainder, where Tenant in Tail leaves Issue, which Issue afterwards dies without Issue, whereupon such Writ is brought, the *Formedon* says,

that the Tenant in Tail did die leaving Issue *J. S.* which *J. S.* died afterwards without Issue, and so the first Donee in Tail died without Issue, thus the Pleading says, that the Donee in Tail died leaving Issue at his Death; consequently the Words (leaving Issue) refer to the Time of the Death of the Tenant in Tail, and if the Words of a Will can bear two Senses, one whereof is more common and natural than the other, it is hard to say a Court should take the Will in the most uncommon Meaning; to do what? to destroy the Will."

[18] See doc. 4:224, n. 29, 2 Bacon, *Abridgment* 53.

[19] *In extremis*: Lat. "In extremity; in the last extremity; in the last illness. . . . Declarations *in extremis*, dying declarations" (*BLD*).

[20] See doc. 4:224, n. 54, *Ibbetson v. Beckwith*.

[21] See doc. 4:224, n. 28, 2 Bacon, *Abridgment* 66.

[22] Common recovery: "In conveyancing. A species of common assurance, or mode of conveying lands by matter of record, formerly in frequent use in England. It was in the nature and form of an action at law, carried regularly through, and ending in a *recovery* of the lands against the tenant of the freehold; which recovery, being a supposed adjudication of the right, bound all persons, and vested a free and absolute fee-simple in the recoverer" (*BLD*).

[23] JD evidently meant 5 Bacon, *Abridgment* 526: "That such a Sense shall be made of a Devise, that it may be for the Profit of the Devisee, and not to his Prejudice."

[24] 1 Peere Williams 666, *Forth v. Chapman*, Mich. 7 Geo. 1 (1720): "Besides, the Testator who is *inops Concilii*, will, under such Circumstances, be supposed to speak in the vulgar, common and natural, not in the legal Sense."

[25] Presumption: "An inference affirmative or disaffirmative of the truth or falsehood of any proposition or fact drawn by a process of probable reasoning in the absence of actual certainty of its truth or falsehood, or until such certainty can be ascertained" (*BLD*).

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Notes on Parliamentary Power, [1769]

These notes, written sometime in 1769, expand on the concerns JD raised in his letter to Arthur Lee of April 20, 1769 (doc. 4:190, above). Alarmed by the possibility that American colonists would be tried for treason in English courts, JD may have been drafting an essay for publication to rally colonists against this measure and other acts of parliamentary overreach.

Drawing on his legal training, JD presents the outline of an argument against submission to Parliament when it has overstepped its constitutional limits. Challenging proponents of parliamentary supremacy, who argued that Parliament could amend the constitution at will, JD insists that although Parliament exercises supreme legislative authority in the British Empire, it remains bound by certain constitutional constraints derived from natural law.

The ninth Resolve of the {House of} Lords on the 13th of {last} Dec[embe]r[l] {relating to the Affairs of Massachusetts Bay,} ~~is~~ {appears to Me} of so extraordinary a Nature, as to merit the particular Consideration of these Colonies.

Among other Things, their L[ord]ship[s] resolve, "that an {humble} Address be presented to his Majesty, beseeching him, that he will be graciously pleased to

direct his Majesty's Governor of Massachusetts Bay, to take the most effectua[l] Methods for procuring the fullest Information, that can be obtained, touching all Treasons & Misprisions of Treasons, committed within the Government since the 30th of December last, and to transmit the same, together with the Names of the persons, who were most active in Commission of such Offences, to one of his Majesty's principal Secretaries of State, in Order that his Majesty may issue a special Commission for enquiring of, hearing & determining the said Offences within this Realm,[2] pursuant to the provision of the Statute of the 35th Year of the Reign of King Henry the eighth,[3] if his Majesty shall, upon receiving said Information, see sufficient Ground for such proceeding."

When the ~~full Extent of~~ {~~Consequences of carrying~~} {full Extent of} this Resolve into is taking into View, I believe ~~no~~ American{s} will {not} be able to think of Words sufficiently severe, to express their Sense of this Measure.

It is quite unnecessary to use any Argument, [*page break*]
Britons ~~may~~ speak—write—dance & paint better than We—they are more learned—more polishd—

But to all their Accomplishments We oppose our incorrupted ~~Love~~ Poverty—& our inextinguishable Love of Liberty—

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Author[itie]s in Law Books, especially before the Revolution,[4] in Favor of Liberty, are of great Weight, bec[ause] they could proceed only from a Regard for Truth & Justice— But Author[itie]s ag[ains]t Liberty then of little Moment, because the Constitution, not at that Time thoroughly settled—

═

Theref[ore] the Case cited by Molyneux respect[in]g Ireland of great Importance with Regard to these Colonies[5]
{Engl[an]d might found her Claim of regulat[in]g Trade of Ireland on her Empire over the narrow Seas— See H. H. P. C. 154.[6] Selden—}[7]

Tho[ugh] Ireland [~~*illegible*~~] considered by England as a conq[uere]d Country— yet She has not exercisd an Authority of tax[in]g her—or even of regulating in any Manner her internal Police. So plain, so strong is the Reason for Laws being made where a Legisl[ature] is establishd—& executed where there are Courts of Justice— 1 Hawks. P. C. 43.[8]

Θ {Infinitely stronger Reason why Trials should be here than} Ɨ{i}n Ireland, bec[ause] of imposs[ibility] of gett[in]g witn[esse]s from hence—
The Cause of the Contrad[icti]on in 3 Ins. 11. & 18[9]—was the Zeal of the Judges to please the Queen in Treasons relat[in]g to her Person— See 1 Hale 154. 155. 225.[10] Dyer 360.[11] 7 Co. 23.[12] 11 Co. 63.[13] 3 Ins. 11. 18. 24.[14] Cambden's Eliz[abeth] 458.[15] 1 State Tri. 181. 928.[16]

Mitius imperanti melius paretur— Seneca—[17] [*page break*]

Acknowledgd by all good Writers now, & our Constitution acknowl[edge]s it— th[at] Gov[ernmen]t is establishd for the Happiness of the People— To suppose the Sup[reme] Power vested with an Authority [per]nicious to the People is an Inconsistency— Absurd

Laws to restrain our Manuf[acture]s contrary to Nature wh[ich] entitles Us to the P[ro]fits of our Land & Labor Explain & enforce this See Author[ities]s Restrain[in]g our {slitt[in]g} Mills &c[18] Badges of Slavery

Policy of Carth[age] towards Sardinia[19]

As to Precedents for G[reat] B[ritain]'s exercis[in]g such Author[it]y Examine how few—how little they affected Us— Our Reverence for her Children may submit to many unreasonable orders of Parents wh[ich] they had a Right to disobey

Besides States have their Infancy as well as Individuals G[reat] B[ritain] dates the Accompl[ishmen]t of her Const[ituti]on from—the Revol[uti]on—but not her Right to that Constitution

Claims ag[ains]t Liberty ought to be clear & strong—because they must arise from Political Institutions expressly or impliedly renouncing Rights of Individuals

Claims of Liberty [pro]ve themselves— They speak the Language of Nature— Reason— ~~Justice &~~ — Equity our Affections declare {proclaim} them— our Understandings assent to them our Jud[gmen]ts approve them (Here quote from the Letter to the Comm[itt]ee of Correspondence—[20]
See Locke on the Devot[ions?] of the Mind—[21] [*page break*]

[*written on exterior of previous page, folded in half and quarters*]

The old Maxim of Hesiod Pleon encisu pant~~a~~{o}s[22] strictly applicable to Power— Inst[ance]s of the Stewarts Cha[rle]s 1[s]t & Ja[me]s 2d.[23]
Instances of Roman Emperors
No safety for Rulers but where there is a Reverence for the Law[s?]—which never will be, but where the Laws are esteemd just

Tho[ugh] a Legisl[ature] is Sup[reme] Yet its Author[ity] has Limits fixd by its Nature— It cannot violate the Constitution, th[at] is, it cannot hurt the People, from whom its Power is derivd— (as is agreed by the best Writers {on Gov[ernmen]t})
Salus populi sup Lex[24]
When it may be [pro][per] for the People to assert their own ~~Rights~~{Liberties} is a matter of Prudence
That the right commences
when the Inj[ury] is certain

where the Inj[ury] was deliberately
levelld at their Happiness
[*page break*]

This the best Time for assert[in]g Amer[ican] Rights
Because People of England have Virtue & Justice left among them—tho[ugh] the Great are corrupt See Midd[lese]x & London Petitions to the King[25]
==
Bec[ause] We have lately prevaild in two Contests[26]
==
Bec[ause] Amer[ican]s are still virtuous & a People naturally grows more corrupt as they grow more numerous
[*text separator rubbed out*]
Not so many Offices to corrupt Us as [pro]bably there will be
==
Bec[ause] the Situation of {the} publ[ic] Affairs of G[reat] B[ritain] are more favorable than can be expected again
==
Bec[ause] the longer We subm[it] to Laws {or Rules of Gov[ernmen]t} th[at] are unconstitutional, the greater will their Force be{—& Posterity may be inclind to ==subm[it] bec[ause] We [accredit] all our [pre]sent Claims & with our [pre]sent Spirit made no other Claims}
==
See Diff[erence] betw[een] Irish & American Declaratory Acts[27]

AD (PHi-RRL)

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[1] The resolves were adopted on Dec. 15, 1768 (*Journals of the House of Lords*, vol. 32 [1768–1770], 209–11). This fact was correctly reported in Philadelphia by the *PG*, March 23, 1769; the *PJ*, March 23, 1769; and the *PC*, March 20–27, 1769. These publications drew on a report in *The New-York Gazette, or, the Weekly Post-Boy*, March 20, 1769.

[2] The phrase "within this Realm" is underlined four times.

[3] 35 Hen. 8, c. 2 (1544).

[4] That is, the Glorious Revolution.

[5] A reference to William Molyneux, *The Case of Ireland's Being Bound by Acts of Parliament in England, Stated* (Dublin: J. Ray, 1698). Molyneux (Molyneaux; 1656–1698) was a Protestant Irish scientist, philosopher, and politician who advanced a philosophical, legal, and historical argument that the Irish Parliament was not subordinate to the English Parliament and the latter had no power to make laws in Ireland. Although his pamphlet was inspired by a dispute over Irish woolen exports in the late-17th century, Molyneux's argument received renewed attention in the American colonies amid the constitutional disputes of the 1760s and 1770s.

[6] 1 Hale, *Pleas* 154: "The realm of *England* comprehends the narrow seas, and therefore if a war be levied upon those seas, as if any of the king's subjects hostily invade any of the king's ships, (which are so many royal castles) this is a levying of war within his realm, for the narrow seas are of the ligeance of the crown of *England*: *vide Seldeni Mare clausum* [Lat. see Selden's *Mare Clausum*]."

[7] A reference to John Selden's *Mare Clausum* (1635), which argues for Britain's right of sovereignty over its encompassing seas. See John Selden, *Of the Dominion, Or, Ownership of the Sea* . . . , trans. Marchamont Nedham (London: W. Du-Gard, 1652).

[8] 1 Hawkins 43: "That [counterfeit money] must be brought from a foreign Nation, and not from *Ireland*, or other Place subject to the Crown of *England*; for tho' to some Purposes they be distinct from the Realm of *England*, and consequently Money brought from thence may within the Letter of the Statute be said to be brought into the Realm; yet inasmuch as the counterfeiting is punishable there by the Laws of our King as much as in *England*, the bringing Money from such Places has been construed to be no more within the Act than if they were actually in *England*."

[9] 3 Coke, *Institutes* 11: "*Ou per ailors*. That is to say, out of the Realme of England. But then it may be demanded, how should at this time this forraine treason be tried? And some of our Books doe answer, that the offender shall be indicted and tried in this Realme where his land lyeth, and so it was adjudged in 2 *H*. 4 But now by the statute of 35 *H*. 8. cap. 2. (which yet remains in force) All offences made or declared, or hereafter made or declared treasons, misprisions of treason, and concealements of treason, committed out of the Realme of England, shall be inquired of, heard, and determined, either in the Kings Bench or before Commissioners in such Shire as shall be assigned by the King. If it be before Commissioners, it hath been commonly used, that the King doth write his name in the upper part of the Commission. But in the Case of *Patrick O Cullen* an Irishman, the Queene did put her Signature to the Warrant to the Lord Keeper, and not to the Commission: and it was holden by the Justices that the one way and the other was a sufficient assignement by the King within the statute of 35 *H*. 8. It was resolved by all the Judges of England, that for a treason done in Ireland the offender may be tryed by the Statute of 35 *H*. 8. in England, because the words of the statute be, *All Treasons committed out of the Realme of England*, and Ireland is out of the Realme of England. And so it was resolved in Sir *John Parrots* Case. And our word here (*per ailors*) is as much as out of the Realme of England."

3 Coke, *Institutes* 18: "[counterfeit money] must be brought from a foraine Nation, and not from Ireland, or other place belonging to, or being a member of the Crowne of England, and so it hath been resolved, so wary are Judges to expound this statute concerning Treason, and that in most benigne sense: For albeit Ireland be a distinct Kingdome, and out of the Realme of England to some purposes, as to Protections and Fines levied, &c, as hath been said: yet to some intent it is accounted as a member of or belonging to the Crowne of this Realme. And therefore a Writ of Error is maintainable here in the Kings Bench of a judgement given in the Kings Bench in Ireland, so as the Judges did construe this statute not to extend to false money brought out of Ireland."

[10] 1 Hale, *Pleas* 155: "*Ireland*, tho part of the dominions of the crown of *England*, yet is no part of the realm of *England*, nor *infra quatuor maria* [Lat. "Within the four seas; within the kingdom of England; within the jurisdiction" (*BLD*)], as hath been ruled *temp. E*. 1. *Morrice Howard*'s case: the like is to be said for *Scotland* even while it was under the power of the crown of *England*, as it was in some times of *E*. 1. and some part of the time of *E*. 3. 8 *Rich*. 2. *Continual claim* 13. For *Ireland* hath the same laws for treason that *England*, tho it hath some more; yet for a levying war, or other treason in *Ireland* the offender may be tried here in *England* by the statute of 35 *H*. 8. *cap*. 2. for treasons done out of the realm, as was resolved in the case of *O-Rork*, *H*. 33 *Eliz*. and after that in Sir *John Perrot*'s case, *Co*. *P*. *C*. *p*. 11. 7 *Co*. *Rep*. *Calvin*'s case, 23. *a*."

1 Hale, *Pleas* 225: "THE next point of treason is, if any man bring in false money into this realm counterfeit to the money of *England*, as the money called *Lushborough* ["In old English law. A base sort of money, coined beyond sea in the likeness of English coin, and introduced into England in the reign of Edward III" (*BLD*)] or other like to the said money of *England*, knowing the money to be false, to merchandize or make payment in deceit of our lord the king and of his people. Touching this point of treason these things are observable. I. That the money in this case must be imported from a forein nation, for here it is not the counterfeiting, that is the treason, but the importing; and yet it seems by the general words of the statute of 35 *H*. 8. *cap*. 2. the counterfeiting itself, tho out of the kingdom,

may be tried in the king's bench, or before special commissioners, as well as any other treason. But at common law the counterfeiting beyond the sea seems not to have been such a treason as could be tried here, as treason in adhering to the king's enemies might have been, and therefore the importing was made treason by this act. Altho *Ireland* be within the statute of 35 *H*. 8. *cap*. 2. for trial of treason in compassing the king's death or levying of war, as is before observed, and therefore as to that purpose out of the realm of *England*, yet it hath been held upon the obscure book of 3 *H*. 7. 10. that an importation of counterfeit coin from thence into *England* is not treason here within that statute, principally because the counterfeiting itself is punishable by the statute of 25 *E*. 3 [(1351 OS): "A Declaration Which Offences Shall Be Adjudged Treason" (2 *SAL* 50–53)]. which is of force in *Ireland*." See also n. 6, above.

[11] Dyer (1585) fol. 360v, Mich. 19 & 20 Eliz (1577): "Gerrard Chauncelor de Irelande moue cest questyon al Counsell la Roigne. s. si un Countee ou Seignior de Irelande, que committe Treason in Irelande per ouert Rebellion, serra arraigne & mis a son trial in Engleterre pur loffence, per lestatute de 26.H.8.cap.13. 32.H.8.cap.4. 35.8.2. ou 5.Ed.6.11. Et fuit tenus per *VVray*, *Dyer*, *& Gerrard* Atturney general, que il nepoit, car il ne poit auer son trial icy per les peres, ne per ascun Jury de xii. Pur ceo que il nest subiect Dengleterre mes de Irelande, & ideo la serra son trial": LFr. "*GERRARDE*, Chancellor of *Ireland*, moved this question to the Queen's Counsel, *s*. Whether an Earl or Lord of *Ireland*, who commits treason in *Ireland* by open rebellion, shall be arraigned and put to his trial in *England* for the offence, by the statute of 26. *H*. 8. c. 13 [(1534): "An Act Whereby Offences Be Made High Treason, and Taking Away All Sanctuaries for All Manner of High Treasons" (4 *SAL* 337–39)]. 32. *H*. 8. c. 4 [(1540): "Treasons Shall Be Tried That Be Committed in Wales, or Where the King's Writ Runneth Not . . ." (5 *SAL* 12)]. 35. *H*. 8. 2. or 5. *Ed*. 6. 11 [(1552): "An Act for the Punishment of Divers Kinds of Treasons" (5 *SAL* 370–74)]. And it was holden by WRAY, DYER, and GERRARDE Attorney-General, that he cannot; for he cannot have his trial here by his peers, nor by any jury of twelve, because he is not a subject of *England*, but of *Ireland*; and therefore his trial shall be there." Trans. Dyer (1794) 360b.

[12] 7 Coke, *Reports* fol. 23, *Calvin v. Smith*, Trin. 6 Jac. 1, (1608): "So as now the Laws of *England* became the proper Laws of *Ireland*; and therefore, because they have Parliaments holden there, whereat they have made divers particular Laws concerning that Dominion . . . and for that they retain unto this Day divers of their ancient Customs, the Book in 20 *H*. 6. 8. holdeth, that *Ireland* is governed by Laws and Customs, separate and diverse from the Laws of *Engl*. . . . And in *Anno* 33 *Reg. El*. It was resolved by all the Judges of *England* in the Case of *Orurke* an *Irishman*, who had committed High Treason in *Ireland*, that he by the Statute of 33 *H*. 8. *c*. 23 [(1542): "An Act to Proceed by Commission of Oyer and Terminer against Such Persons as Shall Confess Treason, &c. . . ." (5 *SAL* 107–08)]. might be indicted, arraigned, and tried for the same in *England*, according to the Purview of that Statute; the Words of which Statute be, *That all Treasons*, *&c. committed by any Person out of the Realm of* England *shall be from henceforth enquired of*, *&c*. and they all resolved (as afterward they did also in Sir *John Perrot*'s Case) that *Ireland* was out of the Realm of *Engl*. and that Treasons committed there, were to be tried within *England* by that Statute."

[13] 11 Coke, *Reports* fol. 63, *Rex v. Foster*, Mich. 12 Jac. 1, B.R. (1614): "As by the Statute of 33 *H*. 8 *cap*. 23. it is enacted, That if any Person being examined before the King's Council, or three of them, shall confess any Treason, Misprision, or Murder, or be by them vehemently suspected, he shall be tried in any Country where the King pleases, by his Commission, *&c*. and afterwards another Law was made, 1 *&* 2 *P. & M*. *cap*. 10 [(1554 OS): "An Act Whereby Certain Offences Be Made Treasons, and Also for the Government of the King's and Queen's Majesties Issue" (6 *SAL* 53–55)]. in these Words, *That all Trials hereafter to be had for any Treason*, *shall be had according to the Course of the Common Law*, *and not otherwise*: This latter Act (altho' the latter Words had not been) hath abrogated the former, because they were contrary in Matter: But it doth not abrogate the Statute of 35 *H*. 8. *cap*. 2. of Trial of Treasons beyond the Seas, notwithstanding the Negative Words, because it was not contrary in Matter, for that was not triable by the Common Law."

[14] 3 Coke, *Institutes* 24: "Foraine treasons are to be tried by the statute of 35 *H*. 8. cap. 2. and so it was resolved by all the Justices of England in *Ororks* Case, and had been so resolved before. But for trials of treasons to be had in Wales, or where the Kings Writ runneth not, in such Shires as the King shall assigne by his Commission by the statute of 32 *H*. 8. ca. 4. are abrogated by this Act, because they are triable by the law." See also n. 9, above.

[15] A reference to William Camden, *The History of the Most Renowned and Victorious Princess Elizabeth, Late Queen of England* . . . , 3rd. ed. (E. Flesher et al., 1675), 458–59: "*Brien O-Rork*, a great Lord of *Brenny* in *Ireland*, who notoriously favoured and affected the *Spaniards*, and was the last Year (as I said before) delivered up by the King of *Scots* into *England*, was now arraigned in *Westminster-Hall*. He was charged to have 'excited and encouraged *Alexander Mac-Conell* and others against the Queen; that he had commanded the Queen's Picture, painted in a Table, to be hung at a Horse's Tail, and hurried about the Streets in Scorn, and at last disgracefully cut in pieces; that he had entertained in his House certain *Spaniards* that were shipwrecked, contrary to the Lord Deputie's Proclamation; that he had burnt down to Ashes the Houses of many of the Queen's faithfull Subjects by his Incendiaries, and slain divers of them; and that he profered *Ireland* in Possession to the King of *Scots*.' Being made to understand these Accusations by an Interpreter, (for he understood not *English*,) out of a barbarous Insolency he refused to submit himself to a Triall by Twelve men, unless he might have longer time given, an Advocate might be allowed him, the Accusations sent out of *Ireland* might be delivered into his Hands, and the Queen herself would sit as Judge upon the Bench. When the Lord Chief Justice of *England* had answered him by an Interpreter, that if he refused to submit himself positively to a Triall by 12 men, they were notwithstanding by Law to give Judgment according to the Articles of the Indictment; he made no other Reply but this, *If they thought good*, *let it be so*. Sentence of Death being given against him, some few days after he suffered a Traitour's Death at *Tyburn* obstinately and without Remorse."

[16] 1 *State Trials* 181, *Regina v. Perrot*, Pasch. 34 Eliz., B.R. (1592): "SIR *John Perrot* being brought to the *King's-Bench-Bar*, accompany'd with the Lieutenant of the *Tower*, and Sir *Henry Lee*; and Proclamation for Silence being made, the Lieutenant was commanded to return his Writ of *Habeas-Corpus*. . . . *The Effect of the Indictment*. 'That the last of *January* 1587, in the 30th Year of the Queen's Majesty, he the said Sir *John Perrot* falsely and traitorously, *&c*. did imagine in his heart to deprive, depose, and disinherit the Queen's most excellent Majesty from the Royal Seat, to take her Life away, to make slaughter in her Realm, to raise Rebellion in *England* and *Ireland*; and that he did procure a foreign Power to invade the two Realms."

1 *State Trials* 928, *Rex. v. Macguire*, Hill. 20 Car. 1, B.R. (1644 OS): "ON *Monday* the 11th of *November* 1644, the Prisoner was brought to the Bar of the *King's-Bench* to be arraign'd: By the Indictment he was charged, That he . . . as a false Traitor against the King's Majesty, his supreme Liege Lord, not having the Fear of God in his Heart, nor considering his Duty or Allegiance, but being seduced by the Instigation of the Devil, intending altogether to withdraw, blot out, and extinguish the cordial Love and due Obedience which faithful Subjects owe to their Sovereign; did on the 20th of *October*, 17 *Car*. at *Dublin* in *Ireland*, in the Parts beyond the Seas, and at divers other Times, both before and after, as well at *Dublin* as elsewhere, falsely, maliciously, and traitorously conspire, imagine, and compass utterly to deprive and disinherit the King's Majesty of his Royal Estate and Kingdom of *Ireland*; to bring his Majesty's Person to Death and Destruction; to raise Sedition, and breed and cause miserable Slaughter and Destruction amongst the King's Subjects thro'out all the whole Kingdom; to make an Insurrection and Rebellion against the King his Sovereign; to levy publick, open, bloody, and fierce War against the King in that Kingdom; to change and alter, according to their own Wills, the Government of the Kingdom, and the Religion there established, and totally to subvert the well-ordered State of that Commonwealth; to procure and bring in divers Strangers and Foreigners (not being the King's Subjects) in a warlike manner to invade that Kingdom of *Ireland*, and to levy War there."

[17] "*Mitius imperanti melius paretur*": Lat. "The more mildly one commands, the better is he obeyed" (*BLD*). JD likely took this maxim from Coke, who attributes it to the ancient Roman philosopher

Seneca (4 BC–AD 65). See 3 Coke, *Institutes* 24.
[18] The Iron Act of 1750.
[19] See doc. 4:20, n. 29, above.
[20] Doc. 3:116.
[21] Given the discussion of the paternal relationship between the colonies and Great Britain above and the invocation of doc. 3:116, this may be a reference to Locke, bk. II, c. 6 §61, also cited in doc. 4:78, above.
[22] "Ὅσῳ πλέον ἥμισυ παντὸς" (*hosōi pleon hēmisu pantos*): Gr. "How much more the half [is] than the whole" (Hes. *Op*. 40).
[23] See doc. 4:116, n. 8, above.
[24] *Salus populi suprema lex*: Lat. "The welfare of the people is the supreme law" (*BLD*).
[25] These petitions were presented by supporters of John Wilkes in response to his exclusion from the House of Commons (see doc. 4:124, n. 3, above). The Middlesex Petition appeared in the *PC*, Aug. 7–14, 1769, and the London Petition in the *PC*, Aug. 28–Sept. 4, 1769. Both petitions mention American grievances.
[26] Perhaps referring to King George's War (1744–48) and the French and Indian War.
[27] 6 Geo. 1, c. 5 (1720): "An Act for the Better Securing the Dependency of the Kingdom of Ireland upon the Crown of Great Britain" (14 *SAL* 204–05), and the Declaratory Act of 1766.

Undated

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From William Hicks, n.d.

A few Days agoe, my dear Sir! You told me that You sometimes had Money in your Hands to put out. A Friend of mine has, I am afraid, supplied me with some at a Time when it was inconvenient to Him, and I would gladly replace it. For this Purpose I would mortgage a Ground Rent of £15 p[e]r Ann[um] for £250. As this Rent will exactly pay the Interest, I think it unxexceptionable Security; and upon being {paid} the Rent due to this Time, {it might not be worth my While, for} I might probably never have it in my Power to redeem it. The Land charged with this Rent, was, 4 Years agoe, valued at {£}500 & £200 Cash paid down; and since has been considerably improved in it's Value, lying within 300 Yards of the Play House.[1]

If You should, at this Time have any Cash for Use, favour me with your Answer by the Bearer, and let me know whether You approve the Security—w[hi]ch is the best that can be offer'd You by

W^m^. Hicks

ALS (PPL-JDP)

[1] Likely the Southwark Theatre, which opened immediately south of the city limits of Philadelphia in November 1766 on the southwest corner of South St. and Apollo (now Leithgow) St. The fact that the theater had yet to be constructed when the property was appraised four years earlier, suggests that it dates to 1769 or earlier.

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From William Hicks, n.d.

I am, my dear Sir! too sensibly affected with your more than friendly Offer, to tell You exactly what I feel or what I think. You [~~pro~~?] generously propose to put into my Hands no inconsiderable Sum, refusing all Advantage from the Use of it, & leaving the Repayment to my own Convenience. Limitted as my Fortune was when I first came to Town, the most rigid Economy can not long preserve the trifling Remainder. You know the Difficulties of my present Situation & the Uncertainty of my future Expectations. At present the Use of the Sum I required would relieve {me} from the painful Consideration of having involved my Friend in my Difficulties; but how can I think of taking the Burthen from One to impose it upon Another? At this Time I can give You indisputable Security; but, if I take Advantage of your Offer, I know not when I shall {be able} with more Convenience, to spare that Sum from the expensive Demands of a numerous Family.[1] If You will absolutely decline ~~all~~ {taking any} real Security, just ~~take~~ {receive} a written Acknowledgment for

the Sum; and I hope I shall find in my own Heart such Principles as will secure You from any Loss. I would not be thought capricious—I'm sure I can never be ungrateful: And yet I am distressd beyond Measure, at the Thought of receiving, even from Yourself, such a Favor as can never be properly acknowledged by

Your most affectionately obligd

W^m^. Hicks

ALS (PPL-JDP)

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[1] Hicks and his wife, Francina Jekyll Hicks (c. 1737–1770), had four living children in 1769: Giles (1761–c. 1785), Catherine (b. 1763), William (b. 1767), and Richard Penn (b. 1769). The couple had lost two other children, Eliza Margaretta (1759–1760) and Francina (1763–1767). Another son, Jacob Johnson, was born in 1770. Hicks also had an illegitimate son, Edward (b. 1766). See Keith, *Provincial Councillors*, 466.

APPENDIX A
Calendar of Omitted Documents

1. **From Elizabeth Moland St. Clair, Feb. 7, 1767.** PHi-Logan. Approves JD's proposal to sell the Moland farm in the Northern Liberties and divide the proceeds into four shares but warns against sale of any of the shares.

2. **From William Herman, April 7, 1767.** PHi-Logan. Describes his side of a case against him in hopes that JD's "Care for the Relief of the Oppressed Poor & honest" will lead him to take the case.

3. **From John Williams, April 9, 1767.** PHi-Logan. Reports that he will be in Barbados until September and asks for an accounting of the money that JD has received for him and remitted to John Boddington.

4. **From John St. Clair, April 18, 1767.** PHi-Logan. Requests payment to Thomas Basset of a note owed by JD to himself and disapproves of dividing the farm in the Northern Liberties into lots.

5. **To James Tilghman, May 13, 1767.** NNPM. Requests that Tilghman, opposing counsel in the case of *Robert Hyde et al. v. James Wallace*, consent to taking depositions from witnesses leaving Pennsylvania, with Tilghman's note of consent.

6. **From John Boddington, May 14, 1767.** PHi-Logan. Reminds JD of remittances due for the account of John Williams, which Boddington has not received.

7. **From Daniel Hunt, May 30, 1767.** PHi-Logan. Sends evidence that he had paid his account with John Williams. With a receipt written by JD and signed by Benjamin Vancleave recording JD's return of Hunt's overpayment.

8. **From John Boddington, June 13, 1767.** De-Ar-SMDFP. Gives the status of four bills received from JD for John Williams: two refused, one accepted, and one pending.

9. **From John Williams, June 25, 1767.** PHi-Logan. Laments the news of a problem with a bill drawn on Tench Francis (doc. 4:7) and asks for information about what the bill was worth and what is being done to secure the money. Williams also sent a duplicate. See PHi-Logan.

10. **From William Forman, July 27, 1767.** PHi-Logan. On behalf of John Williams, inquires about the protested bill of Tench Francis. See docs. 4:7 and 4:A9.

11. **From Abraham Cottnam, Aug. 3, 1767.** PHi-Logan. Reports that he will have a mortgage deed from John Rozell, Nathaniel Rozell, and Benjamin Brearly to JD recorded as soon as business allows. See doc. 4:13.

12. **From Francis Harris, Sept. 1, 1767.** PHi-Logan. Returns a notice intended to guarantee his appearance (doc. 4:A13) to answer Randle Mitchell's suit and complains that he should not be responsible for the debt at issue. Includes JD's notes about the case.

13. **From Nicholas Waln, Sept. 1, 1767.** PHi-Logan. As attorney for Harris, writes on the notice sent to Harris that he will appear for him.

14. **From Hannah Moland Hay, [before Sept. 4], 1767.** PHi-Logan. Suggests calling in a note from Walter Goodman.

15. **From John St. Clair, Sept. 15, 1767.** PHi-Logan. Discusses further the proposed division of the Northern Liberties farm desired by David Hay.

16. **From Thomas Bradford (for Cornelius Bradford), Sept. 19, 1767.** PHi-Logan. Requests that JD deliver a bond to William Richards, who has discharged the debt. With Richards's receipt dated Sept. 23, acknowledging delivery from JD.

17. **From John Berrien, Oct. 8, 1767.** PHi-Logan. Discusses Jacob Moone's title to land that JD is considering purchasing. See doc. 4:13.

18. **From [Samuel*?*] Stephenson, Oct. 11, 1767.** PHi-Logan. Hopes that JD will defend him in a criminal case.

19. **From Edward Lloyd III, Oct. 15, 1767.** PHi-RRL. Requests information on the status of the suit against John Vining. See docs. 3:58 and 4:8.

20. **From John Maxwell, Nov. 2, 1767.** PHi-Logan. Gives his defense against a suit by Robert Cooper and asks JD's judgment thereon.

21. **From William Buchanan, Nov. 3, 1767.** PHi-Logan. Discusses the venue for his suit against George Croghan in light of the new circuit court law in Pennsylvania (see docs. 4:14, 4:88, and 4:154) and answers JD's inquiry about lands for sale near Baltimore.

22. **From John Shee, Nov. 11, 1767.** PHi-Logan. Asks that JD examine a deed relative to a house in dispute.

23. **Notes for *Thornbury v. Darby*, Nov. 13, 1767.** PHi-Logan. Considers the legal residence of Isabella Swan and argues that Thornbury Township and not Darby Township is responsible for her poor relief.

24. **From Philip Kearny, Nov. 1767.** PHi-RRL. Discusses Jacob Moone's title to land that JD is considering purchasing. See docs. 4:13 and 4:A17.

25. **To Philip Kearny, c. Nov. 1767.** PHi-RRL. Thanks Kearny. A crossed-out draft.

26. **From William Ball, [c. 1767].** PHi-Logan. Promises a statement of William Green's accounts that will allow an estimate of Allen Gillespie's responsibility for them.

27. **From William Robinson, [1767 or after].** PHi-Logan. Gives his side of a debt dispute arising from the construction of houses in Southwark.

28. **"State of the Accounts of the Pennsylvania Hospital," *The Pennsylvania Chronicle*, Jan. 4, 1768.** For the year ending May 4, 1767. Includes JD's contribution of £25.

29. **From Elizabeth Moland St. Clair, Jan. 8, 1768.** PHi-Logan. Asks what JD has paid to Mr. Stedman by the order of her now-deceased husband.

30. **A Citizen [William Hicks], Excerpt of "The Nature and Extent of Parliamentary Power Considered . . . ," *The Pennsylvania Journal*, Jan. 21, 1768.** Submitted with a cover letter that acknowledges the essay "will appear impertinent and ill-timed" while the

Farmer is so ably supporting "the liberties of his country" but hopes it will "co-operate" with him. Reviews the English concern for liberty and aversion to a standing army and contrasts that with the Quartering Act of 1765, which aroused justified resentment in the colonies.

31. "**Extract of a Letter from a Gentleman in Boston . . . Dated December 28, 1767," *The Pennsylvania Gazette*, Jan. 28, 1768.** Claims that instructions given at a town meeting of Dec. 22 "*pursue the Principles laid down by your worthy* Farmer" and wishes the Farmer success in his "*laudable Attempts to convince his Countrymen of their just and most important Rights*, *and to rouse them in their Defence*."

32. **A Citizen [William Hicks], Excerpt of "The Nature and Extent of Parliamentary Power Considered . . . ," *The Pennsylvania Journal*, Feb. 4, 1768.** Concludes the introduction (docs. 4:A30, 4:35). Compares excessive claims of parliamentary power to claims of royal power resisted in Britain. Claims a "natural right . . . to restrain, by *every possible method*, . . . lawless government," and that as the Farmer has ably discussed recent duties, Hicks has confined himself to a discussion of "*principles* of liberty."

33. **A Citizen [William Hicks], Excerpt of "The Nature and Extent of Parliamentary Power Considered . . . ," *The Pennsylvania Journal*, Feb. 11, 1768.** Argues it is a "distinguishing characteristic" of the English constitution that the "natural liberty" or property of a "free man" is restrained only by "regulations to which he has *really* or *virtually* subscribed." Consequently, Parliament is not supreme over the colonies, whose "situation prevents their joining in the general council." Divergent commercial interests may be an "inconvenience" but cannot justify stripping the colonists of their liberty.

34. **Advertisement for the *Farmer's Letters*, *The Pennsylvania Gazette*, Feb. 18, 1768.** An octavo pamphlet is in press and will be published "with all convenient Speed" by Hall and Sellers.

35. **A Citizen [William Hicks], Excerpt of "The Nature and Extent of Parliamentary Power Considered . . . ," *The Pennsylvania Journal*, Feb. 18, 1768.** Disputes William Pitt's contention that Britain's government over the colonies is "*sovereign* and *supreme*." Asserts that George Grenville, though the colonists' "greatest enemy," is correct "that *internal* and *external taxes* are the same in *effect*." Claims that Great Britain receives most of the profits from American commerce.

36. **Announcement of Boston's Plans to Thank the Farmer, *The Massachusetts Gazette* (Boston), March 17, 1768.** At a town meeting for election of officers on March 14, a motion of thanks was passed, and a committee was appointed to draft the address. See doc. 4:52.

37. **Advertisement for the *Farmer's Letters*, *The Boston Chronicle*, March 21, 1768.** Just published and to be sold at the London Book-Store for two pistareens, a Spanish silver coin. The Farmer is "unrivalled, for s*trength* of *Argument*, *Elegance* of *Diction*, *Knowledge* in the *Laws* of *Great Britain*, and the *true interest* of the COLONIES," and the letters have received "*universal applause*" from Florida to Nova Scotia.

38. **Advertisement for the *Farmer's Letters*, *The Pennsylvania Gazette*, March 24, 1768.** "Just published," the pamphlet will be sold by Hall and Sellers at the New Printing-Office in Market Street for 18 pence.

39. **Advertisement for the *Farmer's Letters*, *The New-York Journal*, March 24, 1768.** The letters "(now in the press) will be ready for Delivery" within days; other pamphlets, including *The Nature and Extent of Parliamentary Power Considered* . . . , can "be had either separately or stitched together with the Farmer's Letters."

40. **The Farmer Toasted in New York on the Anniversary of the Repeal of the Stamp Act, *The New-York Journal*, March 24, 1768.** At a celebration on March 18 by "the principal Merchants and other respectable Inhabitants of this City, Friends to Constitutional Liberty and Trade": "The ingenious and patriotic Author of the Farmer's Letters," toasted twelfth out of twenty-one.

41. **Advertisement for the *Farmer's Letters*, *The Boston Chronicle*, April 4, 1768.** The letters are offered at the London Book-Store in an edition including the Boston letter of thanks (doc. 4:52) for two pistareens.

42. **From George Read, April 13, 1768.** PHi-Logan. Encloses an account (not found) to show that Armitage has paid the debt put in suit by JD's client, Clark. Gives the requested legal citation about the transfer of property by the eldest son of a person who died intestate. Promises a reply to Philemon Dickinson about a land transaction.

43. **Advertisement for the *Farmer's Letters*, *The New-York Journal*, April 14, 1768.** Announces that "the justly celebrated Letters of a Farmer in Pennsylvania" will be available as a pamphlet the next day.

44. **The Farmer toasted at Savannah, Ga., *The Georgia Gazette* (Savannah), April 27, 1768**. At a celebration of the anniversary of St. George on April 23: "The Pennsylvania Farmer," toasted tenth out of thirty-two.

45. **From Elizabeth Moland St. Clair, May 20, 1768.** PHi-Logan. Asks JD to pay Mrs. Stout's account with Joseph Moland "when the rent of the farm is next due."

46. **Advertisement for the *Farmer's Letters*, *The Gazetteer and New Daily Advertiser* (London), June 1, 1768.** Announces publication "This day" of the letters "very lately finished, and . . . now the general subject of conversation among people of all ranks" in North America. Notes that JD was the author.

47. **Providence, R.I., Plans to Thank the Farmer, *The Providence Gazette*, June 11, 1768.** A town meeting on June 6 appointed a committee to draw up an address of thanks to "*J--N D--K-NS-N . . . the worthy and patriotic Author of the Farmer's Letters*," and report on June 20. See doc. 4:96.

48. **From Hannah Moland Hay, June 21, 1768.** PHi-Logan. Asks for meeting to discuss business that Elizabeth Moland St. Clair has written JD about, possibly referring to doc. 4:93.

49. **"Mardie dernier, par ordre du Gouverneur et de la société du fort St. David . . . ," *The Quebec Gazette / La Gazette de Québec*, June 30, 1768.** French translation of doc. 4:82, which was also reprinted in English in an adjacent column.

50. **From James Kinsey, July 20, 1768.** PHi-Logan. At the request of Mr. Ogden, directs JD to sue about Saltar's mortgage.

51. **Philander and Martinus Scriblerus [Charles Thomson], "To Messieurs Hall and Sellers," *The Pennsylvania Gazette*, July 21, 1768.** Responds to the "Chester County Farmer" (Joseph Galloway; *PG*, June 16, 1768), who suggested that doc. 4:81 "must have been wrote by some *Boston* Factor" to disadvantage Philadelphia trade, by issuing an epistle supporting him that exaggerates to the point of ridicule. The letter is to be addressed to all people of British America, not excluding the "infatuated" New Englanders "who have been excited to rebellion and treason by the FARMER . . . from whose brows this our epistle general hath already torn and direpted [*sic*] his ill-gotten laurels."

52. **The Farmer Toasted in Lyme, Conn., *The New-London Gazette* (Conn.), July 29, 1768.** At a meeting for firearms exercises on July 14: "The glorious Memory of the Pennsylvania Farmer," toasted fourteenth out of sixteen.

53. **C., "To the Printers," *The Pennsylvania Gazette*, Aug. 4, 1768.** Submits doc. 4:A54 for the edification of Frank Meanwell (doc. 4:115), suggesting he is also Ironicus Bombasticus. Briefly defends the Farmer from Meanwell's attacks by asserting "that the welfare of his country was *his first moving principle*."

54. **Satiricus Sarcasticus [John Macpherson, Sr.] to Ironicus Bombasticus, *The Pennsylvania Gazette*, Aug. 4, 1768.** Suggests that Bombasticus's effort to ridicule the Farmer as egotistical (doc. 4:21) was ill-advised because many see the Farmer "as an animating and instructing writer" with "a claim to their grateful acknowledgments" whose private character is irrelevant to his political writings. Hints that Bombasticus is a prominent official in a neighboring colony, possibly William Franklin. Macpherson, Sr., later claimed in *A Pennsylvania Sailor's Letters* that he had addressed a letter to Bombasticus.

55. **Ironicus Bombasticus, "An Answer to a Piece in the Last Gazette and Journal," *The Pennsylvania Chronicle*, Aug. 8, 1768.** Replies to docs. 4:A53 and 4:A54, denying that he is the person they suspect as author, pointing out that he has "recanted" the criticism of the Farmer in his first letter and is now "a strenuous advocate" for him, and asking them to cease their "unfair way of attacking characters." This reply, in turn, generated replies from "Amicus," "Plain Truth," and "No Flincher" criticizing the editors of the *PG* and *PJ* for implicating "a Gentleman of distinction in a neighbouring province" and Bombasticus for yielding to the Farmer. See these pieces, as well as responses to them by Bombasticus and "A Citizen" in issues of the *PC*, *PG*, and *PJ* through Sept. 26.

56. **A Country Farmer, "For the Pennsylvania Chronicle," *The Pennsylvania Chronicle*, Aug. 8, 1768.** Replies to doc. 4:122, suggesting "City-Farmer" (JD) and "C.T. alias Town-Carter" (Charles Thomson) are misleading people for their own advantage by demanding the Assembly "*do what they have done already!*" This is further discussed in doc. 4:A63.

57. **Richard Draper, Notice of Omissions, *The Boston Weekly News-Letter*, August 11, 1768.** Explains that he cannot republish pieces from the *PC* critical of the Famer (docs. 4:119 and 4:120) due to their length and unpopularity and will not reprint a letter from a self-identified "Son of Liberty" (doc. 4:121) due to "*the Prohibition of the Sons of Liberty*." Suggests that he might publish it with "*a special Order*, *from M.Y.*"

58. **Machiavel, "To the Printer of the Chronicle," *The Pennsylvania Chronicle*, Aug. 15, 1768.** Using the example of Rome, suggests that the withdrawal of allegiance from Great Britain will lead to the "enslaving of the People," with the Farmer in the role of Octavius.

59. **Anonymous, "The Fly on the Coach-Wheel: An Epigram," *The Pennsylvania Chronicle*, Aug. 15, 1768.** "A Fly all alive, / On a Coach-Wheel full drive, / 'What a Dust,' cries, '*I* raise to the Sky!' / Why the FARMER reproach? / Since *Faction*'s the Coach, / And HE but the '*pitiful*' FLY."

60. **Frank Meanwell, "A Card," *The Pennsylvania Chronicle*, Aug. 15, 1768.** Responds to docs. 4:A53 and 4:A54 by pressing his attack on JD, mocking those who hail him as "PATER PATRIÆ": Lat. father of the country.

61. **Rabelais, "To Luke Stoor, Exotic," *The Pennsylvania Chronicle*, Aug. 15, 1768.** Offers himself as a free thinker in response to "Luke Stoor" who had sought to meet a pious "free-thinker" in an advertisement published in the July 25–Aug. 1 issue of the *PC*. Thinks Stoor's occupation of "*cobbling*" is in fashion among politicians "and a COBBLING FARMER; tho' the latter Gentleman seems to have more of the TINKER in his composition, who generally makes *two holes* for *one* he mends."

62. **Boston Celebration Includes the Liberty Song and Toasts to the Farmer, *The Boston Evening-Post*, Aug. 22, 1768**. On Aug. 15 at a Sons of Liberty celebration of "the ever memorable *Fourteenth of August*," the music concluded "with the universally admired *American* Song of Liberty." Subsequent toasts included "*The FARMER*," toasted twelfth out of fourteen, and, after moving to a tavern, "*The FARMER of* Pennsylvania," toasted sixteenth out of forty-five.

63. **Country Farmer, "To Our 'Patriotic' Freemen, *The Pennsylvania Chronicle*, Aug. 22, 1768.** Suggests that a recent town meeting to instruct the Assembly (doc. 4:126) was designed so that Speaker Joseph Galloway could be blamed when there was no response and replaced with the Farmer. Mocks the idea with a proposed bill that the "*trusty*, *well beloved*, *'patriotic*,*' immortal and 'divine' Farmer* . . . whether put up, chosen, or elected by a majority of the freemen of the province of *Pennsylvania* or not, be . . . *enacted* to be the *representative of the freemen of the province of* Pennsylvania" for life.

64. **Anonymous, "An Answer to the Epigram," *The Pennsylvania Chronicle*, Aug. 22, 1768.** Responds to doc. 4:A59. "'BOUT the FARMER and FLY why the Deuce such a Clutter? / But *one* Simile suit? *See a Crow in a Gutter!*"

65. **Captain Bobadil, "To the Barbadian [et al.]," *The Pennsylvania Chronicle*, Aug. 22, 1768.** Responds to docs. 4:A58, 4:120, 4:125, 4:128, 4:129, 4:A58, 4:A59, and 4:A61. Satirically threatens "*party scribblers*, *who have or* may *write against our* patriotic *and* divine FARMER" and challenges Joseph Galloway.

66. **Anti-Machiavel, "To the Printer of the Pennsylvania Chronicle," *The Pennsylvania Chronicle*, Aug. 22, 1768.** Claims general agreement that America and England will prosper best if America continues in "her ancient customs, of being taxed only by her own representatives." Attacks the "malevolence" of Machiavel (doc. 4:A58), who is wrong on

Roman history and stupidly portrays the Farmer as both "terrible" like Octavius and, if he wrote doc. 4:A59, "little" like a fly, neither of which is reasonable.

67. **Thomas Peaceable, "To the Worshipful Company of Epigram Writers," *The Pennsylvania Chronicle*, Aug. 29, 1768.** Responds to doc. 4:A59. In verse, advises that the Farmer should consider the poets who chatter about him "as Fools, or Parrots at best."

68. **Machiavel, "Answer to Anti-Machiavel," *The Pennsylvania Chronicle*, Aug. 29, 1768.** Rebuts the "rude" and "dull" arguments of "Anti-Machiavel" (doc. 4:A66). Cites Yorke and Blackstone about the British right to tax, contrary to the Farmer's "florid rhapsodies." Claims that the *Farmer's Letters* contain "the basest misrepresentations, the blackest ingratitude . . . the warmest incitements to opposition and violences." Defends the parallel of the Farmer with Octavius.

69. **Advertisement for the "Liberty Song," *The Boston Chronicle*, Sept. 5, 1768.** The "NEW and FAVOURITE" song, which is printed next to the advertisement, engraved on a half-sheet and set to music for voice, German flute, and violin, will sell at the London Book-store at six pence for one or four shillings for a dozen.

70. **The *Farmer's Letters* in English Papers, *The Boston Chronicle*, Sept. 12, 1768.** Reports that the English newspapers carried by the July packet had "several extracts from the Farmer's Letters, which are much applauded."

71. **Spy, "A Card," *The Pennsylvania Chronicle*, Sept. 19, 1768.** Greets Machiavel and informs him of "an infamous combination against him," charging him with "*writing a libel* against the sovereignty of the *Farmer*."

72. **The Farmer Toasted in Petersham, *The Boston Weekly News-Letter* (supplement), Sept. 29, 1768.** After a Sons of Liberty ceremony dedicating a Liberty Tree on Sept. 20: "*The generous FARMER*," toasted ninth of thirteen.

73. **From Bennet Allen, Oct. 10, 1768.** PHi-RRL. Directs that when JD receives the balance to be paid on John Vining's bond (doc. 4:8), he should pay it to Joseph Shippen on Lord Baltimore's account.

74. **Advertisement for Copperplate Print of the Farmer, *The Pennsylvania Gazette*, Oct. 20, 1768.** Robert Bell offers to sell a framed and glazed copperplate print of the Farmer (doc. 4:148) for five shillings at locations in Market Street and Southwark. This copperplate was subsequently advertised in *The South Carolina and American General Gazette* on Nov. 11.

75. **From John Vining, Oct. 21, 1768.** PHi-RRL. Explains his delay in paying the balance on his bond.

76. **Advertisement for a Copperplate Print of JD, *The New-York Mercury*, Nov. 7, 1768.** Robert McAlpine offers to sell a print of JD (doc. 4:148) "Fit for framing and glazing" for one shilling.

77. **Anonymous, Letter to Messieurs Fleets, *The Boston Evening-Post*, Nov. 7, 1768.** Provides the editors with excerpts from doc. 4:117 praising JD and the *Farmer's Letters*.

78. **Machiavel, "To the Printer," *The Public Advertiser* (London), Nov. 18, 1768.** Argues that since "every Man had his Price" the ministry should offer appointments to "a few of the Leaders in each Colony," including JD, to corrupt them into obedience as they have successfully done with Benjamin Franklin.

79. **L., Letter to Messieurs Edes and Gill, *The Boston-Gazette*, Nov. 28, 1768.** While arguing against British taxation of the colonies, states "That taxes are in violation of our rights, have been clearly and fully made to appear by the Farmer's letters; rights not only founded in human compact, but in the immutable law of nature."

80. **Advertisement for the *Farmer's Letters*, *The Public Register: Or, Freeman's Journal* (Dublin), Dec. 17, 1768.** Reports publication of a pamphlet edition by Joseph Sheppard. An advertisement of Dec. 13 had promised publication on Dec. 15.

81. **Report of *James Pemberton v. Susannah Chapman*, Dec. 1768.** PHi-Logan. Reports judgement and damages against Chapman, who acknowledged the debt through her attorney JD.

82. **Esto Perpetua**, **"An Address to the Americans, by the Author of the Farmer's Letters," *The Gentleman's Magazine*, Jan. 1769, pp. 25–26.** An unknown author, likely a Briton, claims to be the author of the *Farmer's Letters* and calls for "the most perfect unanimity in sentiment and action" among the legislatures and people of the colonies in protesting "the arbitrary measures lately adopted against American freedom."

83. **"State of the Accounts of the Pennsylvania Hospital," *The Pennsylvania Gazette*, Feb. 23, 1769.** For the year ending May 2, 1768. Reports among extra expenses £6.8.0 paid to JD, "Money which he advanced in obtaining Opinion of Counsel, on a Matter depending."

84. **Appointment of Francis Hopkinson as Proxy, March 13, 1769.** MH-H. Appoints Francis Hopkinson to serve as JD's proxy at a meeting of the Library Company of Philadelphia and vote on two proposed bylaws.

85. **Anonymous, "To the Author of the Letters in Answer to the Farmer's," *The Boston-Gazette*, March 20, 1769.** Expects that N.P. will receive a reply "from the masterly pen of that able writer, the FARMER." Uses an example of discrimination by a father against a son to suggest the injustice of British colonial policy.

86. **The Farmer Toasted in New York, *The New-York Journal*, March 23, 1769.** On March 18, at a celebration by "the Genuine Sons of Liberty" of the anniversary of the repeal of the Stamp Act of 1765: "John Dickinson, Esq; the ingenious Author of the Farmer's Letters," toasted sixth out of twenty-two.

87. **The Farmer Toasted in Charles-Town, S.C., *The South-Carolina Gazette* (Charles-Town), March 23, 1769.** On March 18: A toast to "*That great* American *patriot*, *the* PENNSYLVANIA FARMER," listed "among the toasts drank, in the different assemblies, upon this occasion."

88. **Candidus, "To the Printer of the Providence Gazette," *The Providence Gazette*, March 25, 1769.** Defends publication of N.P.'s letters seeking to "confute" the Farmer but

finds his arguments "so languid and futile" that he advises "the Author to desist from his aukward [*sic*] Attempt."

89. **Americus, "To the Printers," *The Boston-Gazette*, March 27, 1769.** Abuses N.P. as a "Boor" whose "rustic stupidity" contrasts "with the clear and elegant sense of the Pennsylvania-Farmer."

90. **Philanthrop, Letter to Messieurs Edes and Gill, *The Boston-Gazette*, March 27, 1769.** Claims that the answers to the Farmer from the "*prostituted pen*" of N.P. are "*below notice and contempt*" except for "*specious* falshoods" such as his defense of "Charley Froth" (revenue officer Charles Paxton). Suggests that N.P. might be receiving a £600 annual salary from "VERRES" (Gov. Francis Bernard).

91. **Anonymous, Response to "N.P.," *The New-York Journal* (supplement), April 27, 1769.** Ridicules N.P.'s efforts and suggests "that like other late Prostitutes, he writes for a large Fee."

92. **The Farmer Toasted in Virginia, *The Virginia Gazette* (Purdie & Dixon; Williamsburg), May 18, 1769.** After dissolved legislators and other "principal Gentlemen" formed an "*association (not to import many different species of goods)*" on May 17: "The FARMER and MONITOR," toasted eleventh out of eleven.

93. **From William Allason, June 26, 1769.** Vi-Allason. Has heard of sums sent by Willam Green to Allen Gillespie, William Ball, and John McKinly that could be taken to pay Green's debt instead of suing again.

94. **On Delivery of the Vining Bond, July 1, 1769.** PHi-RRL. In a note on Edward Lloyd's letter of Sept. 23, 1765 (doc. 3:82), JD reports having delivered the bond to Benjamin Wynkoop, the debt having been paid.

95. **List of Toasts from America, *Lloyd's Evening Post* (London), July 7, 1769.** Lists twenty-two "principal toasts in all polite company throughout North America and the West Indies," including "Mr. Dickenson."

96. **From William Allason, July 25, 1769.** Vi-Allason. Instructs JD to continue to pursue full payment of the debts owed to him and requests that he pay £150 to Amos Strettell and £150 to Andrew Sprowle.

97. **Notice of *Lettres d'un Fermier de Pensylvanie*, in Éphémérides *du citoyen* (Paris), 1769, 6:257–58, [c. July 1769].** A *philosophe* zealous for the good of man and connected to Benjamin Franklin has translated the London edition. The letters show American ideas about their dispute with England and those unfamiliar should consult the excellent preface (doc. 4:208). Promises a more complete treatment later (doc. 4:222). Dating is based on the royal censor's approbation of July 19, 1769.

98. **From Isaac Allen, Sept. 4, 1769.** PPL-JDP. Remits from Trenton £40.5.0 recovered on bonds sent by JD for collection and discusses status of other collection efforts.

99. **From Thomas Lee, Sept. 21, 1769.** PHi-Logan. Writes from Boston asking JD to "absolutely oblige" Barrell to pay to Lee the "whole Ballance" on his bottomry bond before Barrell's ship leaves port.

100. **From Robert Wilson, Sept. 25, 1769.** PHi-Logan. Asks JD to pass along an enclosed letter from "mr miflin" (not found) to Joseph Galloway to settle outstanding accounts and lawsuits against Wilson.

101. **[James Burgh],** "**The Constitutionalist. Number VII,**" ***The Gazetteer and New Daily Advertiser*** **(London), Sept. 27, 1769.** Begins his answer to "Brecknock" about the franchise of English boroughs by characterizing himself as "an humble fellow-labourer in the most glorious of all causes, with such men as Locke, Gordon, Dickenson, Junius and Brecknock."

102. **The Farmer Toasted in New York,** ***The New-York Journal*****, Nov. 2, 1769.** Given at a Sons of Liberty celebration on Nov. 1, "The Day on which the Inhabitants of this Colony nobly determined not to surrender their Rights to arbitrary Power": "The Farmer of Pennsylvania, or the American Cicero," toasted tenth out of twenty-seven.

103. **Anonymous, "To Mess. Purdie & Dixon,"** ***The Virginia Gazette*** **(Purdie & Dixon; Williamsburg; supplement), Nov. 9, 1769.** Satirically translates Laocoön's speech from Virgil's *Æneid* urging the Trojans to destroy the Trojan Horse, having him directly address "*Americans*." Claims that Virgil based Laocoön on the Farmer, explaining the obvious anachronisms by claiming Virgil was a prophet.

104. **Philo Americanus, "To Mess. Purdie & Dixon,"** ***The Virginia Gazette*** **(Purdie & Dixon; Williamsburg; supplement), Nov. 9, 1769.** Extols the physical bounty of America and the virtue, unanimity, harmony, loyalty, and firmness of its people in the face of ambitious ministers, in fulfilment of "the patriotick FARMER's wish."

105. **From David Hay, n.d.** PHi-Logan. Authorizes JD to give Hannah Moland Hay's share of any money in his hands arising from the Moland estate to Catherine Hutchinson Moland.

APPENDIX B
Bibliography of the *Farmer's Letters*, 1767–1808

Newspaper Editions

The Pennsylvania Chronicle, and Universal Advertiser (Philadelphia: William Goddard), Dec. 2, 1767, to Feb. 15, 1768.

The Pennsylvania Gazette (Philadelphia: David Hall and William Sellers), Dec. 3, 1767, to Feb. 18, 1768.

The New-York Mercury, becomes *The New-York Gazette; and the Weekly Mercury* on Feb. 1, 1768 (New York: Hugh Gaine), Dec. 7, 1767, to March 7, 1768.

The New-York Gazette; or, the Weekly Post-Boy (New York: James Parker), Dec. 10, 1767 to March 7, 1768.

The New-York Journal; or, the General Advertiser (New York: John Holt), Dec. 10, 1767, to Feb. 25, 1768. "Letter V" was not found, but "Letter II," "Letter III," "Letter VII," "Letter VIII," "Letter IX," "Letter X," and "Letter XI" were printed in supplements, so "Letter V" likely appeared in a supplement between Jan. 7 and Jan. 14.

The Pennsylvania Journal; and the Weekly Advertiser (Philadelphia: William and Thomas Bradford), Dec. 10, 1767, to Feb. 18, 1768.

The Newport Mercury (Newport, R.I.: Samuel Hall through March 1768, then Solomon Southwick), Dec. 14, 1767, to March 14, 1768.

The Maryland Gazette (Annapolis: Anne Catherine Green), Dec. 17, 1767, to March 10, 1768.

The Providence Gazette; and Country Journal (Providence: Sarah Goddard and John Carter), Dec. 19, 1767, to March 12, 1768.

The Boston Chronicle (Boston: John Mein and John Fleeming), Dec. 21, 1767, to March 7, 1768.

The Boston-Gazette, and Country Journal (Boston: Benjamin Edes and John Gill), Dec. 21, 1767, to Feb. 29, 1768. "Letter IX" and "Letter X" were not printed.

The Boston Evening-Post (Boston: John and Thomas Fleet), Dec. 21 to 28, 1767, and Jan. 11 and Feb. 8, 1768. Printed only "Letter I," "Letter II," "Letter III," and "Letter VIII."

The Connecticut Courant (Hartford: Thomas Green), Dec. 21, 1767, to April 18, 1768.

The Virginia Gazette (Williamsburg: William Rind), Dec. 24, 1767, Feb. 18, 1768, and March 3 to March 31, 1768. "Letter I," "Letter VI," "Letter VII," "Letter VIII," "Letter IX," "Letter X," "Letter XI," "Letter XII."

The New-London Gazette (New London, Conn.: Timothy Green), Dec. 25, 1767, to March 25, 1768.

The South Carolina Gazette (Charles-Town: Peter Timothy), Jan. 4 to March 28, 1768.

The South-Carolina Gazette; and Country Journal (Charles-Town: Charles Crouch), Jan. 5 to March 29, 1768.

The Virginia Gazette (Williamsburg: Alexander Purdie and John Dixon), Jan. 7 to March 31, 1768.

The New-Hampshire Gazette, and Historical Chronicle (Portsmouth: Daniel and Robert Fowle), Jan. 8 to May 6, 1768.

The Georgia Gazette (Savannah: James Johnston), Jan. 27 to April 27, 1768.

The Public Register: Or, Freeman's Journal (Dublin), Jan. 30 to Feb. 6, Nov. 5, 15, 19, Dec. 13 to Dec. 27, 1768. Published out of order: "Letter I," "Letter II," "Letter III," "Letter XI," "Letter XII," "Letter IV," "Letter V," "Letter VI," "Letter VII," "Letter VIII," "Letter IX," "Letter X."

Pamphlet Editions Published in the American Colonies

Letters from a Farmer in Pennsylvania, to the Inhabitants of the British Colonies (Philadelphia: David Hall and William Sellers, [c. March 13], 1768).

Letters from a Farmer in Pennsylvania, to the Inhabitants of the British Colonies (Boston: John Mein and John Fleeming, [c. March 21], 1768).

Letters from a Farmer in Pennsylvania, to the Inhabitants of the British Colonies, 2nd ed. (Boston: John Mein and John Fleeming, [c. April 4], 1768). This edition includes the letter of thanks from the town of Boston.

Letters from a Farmer in Pennsylvania, to the Inhabitants of the British Colonies (New York: John Holt, [c. April 15], 1768).

Letters from a Farmer in Pennsylvania, to the Inhabitants of the British Colonies (Boston: Benjamin Edes and John Gill, [c. May 30], 1768).

Letters from a Farmer in Pennsylvania, to the Inhabitants of the British Colonies, 2nd ed. (Philadelphia: David Hall and William Sellers, [c. June 16], 1768).

The Farmer's Letters to the Inhabitants of the British Colonies (Charles-Town, S.C.: Charles Crouch, [c. June 28], 1768). There is an advertisement for this edition, with this nonstandard title, in *The South-Carolina Gazette; and Country Journal* of June 28, 1768. No extant copies have been found.

The Farmer's and Monitor's Letters to the Inhabitants of the British Colonies (Williamsburg, Va.: William Rind, [c. July 20–27], 1769). See doc. 4:210.

Letters from a Farmer in Pennsylvania, to the Inhabitants of the British Colonies, 3rd ed. (Philadelphia: William and Thomas Bradford, 1769). It is not clear that the Bradfords published any previous versions, so the "Third Edition" on the title page likely indicates that it was the third edition published in Philadelphia, with the previous two being those published by Hall and Sellers. Some copies were issued with James Smither's copperplate print of JD. See doc. 4:148.

Pamphlet Editions Published Outside of the American Colonies

Letters from a Farmer in Pennsylvania, to the Inhabitants of the British Colonies (London: John Almon, [c. May–June] 1768).

Letters, from a Farmer in Pensylvania, to the Inhabitants of the British Colonies; Regarding, the Right of Taxation, and Several Other Important Points. To Which Are Added, as an Appendix, the Speeches of Lord Chatham, and Lord Camden, the One upon the Stamp Act, the Other on the Declaratory Bill, with a Preface by the Dublin Editor (Dublin: Joseph Sheppard, [c. December 15], 1768).

Lettres d'un fermier de Pensylvanie, aux habitans de l'Amèrique septentrionale [Translation, preface, and postscript by Jacques Barbeu-Dubourg] (Amsterdam [Paris*?*]: aux dèpens de la Compagnie, [c. June–July] 1769).

Letters from a Farmer in Pennsylvania, to the Inhabitants of the British Colonies, 2nd ed. (London: John Almon, 1774).

Significant Excerpts*

Dunlap's Pennsylvania Packet or, the General Advertiser (Philadelphia: John Dunlap), Feb. 27, 1775. At the request of "A.B.," reprints "Letter XII" (minus footnotes) as "well adapted to our present situation."

Robert Bell, *Bell's Memorial on the Free Sale of Books: To Which Are Added Sentiments on What Is Freedom, and What Is Slavery* (Philadelphia: Robert Bell, 1784). Includes excerpts from "Letter I," "Letter III," "Letter V," "Letter VI," "Letter VII," "Letter IX," "Letter X," "Letter XI," and "Letter XII."

Illuminations for Legislators and for Sentimentalists ([Philadelphia]: Robert Bell, 1784), pp. 7–14. Reprints the extensive excerpts that appeared in *Bell's Memorial*.

The United States Chronicle: Political, Commercial and Historical (Providence: Bennet Wheeler), July 29, 1784. Reprints the extensive excerpts that appeared in *Bell's Memorial*.

The Freeman's Journal; or, the North-American Intelligencer (Philadelphia: Francis Bailey), Oct. 24, 1787. A portion of "Letter XI" is quoted in "CENTINEL, N°. II."

The New-York Journal, and Daily Patriotic Register (New York: Thomas Greenleaf), Nov. 23, 1787. A portion of "Letter I" is quoted in "Letters from a Gentleman in Dutchess County, to His Friend in New-York. Letter II."

The American Museum; or Repository of Ancient and Modern Fugitive Pieces, &c, Prose and Political, vol. 4 (Philadelphia: Matthew Carey), September–December 1788. "Letter I" is reprinted in the September 1788 issue (pp. 284–86), "Letter II" in October (pp. 371–77), "Letter III" through "Letter VII" in November (pp. 454–72), and "Letter VIII" through "Letter XII," along with docs. 4:82 and 4:85, in December (pp. 522–47).

John Dickinson, *The Political Writings of John Dickinson, Esquire, Late President of the State of Delaware, and of the Commonwealth of Pennsylvania*, 2 vols. (Wilmington, Del.: Vincent Bonsal and Hezekiah Niles, 1801), 1:143–284.

The Democrat (Boston: Benjamin Parks), Sept. 20, 1806. Article titled "Taxation" extracts much of "Letter VII."

* There may also be excerpts published in German, but we have not yet discovered them. One source claims, seemingly in error, that they appear in *Wienerisches Diarium*, Dec. 21, 1776. Should they surface, we will provide the citation at the soonest opportunity.

Appendix C



JD ship's figurehead, American, [c. 1820-1840]. White pine, paint. Courtesy of David A. Schorsch and Eileen M. Smiles, photo by Mike Meyers.

APPENDIX D
Errata and Additional Documents

Volume One (1751–1758)
Main Text

p. 15, n. 12: *for* Rebecca Covington Lloyd Anderson (1713–1774) *read* Rebecca Covington Lloyd Anderson (1713–c. 1776)

p. 72, n. 3: *for* Frederick Calvert (1731–1771) *read* Frederick Calvert (1732–1771)

p. 364, n. 3: *for* had a bout with mental illness in 1771 *read* had a bout with mental illness in 1769

Volume Two (1759–1763)
Main Text

p. 124, n. 76: *for* the fifth number of his "Letters from a Farmer in Pennsylvania," *PG*, Feb. 4, 1768 *read* the sixth number of his "Letters from a Farmer in Pennsylvania," *PG*, Jan. 7, 1768

p. 350, n. 8: *for* Raymond, *Special* 428, *Brown v. Cutter*, Hill. 32 & 33 Car. 2, B.R. (1683) *read* Raymond, *Special* 428, *Brown v. Cutter*, Hill. 32 & 33 Car. 2, B.R. (1681)

p. 351, n. 8: *for* It is possible that Swinburne erroneously attributed this statement *read* It is possible that the editors of the revised editions of Swinburne erroneously attributed this statement

p. 351, n. 9: *read* It appears JD meant 1 Ventris 229–30, *Rex v. Melling*, Mich. 24 Car. 2, B.R. (1672): "'Tis true, in Conveyances *&c.* the Wisdom of the Law has appropriated the Word Heirs as a Term of Art. In *Clerk*'s Case, a Lease was made to commence after the Death of his Son without Issue; the Son had a Son and died, and then that Son died without Issue. It was resolved both in the King's Bench and the Exchequer, That the Lease should commence; for Issue being *nomen collectivum* [Lat. "A collective name or term; a term expressive of a class; a term including several of the same kind; a term expressive of the plural, as well as singular, number" (*BLD*)], whenever the Issue of the Son failed, the Term of Commencement did happen. But now to see the Difference: *Tyler*'s Case, *Mich*. 34 *Eliz. B.R*. He had Issue *A.B.C*. and *D*. and devised to his Wife for Life, and after her Death to *B*. his Son in Tail, and if he dies without Issue, then to his Children. *A*. had Issue a Son and died, and *B*. died without Issue. Resolved, That the Son of *A*. should not take as one of the Children of the Testator. Which Case I cite, to shew the Odds between the Word Issue and the Word Children. My second Reason is from the Manner of the Limitation, which is to his Issue, and of his Body lawfully begotten upon the second Wife; Phrases agreeable to an Estate-tail; and the Meaning of a Testator is to be spelled out by little Hints. It is admitted in *Wild*'s Case in 6 *Co*. 17. that if the Devise had been to the Children of their Bodies, it would have been an Entail."

Volume Three (1764–1766)
Front Matter
p. xxxiii: *remove* J. and P. Knapton

Main Text
p. 1, headnote: *for* Upon Samuel Dickinson's (born c. 1718) death in 1760 (see doc. 2:23), the property transferred not to Samuel's eldest living son Henry from a previous marriage *read* Upon Samuel Dickinson's (b. 1689) death in 1760 (see doc. 2:23), the property transferred not to Samuel's eldest living son Henry (born c. 1718) from a previous marriage

p. 78, n. 23: *for* Joseph Richardson (1706–1772) *read* Joseph Richardson (1707–1770)

p. 302, n. 31: *for* Thomas (1731–1782) *read* Thomas (1731–1784)

p. 310, n. 3: *for* Frederick Calvert, sixth baron Baltimore (1731–1771) *read* Frederick Calvert, sixth baron Baltimore (1732–1771)

p. 322, n. 4: *for* doc. 51A *read* doc. 3:A54

p. 358, n. 8: *for* JD's great-uncle, John Cadwalader (c. 1677–1734), had married Jones's aunt, Martha Jones (1679–1747) *read* the Joneses' grandfather, Edward Jones (c. 1645–1738), was the father of JD's maternal grandmother, Martha Jones Cadwalader (1679–1747)

p. 490, n. 1: *for* Andrew J. O'Shaughnessy, "The Stamp Act Crisis in the Caribbean," *WMQ* 51, no. 2 (1994): 203–26, at 214 *read* Andrew J. O'Shaughnessy, "The Stamp Act Crisis in the British Caribbean," *WMQ* 51, no. 2 (1994): 203–26, at 214

p. 516, n. 4: *for* Edward G. Williams, ed., *Bouquet's March to the Ohio: The Forbes Road* (Harrisburg, Pa.: Stackpole Books, 1975), 33 *read* Edward G. Williams, ed., *Bouquet's March to the Ohio: The Forbes Road* (Pittsburgh: Historical Society of Western Pennsylvania, 1975), 33

p. 547, n. 1: *for* Thomas Adam (d. 1794) was *read* Thomas Adam was

D1
[Isaac Hunt?], Advertisement for *The Life and Adventures of a Certain Quaker Presbyterian Indian Colonel*, [c. October 1, 1766]

The handwritten date on this broadside suggests that this satirical publication appeared in the wake of the 1763 Paxton Riots and the ensuing royal government campaign in 1764, apparently targeting JD in advance of the 1766 Pennsylvania Assembly election. The fictional account it outlines corresponds poorly with the colony's recent past and JD's life and actions. The author, probably the anti-

proprietary pamphleteer Isaac Hunt, apparently intended to amuse proponents of royal government by belittling their most formidable opponent. See also docs. 3:1, 3:4, 8, 3:19, 3:25, 3:27, and 3:136.

Now in the Press, and will be speedily published,
The LIFE and ADVENTURES
OF A CERTAIN
QUAKER PRESBYTERIAN INDIAN
COLONEL.
To which will be added,
The Qualifications necessary to entitle a Man to the dignified Name
Of a *modern moderate Quaker*
By TIM TRIMMER.[1]

CHAPTER First,

GIVES on [*sic*] Account of the Colonel's Birth and Education, under the Care of his truly good and religious Parents; of his early *Propensity* to Vice; of his *little low* Cunning, used to deprive his School-Fellows of their *Marbles* and *Tops*, and when that failed of his *violent over-bearing* Disposition to gain his Ends. Several demonstrative Instances, wherein this Disposition to Wickedness gained a complete conquest over the Effects of the religious and moral Precepts which his Parents had often attempted to inculcate. Their Anxiety and Distress on these Occasions, and particularly on his dishonest and violent Seizure of Captain H's Vessel and Cargo at the Capes, and his Attempt to dragoon that Gentleman out of Half of *both*, without the least *Pretence of Right*; and how his worthy Father obliged him to give up his unjust Pretensions, and saved him on that Occasion from lasting Infamy and Disgrace, by prevailing on the Captain not to publish his Conduct to to [*sic*] the World.

CHAPTER Second,

How the Colonel *half* convinced by the Advice of his Father, that dishonest Practices were not the proper Means of rising in Life, and Ambition being his ruling Passion, at length resolved to put on the Appearance of Honor and publick Virtue.—How he became, of a sudden, a zealous Patriot, opposed the Measures of P——y[2] Power, plead the Causes of the People without Fee or Reward, and acquired great Fame and popular Applause.

CHAPTER Third,

Contains an Account of the Death of his Father, with a private Anecdote relative to a Part of his Estate which was then in the Colonel's Hands. How he defrauded his Brother out of his just Share of that Part of the Estate, amounting to the Value of several Thousand Pounds. His artful and deep laid Scheme to bring

the Society of People called Quakers to publick Shame and Disgrace, and to render their Loyalty to the Government suspected. His Petitions to the Assembly against the Lawfulness of granting Aids to the Crown for the Protection of its Subjects. The mean and wicked Artifices which he made use of to prevail on some worthy Men to join with him in these Measures. The whole Plot between him and the P——y Party on this Occasion, candidly examined and unfolded. The unhappy Success of these Schemes. The The [*sic*] Disgrace and Censures which the whole Society suffered on this Occasion, both in England and America. How he refused to draw an Address to his Majesty from the Society professing their Loyalty to the Crown, least it should militate against his then secret and wicked Machinations against his Brethren. In Fine this Chapter will conclude with an Account of many remarkable Attempts which he made to disunite the Society, and to destroy their Reputation as a People.

CHAPTER Fourth,

Further unfolds his Schemes. How he prosecuted his Measures with the Indians, in Order to procure the Removal of Sir *William Johnston*, from his Office of Superintendant of Indian Affairs.[3] How he sent Messages to, and held a Correspondence with the Natives in the Time of open War, with the Messages themselves under his Hand. How he supplied them with Tomhawks, and other offensive Weapons; with all his secret and wicked Negotiations with his Majesty's Enemies.

CHAPTER Fifth,

How by these Means he became odious to the unhappy People on the Frontiers. Their Resolution to destroy him. A Reward is offered for his Scalp. The firm Resolution of his Friends (who were Strangers to his perfidious Conduct against his King and Country) to Support and defend him. His Flight into a neighbouring Province. The dreadful Apprehensions he was under that his Enemies were pursuing him.—How he alarmed the whole Family where he lodged with his Cries—"*They are coming*; *They are coming to kill me*;" being terribly frightened by the accidental Fall of a Bag of Straw from a Chimney of the Room where he lay. How he has now most wickedly, treacherously and ungratefully endeavoured to prevail on that Society to disown these very Men, who were ready with their Lives to defend him. And how Providence has suffered him to fill up the Measure of his Iniquity, by meeting with the Enemies of the Society, and by aiding and assisting them to Ruin it and his Country.

CHAPTER Sixth.

Shews the Misery of the Colonel's present Life, notwithstanding his affluent Fortune. How his Imagination is continually haunted with Ghosts and Visions, painting his Ingratitude, *&c. &c. &c.* in the most dreadful Colours. How Conscious Guilt is continually goading his Soul, insomuch that he sleeps but little, and when he does, his Mind is so disturbed, that he often jumps out of Bed, and sometimes out

of the Window; with a few strong Reasons to prove that he would certainly hang or drown himself, did not his natural Cowardice deter him.

The whole concludes with some moral and religious Reflections and Exhortations to Mankind, to avoid the Rocks on which this unhappy Man has finally wrecked himself, and had almost wrecked the whole Society to which he unfortunately belongs.[4]

Oh! indignant Reader!
Think not his Life useless to Mankind!
Providence connived at his execrable Designs,
To give to after Ages a conspicuous
Proof and Example
Of how small Estimation is exorbitant Wealth
In the Sight of God, by his bestowing it on
The most unworthy of all Mortals.
Arbutnot.[5]

N.B. As their Wisdoms and Betternesses,[6] have, by a late Ordination, created a New Title of inferior Dignity, in their System of Politics under the Name of a *Moderate Quaker*, The Sequel will inform the Reader of all the Qualities necessary to entitle a Man to that Dignity, and unfold some Curious and just Anecdotes respecting the Persons who are now Candidates for that Office, which will enable the Publick to know them with great Certainty.

PPL

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[1] Probably Isaac Hunt (c. 1742–1809), a Barbados-born graduate of the College of Philadelphia and fierce critic of Pennsylvania's proprietors. He had been writing pamphlets against JD and his allies for two years (docs. 3:55, 3:136, and 3:54A). In politics, a "trimmer" is a nautical metaphor with two opposite meanings: first, one who trims the sails on a ship to go with the prevailing winds, that is, a political opportunist; second, one who shifts the ballast in the hold to maintain course and keep the ship from capsizing, in other words, a principled moderate. Here the first sense is intended. The "Timothy Trimmer" pseudonym had been used previously in *A Letter to the True Protestant Doctor* . . . (London, 1684) on the Popish Plot (1678–81). See also George Savile, *The Character of a Trimmer* (London, 1688). For JD as a trimmer, see Calvert, *Penman of the Founding*, 3, *passim*.

[2] Proprietary.

[3] Sir William Johnson, first baronet (1715–1774), was a British Army officer and superintendent of Indian affairs for the northern department.

[4] JD was not a member of the Society of Friends.

[5] A passage from the 1732 poem, "An Epitaph on Francis Charteris," by Scottish polymath John Arbuthnot (1667–1735). See Pope, *Works*, 3:241–42.

[6] Perhaps a reference to William Smith's preface to JD's *Speech* (doc. 3:19), which claimed "THE wiser and better part of the Province" did not support a change from proprietary to royal government.

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