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COPY
OF A
LETTER

FROM A

Gentleman in *Fife*,

TO

His Friend at Edinburgh,

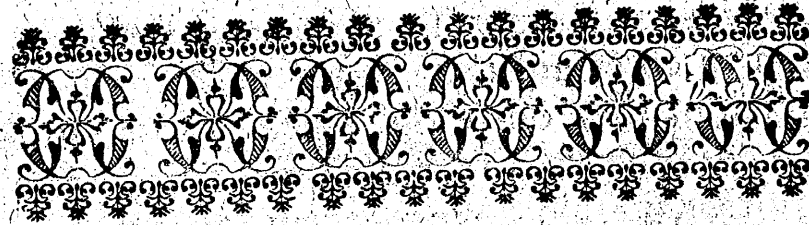
Upon the Subject of the

Malt-Tax.

Nemo me impune lacesset.



Printed in the Year M. DCC. XXV.

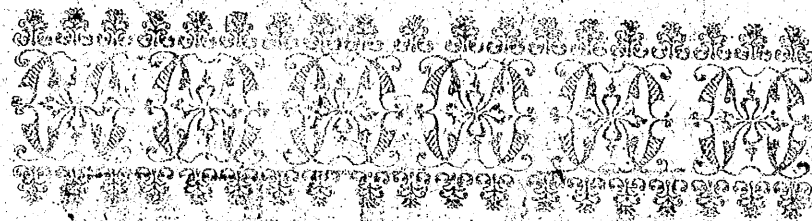


COPY of a Letter, &c.

S I R,

I Am heartily sorry that I happened to be in the Country, when the Gentlemen of our Shire met at *E-dinburgh*, and that the Occasion of their Meeting required such Dispatch, that I could not possibly hear of it, until it was over.

Those Resolutions of the House of Commons you sent me, surprize me very much; and the more I think on the Consequences of them, the more I am astonished, especially when I reflect upon our present Situation; That we, who have been so generous as to require no other *Guarantee* for the Performance of the Conditions, stipulated to us by the Treaty



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Treaty of Union, than the Faith of a British Parliament, should ever have Reason to entertain the least Jealousy or Suspicion, that our Confidence in so august an Assembly, so famed for Faith and Justice, should have been misplaced. For my own Part, I have ever form'd to my self such an Opinion of the Justice of a British Parliament, that I cannot allow my self to imagine, that any of the Conditions, upon which the Union is founded, will ever be in the least infringed by the Legislature.

If one may be allowed to compare Things so small as Rome and its neighbouring States were in their Infancy, to the extensive Dominions of the united Kingdoms of Great-Britain; our incorporated Union seems much to resemble those Unions enter'd into betwixt Rome and several of its Neighbours, especially that with the Sabines; where the Legislature of the united Kingdom, was composed of such Persons as had formerly been Members of the Legislature of their own States, while they were independent of one another; The People of both Na-

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tions were equally subjected to the Obedience of the same Administration, were equally entituled to the same Freedoms and Immunities, and equally subjected to the Payment of the same Taxes, and to the same Services in the Wars undertaken for the Preservation of the Liberty and Independency of the whole.

Just so by our Treaty of Union, both Nations are incorporated into one, and the Legislature of the united Kingdom is composed and consists of such Persons, as by the Municipal Laws of both, were Members of the Legislature of the several Nations while they were in a State of Independency; and that by the Proportion of such Numbers from each Nation, as their then Parliaments severally judged were most agreeable to their respective Proportions of Wealth, Power and Numbers; all the Subjects of the united Kingdom are without Distinction, equally entituled to the same Privileges, Freedoms, and Immunities, and all the other Articles and Conditions of the Treaty of Union, may be summed up in these two, Equality in Trade, and Equality in Taxes.

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The incorporated Union of the *Roman* States was ever inviolably observed by the Legislature, notwithstanding the Disparity of Numbers in the Senate. And this singular Justice of the *Roman* Government had this good Effect, That the Subjects of the united Nations, whereof the powerful State of *Rome* was composed, were ever equally firm in their Obedience to the same Administration, under which they were treated with so much Parity, and without Distinction, as if they had been all the Descendants of one Person; And these incorporated Unions became thereby as durable, and long-lived as the State it self.

Our Representatives in the several Parliaments of the united Nations of *Great-Britain*, had no Doubt the same Intentions that the *Romans* and *Sabines* had, That a People inhabiting the same Island and speaking the same Language, who for above a Century before the Union had been under the Dominion of the same Prince, should be united and incorporated into one Nation, and that by a Parity of Measures in the Administration; the

(7)

the Subjects being treated without Distinction, as common Members of one and the same Society, our Union like that of the *Romans*, should in Time become a Coalition. For I think in all the *Roman* Story we have not the least Account of any Measure of their Administration that implied any Distinction or any Disparity of Treatment of the Subjects of the united Nations, who became thereby so much one People, that they are not known to have been ever otherwise; but by the History of their Unions, after many bloody Struggles for Superiority, and that their Nobility by their hereditary Surnames are distinguished, this to have been a *Roman*, that a *Sabine*, and another an *Alban* Family, &c. And I cannot allow my self to imagine that ever their Legislature intended to treat the Subjects of the united Nations in any other Way.

It has been often observed, when a wicked Administration design to impose an arbitrary Government upon a free People, that they first provoke the People by Severities to carry Matters to Extremity, and then make Use of the Power they

(8)

they are vested with for the Protection of the People, to enslave them, the Conduct of the present Administration has been so very different from this, that it is impossible in common sense to suspect such a Design. I'm convinced, every good Subject will be of Opinion, that we have been treated with all the Mildness and Humanity the publick Exigencies could possibly allow; and yet if these Resolutions should pass into a Law, the Consequences of such a Law would be very dismal to those Subjects of the united Kingdom, whose Representatives make up so small a Part in the Legislature.

If any Part of the united Kingdom, should be pointed out by Law under a different Denomination, to be treated in a Manner different from the other Parts of it, Can it be any longer considered as a Part of an united Kingdom? If there should by Law any Distinction be made, betwixt the Subjects inhabiting that Part of the united Kingdom, and those inhabiting the other Parts, can these Subjects be any longer considered as Members of one .

(9)

one and the same Society? If any one of these material Conditions, viz. *Equality in Trade and Equality in Taxes*, upon which the Union was founded, and upon which alone it can subsist; I say, if any of those Conditions should be infringed, can the Subjects of *Scotland* (whose Representatives in Parliament are so few) be any longer considered as a free People, or as a Part of an united Nation, to be equally treated in all Respects without Distinction. No surely! on such an Event it would appear as plain as Sun-shine, to every Person of common Understanding, that they are no more a Part of an united Nation, that they are no more Members of one and the same Society, nor, nor a free, but a tributary People, because in that Event they must be liable to such unequal Burdens and Impositions, as a Majority of Parliament should think fit at any Time to impose on them, and liable to be deprived of such Freedoms and Branches of Trade, as such a Majority may think fit to take from them.

We have thrown our selves into the Arms of *England*, we have intrusted every

very Thing that is dear to us as Men and Christians, to the Faith of a *British* or rather of an *English* Parliament, and have thereby divested our selves of all Power and legal Title to controul, any Deed of that Parliament: But if we are to be treated as Tributaries, then the Question must be, Whether we are to lose *Life* or *Liberty*? The first by the Course of Nature we must lose, and numberless Accidents render it very precarious; and therefore no good Christian ever prized it with Anxiety, or put an Over-value upon it †, but the last can never be lost, unless we put a Criminal Value upon the first. Every Man that considers himself as a free born Subject, and reflects upon the Dignity of his own Nature, will soon be determined as to his Election; and a People however considerable, who are resolved to live free, or not live at all, are not easily to be enslaved.

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† *Propter libertatem solummodo, quam nemo bonus nisi simul cum vita amittit.* See Letter from the *Scotts* Chiefs to the Pope, in the Reign of *Robert* the First of *Scotland*, and *Edward* I. in *England*, dated at *Aberbroth* the 6th April 1320.

When that great and mighty Prince, the Glory of the *English* Nation, *Edward* I. had *vixit & moris*, as the Saying is, possess himself of the Government of *Scotland*, and was absolute and arbitrary Lord and Master of the whole Country, we were then in a Situation beyond all possible hopes of Relief; Most of our Nobility and great Folks, who were possess of great and extensive Vassalages, submitted to the prevailing Power, and went plum into his Interest. Those Men so very great by Birth and Condition, who in former Ages used to lead the People on to Battle, to defend the Freedom and Independency of their Country from foreign Inults, and to rescue the Privileges of the People from the illegal Encroachments of the Crown under weak or wicked Administrations, were nevertheless at this Time so very poor and little in Spirit, as to exchange their Independency for a Golden Chain, and to prefer a slavish Life of Ease and Luxury to a free Life, because Liberty can only be secured by *Will* and *Hazard*.

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(12)

Every Town and Castle almost over all *Scotland*, was garrisoned by *English*, or by the Vassals of those great Men who were firmly engaged in the same Interest; so mean were those, so contemptibly great, as to think of securing and encreasing of their own Greatness, by the Ruin of their Native Country, and to prefer the Favour of a forreign Master to the publick Good.

This was our Situation, and in this melancholy Condition without Help or Hope did we continue for some Years, but luckily the spreading Corruption had gone no further than the Head; that Bane of Liberty and sure Poison of free States, *Luxury* and *Prostitution*, had not reached the Gentlemen and Barons of inferior Rank; and the Mass, *i. e.* the People, was sound and wholesome. These had a lively Sense of Liberty, and were determined not to give it up, but with their Lives. They put a just Value upon those Privileges, which their Fathers had at the Expence of so much Blood handed down to them, and were resolved, since they could not be otherways secur-

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(13)

ed, to transmit them to their Posterity by the same means. Thus they resolved to rescue themselves from the Oppression of a foreign Yoke, or to perish in the Attempt.

Their Fathers had set them many a good Example; and it might have been expected, that a People who had been so remarkable for resisting the *Roman* Yoke, a People who had baffled all the Attempts the warlike *Danes* and *Normegians* made on their Liberties, a People who had curbed the *Angli* and *Saxons*, and stoppt the Career of the *Norman* Conquest, that such a People, upon whom adverse Fortune, Loss and Discouragement made so small an Impression, would not tamely have given up their Liberties; but in that Situation, a less steady and determined People, in so low and helpless a Condition as we were in, under *Edward I.* could never so much as have formed a Project of retrieving their Affairs, which to every one but themselves, must have appeared Madness.

The Conduct of our Fathers upon that Occasion, was sufficient to convince

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Mankind; that a People steadily deter-
 mined to be free, however poor and
 contemptible, will get the better of all
 Discouragement, and that such are not
 to be enslaved by any Power whatever.
 For we, after an unsuccessful War on our
 Part, for almost 40 Years, vigorously pu-
 shed by the united Power of *England* and
 all its Allies, aided by most of our own
 dastardly Nobles; yet at last drove the E-
 nemy out of our Country, extirpated all
 the traitorous Families who had taken
 Part with them, and obliged *Edward*
III. by solemn Treaty, to lay aside that
 Yoke of Servitude which his Father
 and Grand-father had, at the Expence of
 much Blood and Treasure, in vain endea-
 voured to impose on us.
 But those bloody Scenes are now over,
 and I hope will never be re-acted upon
 the Theatre of *Britain*. We are now
 one People, and I hope the Legislature
 will never pass any Law to make us o-
 therwise: It is not to be thought that
 the *English* Nation, so remarkable for do-
 ing Justice to its foreign Allies, will e-
 ver be unjust to its Brethren and Neigh-
 bours

(15)

bours, the Subjects of the same Prince
 who trusted their All to their Faith.
 Nor can I imagine, that a wise Peo-
 ple, no less famed for Prudence than
 Justice, will ever impose on us, who are
 now a Part of themselves, any Hardships
 that may disable us from taking a Share
 of any Hazard, when the Liberties or In-
 dependency of our Country are threat-
 ned either by Insults from abroad, or in
 Danger from illegal Encroachments at
 Home. Have not the Subjects of *Scot-*
land, ever since the Union of the Crowns,
 behaved themselves on every such Occa-
 sion, like a People inspired with a just
 Sense of Liberty? Have they not readily
 taken Arms to defend their Freedom and
 Independency, as often as either Nation
 was threatned with a Foreign War? Were
 they not as ready as *England* to oppose
 the arbitrary Measures of *Charles I.* Or
 were we more backward than they to
 take Arms to rescue our Civil and Sacred
 Rights from the illegal Encroachments
 made on them by his Son King *James*?
 And have not we ever since contributed
 our Quotas in Proportion to our Power,
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to carry on these Wars which were undertaken for securing the Protestant Interest, and all our valuable Rights and Privileges thereby ascertained to us? Was ever the Behaviour of our Troops in those Wars inferiour to that of our Neighbours? Or was there ever observed in the Natives of *Scotland*, any Dastardliness of Spirit, that seemed to imply in them any Aptitude for Slavery?

Can we suppose then, that ever *England* will impose any such Hardships on us? Is it to be imagined that they would ever reduce a People that may be of so much Use to them, to such a Condition as would make us only fit to be Hewers of Wood and Drawers of Water? Altho' it should be in their Power to do it with the greatest Facility, and thereby to expose so great a Part of the Island, as an open Door for Foreigners to enter by, to impose on themselves greater Hardships than those we (I hope unjustly) apprehend from them? No! the Interest of the united Kingdoms of *England* and *Scotland* are now so inseparably linked together, that the Interest of the one can-

(17)

cannot be hurt without affecting the other; and to say, that *England* would hurt us, is to say, that they judge amiss of their own Interest.

By the Treaty of Union we are allowed the same Freedom of Trade with *England*; but the Want and Decay of Trade amongst us at that Period, put it out of our Power to improve the Advantages thereby intended for us; and unless the Publick give us suitable Encouragement, to make a proper Use of that Liberty of Trade, we will be like a broken Company of free Merchants, unable to prosecute our Business for Want of a Stock. *England* was at that Time powerful and wealthy, well able to bear its publick Burdens, and by frugal Management well able to discharge all its publick Debts; but we were then poor, and nevertheless subjected to a Share of these publick Burdens, before we were put in a Capacity to bear them: And because we are less able to pay our Taxes than *England*, will *England* put it out of our Power of being ever afterwards able to bear with them a Share of publick Burdens? This is so

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very absurd, that I am convinced when the *English* Members reflect upon the Consequences of these Resolutions, and that the Conditions of the Union will be infringed by them, they will be as frankly determined as we are, to lay them aside, since we have no legal Objection against the Malt-Tax, and are willing to pay it as well as we can: And the Legislature will, no doubt, go all the Lengths the 14th Article of the Union will allow them, to make us easy on that Head.

I remember when the *Scott* Members objected against a Clause in the Tobacco Bill, as being contrary to some one or other Article of the Union, a worthy *English* Member † who was keen for the Clause, thereupon gave it up, and acknowledged, that since the *Scotts* had thrown themselves into the Arms of *England* without any other Guarantee than the Faith of an *English* Parliament, they ought in Justice, at least to put them in their former Place, before they made the least Infringement of any of the Ar-

† Mr. Hutcheson.

Articles stipulated on their Behalf, and the Clause was thereupon laid aside. This, Sir, compared with all the Accounts we have as yet got of these Resolutions, and of the Reasonings upon them, very much inclines me to believe, that our own Members have not a just Apprehension of this Matter, most certainly they have not as yet duly considered the Consequences of it. What inclines me the more to think so, is, That a worthy *Scotts* Member who reasoned against the Motion with a good deal of Warmth, yet used this Expression, *That an additional Excise upon Ale by Way of Equivalent for the Malt-Tax, was not contrary to the Articles of the Union, but that taking away the Bounty-Money was;* for my Part, I can see no Difference between them, further than this, That the one establishes an Inequality in Taxes, and the other establishes an Inequality in Trade. And I hear another Gentleman who opposed both the Expedients, yet proposed a certain Sum by Way of Equivalent for the Malt-Tax, to

Mr. Hutcheson.

(20)

to be raised by Way of Excise upon Brandy; for my Part, I am against all Equivalents whatever, as directly tending to unhinge the Treaty of Union, and to render every Article of it, stipulated in our Favours, precarious.

I design to be in Town by the Time the Parliament meets again, and then, I hope, to hear better News than those you sent me the 22d Instant: For I am fully convinced, that when the *English* Members deliberately consider the Consequences of these Resolutions, they never will allow them to be past into a Law, since such a Law would overturn the very Basis, upon which the Treaty of Union is founded, *i. e.* Equality in Trade, and Equality in Taxes, and upon which Foundation alone, an incorporating Union can only subsist.

Thus, Sir, I have given you my Thoughts upon this Affair, without Reserve; and I must tell you, I am glad to find the Gros of the Inhabitants of this

(21)

this Shire, as far as I can gather their Sentiments, agree with me in Opinion. I with those of *Westminster-Hall* may not differ from us. I am very much,

S I R,

Your humble Servant,

Coupar 31st
Dec. 1724.

L. D. L.

Thus, Sir, I have given you my Thoughts upon this Affair, without Reserve; and I must tell you, I am glad to find the Gros of the Inhabitants of this

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