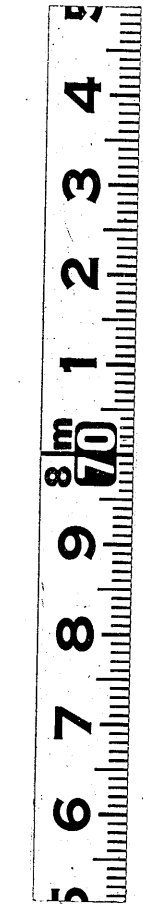


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Manderford 1770.

A
TRUE and IMPARTIAL STATE
Of the Province of
PENNSYLVANIA.

Containing,

An exact Account of the Nature of its Government; the Power of the Proprietaries, and their Governors; as well those which they derive under the Royal Grant, as those they have ASSUMED in manifest Violation thereof, their Father's Charter, and the Rights of the People: Also, the Rights and Privileges of the Assembly, and People, which they claim under the said Grant, Charter, and Laws of their Country; CONFIRMED by the Royal Approbation.

With a true Narrative of the Dispute between the Governors and Assemblies, respecting the Grants of Supplies so often made by the Latter, and rejected by the Former. In which is demonstrated, by incontestable Vouchers, that ARBITRARY Proprietary Instructions, have been the TRUE and ONLY Cause of the Refusal of such Supplies; and the late defenceless State of the Province.

The whole being a full Answer to the Pamphlets intitled A BRIEF STATE, and A BRIEF VIEW, &c. of the Conduct of PENNSYLVANIA.

Unlimited Power is so wild and monstrous a Thing, that however it be to DESIRE it, it is as natural to OPPOSE it; nor ought it to be trusted with any mortal Man, be his Intentions ever so just: For besides that he will never CARE to part with it, he will rarely DARE.

Cato's Letters:

That Men ought to speak well of their Governors is true, while their Governors DESERVE to be well spoken of, but to do public Mischief without hearing of it, is only the Prerogative and Felicity of Tyranny: A FREE PEOPLE will be shewing that they are so, by their FREEDOM OF SPEECH.

ibid.

PHILADELPHIA:

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T O

The Right Honorable

WILLIAM PITT, Esq ;

One of His MAJESTY'S principal Secretaries of State.

S I R,

MEN of the highest Estimation for Virtue and Learning have declared, that no Change of Climate, no distance of Place can destroy, or even abridge those Rights and Privileges, which a *Briton* derives from his Nativity. They are Blessings that inseparably wait on his Person, in all his Migrations and Settlements. This Opinion founded on the Principles of Reason and natural Equity, has received an additional Sanction and Authority from your Conduct ever since your *deserved* Exaltation, to the important Post and
Trust

ii DEDICATION.

Trust you have filled and discharged with such universal Applause. Your Care and Efforts which have been long wisely and fortunately exerted for the Preservation of the Liberties of Mankind, have not been confined to the happy Island you live in; but in a remarkable Manner extended to these remote Parts of the World, whose infinite Importance to the Glory and Interest of their Mother Country, you have been one of the first to discover. 'Tis to you Sir, under the Influence and happy Auspices of our most gracious and good Sovereign, that His Majesty's most faithful and loyal Subjects in *America*, are indebted, for their late Escape from the Barbarities of a *Savage* Enemy, the Yoke of *French* Servitude, and *popish* Superstition.

THE Province of *Pennsylvania* has, by her own Industry alone, made great Advances towards Commerce and Opulence, notwithstanding the short *Æra* of her Settlement; and, tho' she has encountered many Difficulties

DEDICATION. iii

ties and Impediments in complying with the Demands of her Sovereign, may justly claim no inconsiderable Share in the Military Operations, which have in a great Measure, restored Peace to her own and the Borders of the neighbouring Provinces. Her present flourishing State has flowed intirely from the Excellence of her Constitution, equally adapted to preserve the just Prerogatives of the Crown, and the Rights and Liberties of the Subject, and nearly resembling that of her Mother Country. Upon the Preservation of this Constitution, and the Liberties derived from it, the present and future Happiness of the People entirely depend. When any Attempt therefore has been made to wound or subvert that Constitution, to enfeeble its Laws, to weaken its Power of Defence, and to prevent its paying a chearful and reasonable Obedience to the royal Commands, to whom can she Apply? Whose Patronage and Protection can she implore with greater Propriety, than his, whose extensive Benevolence

IV DEDICATION

volence and public Spirit, have been so happily experienced, both in *Europe* and *America*. You Sir, have by your Attention to the Welfare of these Colonies, released us from the Apprehensions of foreign Tyranny, which has imbolden'd us to beseech you, to compleat the glorious Office, and relieve us also from *domestic Oppression*.

THIS Pamphlet therefore, in Vindication of the Conduct of the Assembly of *Pennsylvania*, and the Freedom of its Inhabitants, comes naturally to crave your Patronage and Protection, as the constant and generous Patriot of your Country, as a lover of Liberty, and as the great and faithful Friend of *America*. But if a Stranger to your Person, should be thought too presumptuous in addressing to you this Performance in behalf of the injured Community, of which I am a Member, the high respect and Veneration I entertain for your great Merit and Abilities, the Rectitude of my Intentions, and the Duty I apprehend I am under of disclosing the

DEDICATION

the Truth to a Gentleman so remarkable for redressing the injured and relieving the Oppressed, will I hope secure me a Pardon and incline you to believe that I am actuated by no other Motive but a *Share* of that Spirit and Love for my Country, which constitutes so noble a Part of your public Character. *I am Sir,*

With the highest Esteem and Respect,

Your most Obedient

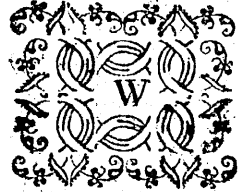
Humble Servant,

The Author.



A

TRUE and IMPARTIAL STATE, &c.


 WHEN that extraordinary Performance the BRIEF STATE, first appeared among us, it was treated with the utmost Contempt by every Man of Sense and common Capacity, who, from the notoriety of the Facts *themselves*, could easily detect the gross Untruths, and flagrant Misrepresentations it contained. It was deemed a meer Rhapsody of Calumnies and Invectives against the *Quakers* and *Germans*, and an infamous Libel against our Assembly and Constitution; nay, so generally was it condemned, that the Author himself grew ashamed of his Production, and publicly disavowed it. From this Prospect of its Effects here, none thought it worthy a Remark, much less a formal Refutation. And as to its Effects with the Parliament and Ministry of our Mother Country, we could not, without arraigning that *Justice* we have so often experienced, that

tender

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genuine Concern for our Rights and Properties, which they have, more than once convinced us of, suspect that a Pamphlet filled only with Assertions as peremptory as they are absurd and improbable, could have any Influence with them. For, whoever thinks fit to bestow the least Attention upon this, and the Performance which followed it, viz. the BRIEF VIEW, their pernicious Tendencies, the extraordinary Remedy proposed, and Plans laid down by the Pamphleteer, the Schemes he would have executed to support them, together with the abusive Raillery, and low Scurrilities they abound in, may, without much Penetration, perceive them to be little more than the Effects of *buffed Malice*, and the Rage of a disappointed Party. Such are the Reasons why these invidious Pamphlets have so long remained unanswered, and the many gross Falshoods and Misrepresentations they contain, unrefuted. It could not be, as the Pamphleteer weakly suggests, "Because they contained Facts of a stubborn Nature," And because "we found it in vain to combat the clearest Evidence;" * For neither of the Pamphlets contain a single Fact material to his Purpose, nor has he favored the Public with the least Degree of Evidence, to induce them to credit, and confide in his Assertions.

* Brief View, p. 7.

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tions. 'Tis true, he has inserted in his Sequel, several *insolent Remonstrances* to the Assembly, drawn up by *himself*; and signed by a few only of his own Party, not the twentieth Part of the Inhabitants of this City; and also several of the Governor's *artful* Messages, which were calculated rather to blind the Eyes of his Superiors, than to do the Country Service: But he has designedly omitted the *Answers* of the Assembly, and their *Resolves* on those Messages and Remonstrances, which contained the fullest Evidence of their upright Designs and Intentions, at the same Time exposing the Schemes set on Foot to subvert the Constitution, and to throw greater Power into the Hands of the *Proprietaries*, and *their Party*, than our gracious Sovereign himself, or his Ministry ever enjoyed. This obvious Partiality, is so far from being the "*clearest Evidence*," that it is an Argument of a bad Cause, and indicates a Heart bent upon the wicked Design of imposing on the Wisdom both of King and Parliament, to alienate His Majesty's Favor and affection from this Colony, and to destroy that reciprocal Confidence between him and his People, which is the great Basis and Support of his Prerogative, and of their Liberties. That having robbed us of the Favor we had long enjoyed, and the Protection we might with Confidence hope for from the best of Kings

Kings, his Patrons and Party might, upon the Ruins of our Liberties, erect their desired Superstructure of despotic Power, and reduce to a State of Vassalage and Slavery, some of His Majesty's most faithful and loyal Subjects.

SUCH, and none other, could be the Design of those Pamphlets, to obviate which, and to prevent the Prejudices they may possibly create in the Mind of the *unwary* Reader, a Stranger to the Facts, and, by so doing, discharge my Duty to my Country, and Posterity, I have, in the following Sheets, endeavoured to give at once, a short and clear Idea of the Frame of Government of this Province, under our present Charters; the Powers, Rights, and Privileges of the two Branches of Legislature; the several Infringements and Innovations that have been arbitrarily made in our Constitution, by Ambition and "a Thirst of others Right;" And fully evinced, that the People of this Province, have ever been a faithful, loyal and affectionate People; and that the Assemblies have been so far from being principled against Defence, that they have ever offered Supplies for His Majesty's Use, in such Manner as they judged most effectual, and at the same Time least oppressive to their Constituents; And lastly, that the true Cause,
to

to which ALONE our Calamities and Distress have been justly imputable, is *arbitrary Proprietary Instructions*, which have defeated every Measure a free People could think of, for the Defence and Preservation of their Lives, Liberties, Religion, and Fortunes.

IN the first of these Pamphlets, which he intitles A BRIEF STATE, &c. our Author asserts the "Necessity of a Change in our Civil Constitution." The unprejudiced Mind will call for no greater Proof of his Partiality, than what flows from the following Consideration. In Order to lay a Foundation, upon which to establish this Doctrine, he begins with informing the Public what Powers and Privileges the Assembly are in Possession of; but carefully avoids every Thing that has a Tendency to shew the *exorbitant Power*, and *unlimited Authority*, which our Proprietaries and their Governors not only claim, but constantly exercise over the discontented and oppressed Inhabitants. This is what Candor, Honor, and Conscience should have prevailed on him to have done: For, without it, no true Judgment could be formed of the Doctrine he intended to enforce, nor could the King, his Ministry or Parliament, for whose Perusal this Performance was chiefly intended, see the Necessity of any Change,
nor,

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not, if they did, could they know how or where to make it. Whether, by depriving the Assemblies of this Colony, of those Privileges they at present are entitled to; or, by clipping the Wings of enormous Proprietary Power; or, by taking his faithful Subjects of this Province, under His Majesty's immediate Care and Protection. But a true Representation of *Proprietary Power*, did not quadrate with this Gentleman's System of Politics: It would have rendered his Patrons obnoxious to His Majesty's just Resentment, for having deprived his loyal Subjects here, of the Liberties granted to them by his Royal Predecessor. It would have demonstrated, that if any Change in our Civil Constitution was necessary, 'twas that only, of taking his faithful and affectionate Subjects under his immediate Care and Protection. But this would be stabbing their Schemes in a vital Part; 'twould be divesting them of that Power they have already usurped, and a means of disappointing them in obtaining that, they have long so eagerly sought for.

To say the Foundation of this Constitution, and saye the firm Basis on which it is established, is the *evident Design* of this Author; to accomplish which, he lays down the following false and iniquitous Positions

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sitions. "That, altho' Infant Settlements flourish
" fastest under a Government leaning to the Repub-
" lican or popular Form, yet; in Proportion as a
" Country grows rich and populous, more *Checks* are
" wanted to the Power of the People." That *nice*
" *Regard* is to be paid to all the *Fluctuations* of
" Trade, Property and other *Casualties*, and the
" Constitution *alter'd* and *adjusted* to these Circum-
" stances." He complains, "That the *People's*
" Power here, has been continually *increasing* with
" their Numbers, and Riches, while the Power of
" their Governors, far from keeping Pace with theirs,
" hath rather been *decreasing* in the same Proportion."
In answer to these Positions, I shall shew hereafter,
That this Government, in its first Establishment, and
under our present Charters, does not incline more to
a *popular* than *monarchical* Form, but, consider'd as a
Charter-Government, far distant from the Parental
Eye of its *Mother-Country*, to be ruled by Persons no
ways connected with its Interest and Property, is as
near the mix'd Form, as Wisdom and Prudence could
direct. It was founded on the same *Principles of*
Liberty and Industry, and is a lively *Resemblance* of
its *Parent Constitution*. Its Foundation was *broad*
and *capacious*, calculated to support the *greatest In-*
crease of People, and the *largest Augmentation* of
Trade,

Trade; so that *no Alteration* can be made in it, without endangering the *Ruin* of its Superstructure. A Government erected on a *narrow* confined Basis, destitute of that *Liberty* which the *Freedom* of Trade, and *Security* of Property require, such as the *slavish Principles* of this Pamphleteer and his Patrons would naturally frame, might indeed call for constant *Patching* and *Amendment*; an Alteration both in its *Essence* and *Circumstances*, and an adjustment of its Constitution to the Increase of Inhabitants, and Fluctuation of Commerce. In *such a Government*, Maxims, like those, might *safely* be apply'd, as it would without them, naturally fall into Convulsions, and unless it were able to purge Itself by the Strength of its *Stamina*, from those narrow and oppressive *Principles* upon which it was first founded, must linger into certain Dissolution." But to apply them to the *English Constitution*, or the Government of *Pennsylvania* so much like it, whose *Founder* is justly compared, for his Wisdom and Policy in its Construction, to the great *Lycurgus*, † is the Height of Nonsense and Absurdity: It is securing the Building by taking away its Foundation; preserving the Constitution by adjusting it to all the Fluctuations of Trade, Property and other Casualties

† Montesquieu de L' Esprit de Loix.

and instead of establishing it on the *broad capacious Rock*, on which it now lies, his *ridiculous Doctrine*, would inculcate the necessity of settling the Constitution, by exposing it to a *perpetual mutability*, to be blown about by every Wind, and toss'd by every Wave, that its *Stamina* might be the more easily changed, its Fundamentals altered, as best suited the *ambitious Purposes* of his Masters Will.

BUT, to give a farther Specimen of this Author's *Justice* and *Conscience*, let us suppose, tho' we are far from admitting it, that this Government in its first Constitution under our present Charters, was invested with certain Privileges which inclined it rather to a *popular* than monarchic Form: These Privileges were granted to our Fathers and Predecessors, under a *Royal Contract*, and a *Proprietary Charter*. They were the *sole Consideration*, which induced them to surrender up the Blessings of their *native Country*, and go into a Kind of *Exile* in a savage Wilderness: They purchased them as an *Inheritance*, which they expected would be *perpetuated* to their *Posterity*; and therefore, to project, or promote a Scheme to deprive such Posterity of those very Privileges, by what this Author calls "Checks to the Power of the People," as soon as they arrive

at a Capacity to enjoy them, is a *flagitious attempt to violate* the most *solemn Contracts*, and can be calculated for no other Purpose than to promote the *arbitrary and despotic Schemes of Ambition and TYRANNY*. The *very Publication* of such odious Doctrine, in a Land where *Justice and Liberty* prevail, may perhaps be thought an egregious Instance of our Author's *Folly* as well as *Effrontery*, but when compared with that gross Perversion of Facts, and those *notorious Falshoods* he is afterwards guilty of, 'tis *perfect Modesty and Wisdom*.

To prove, That the latter of this Gentleman's Positions, *viz.* That the Governor's Power has been *decreasing*, while the Assembly's hath been *increasing* in the same Proportion, is as destitute of *Truth*, as the Former is of *Justice*: I shall unfold all those Facts, which he so carefully avoids, and give a short, tho' ingenuous Account, not only of the Power of the Assembly, but also of the Proprietaries and their Deputies, from the first Settlement of the Province, under its present Charters, to this Time. This is a *Proprietary Government*, claimed and held by *Thomas and Richard Penn*, by virtue of a Grant from King *CHARLES II.* to their late *worthy Father William Penn*, the *wise Founder* of this

this once flourishing Constitution. By Virtue of this Grant, all such Powers were given, as were necessary to enable the Grantee to settle a Colony, and invest it with such Laws and Liberties as would make this People *free and happy*, and render it capable of supporting the most *extensive Trade, and largest Increase of Property*.

THE *Quakers*, who seem to be the *principal Objects* of this Pamphleteer's Spleen, were the *first*, who at the Hazard of their *Lives and Fortunes*, ventured to engage with *William Penn*, to undertake *at that Time*, the *dangerous Voyage to Pennsylvania*, and to settle it as a Colony. Their principal motive to so hazardous an Enterprize, was that they might enjoy the *free Exercise of their Religion*, and that *Liberty of Conscience*, which was then *denied* them in their *native Land*.

IN the Year 1701, *William Penn*, by his Charter of Privileges, † did Grant, and in the most *solemn Manner* confirm, to all such of the Inhabitants and Adventurers, as believed in one GOD, *full Freedom and Liberty of Conscience*. And further, " That all
" Persons who profess to believe in JESUS CHRIST,
" the

† Charter of Privileges, 1701.

“ the SAVIOUR of the World, *shall be capable* (not-
 “ withstanding their other Persuasions and Practices
 “ in Point of Conscience and Religion) *to serve the*
 “ *Government in any Capacity, both Legislatively, and*
 “ *Executively*, he or they solemnly promising, when
 “ lawfully required, Allegiance to the King, as So-
 “ vereign, and Fidelity to the Proprietary and Go-
 “ vernor, and taking the Attests now establish'd by
 “ the Law made at *New-Castle*, in the Year 1700.”

Tho' we have many Instances of the *Wisdom* of this
worthy Proprietor, yet none so effectually demonstrates
 his *extensive Foresight and Prudence* as this. He
 plainly *foresaw* that a Government founded on such
universal Principles of Liberty and Humanity, would
 not long remain unsettled, and unimproved. The
Fame of these Privileges, and the *Lenity* of the *then*
Administration, which was in the Hands of the
Quakers, gave such *Encouragement* to many People
 of other Christian Denominations, that they flocked
 over to this *new Country of Liberty* from all Parts of
 Europe, and settled here. By which means this Pro-
 vince grew very populous, and advanced its Trade and
 Riches in a short Time. Such has been the *Wisdom*
 and *Prudence* of these People, so *equitable* and *satis-*
factory their Administration, that tho' the Inhabi-
 tants of this Province, differing from them in Prin-
 ciples

principles of Religion, are as *Six to One*, they have been,
 for the most Part, *continued* in it, 'till their late *Vo-*
luntary Resignation. And with what Degree of *Justice*
 this was done, will appear from that State of *Peace*
and Tranquility which the Inhabitants have ever en-
 joyed under them. They have ever cultivated a good
 Understanding with the Natives, and treated them
 with so much *Humanity and Justice*, that *this Pro-*
vince ever since its *first Settlement*, till of late, during
 the Space of more than 70 Years, hath been preserv'd
 in a State of *perfect Peace*; while several of the
British Colonies have been engaged in continual Wars
 with them, had their Inhabitants murder'd, their
 Country ravag'd, and their People carried into an
 irredeemable Captivity. 'Tis true, this happy State
 is now removed, and a different Scene hath pre-
 sented itself, since *October 1755*, a Scene not more
 different than melancholy and distressing. The great
Pains and Assiduity which these People have ever
 made use of to *promote and propagate Peace and*
Friendship with the *Indians*, not having been suf-
 ficient to counterbalance the many *Frauds*, and *unjust*
Measures put in Practice by *Proprietary Agents*, to
 procure the most *exorbitant Tracts of Land* for a
 mere *Trifle*. These Things the *Indians* have se-
 verely resent'd; and these are not the least among
 the

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the true Causes of all our late Calamities and murders, as our late Treaties with them demonstrate.

By the same Charter of Privileges, "The Assembly are elected annually, have Power to chuse a Speaker, and other Officers; are Judges of the Qualifications and Elections of their own Members; sit on their own Adjournments; prepare Bills for Passing into Laws; appoint Committees; impeach Criminals and redress Grievances; and have all other the Powers and Privileges of an Assembly, according to the Rights of the Freeborn Subjects of *England*, and as is usual in any of the *King's Plantations in America*." In these Privileges, the Assembly are further established by an Act passed 4^o. ANNE, which being transmitted to the King and Council for the Royal Approbation, received at that Board a full and final Confirmation. They have also by Law, a Power of chusing and nominating the Provincial Treasurer; the Trustees of the Loan-Office; the Collector of the Excise; the Brander of Flour, Beef, and Pork; and the Health-Officer. The three first of these Officers, are in the Nature of Trustees for the People, and have the Management of those Funds to which the People alone contribute, and over which their Representatives have the

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the sole Power. It cannot therefore be otherwise than just, that they should have the Privilege of nominating such as they conceive would act with Honor and Fidelity in those Stations. This appeared so reasonable, not only to the Governors when the Bills were presented, investing the Assembly with such Powers, that they passed without Objection, but also when they were transmitted to the Crown, they immediately received the Royal Approbation. As none of those Offices, since the last Charter have been filled by the Governor's Nomination, with what Propriety does the Pamphleteer charge the Assembly with having * "wrested them out of the Hands of the Governor." And by what Law of the Constitution was the Governor intitled to the Nomination of them? A Person unacquainted with our Author's sophistical way of Writing, would imagine that the Assembly had also "wrested from the Governor, the appointment of most of the *Justiciary* and *Executive* Officers, who hold the most lucrative Posts in the Government." † Had this been the Case, they had certainly been wrong; but it is well known, that the Governor is in full Possession of that Prerogative, and also that the Laws investing the Assembly with the above-mentioned

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* Brief State p. 10. † *ibid.*

mentioned Power, are approved of, by the King and Council, according to the Directions of the Royal Grant. How then must he be astonish'd at so dissingenuous an Intimation, as that relating to the justiciary Officers, and also at his *Confidence* in charging as a Crime upon the Assembly, the Exercise of *that Power*, which was finally establish'd, by his *Majesty's Royal Approbation*.

THROUGH the extreme scarcity of Gold and Silver in this Province, the Trade and Commerce thereof was much obstructed, and the Payment of public Debts, and the Support of Government rendered very difficult. To remove these Inconveniences, the Legislature from Time to Time, as they found necessary, passed Laws for striking Bills of Credit, and emitting them on Loan at Five Pounds *per Cent* Interest. This Interest Money being rais'd out of the Labour and Industry of the People, and to which the Proprietaries did not contribute, tho' they received uncommon Benefit therefrom, in the Sale of their Lands, it was thought but just, that the Assembly should have the Power of appropriating, and disposing of the Funds created thereby. But these Funds at first not being sufficient to support the Government, and defray the public Debts, sundry

other Laws were passed, from Time to Time, for laying an Excise on Rum, Wine, Brandy, and other strong Liquors. These Duties also being paid by the People, and the Monies arising thereby intended for the Support of Government, the Assembly were, in like Manner, invested with the Power of disposing thereof.

SUCH are the Powers and Privileges which the Assembly *legally* claim; and such the Pamphleteer is pleased to call "*repugnant---unrestrain'd---* Powers that render the Governor and all the Officers of the Province dependent on them." For now, says he, "They either vote, or withhold the Salaries of all the Governors, and other Officers, as they either are, or are not the Creatures of the Assembly." By this he would insinuate that the *Governors* of this Province, have a *stated Salary*, which they may of *Right demand*, and that the *Assembly* having a Power to dispose of the Public Money, *wrongfully detain* it from them. But so *groundless* is this *Insinuation*, that whatever Sums are voted by them for the *Governor*, are merely a *Benevolence*, and what he has *no Right to demand*, either by *Law* or *Custom*. For it has been the continued Practice of our Assemblies, to *proportion* their *Gifts* to the *Service* done the *Public*, and they

have never been fixed either as to Time or Quantity. With what Justice then, can he accuse the *Assembly* of withholding from the *Governor*, that, to which he has *no Right*; and which has ever been deemed a *Gratuity*? Or with what *Propriety* can he term it a *Salary*? Further, he would have it understood, that the *Assembly* have made it a *common Practice*, to withhold the *Salaries* of *Officers*, who are not in their Interest. The Gentleman should have given some Examples, of such a Conduct; I know of none, save the *Salary* of the *King's Attorney*, which was done, on passing a Law to *increase his Fees*, and which made his Income by the *Fees only*, equal to what it had ever been before, with the *Fees and Salaries together*. Thus do these Insinuations vanish, and turn out no more than groundless Assertion.

I COME next to take a View of the *Powers* which the *Proprietaries* and their *Deputies* assume to themselves, and enquire how far they are agreeable to the *English Constitution*; how far consistent with the *Liberties of a free People*; and the *Royal and Proprietary Charters*; and whether the *Powers and Privileges* in the Hands of the *Assembly*, are more than necessary to counterbalance them.

THIS

THIS being a *Proprietary Government*, the *Governor* is nominated by the *Proprietaries*, and approved by the *Crown*; holds his Commission during their *Pleasure*, and from them receives *private Instructions* respecting Matters of Government: He gives *Security* in the Penal Sum of *Five Thousand Pounds Sterling*, strictly to obey and pursue, not only such Instructions as are delivered with his Commission, but all such other, as shall be transmitted to him during his *Administration*. And so sacred are they, that our late *Governors* have refused to make them *Public*, or lay them before the *Assembly*. During their Residence here, the *Governors* receive certain Perquisites, established by sundry perpetual Laws for their Support, from the *Fines, Forfeitures, Tavern-Licences, &c.* which, *communibus Annis*, amount to *Two Thousand Pounds*.

It is a known Maxim in Politics, that in Framing any Plan of Government, nothing conduces more to its Prosperity and Duration, than so to constitute it, as to make the private Interest of the Ruler, co-operate with, and subservient to the Public Good. Such political Connexion, and mutual Dependency, may render even the avaritious, or the ambitious Man, a Man of public Spirit. On the contrary, if the private Interest of a Ruler, coincides and co-operates

not

not with the *public Utility*, the natural Consequence is *Discontent*, and *Faction* on the Part of the *Governed*, and *Oppression* and *Tyranny* on the Part of the *Governor*. An Instance of the Former, is the *British Constitution*, where his Majesty's private Interest and Welfare are inseparably connected with, and dependent on the Prosperity of his People. An Example of the latter, was the embroil'd unhappy State of this Province, when the Pamphlets under Consideration were first usher'd into the World. And, indeed, so far is the *Interest* of our *Governors* from being connected with that of the *People*, that it is absolutely dependent on the *Good-Will* and *Pleasure* of certain *Individuals*, whose Interest, and that of the Public, have always, to the infinite Detriment of both, been held incompatible. So far are they from being obliged to *preserve* the *Right* and *Liberties* of the Subject, as our Gracious Sovereign by his Coronation Oath binds himself to do, that on the contrary, they lay themselves under a considerable *Penalty* to adhere to and obey *private Proprietary Instructions*, tho' ever so derogatory to the *King's Instructions*, or inconsistent with the *Liberties* of a free *People*. They hold their *Offices* at the *Will* of the *Proprietaries*; to disobey their Directions, is a *Forfeiture* of their *Commissions*; and therefore such Instructions as will not bear the
Light;

Light, such as tend to impede the passing salutary Laws, and such as obstruct the public Means, which should be entered into for the Defence and Security of the Province, pursuant to the *Royal Orders*, have been, till of late, very carefully concealed. These Gentlemen are mostly *Foreigners*, and consequently *Strangers* to the *Constitution*, its Wants, and Necessities, its true Interests and Disadvantages. In short, 'tis *Folly* to expect, that *Governors*, whose *Interest* is totally distinct from that of the *People*, and who scruple not to accept of *Instructions* to abridge them of their *Liberties*, can entertain a Thought of making them Happy; so far from it, that *Indigence*, *Avarice*, or *Ambition* is usually their *Motive* for accepting the Government, and their *principal Design* to make a *Fortune*. What might not *Governors* under the Influence of such ungenerous Motives be prevail'd on to attempt? Could the *Liberties* of a *People* be safely reposed in such Hands? Would an *English Parliament* trust them in such? Or would it not be the height of political Madness in our Assemblies, to commit the absolute Disposition of our public Funds, to Men, on whose Actions they have no Check, or Controul.

THAT these *private Instructions* relative to Matters of Government, and the passing of Laws, these
Checks

Checks on the Proprietaries Deputy, are *inconsistent* with the *Royal Grant*, a wicked Infraction thereof, and essentially subversive of our present Constitution, will evidently appear from the least Consideration of the Grant itself, which has ever been deemed the Basis of our legislative Authority. One Clause of which I here insert, as it sufficiently proves and illustrates this Assertion. † “ Know ye, that we, for us, our Heirs, and Successors, do grant free, full, and absolute Power, (by Virtue of these Presents) to him (*William Penn*) and his Heirs, to his and their *Deputies and Lieutenants*, for the good and happy Government of the said Country, to ordain, make, and enact, and under his and their Seals to publish any Laws whatsoever, for the raising of Money, for public Uses of the said Province, or unto the private Utility of particular Persons, according to their best Discretion, by and with the Advice, Consent, and Approbation of the Freemen of the said Country, or the greater Part of them, or of their Delegates or Deputies, whom for enacting the said Laws, when and as often as need shall require, we will that the said *William Penn* shall assemble,” &c.

FROM

† Chap. 2, Grant 1680.

FROM this Clause of the Royal Charter, sundry Things naturally occur worthy our Attention.

First. * THAT by the Words thereof, the *Deputies* and *Lieutenants* of *William Penn*, and his Heirs, were to concur with the *People*, in framing Laws, “ according to their best Discretion.” Any *Instructions* therefore, which have a tendency to take away or abridge this Power of exercising their Discretion, in Matters of Government, are contrary, not only to the Design, but the express Words of the Royal Grant, and a direct Infraction thereof.

Secondly. THIS Charter was not only made to *William Penn*, and his Heirs, and his or their *Deputies*, investing him and them with Powers and Privileges, but from the Instant it was executed, the *People* of this Province became interested therein, and a Party thereto. The Powers of Legislation being granted to *William Penn* and his Heirs, to his or their *Deputies* and *Lieutenants*, “ by and with the Advice, Assent, and Approbation of the Freemen of this Country, or of their Delegates or Deputies.” From hence it is manifest, that the *People* and their *Representatives*, by

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Virtue

* Charter 2. Grant 1680.

Virtue of this *Royal Favor*, had an *original Right of Legislation*, inherent in *them*; and such as the *Proprietaries* cannot *divest* them of, or in the least *abridge*, without *trampling* on the *sacred Contract* of his Majesty's Royal Predecessor.

Thirdly. THE *People* as well as the *Proprietaries*, have a Power of *appointing* and *electing Deputies or Delegates*, to represent them in *Legislature*. In which Case, the Law is *incontestably settled*; † that such *Deputies* shall have the *whole Power* of their *Principals*; and so essentially *annex'd* is this to the Office, and Duty of *Deputies*, that they cannot be constituted to do a single Act, or to execute the Office of their *Constituents* in *Part only*. Nor can their Power be *diminished* by any *Covenant* or *Bond*, given to their *Principals*. For should they covenant, not to do any particular Act which their *Constituents* might do, such *Covenant* is *repugnant*, and *void in Law*, to all *Intents* and *Purposes*. Of this Opinion were *William Penn* the Younger, Son and Heir of the first *Proprietary*, and the learned Judge *Mompesson*, together with the rest of the Council on the following Clause, in Governor *Evans's* Commission, viz. "Saving always

† x Salk: 95, Parker ver. Kett,

" always to *me* and my Heirs * our *final Assent* to
 " all such Bills as thou shalt pass into Laws in the
 " said Government," &c. In answer to a Message from the Assembly, "requesting the Council to give
 " their Opinion in Writing under their Hands, concerning the *Saving* or Exception in the *Proprietary*
 " *William Penn's Commission*, to the present *Lieutenant Governor*, to wit, whether the said *Saving*
 " is void of itself, and does not vacate the rest of
 " the said Commission, and render it invalid? And
 " whether those Bills which the present *Lieutenant*
 " Governor shall think fit to pass into Laws, and
 " cause the *Proprietary* Great-seal to be affixed there-
 " unto, can afterwards be vacated or annul'd by the
 " said *Proprietary*, without the Assent of the *Assembly* of this Province?

" WE of the Council, whose Names are hereunto
 " Subscribed, are of Opinion, that the said *Saving*
 " is void in itself, and does not vacate the rest of
 " the *Commission*, nor render it invalid: And that
 " those Bills which the present *Lieutenant Governor*
 " shall think fit to pass into Laws, and cause the said
 " *Proprietary's* Great-seal to be affix'd thereunto, can
 " not afterwards be vacated or annul'd by the *Proprietary*,

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* Votes February 11th. 1724-5.

“ *prietary, without the Assent of the Assembly of*
“ *this Province.*

“ WILLIAM PENN, jun.
“ ROGER MOMPESON,
“ EDWARD SHIPPEN,
“ JOHN GUEST,

} “ WILLIAM CLARK,
“ GRIFFITH OWEN,
“ RICHARD HILL,
“ JAMES LOGAN.

† THIS Point is also confirmed by the present Proprietaries Mother and Predecessor *Hannah Penn*, in her Letter of Instructions to Sir *William Keith*, dated the 20th. of *May*, 1724. Wherein she candidly acknowledges, “ that the Powers of *Legislature* “ are lodged solely in the Governor and *Assembly*, “ without so much as a *Negative* reserved to the Proprietary, if absent.”

Fourthly. UNDER this Royal Grant, the People having a Power to delegate their Authority in Legislation, granted to them in as full and express Terms as to the Proprietary, no good Reason can be offer'd why they have not as much right to abridge and restrain the Power of their Representatives, as the Proprietaries have that of their Deputies. In either of which

† Votes. February 5th. 1724.

which Cases, there is such an evident Absurdity, that it is difficult to determine, whether it be more repugnant, and inconsistent with the Nature of Government, and the Exigencies thereof, to subject the Assembly to the directions of a *fickle*, and *confused* *Multitude*, or a Governor to the private Instructions of a Person *Three Thousand* Miles distant from the Country, and consequently a Stranger to its immediate Wants and Necessities.

Fifthly. IN Pursuance of this Royal Grant, *William Penn*, by the Charter of Privileges above-mentioned, granted unto the People and their Representatives, the sole Powers of Legislation, in Conjunction with the Governor for the Time being. “ * And “ also, that no Act, Law or Ordinance whatsoever, “ shall at any Time thereafter, be made or done, to “ alter, change or diminish the Form and Effect of “ this Charter, or of any Part or Clause therein, “ without the Consent of the Governor for the Time “ being, and Six Parts of Seven of the Assembly “ met. And further, that neither he, nor his Heirs “ or Assigns, shall procure or do any Thing or Things, “ whereby the Liberties in this Charter contained and “ expressed,

* Charter 1700.

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expressed, shall be *infringed*, or broken. And if
 “ any Thing be procured, or done, by any Person or
 “ Persons, *contrary* to these Presents, it shall be held
 “ of no Force and Effect.” This being the express
 Covenant of William Penn with the People, is it
 not a Piece of the most *arbitrary* and *unparalleled*
Injustice in his Children and Successors, to attempt,
without the People's Consent in a formal Act of legi-
 slature, to *controul* or *abridge* the Powers and Privi-
 leges so granted by their worthy Progenitor; and by
 their private Instructions, *innovate* the Constitution
 at their Pleasure?

FROM what has been said, it appears plain, that Pro-
 prietary Instructions, *contrary* to the Royal and Pro-
 prietary Charters, and not warranted by the Laws of
 England, are a flagrant *Violation* of the Royal Contract
 with William Penn and the People; *contrary* to the
 express Covenant contained in the Proprietary Charter;
inconsistent with the Nature of Powers, which the Law
 has been careful to keep *entire*, as the only Means to
 preserve good Order in Governments established un-
 der the *English Constitution*, where no such *Absurdity*
 and Inconveniency was ever *allowed* of, as to give the
 Persons represented, a Power to *controul* their Represen-
 tatives. And I appeal to every Briton, and lover of
 Liberty.

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Liberty, whether they can form to themselves, Ideas
 of a People in greater Distress, or of any Thing
 more Destructive to true Liberty, or indeed to the
 Existence of Society itself, than that when a legisla-
 tive Body shall have framed Bills absolutely necessary
 for the Promotion and Advancement of Commerce;
 for the Defence and Preservation of the Country,
 and to repel from its Borders, most savage, blood-
 thirsty, butchering Enemies; Bills to enable us as a
 Colony, to comply with his Majesty's gracious Orders,
 for the Protection of *America*, it should be in the
 Power of two private Individuals, either thro' Ca-
 price, Interest, or Ambition, by *unconstitutional In-*
structions, to *interrupt* and *defeat Measures* judged so
indispensably necessary for the Good and Security of
 the public. And yet of late, such was our distressful
 Situation; of which, evident Proof shall be given
 hereafter, that altho' these, and many more Bills of
 the like Nature, have been offered to our Governors
 by the Assembly, so *abridged* and *restrained* hath been
 their Power, by these Proprietary Instructions, that *not*
one hath been assented to by them, or *enacted into a*
Law. And to *screen* their Authors from *public odium*,
 they have, till of late, been industriously *concealed* from
 the View, both of the Assembly and People.

IT

It is the constant Practice of his Majesty's *American* Governors; immediately upon their arrival, to Record all Royal Instructions, in the public Rolls Offices, that the Assemblies may have free Access to them, and thereby be directed in the framing of Laws: And if the Representatives of the People conceive them unjust, or inconsistent with the Liberties of the Subject, it hath ever been their undisputed Right, to examine into their Legality, and Validity; to protest against them, and to refuse Supplies; till the Grievances resulting therefrom, have been previously redressed. But our Proprietaries Instructions, if their Wills must become a Law, are, it seems, of a more *sacred Stamp*, they will give Instructions to their Governors, whereby the Rights and Privileges of the Subject may be *taken from them*, and yet *hide them*, with Care, from the View of the People and their Representatives, lest they should remonstrate against them, and shew how oppressive they are, and how *obstructive* to his Majesty's *Royal Orders*, for the Protection of his Subjects.

It would be well if this were the only Instance wherein the Proprietaries and their Deputies had assumed to themselves *unconstitutional* Powers, greater than his Majesty ever exercised or claimed.

By

By another Clause in the same *Royal Charter*, they are invested with a Power of “ doing all, and every
 “ Thing, which unto the compleat Establishment of
 “ Justice; unto Courts and Tribunals, Forms of Ju-
 “ dicature, and Manner of Proceedings does be-
 “ long,” &c. It was undoubtedly the Design of this Royal Favor, to invest the Proprietaries, with a Power of granting Commissions to such as should preside in the Seats of Justice, and other Offices, in *the same Manner* only, that his Majesty commissions his Officers in *England*, that is, according to the Laws, and Customs of that Kingdom, and that *William Penn*, understood the Royal Grant, in *this Manner*, appears manifest from his *Covenant* with the People, in the Frame of Government, *viz.*
 “ that he would nominate, and appoint such
 “ Persons for *Judges*, Treasurers, Masters of the
 “ Rolls, Sheriffs, *Justices*, &c. as were most fitly
 “ qualified for those Employments; to whom he
 “ would make, and grant Commissions, for the said
 “ Offices respectively, *to hold them for so long*
 “ *Time*, as every such Person should *well behave* him-
 “ self, in the Office, or Place, him respectively
 “ granted, and *no longer*.” But *this Plan*, tho’ *executed* by their *worthy Predecessor* for many Years, has, of late, been thought too full of Liberty, by
 “ our *present Proprietaries*. It did not render the Peo-
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ple's Properties sufficiently *precarious*, nor subject them to the *absolute Disposal* of their Superiors. And therefore, in despite of this Royal Grant, and the Contract of their Predecessor, and in contempt of the Laws, Usages and Customs, of our Mother Constitution, all our Officers of Justice, from the Governor, down to an inferior Justice of Peace; hold their Commissions during the Proprietaries Pleasure; whereas, in *England*, most of these Offices are granted, *quam diu se bene gesserint, viz. during good Behaviour*. * The King submits his private *Right*, and *Interest*, nay, even his *Prerogative*, to be determined by Men, under *no Check*; Judges who have *Freeholds* in their Offices, and who can have no Motive against their Duty; and *that* because he will do his Subjects *no Wrong*. But in this unhappy Colony, where Proprietary Power and Property prevail, the Proprietaries and their Deputies, have taken Care so to constitute every *Court of Justice*, that in Case *their Interest* should *clash* with the *People's Rights*, or they should be inclinable to support and countenance a *Favorite*, they may have the Determination of the Matter,

* By the Act of Settlement, all the Judges of the King's Bench, and Common Pleas, are to be granted, during good Behaviour; nor can they be removed by the Crown, without a legal Trial, but upon the Remonstrance, or Petition of the House of Commons, in which Case, they are removable without any other Examination, but what is made by that House.

ter, as it were, in *their own Hands*. It is a Maxim in the *English Constitution*, that *no one ought to be Judge in his own Cause*, * *nemo debet esse Judex in propria Causa*; and the Mayor of *Hereford*, was laid by the Heels, for sitting in Judgment in his own Cause, tho' by Charter he was the *sole Judge* of the Court. Yet most of our Disputes, betwixt *us* and our *Proprietaries*, concerning *Land*, and among ourselves in the first Instance, are determined before the Governor, their Commissioner of Property, who holds this Office during their Pleasure: How far the Establishment of this Seat of Justice, can be reconciled with the Laws of *England*, and the sixth Clause of the Proprietary Charter, in which it is expressly covenanted, "that, " no Person or Persons, shall, or may, at any Time, " thereafter, be obliged to answer any Complaint, " Matter, or Thing whatsoever, relating to *Property*, " before the Governor and Council, or in any other " Place, but in ordinary Course of Justice," I leave the candid and impartial to determine. For my own Part, I can see little difference, between a *Person* sitting *Judge* in his own Cause, and one who has *Power to remove the Judge at Pleasure*, of giving him private Instructions to direct his Conduct, and which he is bound, under a considerable Penalty,

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* Salk :

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strictly to pursue and obey. Thus it is, that our Proprietaries, and their Deputies, do every Thing, which unto a compleat Establishment of Justice belongs; or, to speak without Irony, thus it is they check the Springs of Justice, and sap its very Foundations. *Heu misera Servitus ubi jus est vagum aut incognitum! How miserably enslaved, must that Country be, where the Laws are neither settled, nor known!*

BUT, not contented with these extraordinary Invasions of the Subjects Rights, with this absolute Power of disposing of their Properties, our two last Governors, and their Pamphleteer, are for enlarging them. They have attempted to deprive the Assembly of those *Privileges* known to be the undoubted Right of the House of Commons, and consequently the Right of the *Assembly of Pennsylvania*, who, by the forementioned Clause of the Proprietary Charter, are invested "with all the Powers and Privileges of an Assembly, according to the Rights of the *Free-born* Subjects of *England*." They have new model'd, altered, and amended Money-Bills, which have passed the House of Assembly, for the granting Supplies, in pursuance of his Majesty's Orders. This they have done to reduce them to their private Instructions, and thereby prevent a Forfeiture of their

Bonds:

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Bonds: They have also *claimed a Power* of disposing and appropriating the Funds raised by the *Excise* and *Loan-Office*, tho' neither they, nor their Principals, ever *contributed* a Farthing towards them.

THUS, have the Schemes, and Conduct of our Proprietaries, been perfectly uniform. They seem determined to establish a System of *Despotism* and *Slavery*, at the Expence of the *Rights*, and *Liberties*, of the People: They have been depriving them of their Privileges, one after another, and in Proportion, augmenting their *own Power*. They began, with rendering every Officer of the Courts of Justice, *dependent* on their *Will* and *Pleasure*. Having obtained this Point, without much apparent Discontent on the Part of the People, they next introduced their *oppressive private Instructions*, and not dismayed, at the *glorious Opposition* they met with from our Assemblies in this respect, embraced a most melancholy Time of Danger and Distress, as the only favourable Conjunction, of extorting from the People their Liberties, and accomplishing their Schemes: Nay, they have ventured to add their other Claim, of amending Money-Bills, whereby they would *abridge* the People of their *undoubted Right*, to *grant Supplies their own Way*.

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HAVING thus given a true State, of the Powers and Pretensions, whether Fundamental, and Legally obtained, or unjustly and arbitrarily assumed, of our Proprietaries, and their Deputies; and also of the Powers, and Privileges of the Assembly of this Province; and evidently proved, that the latter, have no other Rights, than what were *purchased*, by their Predecessors, at the Risque of their Lives and Fortunes, or granted them by reasonable Laws, confirmed by *Approbation of their gracious Sovereign*. And on the other Hand, that the Proprietaries have, in the most *oppressive* Manner, usurped the Powers given by the Royal Grant, and the Proprietary Charter, to the People of this Province; Powers, which it would be neither prudent, nor safe, in a mixed Form of Government, to trust in the Hands of any
* *private Subject*.

I NEXT proceed, to consider the gross, and wilful Misrepresentations, contained in the BRIEF STATE and
SEQUEL.

* Very great *Riches*, says a late Writer, in *private Men*, are always Dangerous to States, because they create greater Dependence, than can be consistent with the *security* of any Sort of Government whatsoever: They Place *Subjects* upon too near a Level with their *Sovereigns*, destroy among the Commons, that Ballance of Property and Power, which is necessary to a Democracy, or *Democratical Part* of any Government: Overthrow the *Poise* of it, and indeed alter its Nature, tho' not its Name."

Sequel. I shall not mispend my Time, in answering the low Scurrilities, and unmannerly Reflections, this Author so liberally bestows on the Assembly, *Germans* and *Quakers*. My Design is to assert the Rights of this Constitution, and vindicate the Assemblies of this Province, who have made so noble a *Struggle* for our *Privileges*; I shall therefore, confine myself to those Facts, which may possibly weigh with those, who rather through Inadvertence, than Partiality, may take them for granted.

THE principal Charges, this Author forms against the Assembly, are, " that they claim a Kind of Independence upon their Mother Country, despising the Orders of the Crown, and refusing to contribute their Quota, either to the general Defence of *America*, or that of their own particular Province." 'Tis a School-boy's Trick, when he has committed a Fault, to complain first, and charge it on his Companion. Thus, our Proprietaries being well assured, that if they persisted in *their System of Politics*, the Opposition, a *free People* must necessarily give them, would vastly obstruct the public Measures, and that this would naturally induce an *Inquiry* into the Cause; and well knowing, they should make but a *mean Figure* in the Dispute, unless

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less they could, by some Means, raise a popular Clamour, and create a Prejudice against the Assembly, in the Minds of our Superiors, they, by their Pamphleteer, wrongfully accuse the Assembly, of those very Crimes, which to themselves, of all Mankind, are most *justly imputable*. For they not only claim a Kind of † Independency on our Mother Country, but have already, by their *Infringements* of the *Royal Grant*, established a kind of absolute Government among us, and *changed this mixed Form*, into meer Monarchy. So far have they despised the *Orders* of the *Crown*, that they have not only *refused* to contribute their

† In the Year 1757, when his Majesty was resolved to make one vigorous Effort, towards extirpating the *French* from *North America*, and relieving his Subjects from their meretricious Barbarities, Orders were sent to all the Colonies, to exert their utmost Abilities in aid of the glorious Design. The Assembly, being determined, that nothing should prevent their Zeal for his Majesty's Honour, and good of the People entrusted to their Care, appointed a Committee, to report on the Proprietary Instructions, how much could be raised, were their directions pursued. From whose Estimate it appears, that the Assembly, were they to adhere to them, could give but one Quarter Part of what was indisputably necessary for the Purpose, and therefore, their Hands being tyed up, by these *cruel* Instructions, it was impossible they should comply with his Majesty's Royal Orders. This is not only claiming an Independency, but a Power, superior to Royalty itself, as the Instructions of the Proprietaries, tho' Inconsistent with the Royal Orders, were tenaciously insisted on by the Governor and Proprietary's Council, in two several Instances, and would not have been way'd, let the Consequences have proved ever so fatal, had not his Majesty's Commander in Chief interposed.

their *Quota* to the general Defence of *America*, and that of their own *particular Province*, by rejecting an *equal*, and *just Tax*, on their *exorbitant Estates*, but have prevented their Governors from passing Laws, which would have effectually defended this Province, and assisted in the general Defence of *America*, even without their Contribution. All which I hope to evince, before I have done, by *incontestable Vouchers*.

THE first Instance, adduced by our Author, to prove the foregoing heinous Charges on the Assembly, is, "the Opposition they gave to Governour *Thomas*, in raising Soldiers, to send against the *Spaniards*, in the *West-Indies*, and their absolute refusal, to contribute a Farthing, for that Service." 'Tis true, the Assembly did not grant any Supplies for that particular Expedition. And their Reasons, which this Author should have had the Candor to have given to the Public, as they were to be found, in the same Place, whence he extracted his other Knowledge, were as follow. They had actually voted *Four Thousand Pounds*, to his Majesty's Use, intended for the Encouragement of Soldiers, to enlist for *that Enterprize*; and had prepared a Bill, to Levy the same on the Inhabitants. But such extraordinary, and *uncommon* Invasions, were then made and abetted, by

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the Governour, upon the Property of the Subjects, in enlisting of Servants, altho' there were Freemen enough ready and willing, to enter into the Service, and such heavy Expences had accrued, by the Assembly's long Sitting, to redress *that* among other Grievances, that they determined not to send up the Bill; but very justly appropriated that Money, to the Payment of the Masters, whose Properties had been *so illegally and violently* taken from them. Whoever well considers the Nature of our Indented Servants, that they are our *Property*, purchased under the Sanction of *Acts of Parliament*, and a *positive Law* of this Colony; that they are considered by our Courts of Justice, as personal Chattels, and go to the Executors of Persons deceased, for Payment of Debts, in common with their other Effects; that upon *them*, the Cultivation of our Lands, our Trade, and Commerce principally depend, cannot but approve, and justify the Conduct of the Assembly, in withholding the Supplies demanded, until those *Violations* of the Subjects *Property*, equally unjust and unnecessary, were removed and *redressed*; and, (Relief being in that Respect obstinately refused by the Governour,) in diverting the Supplies, raised for the Service of the War, towards the *Relief* of *injured* and *oppressed Individuals*. Such a Conduct as this, however

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however disagreeable to the arbitrary and slavish Principles of this Pamphleteer, must certainly meet with the Approbation of every *free Briton*, who has any Knowledge of the Rights of a House of Commons, whose chief Power and most *essential* Privilege, consists in having a Right to *withhold Supplies*, till the Grievances of the People are *redressed*.

BUT from this Author's disingenuous Method of representing this Fact, a Stranger might conclude, that the Assembly had perversely opposed "the enlisting of Soldiers *at all*, Freemen not excepted, " and thereby disregarded the Orders of the Crown." Had he intended to have given the World a just Idea of this Opposition, he would have declared candidly, that it was confined to the *enlisting of Servants only*, and that every Encouragement, which could be expected from a loyal and faithful People, was given by our Assembly, for the enlisting of *Freemen*. And the Reasons of this Opposition, together with the whole Transaction, appear on the Minutes of the House, as I have represented them. For so far were the Assembly, on this Occasion, from *disregarding* the Orders of the Crown, that, having informed the Governour, of the necessity they lay under to appropriate the Money intended for the Uses of the Crown,

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towards satisfying the Damages which the Masters, had sustained by so oppressive an Invasion of their Properties, they expressly declare † “ that they ever have
 “ been, and are *ready and willing*, to demonstrate
 “ their Loyalty and Fidelity, by giving such a Sum
 “ of Money to the Crown, as may be a full Pro-
 “ portion to what was given by the neighbouring
 “ Colonies ; provided the Servants so unjustly taken
 “ and detained from their Masters, be returned.”
 This Transaction therefore, so confidently perverted and misrepresented by our Pamphleteer, and adduced as one of his “ glaring Instances,” being thus truly unfolded, instead of supporting his Charge fully proves that his Assertions deserve no Credit, and that Supplies were actually prepared, and ready to be offered, had not the oppressive Measures of the *Proprietary Deputy* prevented.

BUT, to give a further Instance of this Gentleman's total Want of Candor, and iniquitous Design to impose upon the World, by a lame and partial Account of Things; I shall here insert a Vote of the House at large, made about this Time. † “ The House taking
 “ into Consideration the many Taxes their Fellow
 Subjects

† Votes August 8th. 1740.

† Votes. October 21st. 1741.

“ Subjects of *Great-Britain* are obliged to pay, to-
 “ wards supporting the Dignity of the Crown, and
 “ defraying the necessary and contingent Charges
 “ of Government, and willing to demonstrate the
 “ Fidelity, Loyalty, and Affection of the Inhabi-
 “ tants of this Province, to our Gracious Sovereign,
 “ by bearing a Share of the Burthen of our Fellow
 “ Subjects, proportionable to our Circumstances.”
 Do therefore cheerfully and unanimously resolve, That
 “ *Three Thousand Pounds* be paid for the Use of
 “ the King, his Heirs and Successors, to be applied
 “ to such Uses, as he, in his Royal Wisdom, shall
 “ think fit to direct and appoint.” This Sum, was afterwards paid by the Committee of Correspondence to the Agent of the Assembly, and by him into his Majesty's Exchequer. This Loyal, affectionate, and *voluntary* Supply, is carefully omitted by the *honest* Pamphleteer, as it suited not his Design of exalting every Vice and oppressive Transaction of our Governors into political Virtues, and vilifying the Assembly's Conduct, so as to pervert every Measure taken by them for the public Welfare and Security, into a Contempt of his Majesty's Orders, and into Crimes little short of High Treason. To misrepresent private Facts, and Transactions between one Subject and another,

another, denotes a Heart far gone in Corruption and Depravity: But to represent the public Operations of Government in false and delusive Colours, with Intent to alienate the King's Affections from his People, denotes a malignity of Heart which no Pen can describe. That this is our Author's Case, a very little Explanation not only of this, but of every other Fact he has mentioned in both his Pamphlets, will sufficiently demonstrate.

BEING diffident, and with good Reason, that this "glaring Instance" of his, would be insufficient to prove his Charge against the Assembly, he gives them a Discharge of all his Artillery at once, and affirms, "that during the whole Course of the last War, they have often been called on by the Crown, and by Governor Shirley, to Furnish Supplies for the Expedition against Canada." He does not, indeed, positively deny that any Supplies were granted on these Occasions; (which, for want of better, shall pass as a Mark of his Modesty) yet, fully determined to say nothing that was good of the Assembly, he artfully represents their Compliance in such a Light, as to depreciate it even below a Refusal; for, says he, * "if they have at all contributed, it has been done

* Brief State, page 11.

"done so indirectly, and in a Manner so shameful to this rich Province, so *grudgingly*, and in such *small Sums*, as rather to hurt than serve the Common Cause." This Charge also will vanish upon a little Explanation. In the Year 1746 Governor Thomas called on the Assembly for Provisions for the Soldiers intended for the Reduction of Canada. They, with great Cheerfulness and Loyalty, declare themselves ready to give a Sum of Money for the King's Use; but, upon inspecting the public Funds, they found there was not such a Sum as they thought necessary for that Purpose, and as they would willingly grant; and therefore proposed striking a further Sum in Bills of Credit; (which they conceived necessary for the Support of a medium of Trade) to be emitted on Loan at the usual Interest. To a Bill prepared and sent up for this Purpose, the Governor was pleased to *refuse his Assent*. The Assembly perceiving themselves debar'd from granting Supplies in their *own Way*, and being unwilling to enter into Controversy with the Governor, immediately *voted the Sum of Five Thousand Pounds*, payable out of the Bills of Credit, then in the Loan Office, for exchanging torn and ragged Money; and sent up a Bill for striking and emitting other Bills to the same Value, to be sunk by an Excise on Strong Liquors. This

This Bill was enacted into a Law, and the *Five Thousand Pounds* laid out by the Governor himself in the Purchase of Provisions. A Sum *as large* as could reasonably be expected from the Province, or was *actually required* of the Assembly; and much larger than several other Colonies thought proper to give. This being the true State of one of these Transactions hinted at by our Author in general Terms only, how far has he deviated from the Truth in this attempt, to depreciate the Manner in which this Money was granted, by asserting that it *rather hurt than serv'd* the common Cause!

He proceeds in his Charges, and affirms, "that the Assembly have not been more attentive to the Defence of their own particular Province, than to that of his Majesty's *American* Dominions in general." True, indeed, it is, that they have never raised a Sum of Money for the *immediate Defence* of this City. And herein they are not justly censurable. *First*, because they never were requested by the *Executive* Part of Government, whose Duty it was to have pointed out its Defenceless State, to grant Supplies for that Purpose. *Secondly*, The Navigation of our Bay and River, which is at least 150 Miles in length, is by Shoals, and Sand-Banks, rendered so intricate

and difficult, that we have little or no Reason to dread an attack from any formidable Enemy by Water. This is a Fact so well known, that all Masters of Vessels, tho' ever so well skill'd in Navigation, never fail to procure a Pilot at the Capes, to conduct them up the Bay and River, not chusing to rely upon their own Dexterity. These Circumstances, together with the Narrowness and Shallowness of the Channel in some Places, where to sink a Flat or two, would effectually stop up the Passage, forming a natural, and perhaps the best Fortification, have rendered *both Governor and Assembly* in some Measure, careless in the Defence of the City. But why the whole Odium of this Neglect, (if it be any) should be thrown upon the *Assembly*, this Writer, tho' incumbent upon him, will never be able to make out. 'Tis true, a Fortification hath been built below the City, but not, as he, *with his usual Veracity* asserts, at the sole Expence of *private Persons*. The Money was raised by a Public Lottery, to which People of every Denomination in the Province, *Quakers* not excepted, contributed. True it is also, that our Proprietaries made a Present of twelve Cannon, but egregiously false that they made it *generously*: For when the Association Plan was formed for Defence of this Province, the erecting of that Fortification was Part of

the Plan, and communicated to them, and their Mite requested towards the Completion of it. They at first, refused to contribute a Farthing, and, the better to excuse themselves, charged the People with doing an Act little short even of Rebellion, and High-Treason itself. However, upon further Consideration, and better Advice in the Matter; when the War was over, and the Province had nothing to fear from any Enemy, and when Cannon might be purchased for a Song, *then* indeed, they were pleased to send over twelve large Cannon, which came, as our Assembly-Committee term'd it, "like *Venetian Succours*," when we had *no Use* for them. The Proprietaries also for a Year or two, ordered their Receiver-General to pay the Gunner of the Fort, a Salary of *Twenty Pounds per Annum*, for his Support, which, as soon as the late *Indian War* broke out, and a Prospect of another with *France* presented itself, they *very generously* withdrew. And thus, does the *Generosity* of our *Proprietaries*, and the *Veracity* of their *Pamphleteer*, die away and perish together.

OUR Author having flattered himself, that the World would take his Assertions for granted, and that by a Perversion of Facts, he had fully proved our Assemblies always averse to the granting of Supplies

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for the Defence of their Country, or other Warlike Purposes, now starts two † Questions, that deserve our Animadversion. The *First*, why our Assemblies are against defending a Country, in which their own Fortunes and Estates lie, if it is really in danger?

A MATERIAL Question indeed! And, were the Premises, or Supposition it is built on, true, would well deserve our serious Consideration. But he should have proved them to be so, by plain demonstrable Arguments, drawn from a just narration of Facts; which, I presume, he hath by no Means done: For certainly, no unprejudiced Person, will conclude our Assemblies to be against the Defence of their Lives and Fortunes, from his bare Insinuation, † "that they are indifferent whether the *French* make themselves Masters of this Province, or not;" because *this* also is *equally destitute* of Proof. And their long experienced Loyalty and Fidelity to his Majesty's Royal Person; their Abhorrence alike of *French* Idolatry, and *French* slavery, should, methinks, in Reason, have exempted them from so invidious, so uncharitable a Calumny. 'Tis, indeed, a melancholy Truth, that if any Thing had Power to render them indif-

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† Brief State, p. 14.

† *ibid.* p. 13.

ferent in this Respect, it would be those *arbitrary Usurpations* of their Rights, and Privileges, which their *Proprietaries* are even now industriously carrying on, and in which, if they succeed, the Defence of their Lives and Fortunes, against a foreign Enemy, would become the least of their Concern; for *without Liberty*, NEITHER would be worth Possessing. And thus, instead of giving us a Reason, does he put us off with an Assertion. His *Second* Argument is of equal Inefficacy with the *First*. He asserts, "That they, *viz.* the Assembly, apprehend, as soon as they agree to give sufficient Sums for the regular Defence of the Country, it would strike at the Root of all their Power, as *Quakers*, by making a Militia Law necessary in Time of Danger." But surely, neither they, nor any Man, besides our *sagacious* Pamphleteer, can conceive, how the granting Sums of Money, for the regular Defence of a Country, can "make a Militia Law needful in Time of Danger," as the necessity of such a Law, must be greatly exaggerated by the Want of Money. His *Third* Argument is of the same Character with the preceding ones; for he affirms, "that they mind no Consequences, provided they can secure their own Power, and Seats in Assembly." The lenity with which they have always exercised their Power,

is a Proof that they are not ambitious of it; were it otherwise, many of the Proprietary Public Officers had been called to Account, who are now supported as serviceable Tools to themselves, and their Creatures, in such a Manner, that altho' repeated Complaints have been made against them to our late Governors, by the Persons immediately injured and oppressed, yet so little Notice hath been taken of them, that the Parties injured have been either put off from Time to Time, and so wearied out with Attendance and Expences, or positively refused a Hearing. Nor can any good Reason be offered why they should be fond of securing their Seats in Assembly, unless it be a Desire of serving the Public, from Principles the most generous and disinterested, and of preserving those Liberties which have been so unjustly invaded. It must be allowed, that Interest cannot be their Motive, when it is known, that their Wages are no more than *Six Shillings* a Day, in a City, where to live but meanly, and maintain a Horse, will cost *Seven* at least. Add to this, their loss of Time, most of them being Country-Gentlemen and Farmers, and the ill Effects of their Absence from their Families and Farms, where the Masters Eye is of the utmost Importance. Let the Impartial determine then, whether it be more rational to conclude, that

that the *Assembly*, so often elected and approved by their *Constituents*; connected with their Country by every sacred Tie, and every interesting Motive; exempt from the Instructions of their Electors, and free of all Ambition but the *laudable Ambition* of serving their Country, are against its Defence, or a *Governor*, void of such Connexions; a *Stranger* to the Country, and *Subject* to *Proprietary Instructions*, calculated for the *Advancement* of private Interests and Ambition, not of the Public good.

BUT so far is our Author from proving this favorite Position of his, that in his *Second Question*, he, in Effect, acknowledges, that they are not against the Defence of the Province, by allowing "that they have offered several Sums for the King's Use;" and indeed, the *Second* is a flat Contradiction to the *First*: For how a People can, without Absurdity, be charged with an Aversion to the Defence of their Country, when they have been from Time to Time, offering Supplies and Aids for its Protection, in every Way human Wisdom could invent, save those which tended to deliver up their sacred Rights and Privileges into the very Hands of their Oppressors, I leave this Author's Logic to explain. This leads me to consider his *Second Question*. But before I proceed

ceed to a Refutation of it, I shall examine the Reasons he assigns for the Assembly's Aversion to a Militia Law.

* HE insinuates, that they apprehend a general Militia Law "would strike at the Root of all their Power as *Quakers*:" And he might with equal Justice have added, as *Subjects*. 'Tis true, the *Quakers*, and every other independent Person in the Government, are under the same *Apprehensions*. Under these Fears of the People, he has inadvertently detected the Schemes of his Patrons and Party. His chief Talent lies in veiling the Truth, and yet all his Chicanery hath not been sufficient to varnish over the flagitious Attempts made against the Peoples Liberties. He adds, "such a Law they * presume would alter the Face of Affairs, by creating a vast Number of new Relations, Dependancies, and Subordinations in Government. The Militia, they suppose, would all vote for Members of Assembly, and being dependent on their Officers, would probably be influenced by them," and the Officers being commissioned by the Governor, and holding their Commissions at his Will, would be influenced by him

* Brief State, p. 15, 16.

* *ibid.*

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him. All this is undoubtedly true: A general Militia Law formed on the Plan of this Author, would naturally produce this long Train of ruinous Effects; an infinite Number of new Relations, Dependences, &c. would be created, all under the Controul, and subject to the Dominion of our Proprietaries, and their Governors; on them would the Officers of the Militia be alone dependent, being commissioned by them, and liable to be turn'd out at their Pleasure; the common Men would be influenced by their Officers, and directed by them in their Choice of Representatives; so that, not only the *Quakers*, but every Man who had the Virtue and Spirit to oppose such arbitrary and unjust Proceedings, would be utterly excluded from that important Truſt. The *Balance* ſo wilely eſtabliſhed between the Powers of the People, and Governor, would be diſſolved; and our *excellent Frame* of Government fundamentally overthrown. Add theſe Dependancies, &c. to the Powers already engroſſed by our Proprietaries, by the iniquitous and arbitrary Violations of the Royal Grant, and their Fathers Charter, and their *Scheme* of Power is effectually compleated. Theſe are the *Checks* upon the Power of the People, ſo warmly contended for, by the oppreſſive and deteſted Doctrine of this Pamphleteer. No one would be admitted to ſerve his

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his Country in its Aſſemblies, till he had renounced every generous Principle of Liberty, and was become the low Tool, or rather Vaſſal of our Proprietaries; who, being already poſſeſſed of the appointment of one Branch of the Legiſlature, *viz.* the Governor, and having, by Means of the abovementioned Dependancies, acquired Influence ſufficient to elect our Aſſemblies, will become *absolute Masters and Controulers of both*. Their Inſtructions, tho' never ſo oppreſſive, or inconſiſtent with the Royal Inſtructions, will be ſwallowed without a Murmur: Supply Bills will either need no alteration, as they will be model'd according to their Deſire, in the firſt Inſtance, or if they do, the Amendments will never be diſputed; the Diſpoſition of the Peoples Funds, their Rights and Properties will lie at their Mercy; their exorbitant Eſtates be for ever preſerved ſacred from Taxation; and in ſhort, this once renowned Government of *Pennſylvania*, the Seat of Virtue, Liberty and Commerce, would be transformed into a Monarchy more tyrannical and deſpotic, than that of an *Eastern Sultan*; and nothing left for the unhappy People, but either to ſubmit to the grievous Yoke, or depopulate the Country by flying from Slavery.

BUT to proceed: The Aſſembly were for ſome Time before the *Indian War* commenced; or our Borders

were invaded, almost unanimously of Opinion, that the Province would be *best* defended, and with *least* Expence, by a *Standing Force*, after the Example of our Mother Country, and therefore repeatedly offered considerable Supplies to raise Men for that Purpose. Yet as they found, all these Sums had been refused by the Proprietary Governor, and that the Savage Invasions of the *French* and *Indians*, added to these Refusals, rendered it necessary that the Province should be defended by a Militia Law, they concluded to pass one; and accordingly sent it up to the Governor for his Approbation, not in the least doubting, but that he, who had ever been so fond of *amending* the Money Bills, would point out its *Defects* to them, if any, and return it with the *proper alterations*. But nothing was more distant from the Governor's Intention. He immediately passed the Bill upon a very slight consideration of it, and without the least Amendment either *made* or *offered*.

THE Tendency and Drift of this *refined* Piece of Policy in the Governor and Proprietary Party, soon became manifest. The passing a Militia Law by the Assembly, at first put them into the utmost Consternation. They expected, that the Assembly would not frame such a Law, and thereupon they doubted not

to have rendered them odious in the Eyes of the People, and by that Means, procure a Set of their *own Creatures* to be chosen at the ensuing Election; they concluded also, it would be an excellent Subject to *declaim* upon in their *B: View*, and thereby to incense the *People of England* against them. The Law, however, passed the House. Under such a Dilemma what could the Governor do? He foresaw, that should he entirely refuse to pass the Bill, without pointing out its *Defects*, he would justly incur, not only the Censure of the People, but perhaps of his Majesty and Ministry, for such an unprecedented Conduct; and should he offer the necessary Amendments, he was very apprehensive that the Assembly would agree to every reasonable Alteration, which would put an effectual stop to the loud, clamorous and insolent Petitions of his Party. He therefore resolved, without making the least Amendment in the Bill, or even requesting a Conference with the House thereon, to pass it as it was sent up, and afterwards to exert his whole Influence to condemn it as impracticable and unjust. All this will appear manifest from a short History of their Conduct relative to this Bill.

BEFORE the Bill passed the House, it was proposed by several Gentlemen, to defend the Country by Af-

associating in the same Manner they had done during the late War ; but, the Politics of that Party being changed, they positively refused to enter into such an Association, tho' they were the principal Promoters of the former ; and now, nothing would satisfy them but a *Militia Law* : And when a Militia Law was granted, they immediately tack'd about, and proposed the old Plan of Association, so lately rejected by them. At this Time, the Country lay bleeding by the murdering Hands of relentless Savages. It was therefore but reasonable to expect, that every Lover of his Country would unite in the Execution of a Law, which had even the least Tendency towards the Defence of the Province. Yet unmoved at this shocking, defenceless State of the People, they made use of every Artifice to decry and damn this Law as imperfect and impracticable. And, what must needs surprize the Reader, the very Governor who had passed it *without even proposing an Amendment*, appeared at the Head of the Opposition, instead of promoting the Execution of it, as his Duty obliged him to do : Circular Letters were dispatched to all the distant Counties, strictly enjoining and commanding all the Proprietary Friends and dependents, to exert their utmost Efforts and Influence, to prevent any Persons from enlisting under the

the Law, and to encourage the old Plan of Association in its Room. This Plan was published in our weekly Papers with the Governors Approbation thereof ; Gentlemen of the best Fortune of that Party, thought it not mean or dishonourable to enter the Houses of the lowest Mechanics to solicit their Opposition, and to join in the Association ; and when neither Persuasion, nor Art could prevail on them to discourage a Law made by their Representatives for their Defence, they descended even to the ungenerous Artifice of threatening the unhappy People who were indebted to them, with Public Prosecutions, and Imprisonment, in Case they refused. They accepted of and armed known Papists, and many others notoriously disaffected to the present Happy Establishment : However, notwithstanding this violent Opposition, a Regiment of Foot was formed in the City, and another of 700 Men in the Northern Liberties, and many Companies throughout the Province, the Inhabitants hoping thereby to procure an Amendment of such Defects, as they should find upon Experience, it required. While this *Law-opposing Party* with all their Intrigues, and all their Influence, were not able to raise, including *Papists* and other *disaffected Persons*, more than *Two hundred Associators* in the City, and not so much as that Proportion in any County in the Province.

BEFORE I leave this Subject, I would beg leave to offer to the Reader's Consideration, a Remark or two on the absurd Reasons urged by this Writer in his *B. View*, to excuse the Governor, for not proposing to the Assembly, any Amendments to this Bill, the Execution whereof he so violently opposed. His first Reason is, "if the Governor refused to pass it as it was, and offered any Amendments to it, they, (*viz.* the Assembly,) were determined not to admit one of them, but to quarrel with him on the Bill." The only Proof alledged in Support of this Charge, is his own confident Assertion, which, tis presumed, can never pass upon the intelligent Reader, for Argument or Conviction. May it not with Reason be asked, how either the Governor, or this prophetic Pamphleteer, could possibly foreknow, that the Assembly were determined not to admit of Amendments without having one proposed to them?" But allow the Governor had Reason to suspect the Assembly so rigidly tenacious of their Militia Bill; will that justify him, on meer Conjecture only, for assenting to it without the least Objection, which "stripped, *as he asserts*, the Crown of some of its essential Prerogatives?" Was this Conduct consistent with his Duty to the Crown? Where lay the absolute necessity of passing it even without

without offering a *single* Amendment? For it is well known to be the Practice of the Legislature, that, when the Governor sends down a Bill with Amendments, the Assembly either adhere to the Bill, or consent to the Amendments; and in either Case, the Bill is returned to the Governor, who has the same Liberty either of assenting to the Bill as at first presented, or adhering to his Alterations. "But the Governor, according to this Writers Confession, saw their Drift;" which was, "to strip the Crown of some of its essential Prerogatives," and *therefore*, he immediately passed it; because, "he knew that the People, during the Time it was to continue in Force, would be convinced of its Absurdity, much better by *feeling* its Defects, than by any Attempts of his to point them out." Admirable Apology for a Governor whose Duty it was, above all Things, to preserve unviolable his Majesty's sacred Prerogatives? Refined Policy indeed, to pass a Law, tho' ever so partial, unjust, defective and impracticable; tho' ever so destructive to the *essential Prerogatives* of the Crown, rather than reject it, or even propose an Amendment; and for this remarkable Reason, *viz.* "That the People might be convinced of its Absurdity by *feeling* its Defects!"

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BUT the Reader will think this Conduct of the Governor † yet more inexcusable, when he is informed, that, from the Votes of the House, it undeniably appears, they actually did call upon the Governor, to point out the Defects of this Bill, and promised to take them into Consideration. Yet so unaffected was he at this surrender “ of some of the “ Crowns essential Prerogatives,” that he disregarded every Request of that Nature, and with all his Influence pertinaciously opposed the Execution of the Law.

HAD he acted in Pursuance of his Duty; had he entertained the least Inclination to secure the Province by a Militia Law, he should, instead of those importunate Clamours for a Law, either have framed one himself, and laid it before the Assembly; or when they had framed one, which he conceived to be defective, he should have amended it, and, if necessary, requested a Conference thereon; and for this wilful neglect of Duty, no plausible Reason can be assigned on the Governor's behalf, for the Votes of the House are a sufficient Proof, that, upon a Conference had on the *Mutiny and Desertion Bill,*

† The Message, May 14th, 1756.

the Assembly acceded to his Amendments, and passed the Bill in the Manner he desired.

HAVING thus, I hope, cleared the Assembly from all just Imputation of blame, for not establishing a regular Militia; and shewn that they actually did frame such a Law as they judged necessary, and that it passed the Governor's Perusal, who is Capt. General of the Province, whose Office obliged him, and whose Skill should enable him to discover, point out, and amend any Defect therein, without Objection; I now proceed to the second, and, indeed, only important Question of this Writer, *viz:* “ Why have not the several Sums been accepted, “ which the Assembly have offered for the King's “ Use ?”

THIS I call the only important Question, because upon a full and fair Discussion thereof, the whole Merits of the Dispute betwixt the respective Branches of our Legislature depend. For if the Assembly have, whenever requested, granted Supplies and Aids to his Majesty, in a reasonable and *constitutional* Manner, it will follow, that the Governor cannot be excused for rejecting them; and that all the Ravages, Barbarities, and Murders which the wretched Inha-

bitants of this Province have both seen and suffered, are, as the necessary Effects of such a Conduct, justly imputable to him, and to those who were, either from a Principle of Avarice or Tyranny, induced to tie up his Hands with illegal and oppressive Instructions.

To transfer the Guilt and Odium of these Effects upon our Assemblies, and vindicate the Governors *Hamilton* and *Morris*, for not passing sundry Laws offered to them for the Defence and Security of the Province, the Writer of these Pamphlets, quotes a Royal Instruction sent to Governor *Thomas*, about the Year 1740. This Royal Instruction hath been their constant Pretence for rejecting the Supply Bills, tho' the Proprietary Instructions; were the real Cause; of which the Assembly had been long convinced, but being debarred a Sight of them, were unable to prove it effectually to the World; till at last it became notorious, when Governor *Morris* in hopes of obliging the Assembly, and obtaining thereby a gratuity from them, upon his leaving the Government, thought fit to lay one of them before the House, and declare that he could not pass the Excise-Bill, as it was inconsistent with the Proprietary Instructions, which he had given Bond to obey. As the Design of this Royal Instruction; hath been greatly misinter-

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preted by the Author of these Pamphlets, and by our Governors also, it seems necessary to consider how far 'twas binding on the latter; and how properly it hath been introduced by them, as an Impediment to the Laws offered for Defence of the Province.

COMPLAINT being made to the House of Commons, by Petition from the Merchants of *London*, trading to the Eastern Colonies, that many Inconveniencies had arisen there, causing Discouragement to the Trade of *Great-Britain*, Confusion in their Dealings, and a Diminution of their Credit, by passing Laws, for striking Bills of Credit, and issuing them in lieu of Money, making it obligatory on all Persons to receive such Money in Payment of Debts; and that such Quantities had been made as totally depreciated the Value thereof, proper Funds not being created to Support them; on the 25th of *April* 1740, the Commons not having the Information requisite to enquire into the State of the several Currencies of *America*, and being apprehensive that the like Abuses might have crept into the other Colonies as well as the Eastern, addressed his Majesty, to send over his Instructions to all the Governors of the *British* Colonies, forbidding them to enact any Laws of the

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aforeſaid Nature, without inserting therein a Clause, that such Acts should not take Effect, until his Majesty's Approbation was first obtained. * In Compliance with this Request of the Commons, the Lords Justices sent over an Instruction to Governor Thomas, to that Effect. † In the mean Time, Orders were sent over to all the Governors in America, to transmit to the Commons, a true State of their Paper-Currency. Which being done, they proceeded to examine into the Abuses that had been committed therein, and by what Provinces. As also who they were that had exercised Discretion and Moderation, in Striking Bills of Credit, that they might not involve the Innocent with the Guilty, nor impose the same Restraint upon those Provinces which had not exceeded the Bounds of Prudence, and might perhaps stand in need of an Augmentation of their Currency in Bills of Credit, which they did on those who had, and to whose Indiscretion therein, the Inconveniencies complained of were solely owing. Upon a full Disquisition of this Abuse, and a faithful Representation both of the Trade and Currency of this, and other Southern Provinces, the Commons

* 21st. August, 1746.
 † Votes, 1753. August 31.

mons were so well satisfied with their discreet Conduct therein, that when they passed a Law to remedy the Abuse, they extended its Force to the Eastern Colonies only, leaving this and other Southern Colonies in the full Possession of their former Rights, and at Liberty to use their Discretion as heretofore, in striking Bills of Credit.

FROM this Account of the Rise and Progress of this Instruction the following observations naturally occur.

First. That the House of Commons, in Addressing his Majesty to send over his Instructions, had no other Design, than to restrain the American Legislatures from passing such Laws, until they could examine into their several Currencies; and did not intend the Instruction to be general, or perpetually obligatory, but temporary only.

Secondly. THAT, upon a full Examination of the Matter, the Parliament's not including the Southern Colonies in the Statute passed to remedy the Abuse, sufficiently indicates their Intention to leave them in the entire Possession of their former Rights, with Respect to the Paper Currency; especially the Charter Governments. For had they conceived it necessary

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fary to lay a Restraint upon such Colonies, by Virtue of those Instructions, they would most certainly have included them also in the Law; for they could not be ignorant that 'twas expressly reported by the Lords of Trade, "that Charter Governments, by their particular Charters, and Constitutions, apprehend themselves to be little dependent on the Crown, or the Instructions thereof, in Matters of Legislation."

Thirdly. THAT as the end proposed by the Instruction, hath been fully answered by the Law, passed in 1751; and his Majesty hath never repeated his Instruction to the Governors of this Province, nor * the House of Commons requested it of him, tho' solicited thereto by the Board of Trade, this Colony must be allowed by every judicious and impartial Person to be exempt from the Force of that Instruction; which is become obsolete by Time, hath been superseded by the Examination and Law passed for the Eastern Governments, and is by no Means obligatory on our Governors.

BUT as a further Proof of this, and to shew that his Majesty and Council could never conceive the Ad-

* Votes 1753, September 10.

dress of the Commons intended to affect this Province; it must be observed that while that very Address lay before them, viz. on the 12th of May 1740, his Majesty in Council was graciously pleased to grant his Royal Confirmation to certain Laws of this Province; one intituled "an Act for the more effectual preserving the Credit of our Paper Money;" and another for "reprinting, exchanging, and remitting all the Bills of Credit, and for striking the further Sum of £. 11,110," which added to the Bills then passing, amounted to the greatest Sum that had ever been current in this Province.

HAVING, I hope, thus fully explained the Nature and original of this Royal Instruction, which our Governors have made their Pretence for rejecting the Supply Bills presented to them by the Assembly; and given the Reader a clear Idea of its Intent, and how far it may be deemed obligatory on our Legislature, I come now to examine the next Charge brought against the Assembly by this Writer, wherein he asserts, that "our late Governor *Hamilton*, upon receiving his Majesty's Orders to arm the Province, solicited the Assembly to raise Money to enable them to pay a proper obedience to the Royal Commands,

but

“ but they totally disregarded them and adjourned.”
 Never was Fact more falsely represented than this, nor
 more easily detected from the Messages of Mr. *Hamilton*
 and the Assembly to each other. Mr. *Hamilton*
 did indeed lay before the Assembly a Letter from the
 Right Honourable the Earl of *Holderness* to them,
 commanding them “ to be in a Condition to resist
 “ any hostile Attempts that may be made on any Part
 “ of his Majesty’s Dominions within his Govern-
 “ ment; and requested them, to enable him to do
 “ what his Majesty would expect from so populous a
 “ Government.” The Assembly having on the re-
 peated Petitions of all the trading Part of * the Pro-
 vince, taken into Consideration our Trade and Cur-
 rency, found that to Support our Commerce, and
 prevent its Decay, there was an absolute necessity for
 a further Sum of Money to be emitted [in Bills of
 Credit. They had therefore prepared and presented
 to the Governor, a Bill for striking *Two Thousand*
Pounds in Bills of Credit, to be added to the present
 Currency, and to be emitted on Loan, as in former
 Cases of the like Nature. The Reason assigned by
 the Governor, for refusing his Assent to this impor-

tant

* Votes, February 1754. Vid. Report of Committee on
 Trade.

tant and necessary Bill appears extremely weak, viz.
 “ That this and [the Southern Colonies, had with
 “ great Difficulty been saved out of the late Act of
 “ Parliament, restraining the Eastern Colonies from
 “ creating and re-emitting Bills of Credit, except on
 “ extraordinary Emergencies. That this Favour was
 “ shewn us in particular by the *British* Parliament,
 “ upon Representations made in our Behalf, that we
 “ had never exceeded the Bounds of Moderation,
 “ with Regard to the Quantities made by us. And
 “ therefore he would not pass the Bill, lest such a
 “ Conduct might subject us to the displeasure of his
 “ Majesty, and the *British* Parliament.” The Assem-
 bly reply, that they are by no Means desirous of ex-
 ceeding the Bounds of Moderation; that the Gold
 and Silver formerly current here, had been exported
 and remitted to *Great-Britain*, in return for Commo-
 dities received from thence; that our Trade really
 languished for want of an Addition to our Paper Cur-
 rency; and that upon further Consideration they hoped
 the Governor would find the Sum to be Current after
 the Deduction proposed by the Bill from the Sum to
 be struck, so much below what our Trade and Com-
 merce, and the Interest of the Merchants and Manu-
 facturers of *Great-Britain* trading to this Province re-
 quired, that it could not fail of meeting his Appro-

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bation. But, notwithstanding this warm Representation of the Necessity for a further *Medium* of Trade, the Governor refused the Bill, and nothing more was done respecting the Supplies demanded, this Session.

THESE Reasons given by Governor *Hamilton*, for refusing a Bill so essential to the Trade of the Province, not being satisfactory to the Assembly; they once more, upon his demanding Supplies to enable him to comply with his Majesty's Orders, expressed in the Secretary of State's Letter, prepared a Bill for striking *Forty Thousand Pounds*, in Bills of Credit, to be emitted on Loan, which they now conceived would answer two good Purposes; that of increasing our Currency, and of raising the Supplies called for to repel any Attempts that should be made on the Province by his Majesty's Enemies. This Bill was attended with a Message from the Assembly, declating, "that they conceiv'd it not only absolutely necessary to the Trade and Welfare of the Province, but also to the Support of Government; upon the Success of which, their Deliberations at that Time must, in a great Measure, depend." That they "laid it before him as a Bill of the utmost Importance, and to which they unanimously requested he would be pleas'd to give his Assent." But the Governor, tho'

tho' he had in several antecedent Messages, confessed the Necessity of a further Currency to Support our Trade, yet being prohibited by Proprietary Instructions from passing a Bill of that Nature, and, at the same Time, unwilling to reveal them, he absolutely refused the Bill, in the following peremptory Manner: *viz.* "As neither my Inclination, the shortness and urgency of the Time, nor the Circumstances of my Health will admit of my engaging in a Controversy on the Subject of the Paper Money Bill, lately presented for my Approbation, I will cut off all Occasion for that, by giving, as I hereby do, an absolute Negative to the Bill." Thus, unfortunately for the People, a Bill of the greatest Importance to the Trade and Welfare of the Province, and acknowledged to be such by the Governor himself, was finally set aside, and in a Manner very inconsistent with the Freedom of Legislation, as it tended to cut off all Access from the Assembly to the Governor, and was a Denial of any further Conference on that Bill. How far this may be consistent with the Freedom of a *British* Parliament, I leave those who are acquainted with the *British* Constitution to judge. When a Bill is presented for the Royal Approbation, to which his Majesty is not pleas'd to assent, he answers his Parliament in the condescend-

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ing Terms, " that he will advise thereon," that he may not be said to do an Act tending to deprive his People of free Application and Access to his Royal Person, on any Occasion whatever. This is the Condescension which a *Briton* receives from his Sovereign, too great it seems, to be paid us, even from the Deputy of a private Subject; and because, at so remote a Distance from the Royal Eye, and Protection, we must tamely submit to a Treatment better suited to *French Slaves*, than *British* Freemen.

I MUST, however, do this Gentleman the Justice to acknowledge, that he seemed well inclined to do his Country Service, had he been a Free-agent, and left, in Matters of Legislation, " to his best Discretion." Had he not been tied down to Proprietary Instructions, he would have acquiesced in the regular, and constitutional Measures of the Assembly, and notwithstanding the Royal Instruction so much insisted on, would most certainly have passed the Laws at that Time so necessary for the Support of Trade, and Security of the Province. This appears manifest beyond Contradiction, from his Message to the Assembly, *February* the 19th 1754; wherein he promises to concur with them in passing a Law for striking a further Sum in Bills of Credit; to raise Supplies for
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his Majesty's Use, without a suspending Clause, provided they would create a Fund to sink it in a few Years. And thus, did this Instruction, together with the ridiculous refin'd Reasoning thereon, at once vanish; the Mist cleared up, and it became visible that 'twas not the Fear of " incurring his Majesty's highest " Displeasure," but some other latent Cause, which prevented the Money Bills, out of which Supplies were to be raised, from being accepted; and so far had his Majesty's Instruction been dishonoured, as to serve by Way of Mask or Screen to those of the Proprietaries. In Reality, ever since Proprietary Instructions are grown fashionable, 'tis the Master Policy of our Governors, to find out some Order or other of the King, or his Ministry, to fix the Odium, and Imputation of the vehement Opposition they give to the enacting salutary Laws upon, while the true one lies concealed behind the Curtain. Now, whether this be acting with Fidelity, Loyalty, and Duty towards their Sovereign; whether it be justifiable in a Proprietary to permit, or in a Governor to prostitute his Majesty's Royal Orders to such unworthy Purposes, and in a Manner tending to alienate the Affections of his Subjects from his Royal Person, is humbly submitted to the Judgment of himself, his Ministry, and Parliament. Most certainly, never was a Royal In-
struction

struction so miserably bandied about; so scandalously perverted, and at last so shamefully and silently given up, as this has been.

THE Assembly being met according to adjournment, a Prospect now opened itself to them of granting Supplies in a Way that would meet with Acceptance. By his Message of *February 19th, 1754*. The Governor had waved the Royal Instruction, on which he had so long founded his Reasons for rejecting the Supply Bills, and promised, as I above hinted, “ That
 “ if the Assembly should be of Opinion that there
 “ was a Necessity to strike a farther Sum in Bills of
 “ Credit, to defray the Charges of raising Supplies
 “ for his Majesty’s Service, in this Time of *immi-*
 “ *nent* Danger, and will create a proper Fund or
 “ Funds, for sinking the same in a few Years, he
 “ would concur with them in passing a Law for that
 “ Purpose.” And by his Message of the 28th of the same Month, having acknowledged that the Term of 10 Years for extending the Excise, in Order to sink the £.5000 granted to the King’s Use, in Governor *Thomas’s* Administration, “ was but a short Space of
 “ Time.” The Assembly, deeply affected with the public Distress, did, in *Obedience* to his Majesty’s Orders, and to enable the Governor to defend the
 Province,

Province, forbear to insist on the Bill for a further Currency, tho’ even then highly necessary, and come into the Measures proposed by the Governor himself for Defence of the Province. They therefore formed a Bill strictly agreeable to the Governor’s Directions in the forementioned Messages, for striking £.30000 in Bills of Credit, for granting £.10000 thereof to the King’s Use, and for applying the remaining £.20000 to the Exchange of torn and ragged Bills then Current in the Province but scarcely passable; and for sinking the £.10000 by an Excise on strong Liquors, in ten Years, the same Space of Time, which the Governor agreed to be “ a short one,” for sinking £.5000. They could not suspect that the Governor would so far deviate from his own Proposal and Promise, as to refuse a Bill made in Pursuance thereof, and which was to sink £.10000 in the same Space of Time, Governor *Thomas* had passed a Law for sinking £.5000 only, which Law had received the Royal Approbation. But herein, they were, to their extreme Surprize, disappointed. For, notwithstanding the Danger which the Province then was in, by the daily Approach of the *French* nearer and nearer to our Borders, and the Expulsion of the *Virginians* from their Fort on the *Ohio*, to recover
 which

which, an Expedition was then carrying on, which this reasonable Supply would have helped to facilitate; notwithstanding all this, so immoveably attached was our Governor to his private Instructions; so regardless of his own Promise, and his Majesty's Orders and Service, that he refused the Supplies granted by the Bill, and put the Assembly off with this frivolous and evasive Answer, viz. "That he could see no Reason for extending the Excise longer than four Years beyond the Date of its present Limitation." This was the Reason assigned by Mr. *Hamilton* for rejecting the supplies, the Objection founded on the Royal Instruction having long been dropt; Yet would our *ingenious* and *faithful* Pamphleteer insinuate, that this Royal Instruction was the chief Cause, and that the Assembly "knew very well, before they proposed the Bill, that he could not give his Assent thereto, without incurring his Majesty's highest Displeasure;" tho' he had but in the † Page before, confessed that Mr. *Hamilton* "let them know, he would, in the present Emergency, pass the Bill, without the suspending Clause, enjoined by the Royal Instruction.

† p. 19.

In answer to this shuffling Message of the Governor, and in Support of their Rights as a House of Commons, the Assembly † justly replied, that "they, as the Representatives of the People, have the undoubted Right to judge and determine, not only of the Sum to be raised for the Use of the Crown, but also of the Manner of raising it." They further tell him, that they then offered £.10,000 to the Crown, and proposed a Manner of raising it, which they judged most easy and convenient for the People they represent. They also call in Question his Sense of the *imminent* Danger the Province was then in, as they could not think it possible for him to refuse a Supply Bill at such a Time, "merely from an Opinion that a shorter Time for sinking the Bills would be more easy for the People."

HEREUPON the Governor grows warm, and by a wanton, extraordinary Demand, gives evident Proof of a Design laid to dispossess the Assembly of their Privilege to fix the Mode of granting Supplies; a Privilege the most essential they enjoy, and which when ravished from them, would reduce them to mere Cyphers in the Constitution. He rejoins, and justifies his Amendments of the Supply Bills with much Vehemence,

† Votes, May 15, 1754.

hemence, * Declaring, that " he has a Right to exercise his Judgment, with Respect to Money-Bills, farther than either to approve or reject them as they are offered." The Reason he gives is no less extraordinary than his Claim; for he asserts, that " the Governors of this Province, are invested with one Half of the legislative Power, and equally concerned in Duty to consult the Ease, Freedom, and Welfare of the People committed to their Care." The Injustice and Absurdity of such a Claim, is well known to every Body, who knows any Thing of our Mother Constitution. There the King and Lords in Parliament, are invested with two Thirds of the legislative Power; the Duty of consulting the Ease, Freedom and Welfare of the People, is as much incumbent upon them, as upon the Commons, and yet they never, at present, presume to meddle with Supply Bills; or make Amendments therein; and tho' the Lords have heretofore attempted it, they were always obliged to give Way, and have now left the Commons in the full Enjoyment of that essential Privilege of granting Supplies and Aids to the Crown, in their own Way.

THE Reason which our Pamphleteer assigns to justify this unconstitutional Invasion of the Assembly's most

* May 17.

most essential Privilege, is, that " in that Space of Time, the Excise would raise £.45000, viz. £.10,000 for the King's Use, and the remaining £.35000 would have been at their own disposal, for what Uses they might think fit." This *worthy Patriot* would perhaps think it more just and equitable that this Sum should be committed to the Disposal of our Proprietaries, who contributed nothing towards it; who have ever enjoyed an Immunity from Taxes for the Support of Government; nay, who have refused to permit their Estates to be taxed for the immediate Defence of the Province, in Common with those of the Inhabitants, tho' the Country lay bleeding in almost every Part of its Frontiers, rather than entrusted in the Hands of those out of whose Fortunes and Estates the whole was to be levy'd; and thus, according to his Principles of Equity, Persons who have neither Inclination, Sense of Interest, Duty, or any other Obligation to dispose of it for the Public Utility, should have the Power of laying it out. The Assembly has never claimed the sole Disposition of any Money to which the Proprietaries contributed, but have, on the contrary, allowed that very Contribution to entitle them, in Justice, to a Voice in such Disposition. This appears evident from

the late Bill for granting £. 60,000 to the King's Use; in the Disposition of which the Proprietaries Deputy had a Negative. But our Proprietaries have not been so reasonable on their Part; for altho' the People have solely supported the Government, and the Assembly hath assented to a Law for exempting their Estates from bearing any Share in the common Expences, and altho' his Majesty has concurred in giving the Assembly the Disposition of their own Funds, by his Assent to the Laws for that Purpose, sent over for his Royal Approbation, yet not satisfied with this Exemption, they are grasping at the Disposition of those very Funds, which his Majesty has been pleased to think most safe in the Hands of the Assembly, and to which they were not to contribute a single Penny.

Our Author proceeds in his Vindication of the Governor, by asserting, that "he justly considered, "if he should pass this Bill, it would be giving the "Government out of his Hands, and rendering "himself and his Successors entirely unnecessary in "the Administration for twelve Years." This assertion, like the rest, is quite unsupported by Proof, as well as contradictory to Reason and Experience. The Assembly have, for near forty Years past, had in their Hands the Disposal of the Supplies of the Excise, and the Interest Money arising on the Bills of
Credit

Credit lent to the People; and yet neither the King, nor Proprietaries, have been of Opinion, that a Governor was thereby rendered unnecessary in the Administration; for it deprives him neither of his legislative nor military Capacity; he retains the same Power of granting all Offices *during his Pleasure*. He remains entitled to the same Profits and Perquisites of Government, and has the same Power of collecting them. This fine-spun Reason therefore being invalid, there must needs be some other which the Gentleman chose not to reveal. Had he meant that the Governor would be thereby rendered in some Sort "unnecessary" to those who were the Creatures and Dependents of himself, and the Proprietaries, there had been Truth in it. Here lay the grand Secret, *hinc illæ Lachrymæ*, *This was the Subject of his Lamentation*. Let the Assembly be once deprived of this long-enjoyed Privilege, the good Effects whereof have been so happily experienced by this Province, and let it be vested in the Hands of our Governors, they will then have it in their Power to retain such a Compensation for their eminent Services, as they, in their own Discretion, may think meet. This *ingenious* Author, will then be amply recompensed for the many Declamations he has published *against the Constitution*; and every servile Courtier will, for his *extraordinary*

raordinary Merit, be maintained and Supported out of the *People's Pocket*. Nay more, the Assembly would be no longer able to continue Agents in *London*, to make the necessary Representations of the Affairs of the Province to the King or Parliament, to lay their Grievances before them and Petition for Redress; but our Governors, set at large from that Controul, might for ever after oppress and tyrannize with Impunity.

He adds, * " it would be putting £.35000 into
 " the Hands of the Assembly, still more to increase
 " their Power, and lay out in Schemes to abridge
 " the Power of their Proprietaries and Governors;
 " and to oppress those who oppose their Measures."
 High Crimes these indeed! But how astonishing and ridiculous will my Reader think it, that the only Proofs he brings, if he brings any, in Support of them, are the Building Hospitals, and such like public, humane, and charitable Undertakings! As therefore, this Gentleman hath thought it expedient to mention these Matters, I must beg Leave to give my Reader some short Account of them.

IN

* P. 24.

IN 1741 Governor *Thomas* represented to the Assembly that infectious Diseases were frequently imported by *Palatine* and other Ships, which spread throughout the Province, and were attended with very melancholy Circumstances; and also, that those Ships were generally so full of Passengers, that he could not oblige them to perform Quarentine, without endangering their Lives by the Confinement and Infection together. In Pursuance of this Application, the Assembly purchased an Island ten Miles below the City, and raised some additional Buildings to those already on it, which are now made a Pesthouse, for the Reception and Accommodation of the Sick; and by Means thereof, great Numbers have been since rescued from the Jaws of Death. The Man who would charge an Act of such Benevolence and Humanity as a Crime upon the Assembly, must be one who has a Heart insensible to both. But if it really must be construed as a Crime by this severe Judge, why is the Assembly only accused; it was first proposed and solicited by the Governor, and a Law was by him passed for that Purpose.

ANOTHER Proof of this Charge, is the erection of an Hospital for the Lame, the Maimed, the Mad, and the Wounded; an undertaking that sets the Generosity, and Public Spirit of our Proprietaries, and this Advocate of theirs, in a true Light.

IN

In 1751 a considerable Number of the Inhabitants of Philadelphia, presented a Petition to the Assembly, requesting their assistance towards Building a Provincial Hospital, to be put under such Regulations as the House should think proper. Agreeable to this, the Assembly formed and passed a Bill, which received the Governor's Assent, and was enacted into a Law; Incorporating the Contributors, by the Name of the *Contributors of the Pennsylvania Hospital*; and directing, that as soon as they shall have raised by their Contributions, a Capital Stock of £.2000, the Speaker should Sign an Order on the Provincial Treasurer for £.2000 more, payable to the Treasurer of the Hospital, to be applied to the Founding, Building, and Furnishing the same. Under Countenance of this Law, a Subscription was set on Foot, which in a short Time amounted to more than the Sum required by the Act. Nothing was now wanting but a Piece of Ground to erect the Hospital upon; well assured therefore that the Proprietaries would do any Thing in Reason to promote a Design so laudable, so full of Benevolence and Humanity, the Managers applied to them, in a very respectful Address, for a Lot of Ground, which they thought commodious for their Purpose. They declared themselves extremely well affected towards the Design, and promised to give it

all the Encouragement it merited. But alas! Words are not always accompanied with Actions. This Maxim was remarkably verified by the Conduct of our Proprietaries; they refused to grant the Lot of Ground that was requested; nay, they refused even to sell it; so far were they from giving the least Encouragement to this Benevolent Scheme, that they did as much as lay in them to discourage it. By a Commission which they sent over to the Governor empowering him to grant a Charter of Incorporation to the Managers of the Hospital; they abridged them even of those Privileges, and Advantages already granted to them by the Law; in lieu of the Piece of Ground which had been fixed upon, they offered a foggy, damp, unwholesome Lot, fitter for a Burial Place, (to which Part of it had been appropriated,) than an Hospital intended for the Restoration of Health; and even this was not in their Power to bestow; the late Honorable Proprietary had already granted it to the Inhabitants of the City for Public Uses; as appears evidently from a Map of the City drawn by the Proprietary-Surveyor-General.

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† They subjected the Hospital to Visitors of their own Appointment; and a Proviso was to be inserted in their Charter, by which the Lot, and consequently the Buildings and Improvements made thereon, were to revert to the Proprietaries, on Failure of a succession of Contributors, which must necessarily have happened, as the Sum allowed for its Support was limited.

However, the activity of the Managers surmounted these Impediments; they purchased a Lot of private Persons, and have since that conducted the Institution with so much Spirit, Skill, and OEconomy, that it now thrives even beyond the Hopes of its warmest Promoters. From the Account given of this Affair, which is precisely just, the Reader will see, that were I any ways inclined to Satyr, I have here full Scope to exert it; there is something so extremely ungenerous, not to say inhuman, in the Conduct of our Author and his Patrons, with Respect to it, as well Merits to be exposed in the most severe Terms. I shall however wave it, and leave the Reader to his own Reflections. But suffer me to vindicate our Assembly, and to say, if the Encouragement they gave to these charitable Undertakings be a Profusion, as the Author of the B. S. and B. V. intimates, 'tis a Profusion they may glory in; 'tis a Profusion justified by the Laws of Humanity, the Dictates of Religion, and the Example of every civilized Nation in the Universe.

I NOW leave this Digression, which the Author I am animadverting upon, has made necessary, and return to my Subject.

FROM the Explanation I have given of the Facts, it appears plainly, I hope, that the Assembly had nothing more at Heart than the Defence of their Country; that, with the greatest Chearfulness, they have always granted Supplies, in such Manner as they were able, without oppressing the People, whenever his Majesty's Service, and the Interest of their Country required; and, in all human Probability, had the Governor passed the Bill for granting £.10,000 to his Majesty's Use, when it was presented to him, proceeded to levy Troops, and sent them in Time to the Assistance of Mr. *Washington*, that Gentleman's unhappy Defeat would have been prevented, and the long Train of Mischiefs attending it, averted.

ON his Defeat Mr. *Hamilton* again demanded Supplies of the Assembly, who, with their usual Chearfulness, voted £.15,000 for his Majesty's Use, to be sunk as by the former Bill; but it met the same Fate with that, and was rejected.

DISGUSTED at the numberless Difficulties imposed upon him by these oppressive Instructions; and shocked at the odious Alternative he lay exposed to, either of becoming the unwilling Instrument of disobeying his Majesty's Instructions for the Defence of the Province,
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and of enslaving his Country, in which common Calamity, himself, his Friends, and Relations, would be involved; or else of Ruining his Fortune by a Forfeiture of his Bond, Mr. *Hamilton* wrote the Proprietaries Word that he intended shortly to resign the Government, which he actually did.

He was succeeded by Mr. *Morris*, who as our Author asserts, "Spoke in the most pathetic Terms to the new Assembly, composed of the old Members, who offered a Bill for £.20000 conceived in the same Terms as before, tho' he had told them beforehand, that he was subjected to the same Instructions as his Predecessors, and could not pass any such Bill into a Law." In this, as in every other Instance, he hath suppressed so much of every Transaction, as disables the World from judging with any Certainty concerning it. But as the Fact hinted at is material, it deserves a more particular Explanation.

By his Message of the third of *December*, 1754, the Governor very justly pointed out the dangerous Circumstances of the Province, and called on the Assembly for Supplies to enable him to execute the King's Commands. But never, as this Writer expressly, and falsely affirms, had "told them beforehand, that he was
" subjected

" subjected to the same Instructions as his Predecessors," till about a Month after, in his Message of the thirtieth of *December*; he says, "it was certainly true that he had Proprietary Instructions." Thus, does this Writer never fail, in Despite of Justice, Candor, Conscience, and every honorable Motive, either to falsify, or, at least, misrepresent every Fact he has taken upon him to relate.

In answer to the Governor's first Message, the Assembly by another of the fourteenth, declare, "that they account it their indispensable Duty to do every Thing in their Power to comply with his Majesty's Royal Orders, or that may contribute to the Welfare of the People they represent." And therefore, "had cheerfully and almost unanimously voted £.20000 for the King's Use." Adding further, "that they had Reason to believe, that the Sums granted to the King's Use by the late Assembly, had the then Governor been pleased to pass the Bills offered to him for that Purpose, might, in a great Measure, if not totally have prevented the bad Situation of our Affairs at present, and placed their Duty to the best of King's, among the most loving and faithful of his Subjects."

A MESSAGE so candid, and an Offer so generous on the Part of the Assembly, greatly embarrassed the Governor's Conduct. The Country was entirely defenceless; the Assembly by a Variety of Offers, had given undeniable Testimony of their Inclination, and Zeal to defend it; they had raised the former Sums offered, up to £.20000. Should he refuse the Sum, the Governor saw that the Frontiers must still lie exposed to the Encroachments and Ravages of the Enemy; and accept it he could not, without breaking through the Proprietaries Instructions, a Forfeiture of his Bond, and consequently great Detriment to his Fortune. To extricate himself out of this Dilemma with Honor, was no very easy Matter. In vain did he labor for Arguments in his Reply; no solid Reason could be given for rejecting a Supply so considerable, at a Time of such imminent Danger and Distress. Like a drowning Man, who catches at a Straw, he first lays hold upon the Royal Instruction, that has been so largely explained above, declaring, "that he could not agree to the Bill by any Means, as he was forbid by the Royal Instruction to pass any Law for creating Money in Bills of Credit without a suspending Clause, that it should not take Effect till his Majesty's Pleasure be known," and sends down Sir *Dudley Rider's* Opinion to prove that it was "in full Force and binding on him." But this being

too

too thin a Veil to hide his Proprietary Instructions, he takes Shelter under the Act of Parliament, restraining the four eastern Governments from emitting Paper Currency, unless in Cases of Emergency; and promises the Assembly, that, "as he hoped he should be justified in thinking that the Reason holds good as to us, he will join in any Bill they should think our pressing Occasions demand, provided a Fund be established for sinking the same in five Years." His second Paragraph is strangely inconsistent with his first; for there he agrees to drop the suspending Clause enjoined by the Royal Instruction, and pass a Bill without it, but in the second, "he hopes when they, viz. the Assembly, come to reflect on the Obligations he is under to pay Obedience to his Majesty's Instructions, they will not press him to disobey them;" nay, owns himself convinced, that "they act from upright Motives, and agreeable to what they esteem the true Interest of their Country."

THE Absurdity, and palpable Contradictions in this Mode of Reasoning, demand our animadversion.

First then, the Governor declares himself "forbid by the Royal Instruction to pass the Law without a suspending Clause;" and sent down Sir *Dudley Rider's* Opinion to prove it binding upon him; he hopes that

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the Assembly will not press him to disobey it, and yet, in Despite of all this offers, without the least solicitation, to wave that very Instruction, and that very suspending Clause, and to pass a Law without it, in Case they would provide a Fund to sink the Bills in five Years, conformable to the Act of Parliament made for the Eastern Colonies. Now, I would ask, what Connexion this Act of Parliament hath with the Royal Instruction, or what Dependence the Royal Instruction hath upon this Act of Parliament? How could the Governor's Influence and Authority, much less his Conjectures, make an Act of Parliament, particularly confined to the Eastern Governments, extend to this Province? Or had he such Power, how could he imagine it would take off the Force and Obligation of the Royal Instruction, and save him from his Majesty's Displeasure, if it were really in Force?

Thus at length was the Royal Instruction, so long objected both by Mr. *Hamilton* and Mr. *Morris* as an insuperable Impediment to their passing the Supply Bills, tho' I have above proved it not to be binding on our Governors, expressly wav'd.

The Assembly therefore had the strongest Reasons to suspect that the Governor was debarred from a Discharge

charge of his Duty by secret Proprietary Instructions, which restrained him from passing any Law for raising Money by Bills of Credit, unless a Fund was established to sink it in five Years; these Reasons were corroborated by reflecting on the Displeasure which their Proprietaries conceived at their not having a Hand in the Disposition of the People's Money, tho' raited on their own Fortunes and Estates, without the least Contribution, from themselves or their Deputies. Determined therefore, to remove such iniquitous Obstructions to Public Measures, and the Defence of their Country, they assured the Governor by a Message *December 20th*, that they had resolv'd to apply for Redress either to the Crown, the Lords of Trade, or even the Proprietaries themselves as the Case should require; and moreover requested him to inform them "whether the Royal Instruction was the only Impediment, or whether he had any further Instructions from the Proprietaries, which influenced him in refusing his Assent to this Bill? And, if he had, that he would be pleas'd to lay those Instructions before them for their Consideration."

To this Request of the House, the Governor returned an equivocal Answer; he confessed that he had Instructions from the Proprietaries; denied not

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that they were the Cause of his refusing the Supplies; but called the Request "indecent" and unprecedented; yet promised "to communicate them whenever the Public Service should require it."

THE Assembly in their Reply insist, that "it is the undoubted Right of a *British* Parliament to Address the Crown for such Information as they judge necessary to their Deliberations; and that therefore, their Request was not indecent." They further give Instances not only where the Royal Instructions, but those of the Proprietaries also, had been laid before them; and therefore affirm it to be not unprecedented. They shew the absolute necessity they lay under of seeing the Proprietary Instructions, since without it they had already found it impossible to know what Bill would coincide with them; and, whatever Bills they might prepare for Defence of the Province, they would, after all their Trouble in framing them, and after all the Expence to the Country, be still liable to the same Difficulties, unless they could know what those Instructions were, and could procure a Conference with the Governor thereon. They give an Instance where this had been done before, and "produced the desired Effect." They therefore again solicit him in Pursuance of his Promise,

mise, to lay the Proprietary Instructions before them now, as it was a Juncture "when the Public Service required it." For that they are under a necessity to Address the Crown in Support of their civil and religious Liberties, and therein make the Force and Validity of those Instructions, the great End of their Petition.

BUT nothing was more distant from the Governor's Thoughts, than a Compliance with his own Promise, and with this reasonable and necessary Request. For, notwithstanding so many Supply Bills formed, as hath been observ'd above, by the Assembly with no small Trouble, and to the great Expence of the Province, had been rejected by him and his Predecessor; notwithstanding a View of the Proprietary Instructions was requested by the House, who thought it their Duty to guard against their evil Tendency, by applying to the Crown for Relief against them, and by Framing Bills which they did not affect; and notwithstanding the dangerous Circumstances of the Province, which had been so well described by the Governor in his late Message; he yet let the Assembly know, "that he could not think it, at that Time, for his Majesty's Service, or the Intereft of the Province to communicate them." And the Reasons

he Assigned for his Conduct were, I think, as extraordinary as that. " His first is, because they had expressed in their last Message, a great dislike to Proprietary Instructions;" his second, " because they had declared that they intended to make the Force and Validity of them, the great End of their Petition to the Crown." Tho' it was very ingenious in the Assembly to inform the Governor that they intended to make those Instructions the Subject of an Address to the Crown, it was not equally Politic; it was sufficient to deter him from laying them before them, as he was well assured they would not bear the Examination of a *British* Parliament, or the Inspection of the Royal Eye.

In their next Message the Assembly give a very fair and impartial State of the Dispute; the whole is too long to be inserted; one Point however deserves particular Consideration. They declare that such Proprietary Instructions, and Restraints on their Governors, have been adjudged and resolved by the Governor's Council, and Representatives of the People, either,

First. INCONSISTENT with the legal Prerogative of the Crown, as settled by Act of Parliament.

Secondly.

Secondly. Or a Breach of the Charter of Privileges of the People.

Thirdly. Or absurd in their Conclusions and therefore impracticable.

Fourthly. Or void in themselves. From the subsequent Experience they have had, on the Refusal of a Multitude of Bills offered for Defence of the Province, they might have added

Fifthly. That they were inconsistent with the Allegiance due to his Majesty as well from the Proprietaries, as the People of the Province.

To conclude the Transactions of this long Session of Assembly: The House finding no Possibility of agreeing with the Governor on any Terms, but such as would deprive them of their inestimable Privileges; yet being determined to obey as far as lay in their Power, his Majesty's Commands, conveyed to them by Sir *Thomas Robinson's* Letter, unanimously voted £.5000 to Purchase Provisions and Victuals for the King's Troops upon their Arrival, as will appear from the

the following Resolves of the House. † “ The
“ Letter from Sir *Thomas Robinson* to the Governor,
“ of the 26th of *October*, being again read, it was
“ observed by the House that the following Points
“ were particularly recommended to the Governors
“ Care.

“ That he should carefully provide a Quantity of
“ fresh Victuals, at the Expence of this Government,
“ to be ready for the Use of his Majesty's Troops at
“ their Arrival; that he should likewise furnish the
“ Officers, who may have Occasion to go from Place
“ to Place, with all necessaries for Travelling by Land,
“ in Case there are no Means of going by Sea; and
“ that he should use his utmost Diligence and Au-
“ thority in procuring an exact Observance of such
“ Orders, as shall be issued from Time to Time, by
“ the Commander in Chief, for quartering the
“ Troops, impressing Carriages, and providing ne-
“ cessaries for such Forces, as shall arrive, or be raised
“ within the Government.

“ THAT with regard to such other Articles, which
“ are of a more general Concern, it is the King's
“ Pleasure, that he will use his utmost Endeavours to
“ induce

† Votes *January 3, 1755.*

“ induce the Assembly of this Province, to raise
“ forthwith, as large a Sum as can be afforded, as
“ their Contribution to a common Fund, to be em-
“ ployed provisionally, for the general Service of
“ *North-America.*

“ WHEREUPON it was considered, that this House
“ in Obedience to the Royal Orders, signified by the
“ Earl of *Holderness's* Letter of 28th of *August 1753,*
“ and by Sir *Thomas Robinson's* several Letters of the
“ 5th of *July* and 26th of *October* last, had pre-
“ sented to the Governor, a Bill for granting £20000.
“ to the King's Use, to which he was pleased to re-
“ fuse his Assent; influenced thereto, as this House
“ unanimously presume, principally, if not solely,
“ by Instructions from the Proprietaries. And altho'
“ the House are thereby hindered from making Pro-
“ vision for all the Purposes of the said Royal Or-
“ ders, in the Manner they could desire (the Trea-
“ sury being quite exhausted by *Indian* and other
“ Expences, and large Sums paid out of the Loan-
“ Office, for Orders actually, and usually drawn upon
“ the Treasury, insomuch that there is scarcely a Ba-
“ lance of £.500 now remaining in the Trustees
“ Hands) yet nevertheless, they are desirous to com-
“ ply with the Expectations of the Crown, as far as
“ these

“ their present Circumstances considered, they are
“ able. It is therefore,

“ Resolved N. C. D.

“ THAT Isaac Norris, Esq; Speaker, Evan
“ Morgan, Joseph Fox, James Pemberton, James
“ Wright, Joseph Armstrong, and John Smith Gentle-
“ men, Members of this House, be, and they are
“ hereby nominated and empowered to take up and
“ borrow, on the Credit of this House, any Sum
“ not exceeding £.5000 lawful Money of this Pro-
“ vince, to be by them laid out, for purchasing fresh
“ Provisions and other necessaries, as they, or a Ma-
“ jority of them, shall think necessary for the King's
“ Troops, at their Arrival; for all which Money,
“ borrowed as aforesaid, they the abovenamed Gen-
“ tlemen, or any four of them, shall give a Certi-
“ ficate or Certificates, as the Case may require, un-
“ der their Hands, to the Person or Persons lending
“ the same, certifying that such Money was taken up
“ and borrowed, for the King's Use in the Manner
“ and for the Purposes directed by this Resolve. And
“ this House will repay, or take effectual Care to se-
“ cure the Repayment of all and every Sum or Sums
“ of

“ of Money so as aforesaid, with Interest, if neces-
“ sary.”

THE Assembly hereupon adjourned to the 12th of
May following.

FROM this Account of the Transactions between the
Governor and Assembly, supported by the Minutes of
the House, the impartial and unprejudiced may easily
determine, whether it was the Duty of the Assembly,
or of the Governor, to recede from their Pretensions in
such a Time of Danger and Confusion? Whether the
Former who are the Representatives of the People, in-
timately connected with them, perfectly well acquainted
with their Circumstances, and what was most or least
oppressive and burthensome to them, ought to be con-
demned, for persisting in granting Money, in such Man-
ner as they thought most conducive to the Ease and Con-
veniency of the People, and in such Form as prece-
ding Assemblies had ever given it; or the Governor a
Stranger in the Province, and to the Things necessary
for its Welfare, in not accepting it in the Manner that
his Predecessors had ever done? Whether the Assem-
blies could have justified themselves to their Consti-
tuents, had they tamely, not to say perfidiously, sur-
rendered up that grand Privilege, the undoubted Right
of

of a House of Commons, of granting Supplies in any Manner they judge proper; or in permitting the Deputies of private Individuals, Subjects like themselves, to interfere in the Matter, so as arbitrarily to direct the Mode, and settle the Means of raising them; and of assuming to themselves the Disposition of Funds levied on the People only, and to which neither they nor their Principals ever contributed, in Contradiction to that equitable Maxim, *Cujus est dare, Ejus est Disponere*; he who gives, has the Right of Disposing. As also, whether the Assembly are principled against giving Money for the Defence and Protection of the Country, or that the Author of these Pamphlets hath not, in so invidious a Charge, wilfully, and notoriously violated Truth, to promote the Schemes of his Patrons.

BUT to justify the Conduct of the Assembly, and to display that of the Governor in its true Light, it will be necessary to carry on this Narrative of Transactions betwixt them, something further.

ON the 17th of *March* then, before the Time of the Assembly's adjournment, the Governor again convened them. When he informed them of General *Braddock's* Arrival in *Virginia*; and that Sir *John St. Clair*, the Quarter-Master-General, had represented to him

him the Necessity of having Roads opened from the settled Parts of the Province Westward towards the *Ohio*, to facilitate the Marching of Troops and the Supply of Provisions; and that General *Braddock* had requested a Post might be established between *Philadelphia* and *Winchester*. All which the Assembly proceeded immediately to effectuate, at an Expence of more than £.5000.

SUCH was the Message sent down in the Morning; in the Afternoon and next Day, several others of a very different Nature were presented, tending to throw all Things in Confusion, and destroy that Harmony which should ever subsist betwixt the respective Branches of the legislature; as also to withdraw the Attention of the House from Matters of higher Importance. He censures the Assembly for inserting Sir *Thomas Robinson's* Letter in their Journal, tho' it was the Foundation of their Proceedings, and might become necessary for their Justification to their Constituents; and tho' the Substance of that very Letter had been published many Weeks before, in his Message, in the Common Gazette, by his particular Direction. He moreover Charges the Assembly with Secreting their Proceedings from him; and in a very imperious Tone, demands the Attendance of their Clerk every Night with the Mi-

minutes of the Day. And insisted afterwards, that his Secretary should be admitted to inspect the Transactions of that Session before it was ended. The bare Intimation of these Matters are an evident Prefage of what the poor Inhabitants of this Province, and their Representatives should feel, were the Schemes of our Proprietaries once accomplish'd.

To these Demands so unprecedented and inflammatory, our Assembly having wisely returned calm and moderate Answers, proceeded to Business of greater Exigency.

* Governor *Shirley* having formed a Design of building a Fort near *Crown-Point*, sent here Mr. *Quincy*, one of the Commissioners of his Government, to solicit our Assistance in Supplies of Provision. Of this the Assembly were informed by the Governors Message of the 24th, and on the 25th came to the following Resolves.

“ That the Sum of £.25000 be at this Time given to the King's Use; and that the same be struck in Bills of Credit, and sunk by an Extension of the Excise Act for the further Term of ten Years.”

THAT

* Votes, March 1755.

“ THAT £.5000 Part thereof, be paid into the Hands of *Isaac Norris* and others, to discharge the Sum borrowed in Pursuance of the Order of the House made on the 3d of *January* last.

“ THAT £.10,000, Part of the said £25000, be laid out in the Purchase of Provisions, now requested by the Government of the *Massachusetts Bay*, to victual the Forces about to March for securing his Majesty's Territories.

“ That £.5000 Part thereof, be paid in Discharge of such Orders as may be drawn on this Province for the King's Use, by the Honorable *Edward Braddock*, Esq; General of his Majesty's Forces in *North-America*.

“ THAT £.5000 the Residue of the said 25000, be appropriated towards maintaining such *Indians* in our Alliance, as have taken or may take Refuge in this Province; Payment of Posts or Expresses, hire of Carriages, clearing of Roads, and other necessary and contingent Expences for the King's Service, as may be incumbent on this Government to discharge.”

PURSUANT to these Resolves, a Bill was prepared, passed the House, and was sent up to the Governor for his

his Approbation. The Assembly made no doubt, but that the Proprietaries, now become sensible of the State of Desolation to which this once happy Province had been reduced by their Instructions, had empowered the Governor to recede from them. But the Event undeceived them; for, as if they had designedly fixed on this Time of general Distress and Calamity, to impose their Instructions upon the Necks of the Assembly and People, and subjugate them to their Yoke; they permitted them to continue in Force, and their Governor under the Influence of that Bond which he had given to obey them; having detained the Bill therefore for three whole Days, he at length refused his Assent thereto, because he was pleased to imagine it "contrary to his Majesty's Instruction," that very Instruction he had so repeatedly wav'd before.

Mr. *Quincy* perceiving from the Governor's Conduct, that no Good could be expected on that Side, having before in vain urged many Arguments, and exerted all his Influence to persuade him to enact this reasonable and necessary Bill into a Law; resolved to try whether he could prevail on the Assembly to grant him the Supplies he wanted, having had apparent Proofs of their Inclination to comply with his Request, as far as in their Power. He accordingly drew up a Memorial,

Memorial, and presented it to the House; two Paragraphs of which I here insert, as they discover the Sentiments of that worthy Gentleman, on the Conduct of the Governor, and Assembly, with Regard to this Transaction, of which he had been an attentive yet impartial and indifferent Spectator.

Gentlemen,

"† I AM extremely sorry to find that notwithstanding all the Motives and Arguments, I was able to offer the Lieutenant Governor, he did not see his Way clear to give his Consent to the Money-Bill you have laid before him.

"THE Chearfulness with which you therein granted £.10,000 for victualling the Forces intended to march from *New-England*, to secure his Majesty's Territories, leaves me no Room to doubt your Zeal for his Majesty's Service, or your hearty Concurrence with the Government I have the Honor to represent, in the Measures now proposed for our common Safety. And therefore tho' you are *unhappily* disappointed in the Manner of your Grant, I flatter myself you will not fail of finding some other Means of rendering it effectual."

THE

† Votes, April 1st. 1755.

THE Assembly well knowing this Design must drop, however glorious or salutary, as utterly impracticable (as this Gentleman had told them) without their Assistance; and being also sensible, that as it was then late in the Season, a Delay might be equally pernicious with a Refusal, were resolved to be trifled with no longer by the Governor, but to grant the Sum requested, without his Concurrence or Co-operation.

THE Assembly were, at this Time, by Virtue of several Laws then in Force, which, as hath been observed above, had received the Royal Approbation, possessed of a Right to dispose of the Money arising from the Interest of Bills of Credit emitted on Loan, and the Excise; of the Arrears of this Money there remained due about £.14000, according to the Governor's own Calculation, which they would instantly have called in, but upon Enquiry into the Circumstances of the Borrowers, they found that an unexpected Exaction of them, would by a Seizure and Sale of the Estates of the Defaulters, in so great a Scarcity of Money, be their certain Ruin. On the Credit of these Arrears, however, they were determined to raise such a Sum of Money as should fully answer the Expectations and Demand of the Government of the *Massachusetts Bay*.
And

And thereby put it out of the Governor's Power to prevent their complying with this Request so necessary for the Defence of his Majesty's Colonies. And therefore,

“ Resolved,
“ * THAT the Sum of £.15000 be now given
“ to the King's Use; £.5000 thereof to repay the
“ Money borrowed for victualling the King's Troops
“ in *Virginia*; and that *Isaac Norris, Evan Morgan,*
“ *Joseph Fox,* and *Benjamin Franklin,* Members of
“ this House, and *Rees Meredith, John Misslin,* and
“ *Samuel Smith,* Gentlemen, be a Committee to lay
“ out the remaining £.10,000 in purchasing
“ and transporting Provisions, now requested by
“ the Government of the *Massachusetts Bay*, to victual
“ the Forces about to March for securing his
“ Majesty's Territories.”

UPON Notice of this Grant, Mr. *Quincy* immediately waited on the House, and expressed his Satisfaction and Gratitude in the following Manner.

MR. SPEAKER,

SIR,

“ THE Sum which this honorable Assembly hath
P granted

* Votes April, 1755.

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“ granted to his Majesty’s Use, and appropriated for
 “ victualling the Troops intended to be marched
 “ for securing his Majesty’s Territories, is an In-
 “ stance of your Concern and Zeal for the Public
 “ Safety, which I doubt not will be highly ac-
 “ ceptable to his Majesty. And as it was made in
 “ Consequence of my Application to you, I beg
 “ leave to return you my grateful Sense and Acknow-
 “ ledgment, and to assure you in the Name and on
 “ Behalf of the Government I represent, that it will
 “ be duly applied to the Purposes for which it was
 “ granted.”

WHAT a large Share of Effrontery, and what a small
 one of Truth then, must the Author of these Pam-
 phlets be endued with, to Assert roundly as he does,
 that “ ’Tis very plain the Assembly have no Mind
 “ to give a single Shilling for the King’s Use, unless
 “ they can thereby increase their own Power.” And,
 “ That they are against the Defence of the Province.”
 All that hath been said above proves the Contrary,
 as manifestly as there’s a Possibility for Facts to prove
 it. It there appears, that the Assembly having inef-
 fectually essayed every Scheme of coming into the
 Governor’s own Terms, Resolve at last to give all the
 Monies they had in their Disposal, to his Majesty’s

Use

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Use, and by that very Act yielded up the Point, their
 Opponents by so obstinate a Refusal of the Supply
 Bills, had endeavoured to effect, *viz.* The Reduc-
 tion of those Funds which the Assembly had in their
 Disposal; that, for the Future, they might engross
 the Disposition thereof themselves, and so deprive
 the People of the Means of Remonstrating against
 their Arbitrary and oppressive Conduct. This hath
 appeared in Part from what I have already said, and
 what I shall hereafter say will put it beyond Dispute.

THE Governor’s next Message gave great Astonish-
 ment; he seems therein strangely out of Humour
 with the Assembly for granting those Supplies; and
 much disturbed that any Thing should be done to-
 wards the Defence of *America*, without his Appro-
 bation and Concurrence; tho’ it had been so often
 requested, and so often refused by him. And in
 Contradiction to the evident undeniable Testimony,
 they had a few Days before given thereof, he even
 Charges them with a “ want of Inclination to Pro-
 “ mote the public Service.” With the same Justice,
 and the same Truth he proceeds to accuse them of
 sundry Transactions which he represents as heinous
 and unpardonable Crimes.

P 2

First.

First. THAT they had offered him a Bill of an
 " extraordinary Nature, as it gave General *Braddock*
 " a Power over no more than £.5000, and subjected
 " the remaining £.20000, and all the Surplus of the
 " Excise, to the Disposition of some of the Mem-
 " bers of the House, and to the Assembly for the
 " Time being.

" *Secondly.* THAT to promote their Schemes of
 " future Independency, they are grasping at the Dis-
 " position of all public Money, and at the Power
 " of filling all the Offices of Government, especially
 " those of the Revenue."

" *Thirdly.* THAT by a Vote of the House, and
 " without the Consent of the Government, they had
 " empowered a Committee of their Members, to
 " borrow Money on the Credit of the Assembly,
 " and to dispose of the same to certain Uses in that
 " Vote mentioned." And

" *Fourthly.* THAT they had by Votes and
 " Resolves of the House, created Bills or Notes of
 " Credit, made payable to the Bearer thereof to the
 " Amount of £.15000, without the Approbation of
 " the Government."

OBIOUS

OBIOUS and bold as these Charges are, they are all
 fully refuted by the Assembly's Message of the 17th
 of *May*; of which I shall here present the Reader
 with a Kind of Abridgment; tho' for his further Con-
 viction I would refer him to the Message itself.

THE first Charge then, is a gross misrepresentation
 of the Bill, as appears from the preceding Resolves
 of the House, in Conformity to which it was framed.
 It was exactly similar to the Bill passed by Governor
Thomas, shortly after he received the Royal Instruc-
 tion, and which was confirmed by the King and Council.
 In this indeed, it was " Extraordinary" that it gave the
 largest Sum to the King's Use that had been offered, tho'
 they had granted £.15000, a few Days before; and
 also, that it sunk £.25000 in the same Time that
 was allowed for sinking £.5000, in the late War.
 The Charge " that it gave General *Braddock* Power
 " over no more than £.5000, and that it subjected the
 " remaining £.20000 to the Disposition of some of
 " the Members of the House," had in it an equal
 Degree of Calumny and Falshood. For by the
 very Bill it appears, that £.5000 were appropriated
 to the Payment of Provisions which had been bought
 by the General's Orders; £.5000 more were subjected
 to his Orders; £.10,000 for purchasing Provisions

for

for the *New-England* Forces; and the Residuary £.5000 for the Payment of Expresses, clearing of Roads, Subsistence of *Indians* who should take Refuge within this Province, and other contingent Expences for the King's Service. Hence it appears that £.20000 thereof were actually appropriated to the Use of the Troops under the General's Command, and the Residue for the King's Service. All then that remained for the Members of the House was, the generous Office of laying it out, without Commission or Reward. What unfavorable Ideas therefore must the Reader have of that Man's Veracity and Honor, who was capable of falsifying and misrepresenting Facts, and calumniating one of the Branches of the Legislature, with so little Scruple!

THE second Charge is as invidious as groundless. The Assembly, as before is said, have a Right to dispose of the Money arising from the Loan-Office and Excises by Virtue of Laws approved of by the King and Council; and to say that they *grasp* at what they already enjoy, is a glaring Absurdity. They never attempted to fill any Office but what they were empowered to do by an express Law, approved of by the Crown. If claiming a Right which the Assemblies of this Province have ever enjoyed, to dispose of Money raised
out

out of the People's Estates, independent of the Proprietaries or their Deputies; of appointing Officers to collect those Monies and take Care of them when collected; if insisting on the right of granting Supplies to the Crown, and of limiting such Grants as to the Manner, Matter, Measure, and Time, as an essential Part of their Constitution: If to restrain the Governor from invading the priviledges of the House, in having their Money-Bills passed without Amendments; if these Things deserve the Names, "of promoting a Scheme of future Independency," "and of grasping at the Disposition of all Public Money, and a Power of filling all Offices of Government," then, indeed, these Accusations against the Assembly are just. On the contrary; if it appears that these are extravagant, illegal, and unconstitutional Claims on the Part of the Governor, every Person who has the least Notion of Equity, must approve of the Assembly's Conduct in insisting on their Right, established by Laws confirmed by the Crown, to appropriate and dispose of those Funds, to which the Proprietaries and their Deputies have ever been exempted from contributing; especially when it is considered, that such was the Justice of the House, as not to hesitate a Moment to allow the Governor a Negative

gative on the £.60,000 granted to his Majesty's Use, to which the Proprietaries had contributed a twelfth Part only.

A LITTLE Explanation will quite invalidate the 3d, and 4th Charges. I have before mentioned, that the Right to all pose of the Interest-Money and Excise was vested in the Assembly. This Money when collected was deposited in the Hands of the Treasurer and Trustees of the Loan Office; where it remained subject to the Orders of the House, whenever the incidental Charges of Government required. The Arrears of the Excise and Interest of the Loan Office, *that were now due*, could not be suddenly collected without ruining the Defaulters. Of this the Governor was informed, when he computed the Sum these Monies would amount to, and urged the Assembly to grant Supplies out of them. However, upon the Credit of this Fund, the Assembly, when they found all their offers of Money in Compliance with the Royal Orders had been rejected, voted £.5000 to purchase Provisions for the Forces under General *Braddock*, which were immediately bought and sent to *Virginia*. And also gave £.10,000 more for supplying the *New-England* Forces; appointed a Committee to lay it out, and gave them Power

Power to draw Orders, as usual, on the Treasury and Trustees, with this Difference only, that as former Orders were payable on Sight, and bore no Interest, these were payable in a Year with Interest, it being impossible to collect the Money with Conveniency to the People in less Time. Upon the Matter thus impartially explained, it is observable, *First*, that the Assembly having the sole Disposition of this Money, by Laws finally confirmed by the Royal Approbation, had an undoubted Right to draw Orders on the Treasurer and Trustees, in any Manner, and payable at any Time, and of granting it to his Majesty's Use, whenever they thought proper, without the Governor's Approbation. And therefore his Censure was as unjust, as his Claim was illegal and arbitrary. *Secondly*. That the Governor, on his arrival, when the Assembly, under the Powers these Laws gave them, presented him with an Order drawn on the Treasury for £.500, payable to him on Sight out of these very Funds, was so far from disputing their Power, that he thankfully received it. But as soon as the Assembly had given £.15000 in the same Manner and from the same Fountain, to the King's Use, he controverts their Authority; and indeed, upon a general Survey of his Conduct, it appears too evident that his Design was to oppose the Public Service in every Way he could think

Q

think of. And *Thirdly*. That if our Proprietaries and Governor have so little Regard to Justice, and the Laws of this Government approved of by his Majesty in Council, at present, while we have some Remains of Liberty left, what may not the unfortunate People of this Province dread, if ever Proprietary Instructions should become a Part of their Constitution, and the Disposition of the Funds raised on the People only, together with the Power of directing them, be wrested out of the Hands of the Assembly? Then would the Schemes of this Writer and his Party be fully accomplished; all further Settlement of this Colony would be obstructed; it would be impoverished, oppressed, and finally depopulated.

BUT how shall we reconcile the pathetic Calls, and loud Demands of the Governor for Supplies for his Majesty's Service, with this Extraordinary Part of his Conduct? In his Message *December 24th, 1754*, he points out these very Funds to the House, and insists that they grant the Supplies requested, out of them. When they had complied with this Request in the only Way possible, he changes at once, and charges the very Act he had before recommended to them, as highly criminal. Does a Conduct like this, so irritating and contradictory, indicate any Inclination to obey his Majesty's

Majesty's Orders; or bespeak a Desire to promote the general Defence of *America*; * or that of his own particular Province? Can such trifling Pretences, such frivolous Reasons, justify his Opposition to the Money Bills, and Supplies granted to his Majesty? Can they recommend him to his Majesty's gracious Favour? Or do they not plainly evince that his Majesty's Service was the least of his Concern? That he was determined to oppose it in *all Shapes*, unless he could render it subservient and instrumental, to effectuate the Schemes of Power his Masters have in View? And "that he would not" (as he once solemnly declared when the Frontiers were bleeding, and Multitudes flocking down to him for Protection) "recede one Title from his Proprietary Instructions, were it to save Forty such Provinces as this from impending Destruction."

HAVING thus refuted such a Number of unjust Charges contained in these Pamphlets, and the Governor's Messages, I think, I may with Safety, appeal to the Reader, whether there was the least Reason, from the general Tenor of his Behaviour, to doubt the Truth of his unparalleled Declaration? But when we who have been the unfortunate Witnesses of his Conduct, and felt the Melancholy and Distressing Effects thereof, consider the indefatigable Pains he has taken in his Mes-

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Pages

* B. V. p. 10.

sages (which he has from Time to Time transmitted to *England*) to disguise the true Situation of this Province and its Laws, and to transform the best Actions of the Assembly into Crimes; the many Letters he hath wrote to the Ministry, to render the Inhabitants odious to his Majesty, and to alienate his Affections from a People who esteem it the most valuable Blessing in Life; and to incense the *British* Nation against them; we cannot (as the Assembly told him) look on him as a Friend to the Constitution, or as a Person proper to be entrusted with the Disposition and Appropriation of Public Funds, or of any other Privilege the People enjoy.

THE Assembly being again summoned on the 13th of *June*, the Governor called upon them to supply General *Braddock* with Cannon, Provisions, and Stores to Garrison the Forts on the *Ohio*, in Case he should prove successful, and told them in the most pathetic Terms, as if he really had intended to concur in passing reasonable Bills for the Purpose, "that the great Expence the Nation was at on that Occasion would be thrown away, his Majesty's Intentions rendered abortive, and his Arms dishonoured, if the Countries the Generals should recover are lost thro' the neglect of the Colonies." The House having exhausted

exhausted their Treasury by the late Gift of £.15000, had now no Funds left in their Power, but were determined to offer the Governor a Bill, to which he could have no just Objection. They therefore framed one, the exact Copy of the Law passed by Governor *Thomas* for giving £.5000 to the King's Use, in the Year 1746, shortly after he had received the Royal Instruction so often mentioned before; which Law had been confirmed by the King in Council *October 28th*, 1748. This Act of the Royal Confirmation was ever disbelieved and denied by the Governor; and the Assembly, tho' they wanted no Proof to satisfy themselves thereof, having seen the Original, yet, it being mislaid, could not convince the Governor of what they had so often asserted. But it being now found by Accident, they sent it up, with no small Degree of Pleasure, not doubting but he would think himself justifiable in passing the Bill, when he was convinced that a Law, literally the same, had been passed by his Predecessor without Censure, and had received the Royal Assent, and that the Dispute respecting the Royal Instruction had been determined by a Decision of the highest Authority. But regardless of the Public Good, unmoved at the Distress he could so well describe, destitute of the least Respect for his Majesty's Orders, and solely attentive to his Proprietary Instructions, instead of assenting to the

the Bill without Amendments, he alter'd it so as to make it agreeable to his Proprietary Orders, but directly inconsistent with what his Majesty had before approved of, as well as with the Liberties of the People; and to these Amendments he pertinaciously adher'd. Thus again were the good Designs of the People unhappily and iniquitously frustrated.

A most melancholy Scene now ensued. An Express arriv'd with Intelligence of General *Braddock's* Defeat and Death; the Slaughter of his Army; the Loss of many of his best Officers, together with his fine Train of Artillery, and to compleat the whole, of Colonel *Dunbar's* precipitate Retreat with the Remainder of his Men from the Frontiers, and the dreadful Expectation of a Savage merciless Enemy to commit their horrid Butcheries on the poor Inhabitants. The Governor once more sollicit'd the Assembly in his usual *specious* Manner, to concert some Measures to defend the Country, which might not revive the old Disputes, but to join heartily with the neighbouring Provinces for our Common Safety.

THE Assembly truly sensible of the Danger to which the Country lay expos'd, and deeply affected with the Calamities impending over the People, were determin'd to waive their Privileges for the present, and to

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take a different Method in raising a Sum of Money for our Defence; a Method so equitable in its Nature that they could not even suspect it would meet with the least Opposition from the Governor. They immediately resolv'd to grant £. 50,000 to the King's Use, to be rais'd by a Tax of *Twelve Pence* in the Pound, and *Twenty Shillings* per Head, for two Years on all Estates Real and Personal, and all Taxables within this Province. And accordingly, prepar'd a Bill with great Expedition, and sent it up to the Governor for his Approbation; attended with a Message, expressing their just Sense of our melancholy Situation, their Readiness to exert themselves farther in the Service of their Country, and that they would be neither parsimonious in their Supplies, nor tenacious of their old Disputes. But the Governor not yet fatigued with Controversy, and unmov'd at the dark and threatening Cloud that hung over the Province, in which he had no Interest, among many other Amendments in the Bill, of a more trifling Nature, insisted on a total Exemption of the Proprietaries large and exorbitant Estate; which, upon a due Collection of his Quit-Rents, Ground-Rents, Rents of his Manors and other appropriated and settled Lands, would amount to £. 30,000 per Annum. And having, previous to this, understood that the Proprietary Estate

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was to be Taxed in common with others, that he might have some Pretence for so unreasonable an Amendment he offered a Quantity of Lands West of the *Alleghany* Mountains, then in the actual Possession of the Enemy, as an additional Encouragement for such Persons as should engage in an Expedition, from this and the neighbouring Provinces, to remove the *French* from the *Ohio*. Had not this Offer been a mere Finesse, why was it not made before, when Men were so much wanted to fill up the Levies under General *Braddock*, or to assist Col. *Washington* before his Defeat, or at other Times of equal Necessity? The Reasons are given by our sagacious Author in his Sequel. And they are these, *First*. That the Governor, "when the Expedition was carrying on by the Crown, under General *Braddock*, could not think it either reasonable or necessary." How! not reasonable to encourage an Expedition prosecuted by the Crown, at this Time, tho' in his Message of the 19th of *June*, he had declared, that Men were not only necessary, "to serve as Escorts, but to join the General, if the Number brought against him should make such a Reinforcement necessary?" This Contradiction between our Governor and his Vindicator, is reconcileable by one of these two Conclusions only, either that the Intimacy betwixt them was such that

his Vindicator knew the Governor's Thoughts better than he himself did, or that the Governor spoke one Thing to the Assembly, and another to him. Nor was it reasonable to expect, that the Governor could think it necessary, because he hoped that the Business, viz. *the Preservation of the Proprietaries enormous Estate*, "would be accomplished by his Majesty's Troops, at the Expence of the *British* Nation." And *Secondly*. Because it was expected that the Assembly would be so much dismayed, should the General prove unsuccessful, as to surrender even their own and Constituents Liberties and Properties, by raising Funds to protect the Proprietary Estates, agreeable to their own Instructions, without their Contribution. But being disappointed in these Expectations, he ventured to offer it; because, † "if the Assembly refused to co-operate with the Crown, and raise the Men demanded of them, as being contrary to their Principles, the Governor was certain that they would never concur with the Proprietaries in any Scheme of the like Nature." And therefore, altho' he had no kind of Authority from the Proprietaries, to make such a Proposal, as I shall immediately evince, yet he thought he might safely

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† B. S.

do it, in Order to raise a Clamour against the Assembly, for attempting to Tax the Estates of Persons who had offered, so generously,

This offer being made, and instantly published in the weekly Gazette, the Governor, in his Message of the 6th of August, assign'd his Reasons for so just and equitable an Exemption of the Proprietary Estate from the general Tax. The first was founded on a Proviso in his Commission, "that nothing therein contained shall extend, or be construed, to give him Power to do, or consent to any Act, whereby, the Estate of Property, of the Proprietaries may be hurt or incumbered." That this Proviso was "not only a Prohibition to him, but any Law he might pass contrary thereto, he imagined would be void in itself." Any Person even of common Capacity, cannot be at a Loss to know the Import of the Words, hurt or incumbered. They could only be intended to prevent the Governor (who had a Power of selling and granting the Proprietary Lands on certain Conditions) from mortgaging, suffering Judgments against, or imposing any other such like Incumbrances upon their Estates. For it cannot with any Propriety be called an Injury to, or Incumbrance on any Estate, to give a Part, and even that a small

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one, to save the whole from the Encroachments of a ravaging Enemy. Nor could the Proprietaries without extreme Absurdity, entertain any such Idea of the Words, when they granted the Commission.

Upon comparing this frivolous Reason of the Governor's with his late offer of Lands, the Assembly were much surprized; as they could not conceive, how he was able to construe those Words, into a Prohibition from consenting to a Bill, which only imposed an equitable Tax on the Proprietaries Estate, for its immediate Defence, and yet leaving him at Liberty to give away six or seven Hundred Thousand Acres of it. They inspected his Commission, but so far were they from finding any Authority there for this Grant, that they met with an express Prohibition to the contrary; viz. "Not to Set, Let, Lease out, Grant, Demise, or Dispose of any Lands Tenements, &c. or to intermeddle or concern himself therewith, or any Part of the Property thereof." Is it not strange, that the Governor, notwithstanding so express and full a Prohibition, should think himself more at Liberty, to grant such a Quantity of the Proprietary Estate, than to consent to a Tax on it?

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If he thought the Proprietaries would approve † in the former Case, why not in the latter? If the grant of Land contrary to this Prohibition would be valid, why not the Law passed for laying the Tax? And how a Tax on Part of an Estate can be said to encumber it, more than giving six or seven Hundred Thousand Acres of it away, seemed to them very strange and unaccountable.

This Argument of the Governor, founded on his Commission, being so fully exposed, he weakly takes Refuge under his Commission of Property; and replies in the following self-sufficient and remarkable Manner: "It is something very extraordinary, that the Representative Body of Pennsylvania should know so little of the Affairs of this Province, as never to have been informed, that the Governor grants the Proprietary Lands, under a certain Power of Attorney, regularly proved and recorded, called a Commission of Property." It had been happy for the Governor had he been as well acquainted with the Contents of that "certain Power of Attorney" as the Assembly were. None will deny that it was his Duty so to be. Had he, he never would

† August 8, 1758.

have rendered himself so absurdly ridiculous, as to have founded his Authority for making this offer, on so defective a Power. He must have forgot the Contents of this Commission; or, indeed, common Charity would rather induce me to conclude he had never read it at all. For certainly had he read it, as he well knew it was recorded, and might be procured by the Assembly, whatever Influence Candor might have had upon him, yet even common Sense, and a Regard for his own Reputation would have forbid him, to mention this Commission as his Authority. For upon inspecting it, we find a more clear and express Prohibition, if possible, than was contained in his Commission as Governor. The Words are, "and also by Warrants to be issued as aforesaid, to grant to any Person or Persons, who shall apply for the same, and to their Heirs and Assigns for ever, any vacant Lands, within the said Province, and Counties, or any of them, upon, by, or under the same Terms, Methods, Rents, and Reservations as have of late been used or practised, in the said Office, but for no less Price, Condition, Rent, or Reservation in any Wise. That is for £. 15. 10s. per 100 Acres Purchase Money, and 4s. 2d. Sterling Quit-Rents." This Prohibition being so very plain, the

the Assembly in their Message of the 19th of August, asked the Governor with great Justness of Argument, "How he could think that Lands could be granted away, without any Purchase Money, and free of Quit-Rents, for 15 Years, under the Powers of a Commission, which expressly forbids the granting of any, under less Price, Condition, Rent, or Reservation whatsoever, than has of late been used and practised in the Land-Office? How he could think of referring the Assembly to such a Commission, for his Power to make such a Grant, when it was not there? How he could slight his Reputation so much, as to hazard such an Imposition on the Assembly and the whole Province? One so easily detected?"

UPON the Matter thus fairly stated, from the Messages of the two Branches of the Legislature, respecting this offer of Part of the Proprietary Lands, I appeal to every impartial Person, whether the Assembly deviated from Truth, where (as the Author of the Pamphlet has it) they tell the Governor "that it was a mean Illusion and Imposture. " that he had no Authority to make such an offer, and that it was intended first to impose on the Assembly, and then on the People; and likewise to figure with at Home in the Eyes of the Ministry."

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THE first Reason assigned by the Governor and the Writer in Question, in Support of an Exemption of this exorbitant Estate, is another Demonstration, of the large Strides which the Proprietaries are making, towards a Conversion of the Present Frame of Government, which resembles the English Constitution nearer than any other Proprietary Colony, into mere Tyranny. They contend, "that all Governors whether hereditary or otherwise, are, from the Nature of their Offices, exempt from the Payment of Taxes." But how weak and absurd must this Reason appear, when it is considered that the Assembly did not Tax the Proprietaries as Governors, but as Fellow Subjects, Landholders, and Possessors of Estates in the Province. Estates that would receive more immediate Benefit from the Tax, than any other in the Colony, for Part of it was at that very Time in the actual Possession of the Enemy. That the Proprietaries did not govern them, and that the Province supported a Lieutenant to do that Duty for them, by a large Revenue arising from Licences and other Fees and Perquisites. But had the Proprietaries governed in their proper Persons, no Shadow of Reason could be offered to exempt them from an equal Tax, as Landholders, for the Protection and Security of that Land. Is there any Thing, in the Nature of the Office of our Governors, that can reasonably entitle them

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to an Exemption from Taxes, which the King himself never claimed? Does not every Land-Tax Act of Parliament which obliges the King's Tenants to pay the Poundage, empower them to deduct the same out of their Rents? And oblige the Receivers of his Majesty's Rents, under some Penalties, to allow of such Deductions? Are not the Palaces of *St. James's, Whitehall, Windsor-Castle,* and *Somerset-House* subjected to the Land Tax by numerous Acts of Parliament? How then cou'd the Governor think himself justifiable, in claiming, at a Time of the greatest Distress which the People had ever experienced, an Exemption from Taxes on Behalf of his Principals, which the King himself never pretended to; an Exemption which excluded their own Estate from bearing Part of the Burthen of defending it.

But this (as the Assembly informed the Governor) is not the first Instance by many, in which Proprietaries and Governors of Petty Colonies have assumed to themselves greater Powers, Privileges, Immunities, and Prerogatives than were claimed by their Royal Master.

† THE second Reason assigned is "that this Exemption

† Governor's Message, August 6, 1755.

" exemption arising from the Nature of Government is enforced by a positive Law in this Province, which expressly declares, that the proper Estates of the Proprietaries shall not be liable to Rates or Taxes." But all this is Deception. The Law hinted at is intitled, † a Law for raising County Rates and Levies, and is confined to the common Affairs, and Exigencies of the several Counties, such as Building Bridges, clearing Roads, erecting Court-Houses, and for Payment of Assembly-men's Wages, and Rewards for killing Crows, &c., with other Things for the People's immediate Benefit; and is far from being what the Governor represented it, a general Constitutional Law of the Province, relating to Provincial Taxes, imposed for the Advantage of the Proprietaries as well as People. This being a particular Law, confined to special Purposes therein mentioned, by which the Proprietaries were by no Means benefited, it would have been as unreasonable to have taxed their Estate for those Purposes, as it is to exempt it from bearing a Part of the Burthen of defending itself, when every other *British* Subject contributes thereto.

* THE Governor's next Reason for refusing this large Supply was, "that the Proprietaries by their Governor

* Governor's Message, August 6, 1755.

" verner having consented to a Law for vesting in the
 " People the sole choice of Persons to assess, and lay
 " Taxes in the several Counties, without reserving to
 " themselves or their Governor, any Negative on such
 " Choice, and this Concession being made with an
 " express Proviso, that the Proprietary Estate should
 " not be taxed, it will be very unreasonable to em-
 " power such Persons by Law, without their previous
 " Consent, to Tax their Estate at *Discretion*." But this
 Law related only to County Debts, and the Duty of Com-
 missioners and Assessors. It could therefore be no Con-
 cession in the Proprietary, to permit them to be cho-
 sen by the People only. Nor was their Estates to be
 taxed at the *Discretion* of the Assessors, as the Go-
 vernor would insinuate. But their Power was express-
 ly confined within moderate Bounds by the Law, and
 they were obliged before they could enter on their
 Duty, to take an Oath, or affirmation, " equally and
 " impartially to assess themselves and all others, and
 " to spare no Person for Favour or Affection, nor
 " grieve any for Hatred or Ill-Will." Hence it ap-
 pears that the Proprietaries had little Reason, to fear
 any Kind of Injustice, from an Assessment of their
 Estate, under this equal Law. But nothing less than a
 Negative on the Choice of the Assessors, would satisfy
 them, tho' their Share might not amount to one hun-
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dredth Part of the Sum to be raised. But to leave the
 Equity of the Matter, let us take a View of our Mo-
 ther Constitution, and the Practice of the House of
 Commons. It is a settled Point, that none of the Lords
 either do, or have a Right to vote for Members of the
 House of Commons; and yet they continually submit
 their Estates to be Taxed by that House, and assessed
 by the common Assessors, in the choice of whom they
 have no Voice. It appears from the Votes of the
 House of Commons, that the Lords have attempted
 to obtain a Right of appointing Persons to assess their
 own Estates, and that such Attempt has been rejected
 by the Commons as unconstitutional, and as such given
 up by the Lords. In the Year 1692, the Lords
 proposed an Amendment in a Money Bill, similar to
 that under Consideration, *viz.* that the Estates of all
 the Peers should be rated by *Thomas Earl of Pembroke*
 and other Lords; but on it's being returned to the
 Commons, they refused to admit of the Amendment,
 and adhered to the Bill. Whereupon, a Conference
 was requested by the Commons, and agreed to by the
 Lords; and upon the Debate, the Attorney-General
 reported to the House, that the Lords did not insist on
 the Proviso. Thus it appears to be a Fundamental
 Right of the Commons, to Tax all the Estates in the
 Realm by a Bill, the whole of which the Lords must

either reject or approve; and that they who contribute so largely to the Public Funds, think their Estates sufficiently secure, under the Assesment of Persons chosen by that House, who have taken an Oath for the Discharge of their Duty. The Truth in short is, our Proprietaries would have their Estates protected, and yet would unreasonably be exempted from contributing towards its Protection; and thus the Defence thereof becomes an additional Weight to the Taxes of our Mother Country, and the other Colonies in *America*. However, notwithstanding these Objections to the Bill contained in them so little Reason, yet the Governor ventured to refuse this large Supply, and sent down the Bill with a Negative: Whereupon the Assembly Adjourned.

DURING this dispute betwixt the two Branches of the Legislature, respecting the Right and Equity of Taxing the Proprietary Estate, we received Intelligence from the Back Parts of the Province, of what we daily expected and much dreaded. That a Party of *French* and *Indians* had made an Incurfion on some of the Settlements near the *Susquehanna*, killed a Number of the Inhabitants, and taken others Prisoners. That a large Body were moving towards the more settled Parts of the Province; and that the *Shawanese*, and *Dela-*

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wares had deserted the *English*, and engaged to assist the *French* against us. And this was done in Expectation of being restored to the Country, which they contend had been taken from them by Fraud, and without any Consideration.

THE Assembly, as all seemed now at Stake, again gave Demonstration of their Love to their Country, and of their Desire to defend it. A Bill for granting £.60,000 to the King's Use, was prepared and passed the House; in the Framing of this Bill, to avoid any further Dispute with the Governor, they admitted all the Amendments he had made in the Bill he had lately rejected, save that for totally exempting the Proprietary Estate; and inserted a Clause by which the Right to that Exemption was entirely submitted to his Majesty's Royal Determination: The Assembly could not conceive that the Governor would have the hardiness to reject an offer so equitable, at a Time when the extreme Distress of our Frontiers had made Supplies for their Protection so necessary. What had he to fear from it? If their Exemption be founded on one of the "just Rights of Government," as he insisted, those "just Rights" are well understood by his Majesty and Ministry. The Proprietaries were on the very Spot where the Determination was to be had, and might
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make those *just Rights* appear, if there were any. And tho' they happened not to be there, most certainly, they might safely confide in his Majesty's known Wisdom and Justice, for the Preservation of their Rights. However, the Governor, it seems, thought it not prudent to repose such a Confidence in his Majesty; but rejected so candid an offer, and refused the Bill in the following short and evasive Manner. "I shall not enter into the Dispute whether the Proprietaries ought to be taxed or not, 'tis sufficient for me that they have given me no Power in that Case."

In this Situation what could the Assembly do! On the one Hand, they saw that if they acceded to the Governor's Amendments and Measures, they would be justly chargeable with the most flagrant Breach of Trust, in surrendering up irrevocably the sacred Rights and Liberties of the People; with intailing on themselves and their Posterity, Poverty and Vassalage for ever. On the other Hand, they saw a savage blood-thirsty Enemy butchering their Fellow Subjects. They had presented many Bills granting Supplies to the Crown, of very different Kinds, which were all rejected on the most groundless Pretences. Some for not being consonant to obsolete Royal Instructions, which were occasionally sent over to a former Governor,

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nor, tho' that Governor, after his Receipt of them, had passed an Act of the same Tenor, which had been approved of by his Majesty. Some, for being contrary to the supposed Spirit of an Act of Parliament, tho' the Act itself did not extend to this Colony, but was made for the Eastern Colonies only. Others, for being, as was affirmed, of an "extraordinary Nature," tho' supported by Precedents either of our Mother Constitution, or of this particular Province. And another, because the Proprietary Estate was taxed in Common with the Estates of the rest of his Majesty's Subjects, for its own Protection. All this, in my Opinion, amounts to Demonstration, that unless they would consent to grant Supplies in any Manner, which the Governor, influenced by his Instructions, should direct, none would be accepted. And that nothing would satisfy our Proprietaries, but a Reduction of our Assemblies, to a Level with the *French Parliament*, incapable of making any Laws but by Direction, and disallowed every Power but the vain Power of registering the Edicts of their Monarch. However, in a Dilemma so critical as this, our Assembly acted as became BRITONS: * They declared, "that those

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* Message of Ass.

who would give up essential Liberty to purchase temporary Safety, deserv'd neither Liberty nor Safety." They determined to hold out to the last, and cleave to the wreck of their Liberties, whilst any of its Parts existed, and to expire with them.

THIS Resolution dismayed not the Governor; obstinate as the Assembly was in the Cause of Liberty, he was yet determined to break them to the Yoke of Proprietary Instructions. He considered that Matters were now brought to such an Issue, that the Assembly could no longer of themselves grant Supplies for the Protection of the Inhabitants, their Funds being quite emptied. He saw a Spirit of Faction and Discontent at the public Measures prevail among the People; that a Storm was collecting, which must burst somewhere. He found that the Assembly were not to be terrified out of their Rights and Privileges, either by the Menaces of their Governor, or by the IncurSIONS of their savage Foes; and therefore resolved to try another Expedient to effectuate his Designs. His Confidants, and peculiar Intimates, wrote Letters into the several Counties, to his Partizans and Dependants, condemning the Conduct of the Assembly, extolling the Governors Measures, and enjoining them to send down the People in Multitudes,

to insist that the Assembly should give up the Points contended for, and grant Supplies on the Governor's own Terms. Accordingly, about 200 came down with one *Hambright*, a Tavern-keeper, and others of that Business, who hold their Licences under the Governor, at their Head. Immediately on their Arrival, the Governor's Faction dispersed amongst them, and, by every Art in their Power, maliciously endeavoured to inflame their Minds against the Assembly. The fatal Consequences, which might, with great Probability, attend such tumultuous Proceedings, gave dreadful apprehensions to the more moderate and reputable Inhabitants of the City; they laboured to appease them; gave a fair and impartial Representation of the Assembly's Conduct; pointed out the mischievous Effects of their Behaviour to this misled Mob of People, and in the End were happy enough to undeceive them. They promised to behave with Decency towards both Branches of the Legislature, and the next Morning waited on the Governor, who, suspecting them to be undeceived, and that the Storm which his Party had raised, might burst on his own Head, thought it good Policy, after having passed some Encomiums on his own Administration, and Readiness to protect them, to produce a Letter from the Proprietaries, giving £.5000 towards their Defence.

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Having left the Governor they waited on the Assembly, and being admitted, were asked by the Speaker "whether they desired that the House should give up any Rights, which, in the Opinion of the House, they were entitled to." They answered in the Negative; adding, "that they were far from requiring any Thing of the Kind. That all they wanted was to accommodate Matters so that the Province might be defended." And not as the Author of the Pamphlets falsely and absurdly affirms, "that they did not understand what Liberties they had to give up when their Lives were every Hour in Danger."

THE Governor being thus again disappointed, laid before the House the Proprietaries offer of £.5000. Upon which, the Assembly immediately prepared a new Bill, granting £.55000 to his Majesty's Use, to be raised by a general Tax, on the People's Estates only, exempting the Proprietaries, in Consideration of this Gift. Thus the Storm for the Present blew over, and a large Supply was granted for our Protection. The Monies were to be laid out by certain Commissioners appointed by the Bill; some of them, of the Governor's Council, others of the Assembly, the Governor having a Negative upon such Dispositions, as the Proprietaries Representative. With
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this Supply "a Chain of Forts and Block-Houses, extending from the River *Delaware* along the *Kittatinny* Hills to the *Maryland* Line, was erected. They are situated at convenient Distances from each other, and at the most important Passes through the Mountains, and garrisoned with Companies, all in the Pay of the Province, from 75 to 25 Men each, according to the Situation and Importance of the Place." The Inhabitants were furnished with Arms and Ammunition, and the Frontiers, from the most naked State, put into a proper Posture of Defence.

BUT such were the Necessities of the Province at that Time, that this Money melted apace, and was soon expended; all but the £.5000 expected from the Proprietaries; which may easily be accounted for, as they did not think the Emergency so great as to require the Payment thereof, agreeable to their Engagement. However, a further Sum of Money was absolutely necessary. Without it, the Soldiers in Pay of the Province could not be subsisted; and without them, the Garrisons could not be maintained, but must be either destroyed, or fall into the Enemy's Hands. The Assembly foreseeing these Mischiefs did with their usual Cheerfulness and Expedition, pre

pare a Bill for granting £.40,000 to the King's Use, for the aforefaid Purpofes, to be raifed by a general Tax on all Eftates in the Province. But the Proprietaries were fo far from receding from their unjust Claim of Exemption from the general Tax, that they fent over Instructions reftaining the Governor, as he faid, from affenting to any Bill, by which their Eftates were to be Taxed.

THE Excife-Bill before mentioned, being expired, which created a Fund, whereby the Afsembly had ever defrayed the incidental Charges of Government; they prepared a Bill, during this Seflion, for extending it to the fame Purpofes, for the Space of ten Years longer, and prefented it to the Governor. But being reftained by Proprietary Instructions, as the Afsembly had often told him, he refufed his Affent, but with greater Shew of Candor and Ingenuity, than he had been accuftomed to. The real Caufe of this Change of Behaviour, was the certain Advice he had received, that Mr. Denny, our prefent Governor, was fhortly to fucceed him; and willing to confer one Obligation on the Afsembly, during his embroiled Adminiftration, not doubting but they would be pleafed with the Novelty of it, and expecting, I prefume, fome Compenfation for the many

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great and eminent Services he had done his Country, he fent down the following Article of the Proprietary Instructions.

“ You fhall not give your Affent to any Law for prolonging any Excife, or raifing any Money on the Inhabitants of the faid Province of *Pennfylvania*, unlefs there be an enacting Clause, that all Money arifing from the faid Excife, or other Duties, fhall be difpofed of, only as we, or either of us, exercifing the Office of Governot, or the Lieutenant Governor, or in Cafe of his Death or abfence, the Prefident of the Council, and the Houfe of Representatives for the Time being fhall direct, and not otherwife.”

THE *Resolve* of the Houfe, upon the above Infturction, was as follows,

Resolved,

THAT it is the Opinion of this Houfe, that the faid Proprietary Infturction was the principal, if not the only Obfturction, to the paffing the feveral Bills offered to the Governor by the laft Afsembly, for granting Money to the King's Ufe.

Resolved;

Resolved,

THAT the Act for laying an Excise on strong Liquors passed in 1744, and the Act granting £.5000 for the King's Use, passed June 24th 1746, by which the said Act for laying an Excise on strong Liquors was continued for 10 Years, next after June 7th 1746, have received the Royal Approbation.

AFTER what hath been said, the judicious and the candid Reader, will require no other Proof, that this and other Proprietary Instructions, were the sole Impediments to the passing the several Supply Bills of this Nature, which former Assemblies had offered to the Governour for the King's Use. He will perceive, that as such Acts have, for more than thirty Years past, been found necessary for defraying the Charges of Government, and approved of by the Crown, any Instruction prohibiting them, is a direct Infringement, of the Liberties and Privileges of the Subject; he will perceive that all Proprietary Instructions whatever, not warranted by the Laws of *Great-Britain*, or not consistent with our Royal Charter, are illegal and in themselves void; and also, that if our Proprietaries should be any longer permitted, to restrain their Governours, from passing such Laws as the Assembly shall conceive necessary for our Defence, it must in the End infal-

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libly prove the Ruin of this Province, and be of fatal Consequence to the *British Colonies in America*.

HAVING brought down the Controversy betwixt the two Branches of our Legislature thus far, I shall here make a few additional Animadversions on the two Pamphlets, and several Papers and Petitions therein mentioned, which have supplied the Author with so copious a Fund for Remarks. The * first is a Piece quoted from the Supplement to the *New-York Mercury*. So great is this Author's *Veneration* for *Truth* and *Ingenuity*, that he would fain persuade the World, this was not a Creature of his own. But the Fact is notorious, and if he persists in a Denial, may be proved by the Attestation of a very worthy Gentleman of the same Country and Profession with himself: The Author of the *B. V.* and the Author of the Piece quoted, are but one and the same identical Person. The Gentleman I have spoke of saw it at the Time of writing, and counselled him against Publishing it, as it could answer no good End; but on the Contrary must foment Party Flame and Dissention, amongst a People too much disunited already. The Answer he returned sufficiently declares the *Goodness*, and *Benevolence* of his

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* B. V. from p. 10 to 12.

his Soul; 'twas this, "Alas! Sir, our Circumstances are widely different; you are at the Height of your Preferment, but that is not my Case yet." A desire of Preferment, therefore, was the Motive of his Conduct; and whoever makes that his Motive, examines not the Equity of a Cause; he will prosecute it, as our Author hath done, in Defiance of Truth and Justice; in Contempt of Law and Religion; in Violation of every Duty, whether sacred or civil. After the Information we have given him, the Reader cannot be at a Loss to Account for the numerous Encomiums, which the Authors of the two Pieces mentioned confer upon each other; and to excuse the Liberty taken of altering the Sense as well as Diction of the *Supplement*, when transcribed into the *Brief View*, the more effectually to serve the Author's Purpose. The Substance thereof hath been often repeated in the two Pamphlets; all except a Couple of forged Letters pretended to be wrote from a Gentleman at *Montreal* to his Friend at *Paris*. The only proper Answers to which, were found in the Pockets of a *French Officer of Distinction*, slain in the Battle at *Lake-George*, Printed in *New-York*, and published by *Humphrey Scourge*. †

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† Vid: Tit for Tat, or, the Score wiped off.

THE second Piece which claims our Notice, is an Address from some of the People called Quakers, which, he affirms, "was in their own Names, and the Names of all the Quakers in the Province." Most certainly, this Author lies under some Incapacity of telling Truth, or representing a Fact as it really is; for, from his own Transcript it appears, that, instead of being "in the Names of all the Quakers in the Province," it was "the Address of some of the People called Quakers, &c." This being really the Case, it cannot fairly and rationally be deemed an Act of the Heads of any particular Meeting, much less of the Yearly Meeting; but an Act unadvisedly begun, precipitately and rashly done by a few who signed it, to the Number only of 23. This is further confirmed by the Cheerfulness with which that People have since paid the general Tax, against which this Address was particularly pointed; there not being one in a Thousand who have permitted their Effects to be seized, or refused to pay it. And how far it influenced the Actions of the Assembly, will appear from the following Censure passed upon it by the House, viz. "That it was assuming greater Right than they were invested with, and an Indication that they had not duly considered what had been heretofore transacted in the Assemblies of this Province; particularly in

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Relation

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“ Relation to an Act for granting £.2000 to the
 “ Queen's Use passed in the Year 1711, and is there-
 “ fore an unadvised, and indiscreet application to
 “ this House.” It is confirmed also by the large Sup-
 plies granted both before and after, to the King's Use.

ANOTHER extraordinary Petition which this Author judged worthy a Place in his *B. V.* was one drawn up by himself, and signed by the Mayor of our Corporation and about 133 Persons besides; which, out of the numerous Inhabitants of this City, were all this *excellent* Magistrate could, (tho' he sent his Emiffaries for that Purpose, from Door to Door,) prevail upon, to join with him in abusing and insulting the Representative Body of the People. Many of which Petitioners, instead of being principal Inhabitants, as they stile themselves, were not even Freeholders; many of them Strangers or obscure Persons; many of them Papists; some under Age, and most of them either ignorant of, or avowedly disaffected to the general Interest of the Province. From a Knowledge of these Facts, and the insolent Form of the Representation, the Assembly thought it their Duty to pass a Censure on that also; Part of which follows here.

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As it charges the House with not having a proper Concern for the Lives of the People of the Province, and dictates in a haughty Manner, to the Representative Body of the whole People, what Laws to be made, and to which the Preference ought to be given; and threatens to force a Compliance by the Power of Numbers, if his Commands are not obeyed, it is a Paper extremely presuming, indecent, insolent, and improper to be presented to this House. And we are further of Opinion, that the Mayor of the City of *Philadelphia*, by becoming a Promoter and Ringleader of such an Insult on this Part of the Government, and by his Authority, Acts, and Influence, drawing in so many indiscreet People, to be Partakers with him therein, when he ought rather to have been careful in preserving good Order, hath exceedingly misbehaved himself, and failed greatly in the Duty of his Station.

HAVING thus, I hope, fully refuted the many gross Falsifications, of our Pamphlet-Writer, and the many flagrant Misrepresentations of the Governor, I shall close this short tho' vexatious and oppressive Administration, heedless as it was Tyrannical, and foolish as it was severe, in which the People of this Province experienced more Misfortunes, than they had ever known since its first Settlement, with a Remark or two.

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HAD

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HAD Mr. *Morris* been well acquainted with the Nature and Constitution of our Government, before he received his Commission and Instructions, he must needs have known the latter to be incompatible with the former, as well as with the Good of the People he was to govern. How far he was morally justifiable in accepting of his Commission at all, on the Terms he did, I need not determine; but when I reflect that he not only accepted of them as the Rule of his Conduct, but also, after the Conviction he had had of their evil Tendency, that he still concealed them; and prostituted his Reason in Support of them, he is, in my Opinion, incapable of Justification. For, 'tis more than probable, that he was privy to the Proprietary Schemes, and fully persuaded that they were well laid and practicable. The Execution whereof will perhaps be thought no disagreeable Undertaking to him, by those who are acquainted with his arbitrary Notions of Government. But fortunately for the People, his Love of Pleasure, and Fondness for Company engrossed his Time so much, that his political Transactions tended rather to defeat than execute his Purpose; and gave the People an Opportunity of guarding against it, rather than enabled himself to accomplish it. This rendered him odious to the Public; and in Private, diminished that Esteem and

Respect

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Respect which his Creatures would otherwise have paid him, and constrained him to use such Means as neither consisted with his Duty, nor became his Station, to create other Tools, and a more considerable Party to Support him. The Proprietary Dependents greedily embraced the Opportunity: Those very Persons who had traduced and libelled our Assemblies, and kindled the Flames of Discord in the Province, immediately joined him. It is a disagreeable, tho' perhaps a necessary Task, to rake the Ashes of a past Administration, where the Person entrusted therewith hath constantly acted in Contradiction to the good of a Community; could I find out a single Action of this Gentleman that had in it the least Appearance of Public Spirit, I would mention and applaud it with Pleasure; but, with Regret I own, that after an accurate and unprejudiced Examination of his Conduct, I have not been so happy as to discover one that can justly enroll him in the List of virtuous and good Rulers. Ambition and Obstinacy haunted him thro' every Scene of Action; the one dazzled his Eyes with the glittering Prospect of Preferment, while the other plunged him into Difficulties too deep for him to emerge out off. So far was he from discovering the least Token of Good-Will and Affection for the People he govern'd, that he exerted all his

Talents

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Talents in disuniting them, and inflaming their Minds against each other; that like the Bulls in the Fable, they might the more easily become the Prey of their Enemy who lay in wait to devour them. In short, what was affirmed of RICHARD I. with Respect to *England*, is truly applicable to him, "*Pennsylvania can be happy only from his Absence.*"

After what hath been said of the last Administration, no one can doubt, but the Inhabitants received Mr. *Denny* with great Cordiality and Regard. They knew the Change could not be worse, and from that Gentleman's reputed Moderation, good Sense, and Prudence, they had great Reason to expect a better. They were, however, soon undeceived. For being bound by Proprietary Instructions still more restrictive, influenced and over ruled by the same Proprietary Council, he found himself obliged to pursue almost the same Measures, with his Predecessor. At first, indeed, he gave very hopeful Presages of greater Prudence, Candour and Justice, than Mr. *Morris* had thought fit to exhibit. One Instance whereof I must beg Leave to recite, as it affords evincing Proof what hath been insinuated concerning Proprietary Instructions, and the distressful State the Province was in, between our Enemies on the one Hand,

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Hand, and our Rulers on the other; the latter of which tied up our Hands, while the former Butcher'd us.

MR. *Denny*, upon his Arrival, finding all the Supplies, granted by the £ 55,000 Bill, expended, (save the Proprietary £ 5000, (Part of which remains unpaid to this Day, tho' they have been often importuned to advance it,) and that a further Supply was absolutely necessary for our Defence, called on the Assembly, for a further Sum of Money to enable him to protect the Inhabitants, and keep up the Troops. He had before declared that he had brought over no Secrets, but would lay his Instructions before the Assembly, that they might see his Powers and Restrictions, and take their Measures accordingly. This was acting with Candor, and indeed, as Matters were circumstanced, with Humanity. For, certainly, nothing could be more cruel, and at the same Time disingenuous, than for a Governor to be shackled with Instructions, which debar'd him from assenting to Laws directly calculated for the Preservation of our Lives and Fortunes, at a Time when the Enemy was ravaging our Borders, and drinking our Blood; to accept of Instructions like these, was, I say, cruel and to conceal them, was both cruel and disingenuous; It was stab-

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bing our Liberties in the Dark, and putting us out of all Capacity to defend them. Mr. *Denny*, however, in this Respect, acted a more honorable, as well as a more equitable Part. He seem'd determin'd to bear no other Burthen than his own, and that if the Instructions were arbitrary and unconstitutional, the People should know what they were, that they might take the proper Measures for Relief: And therefore on the Assembly's Message requesting him to lay before them, such as related to Supply Bills, and the Raising of Money, he was pleas'd to send them those extraordinary and oppressive Instructions, which the Reader will find in the Appendix.

In Pursuance of the Governor's Message, the House taking into Consideration the Supplies necessary to protect the Province, and keep up the Forces; immediately resolv'd to grant £.60,000 to the King's Use, for those Purposes. And to avoid the Dispute respecting the Taxation of the Proprietary Estate, whose to sink the Bills to be struck, by an Excise on Strong Liquors, rather than a Land-Tax. They fix'd on this Mode of raising Money, the more chearfully, as it was One the People had experienced, and found easy; and also because a Number of preceding Excise Bills had been enacted by former Governours,

vernors, and received the Royal Approbation. This Bill was sent up to the Governor, who notwithstanding several Conferences were had between him and the Assembly, in which the Invasions of the People's Rights, the arbitrary Nature of the Proprietary Instructions, the Impediments they occasioned to the Defence of the Province, and his Majesty's Service, and the distressful Situation of the People, were pathetically represented, he refus'd to pass it, conceiving himself prohibited by his Proprietary Instructions. Upon which, the House proceeded to make some Resolves † upon the arbitrary and "oppressive Nature of these Instructions, and reserving their Rights in their full Extent on all future Occasions, and protesting against the Proprietary Instructions and Prohibitions," did Resolve, "nevertheless in Duty to the King, and Compassion for the suffering Inhabitants of their distressed Country, and in humble and full Confidence of the Justice of his Majesty, and a *British* Parliament, to wave their Rights on this present Occasion only; and did further resolve, that a New Bill be brought in for granting a Sum of Money to the King's Use, and that the same be made conformable to the said Instructions." According to this Resolve, a Bill was formed by the House, in every Respect agreeable to

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these

† Votes 1756.

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these oppressive Instructions, for granting £.30000 to the King's Use.

FROM a cursory View of the Instructions, and a little Reflexion on the Nature of our Government, the Reader will be able to form a just Idea of their Legality and Policy; and how extremely repugnant they are to the Liberties of the People. But when he considers that the Proprietaries have by them greatly enlarged their Prohibitions and Restrictions on the *present Governor*, and debar'd him from passing any Bill for our Defence, unless conformable thereto, at a Conjuncture the most calamitous, as I have had but too frequent Occasion to observe in the Course of this Work, he must needs acknowledge with me that they are left inexcusable; that a Conduct like theirs, under those Circumstances, was directly inconsistent with their Duty to the best of Kings; since they abandoned, as far as in them lay, a Province which is placed more immediately under their Care and Government, to the outrages of a barbarous Enemy, and, had the Assembly adhered to their Rights, as they justly might, even hazarded the total Loss of it to the Crown.

BUT that the Reader may the more perfectly comprehend how far his Majesty's Service, and our Protection

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tection have been, and will hereafter be obstructed, if these Instructions are to continue obligatory on our Governor, I shall beg Leave to refer him to the Report of the Committee of Assembly thereon, which he will find in the Appendix.

THE whole Report, is so spirited and affecting, as cannot fail to open the Eyes of every Lover of Liberty, and take off the Odium and Calumnies which have been unjustly thrown on our faithful and loyal Assemblies; it will, together with what I have here said, demonstrate that they have complied with his Majesty's Orders for Defence of the Province, as much as in them lay; and that those Orders have been defeated, by the Ambition or Avarice of our Proprietaries in giving, and the Pertinacity of our Governors in adhering to their oppressive Instructions. What have our Assemblies not done, that was incumbent upon them to do? Whenever Supplies were demanded, did they not offer them in the usual, regular, constitutional Manner? When the *French* first invaded our Lands on the *Ohio*, they granted £.10000; that Sum they increased to £.15000; that to £.20000; and that to £.25000; still augmenting the Sum in Proportion to the Necessities of the Province. Did they not offer to raise these Supplies by an Excise on strong Liquors? A Mode to which the People had been accustomed

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customed, and which was found easy? On the other Hand, did not the Governor reject these Offers, under Pretence that they were inconsistent with Royal Instructions obsolete and invalid, tho' Acts framed in the same Manner, had since received the Royal Approbation? And when the Assembly found that the Governor would not accept of these Supplies, notwithstanding the distress of the Colony, unless they were granted in a Manner oppressive to the People, did they not cheerfully borrow, on the Credit of the House, independent of the Governor, £.5000 for purchasing Provisions and other Necessaries, in Pursuance of the Secretary of States Letter, for the Forces under General *Braddock*? And were not those Provisions sent to *Virginia* before they were wanted? Did they not timely supply General *Braddock*, with every necessary he required, on the shortest Warning, when *Maryland* and *Virginia* had disappointed him? And were not the Carriages and Waggon for the Army procured by *Mr. Franklin*, who waited on the General to tender him the Service of the House? And did not that Member receive the Thanks of the House on that Occasion? And did not the General, as well by his Secretary, as by his own particular Letter, return the Assembly "his sincerest Thanks" for those Services, which would otherwise have remained undone? Did they not clear

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the Road over the *Alleghany* Mountains, at the Expence of £5000, as soon as desired by the Governor? Did they not give a Bounty for, and supply Commodore *Spry* with Seamen, which he had in vain solicited from the other Governments? Did they not furnish a large Quantity of Provisions and Cloaths, for the *New-England* Troops, under General *Shirley*? And have they not received the most authentic Testimony from that Gentleman, of their Loyalty and Fidelity to his Majesty, their Readiness to obey his Orders, and to further his Service? And after the Assembly had by these Supplies, sunk the Funds of which they had the Disposition, did they not wave the unfortunate Dispute respecting the Excise Bills, and, in Pursuance of the Governor's Request, grant his Majesty the large Sum of £.50000 to be raised by an equitable Tax, on all Estates in the Province? And did not the Governor refuse this equitable Supply, because *his Lords* the *Proprietaries* were to be taxed in Common with the Rest of his Majesty's Subjects, for the immediate Preservation of their own Estates, tho' the whole Body of the Nobility, the Royal Family, nay even his Majesty himself was taxed for that Purpose? And did not the Assembly thro' an earnest Desire to defend their Lives and Fortunes, offer to submit the Controversy to his Majesty and Council, by inserting a Clause in the Bill

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to refund the Proprietaries Proportion, in Case his Majesty's Pleasure should determine in Favour of them? And yet, was not their Governor so destitute of Concern for the Preservation of this Province, and the general Defence of *America*, as to refuse to submit this Exemption to his Sovereign's equitable and just Decision? Yes, all this have our Assemblies cheerfully done; nay more, those very Quaker Assemblies so much misrepresented, and so much defamed, granted £.85000 † on the Governor's own oppressive

† Besides the Sums mentioned in the Narrative, the Assembly have granted £.300000 and 'tis expected will soon add to that Sum, another £.100000 without Charging the Proprietaries Estates, with any part thereof. The Governor being prohibited by his Instruction, from passing any Law of that kind, unless on the most abject Terms. So that the Account of the Sums granted by these Assemblies, so averse to the Defence of the Country, as our Author represents them to be, will stand thus.

For purchasing provisions and other necessaries for General <i>Braddock</i> . - - - - -	} £.5000
For cutting a Road for the March of the Forces, over the <i>Alleghany</i> Mountains - - - - -	} 5000
For Provisions for the Troops under General <i>Shirley</i> , - - - - -	10000
For erecting a Chain of Forts on our Frontiers. - - - - -	85000
For raising Men to join the Forces, under the Command of Lord <i>London</i> . - - - - -	} 100000
For raising, Cloathing and paying 2700 Men, to act under General <i>Forbes</i> . - - - - -	} 100000
For ditto, under General <i>Amherst</i> . - - - - -	100000
	£.405,000

pressive Terms. A Chain of Forts * hath been erected on our long extended Frontiers, of near 200 Miles, solely at the Expence of this Province, tho' they at the same Time cover the Frontiers of *Maryland*, *New-Jersey*, and the lower Counties from the *Indian* Incurfions.

BUT all this would not satisfy the Proprietary Party; nothing less than the Resignation of the Quakers would content them; even this was submitted to; a Quorum of the House is now composed of Men of different Persuasions, all ready to sacrifice every Thing that's dear to them for the Service and Defence of their Country, would the Proprietaries vouchsafe but to *unmanacle* their Hands; and yet the adverse Party is equally discontented, and equally clamorous; no public Measure, tho' ever so salutary, is pursued, no Law passed, without encountering their most virulent Opposition. And this is likely to be the Case, till the People are either happy enough to overpower it, or silly enough to invest the Legislative Authority in the Hands of those, who already possess the Executive, on the Slavish and detestable Terms of *During their Masters Pleasure*.

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* One of these Forts hath cost the Province at least £.20000

IMUST beg the Readers Indulgence a little longer, while I consider the Remedy proposed by the Writer of these Pamphlets for the pretended Diseases of this Province. From hence the Reader will conceive an adequate Idea of the Man and his Principles, the Weakness of his Head, and the Wickedness of his Heart.

In his *Brief State* p. 39, he observes that, “desperate as the Case is here, a Remedy in *England* is easy; let the Parliament but make a Law to the following Effect; to oblige all those who sit in Assembly, to take the Oaths of Allegiance to his Majesty, and perhaps a Test or Declaration, that they will not refuse to defend their Country against all his Majesty's Enemies.” By this he proposes effectually to exclude the Quakers from their indubitable Right, of being chosen as Representatives of the People; that when they, who have so long promoted the Good, and maintained the Liberty of this Province, are removed, the Creatures of Proprietary Power, may succeed in their Room, and with more Ease, enslave the Inhabitants, and prey on the Vitals of their Country. But how lost to Modesty, and Common Sense must this Author be, to propose a Scheme so unjust and arbitrary to the Patrons of Liberty, a *British* Parliament!

liament! Could his Vanity prompt him to imagine that either his *Rhetoric*, or his *Logic* could mislead them from the Paths of Justice, so far as to deprive near 44000 Inhabitants of a Right, with which the Laws of their Country and Constitution endue them? Could he be so vain as to imagine they would, upon his crude Suggestions, deprive the Quakers, who have been always found an affectionate and a loyal People, of those Privileges, for which they left their native Land, and settled in a savage uncultivated Desert? that they would wrest the legislative Power, out of the Hands of those who had never misapplied it, but, on the Contrary, whose prudent Management had rendered this Province, without the least Expence to the *British* Nation, for its Felicity, Wealth, Opulence, and Commerce, the admiration of *Europe*; and all to enable his Masters, to enslave the Country?

He is farther for “suspending to the *Germans* their Right of voting till they have sufficient Knowledge of our Language, and Constitution.” That this Provision is equally reasonable with the former, I grant; for Nothing can be more unreasonable than both. It was that promising Aspect of Liberty, for which *Pennsylvania* was so renowned, that induced the *Germans* to transplant their Estates and Families

into this Colony ; how ungenerous, how unjust therefore would it be, to defraud these People of those Advantages and Privileges, they were made to expect, and had a Right to enjoy ; and among others, those of voting, and being voted, for Representatives, I leave any Man who has less Partiality, than this Author, to determine. This Scheme is full as *political*, as it is *rational and just* ; for doubtless, whenever it is our Case to see it accomplished, these Quakers, and these *Germans*, will seek a Country more just and more hospitable than this, and leave our Pamphleteer and his Party, to rule the remaining three Tenths of the People, at their Pleasure and Discretion.

THE other Parts of his System, are of a Piece with the forementioned, all equally absurd and chymical. He would, it seems, have these People “ instructed in “ the Nature of free Government by Protestant Ministers, and School-Masters.” Thus we find Religion is to give Way to Politics, tho’, in my humble Opinion it would be much better, and more to the Emolument of the Public, if every Minister would stick to his Bible, and every *Schoolmaster* to his *Grammar*. But we may guess what this worthy Gentleman means by free Government, from the extraordinary Remedy he hath proposed ; it is a Government wherein the
established

established Rights of the People may be violated to serve the Ends of Avarice or Ambition. In which this Author and his Party may arbitrarily direct what Manner of Usage, what Rights, and share of Property the *Germans* and Quakers shall have. A Government in which they may at Will issue forth their Edicts, trample upon the Liberties of the People, and infringe both the Royal and Proprietary Charters. Add but a standing Militia, subject to the incontrollable Power of his Patrons, to keep these *Germans* and Quakers in Awe, and he expects they will then vote as directed, the Freedom of Elections will be destroyed, our Assemblies either abolish’d, or made obsequious to the Will of their Superiors, and Liberty and Virtue exist no more?

HIS radicated Malice towards the *Germans*, extends itself still further, he would make “ all Bonds, Contracts, Wills, and other Legal Writings void, unless “ in the *English* Tongue.” Thus would all Securities, Titles, and Contracts, drawn in the *German* Language be invalidated ; the Estates and Debts of the Parties lost, and so themselves reduced to Poverty and Want.

HE would also have it ordained, that no Newspaper, Almanack, “ or any other Periodical Paper,
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“ whatever Name it may be called, be printed or circulated in a foreign Language.

Now upon a Review of this extraordinary Remedy, how arbitrary, unjust, and cruel does it appear to be ! He would deprive, according to his own Computation, 154000 Persons of their Right to represent the People in Assembly, or even of being themselves represented ; and would thus subject them to the Obedience and Penalties of Laws, to which they never consented, and in the making of which they had no Share. He would invalidate and annul Contracts, authorized by the Laws of our Constitution, to the infinite Damage and Loss of the Contractors, who are one half of the People. He would saddle upon the *Germans* ecclesiastical Power and Authority, under the whimsical Pretence of having them taught “ free Government, by Protestant Ministers.” He would deprive them of the Liberty of the Press ; and, for ought I know, even that of reading their Bibles in their native Tongue ; for who can set Bounds to his Malignity ? And thus, in Fine, would he erect the Edifice of Despotism on the one Hand, and of Vassalage on the other.

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SUCH then, is the Scheme he has the Confidence to recommend to the *British* Parliament ; a Scheme pregnant alike with Absurdity, and Injustice : Can a higher Indignity be possibly offered those glorious Supporters, and Lovers of Liberty ? Nay more, as a Mark, no doubt of his Attachment to the present happy Establishment, and the illustrious Family upon the Throne, he would recommend the Execution of this Scheme to his Majesty himself, a Native of *Germany*, and who by his Valour and Wisdom rescued the Empire from *French* Slavery and Devastation.

AND now, in my Turn, I would, with all due Deference to my Superiors, beg Leave to propose a Remedy for the *real* Maladies of this Province. The Fever of Ambition and a Lust of Power, have long ravaged our Constitution, enfeebled our Laws, and corrupted our Courts of Justice ; our Estates and Properties, have no permanent or solid Foundation and Security ; illegal, unconstitutional Instructions are forced upon us ; and have obstructed every salutary Law, and every rational Measure concerted for our Defence, in Obedience to his Majesty's gracious Orders, and in Conformity to the first Law of Nature. The Assemblys are deprived of those Liberties and Privileges

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privileges they have a Right to by Charter and as *Englishmen*. The Judiciary Offices are granted in such Manner, that the Peoples Properties are rendered precarious and insecure. The Proprietaries no longer think themselves Subjects, but claim Powers which our Sovereign never pretended to, Powers of directing the Formation of Laws, and imperiously dictating to a free People. They seem determined to accomplish their Purposes, or to sacrifice to their Ambition one of his Majesty's most flourishing Colonies on the Continent.

To preserve it therefore, from the Enemies Hands, and to rescue it's Inhabitants from the Jaws of Proprietary Slavery, 'tis most humbly proposed that our Gracious Sovereign would assert his Claim by Virtue of a former Contract, and be pleased to take his affectionate and faithful Subjects here, under his immediate Government and Protection; they are a loyal, well affected People; sincerely attached to his illustrious Family and Person, and all of them, a few Proprietary Dependents only excepted, as ardently wish for such a happy Change, as the wearied Pilgrim for his Journey's End. To submit to such Indignities and Oppression is most distant from their Thoughts; they are as much determined to be free, as their Proprietaries

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aries are to enslave them; and they can hope for no other Asylum from Slavery and Ruin, than his Majesty's auspicious Wing and Government, where they may repose in Safety, and glory in the Enjoyment of their antient Rights and Privileges in Common with the rest of his faithful Subjects.

E R R A T A.

PAGE 71, line 8, for *remitting*, read *re-emitting*. *ibid*, l. 24, for *Them*, r. *him*. p. 72, l. 6, for *Them*, r. *him*. ditto, l. 7. p. 135, in the Notes, r. *1st. G. 2d.* p. 156, l. 23, insert *of after Proof*.



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on the 1st day of January 1791
the said House of Representatives
do hereby resolve that the
sum of one hundred thousand
dollars be and lawfully is
to be advanced to the
said State of New York
for the purpose of
paying the interest
on the said loan
of the said State
of New York
of the sum of
one hundred
thousand
dollars
for the
purpose of
paying the
interest
on the said
loan

IN WITNESS WHEREOF
I have hereunto set my hand
and the seal of the said
House of Representatives
this 1st day of January
1791



AN
APPENDIX.
TO the Foregoing WORK.

COPY of the Eleventh Article of the Proprietary INSTRUCTIONS.

WHEREAS the Interest Money arising from
the Loan of Bills of Credit in the said Province,
is intended by us and the House of Representa-
tives to be applied for the Public Service of the
Province, and of the Inhabitants thereof; and should there-
fore, under the Direction of the same Power that raises it,
be most carefully applied to those Purposes; as a greater Se-
curity to the People against Misapplication than if it was en-
trusted only to one Branch of the Legislature; and such
was the antient Practice in our said Province. You shall
therefore not give your Assent to any Bill or Act of Assem-
bly for the Emitting or Re-emitting and Continuing any
Paper Currency or Bills of Credit in the said Province, un-
less every such Bill or Act of Assembly do contain one or
more enacting Clauses, whereby it shall be effectually e-
nacted, that the Whole of the Interest Money to accrue,
arise and become payable, from the Loan of all such Paper
Currency or Bills of Credit hereafter to be issued, emitted,
continued or re-emitted, shall be disposed of only to the
very Purposes to be mentioned and expressed in the same Act;

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in such Cases where the Purposes may conveniently be mentioned and expressed therein; or, where that cannot conveniently be done, then to such Purposes only as shall be mentioned and expressed in some future Act of the Governor and Assembly, or in some future Vote or Resolution of Assembly, approved of and signed by the Governor or Commander in Chief of the said Province for the Time being. And whereas there is the same good Reason for securing to the Use of the Inhabitants any Monies raised on them by Excise or any other Method, you shall not give your Assent to any Law for prolonging the present Excise, or laying any other Excise, or raising any Money on the Inhabitants of the said Province of *Pennsylvania*, unless there be the like enacting Clause, that all Money arising from the said Excise or other Duties, shall be disposed of only to the very Purposes to be mentioned and expressed in the same Act, in such Cases where the Purposes may conveniently be mentioned and expressed therein; or, where that cannot conveniently be done, then to such Purposes only as shall be mentioned and expressed in some future Act of the Governor and Assembly, or in some future Vote or Resolution of Assembly, approved of and signed by the Governor or Commander in Chief of the said Province for the Time being.

A true Copy, compared with the Original, by

RICHARD PETERS, *Secretary.*

COPY *Yof the Twelfth Article of the Proprietary INSTRUCTIONS.*

WHEREAS by an Act of Assembly passed in the said Province, in the Twelfth Year of his Majesty's Reign, intitled, *An Act for re-printing, exchanging, and re-issuing all*
the

the Bills of Credit of this Province, and for striking the further Sum of Eleven Thousand One Hundred and Ten Pounds, and Five Shillings, to be emitted upon Loan, the Paper Bills or Bills of Credit of the said Province amounted unto Fourscore Thousand Pounds, Proclamation Money, or thereabouts; and altho' a reasonable and moderate Quantity of Paper Money, or Bills of Credit in the said Province, tends greatly to the Service and Benefit of the said Province and its Inhabitants, as well as to the Trade of Great-Britain, yet the Making, Emitting, or Continuing too large a Quantity thereof, has, in other Colonies, and would in the said Province be prejudicial, and would greatly affect the Exchange and Trade of the said Province: And whereas it hath been represented to us, that it will be of Advantage to the Trade of the said Province, to re-emit and continue the said Fourscore Thousand Pounds, and even to enlarge and encrease the Quantity of Paper Money, you are therefore diligently and carefully to enquire, whether it is necessary, and will be convenient, to re-emit the said Fourscore Thousand Pounds; and also, whether it is really necessary to create and issue any further Sum in Paper Currency or Bills of Credit in the said Province: And in case, upon your best Enquiry, you shall find it to be really convenient and necessary, and of Advantage to the said Province, then, but in no other Case, you may pass and give your Assent to any Act or Acts of Assembly in the said Province, for re-emitting or continuing the said Fourscore Thousand Pounds for such Time as you shall judge proper; and also for raising and issuing any further Sum or Sums in Paper Currency or Bills of Credit which you shall think necessary, not to exceed the sum of Forty Thousand Pounds, Proclamation

elamation Money. Always provided, that on every such Bill, strict Regard be had to our foregoing Instruction, Number Eleven, as to the Disposal of all the Interest to arise from such Paper Money so to be re-emitted or continued, or to be new raised or issued. And also provided, that in the very Acts for re-emitting, continuing or issuing such Paper Currency, or in some other distinct Act or Acts passed at the same Time, it be effectually enacted, that all Rents and Quitrents in the said Province, due, or to be due and payable to the Proprietaries for the Time being, be always paid according to the Rate of Exchange, at the Times of Payment, between the Cities of *Philadelphia* and *London*, or some other sufficient Provision be enacted in Lieu thereof, in as effectual a Manner as was done by a separate Act at the Time when the said Act of the Twelfth Year of His Majesty's Reign was passed.

A true Copy, compared with the Original, by

RICHARD PETERS, Secretary.

COPY of the Twenty-first Article of the Proprietary INSTRUCTIONS

WHEREAS, from the first Settlement of the said Province, several Acts of Assembly have from Time to Time been passed for raising Provincial Taxes; in all which, as well when the Government was (for some Time) in the Hands of the Crown, as when executed by Commission from our late Father, the Estates of the Proprietary himself, and, in some of the said Acts, those of his Children, and Deputies also, were exempted from paying towards such Taxes; over and besides which Exemption, several Acts were passed, giving

to the said Proprietary a Support, by Duties and other Impositions, as may appear, on Examination of the several Acts of Assembly. And whereas, since the Expiration of those former Laws, no Aid hath ever been granted by the Assembly to us, as Proprietaries, notwithstanding which, we have on several Occasions shewn our Regard to the Public Service of the said Province, by voluntarily and cheerfully expending several considerable Sums of our Money for the Advancement thereof, altho' no Provincial Tax hath been laid upon the People within our Time, for any Purpose whatsoever, until the last Year; so that as we had no Reason to suspect that the Assembly of the said Province would deviate so much from the former Usage, as to pretend by any Act of theirs to charge our Estates in the said Province, with the Burthen of any Taxes, we had not therefore given to your Predecessor any particular Instructions on that Head. And whereas the Assembly of the said Province, taking Occasion of the Troubles in *America*, to represent us in a very untrue Light, as if we were unwilling to assist the Public, by contributing towards the Defence of the Country, though no Application had ever once been made to either of us for that Purpose, did, in the last Year, prepare and send up to our Lieutenant-Governor, a Bill of a most unjust and extraordinary Nature and Import, intituled, *An Act for raising Fifty Thousand Pounds for the King's Use, by a Tax of Twelvepence per Pound, and Twenty Shillings per Head, yearly for two Years, on all the Estates real and personal, and Taxables within this Province.* By which Bill, it was proposed to be enacted, That there should be levied and raised, upon all the Estates, real and personal, within the said Province, of all

and every Person and Persons, the Estates of us the Proprietaries not excepted, the Sum of *Twelve-pence* for every Pound clear Value of the same, yearly for the Space of two Years, to be paid by the Owners or Possessors thereof; and that all located and unimproved Lands should be rated according to their Situation and Value, at any Prices not exceeding *Fifteen Pounds*, nor under *Five Pounds*, for every Hundred Acres of such unimproved Land; and that Part of such Land should be sold to discharge such Tax, in Case the Owners of the same, or some Person for them, neglected or refused to pay the Rates assessed thereon; and that the Commissioners and Assessors of the County of *Philadelphia* should acquaint themselves with, and procure the Amount, as near as they were able, of our Estate in Quit-rents throughout the Province, and thereupon assess and tax the same, in the same Manner as other Estates were assessed and taxed in the respective Counties, by Virtue of that Bill. And whereas there are many other Ways of raising a Tax of *Fifty Thousand Pounds* in the said Province, without resorting to a Land Tax for that Purpose; but if a Land Tax was necessary for the Raising any Supply, it should be founded on Justice, and conformable to the Royal Charter, be consonant to Reason, and not repugnant or contrary, but as near as conveniently may be, agreeable to the Laws, Statutes and Rights of the Kingdom of *England*, but the said Bill was framed so contrary to Justice, and Laws of the same Kind in this Kingdom, that by it *One Shilling* in the Pound, for two Years, was laid on the whole Value in Fee-simple of every Estate, which, supposing the same computed at Twenty-five Years Purchase only, is a Charge of a Quarter Part more than the whole gross Rent, without allowing for any Charges or Repairs;

pairs; a Tax which never was laid, nor can possibly be paid in any Country; a Part of the Estate only being taken for the Preservation of the Whole; nor was so heavy a Tax necessary to be laid in *Pennsylvania* for raising the Sum of *Fifty Thousand Pounds*: For if that Tax had been truly and fully assessed and paid, it must have amounted to many Times that Sum; but the Laying such a large nominal Tax, appears to us to have been most unjustly calculated for the Purpose of putting it in the Power of Persons, wholly chosen by the People, to tax our Estates up to the full Value therein mentioned, and to ease other Persons, by taxing them so lightly, as only to make up the Residue that might be wanted to complete the *Fifty Thousand Pounds*; in which Case the Persons chosen by the People might have laid by much the greatest Part of the Burden upon our Estates alone, which, by former Usage, had never been taxed at all. And whereas the Laying of Taxes on the real Value of the Fee-simple, and not on the yearly Income of Estates, and upon unimproved Lands, which yield no annual Profit or Rent to the Owner, and the Sale of the Land itself, and the Inheritance thereof, for Payment of the Tax imposed thereon, appear to us highly unreasonable, and not to be the Practice in *Great-Britain*, and no way agreeable, but quite contrary to the Laws and Statutes of this Kingdom: And whereas, upon the best Enquiries we have made, we cannot find that the Quitrents reserved to the Crown, or to the Proprietaries, in any other of the *American Colonies*, have ever been taxed towards the Raising any Supplies granted in those Colonies; and indeed these Quitrents are generally so small, that little or no Land Tax would be due or payable on them if arising

in *Great-Britain*, where Land Tax Acts are annually passed, and the Grantees and Owners of such Farms and Plantations on which such very small Quitrents or Acknowledgments are reserved to us, do, in case of a Land Tax, pay Tax for the Value of such their said Farms: And whereas our Lieutenant Governor proposed to the Assembly, to except or exempt our Estates out of the Tax to be raised by the said *Fifty Thousand Pound Bill*, which they refusing to do, he never gave his Assent to the said Bill, but acquainted the Assembly (as the Truth was) that we were so far from desiring not to contribute to the Defence and Support of His Majesty's Rights and Dominions, that immediately, on the first Notice sent us of the Defeat of General *Braddock*, we had sent over an Order upon our Receiver General, to pay out of the Arrears on our Quitrents the Sum of *Five Thousand Pounds*, as a free Gift, towards the Defence of the said Province; desiring at the same Time, that all Disputes might be laid aside, and that the Governor and Assembly would join together in Measures to oppose the common Enemy. And whereas we believe, that such *Five Thousand Pounds*, so by us given, was about Twenty Times more than the Tax upon all our Estate there, if truly and proportionably rated, according to all other Persons Estates in the said Province, could amount to towards raising a Sum of *Fifty Thousand Pounds*: And whereas the Assembly afterwards prepared and sent up to the said Lieutenant Governor another Bill, intituled, *An Act for granting the Sum of Sixty Thousand Pounds to the King's Use, and for striking Fifty-five Thousand Pounds thereof in Bills of Credit, and to provide a Fund for striking the same*, whereby they proposed to enact, that there should be levied upon all the Estates, Real and Personal, within that Province, of all and every

every Person and Persons (our Estates only excepted, in Consideration of our free Gift herein before and in the said Bill afterward mentioned) the Sum of *Six-pence* for every *Pound*, clear Value of the said Estates yearly for the Space of four Years; and also, that all located and unimproved Lands in the said Province should be rated in such Manner, and at such Values, as has been proposed in the said former Bill, and that Part of such Lands should be sold, in case of Neglect or Refusal to pay the Tax thereon: And whereas His Majesty's Service, and the Defence of the said Province, then requiring Money to be immediately raised, and our said Lieutenant Governor not being provided with our particular Instructions relating to any such Bill, he assented to the same in the Month of *November* last; and when the said Act was sent over hither for the Approbation of His Majesty, we, tendering as we ought to do, the then Exigency of Affairs, and the Necessity of an immediate Supply for His Majesty's Service, did not make any Application to His Majesty for His Royal Disallowance of the said Act, as we should have done at another Time, and on a less Occasion: And whereas the said Assembly, in order to raise the said Tax, had, by both their said Bills, appointed Commissioners and Assessors (Persons chosen by the People only, and not any one of them by us) and those but very few in Number, to assess or fix the Quota's which each Estate should pay; which Persons, if ever so well disposed to act fairly and uprightly therein, can have no Knowledge of the true Value of all the several Estates to be taxed, and yet are made final and absolute Judges without Appeal, what Sum each Estate shall pay towards raising the said Tax; whereby, and by laying so great a Tax, to raise so small a Sum, such Persons may have

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have it in their Power to commit great Irregularities, in taxing some Estates to their utmost Value, and easing others, which would be unequal and unjust, we having been informed, that in assessing the ordinary County Levies on the like Plan with that whereon the said Bills were formed, many Persons, instead of being rated to their full Worth, were not rated at one Fifth Part of their supposed Worth : And whereas the said Assembly appear to us to have been inclined not only to load and burden our Estates with Taxes by their Authority, directly contrary to former Usage, but even to charge the same disproportionably, and in an unequal Manner, in order to ease the Estates of others, which is a Measure we are by no Means willing to consent to : And as the present Invasion of His Majesty's *American* Dominions may make it necessary to raise further Supplies for His Service in our said Province, the Assembly may hereafter propose and offer Bills or Acts of Assembly, to lay additional Taxes on real Estates there ; You are therefore hereby required and directed, not to give your Assent to any Bill or Act of Assembly of that Sort, unless the Act be made to continue for one single Year only, and no longer ; nor unless the same be made as agreeable as possible to the general Tenor of the Acts of Parliament annually passed for raising the Land Tax in that Part of *Great-Britain* called *England* (especially by laying the Tax, with respect to real Estates, upon the particular Houses or Lands, in the respective Counties or Districts, by which the Rate of it may at any Time be seen ; nor unless the Tax, as to real Estates, be laid upon the true annual Rent or yearly Value only (such yearly Value, where Persons occupy their own Lands or Houses, to be ascertained in some such Manner as herein after mentioned) and

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and not upon the real Value of the Fee-simple of the real Estate ; nor unless the Tax, as to personal Estate, be laid upon the annual Interest or Profit, and not upon the whole Capital thereof ; nor unless the whole Method of Assessing, Collecting and Paying in of the same, be particularly and specially laid down in the Body of such Bill or Act itself, and not by Reference to any other Bill or Act ; nor unless, in order that such Bill or Act may be founded in equal Justice, there be effectual Clauses therein to ascertain the true and real Rent or yearly Value of every Estate in Land or Houses in the Province ; First, by having a good Number of the most considerable Inhabitants out of every Township in the several Counties inserted in the Bill as Commissioners ; such Commissioners, before they act, to be solemnly sworn, or affirmed, to do impartial Justice, and to have Power in them to cite and compel to appear and be sworn or affirmed before them, all Tenants and other Persons, in order to discover what Rents are really and truly paid, in Cases where Lands or Houses are lett out at Rack Rents ; and in other Cases, or where Persons occupy their own Land, or reside in their own Houses, the Commissioners to have Power to enquire by the Means aforesaid, or by any other lawful and reasonable Ways and Means, what the Inheritance of such Lands and Houses is worth to be sold at the utmost, and then to estimate and tax such Houses and Lands as of the yearly Value of so much as the Interest of such Sum, at the low Rate of *Three Pounds per Centum per Annum*, amounts to ; nor unless all occupied and unimproved Lands whatsoever, and also all our Quitrents in the said Province be expressly excepted and exempted from such Tax : But in case the Assembly shall propose to raise Supplies by a Land Tax Bill, and such Bill shall

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be clear of every the foregoing Objections or Prohibitions, and shall not contain any Tax further than after the Rate of *One Shilling, Two, Three,* or at the utmost *Four Shillings* in the *Pound*, for any one Year, upon the annual Rent or yearly Value, to be ascertained as aforesaid, of Houses, Lands or Tenements, in the said Province; and also to tax personal Estates in the said Province, subject to the foregoing Regulations; then, and in such Case, you may give your Assent to the same, if you think the same a reasonable, just and necessary Bill in all other Respects. And you shall take Care, that every such Bill or Act, which you shall assent to, shall contain Clauses for the Tenants of real Estates paying such Tax, and deducting the same out of the yearly Rent payable to the Landlord, provided such yearly Rent amounts to the Sum of *Twenty Shillings* and upwards, according to the Act for laying a Land Tax in *England*, and Clauses for Distress upon any Matters distrainable, being upon the taxed Premises; but no Clause or Power to distrain or sell the House or Land itself, or any Part thereof, in any Case, for Satisfaction of the Tax; and unless such Clauses be inserted, you shall not give your Assent to any such Bill or Act. And whereas we are, and always have been, most ready and willing to bear a just Proportion along with our Tenants in any necessary Tax for the Defence of the said Province, which shall be equally laid upon the Lands of the Inhabitants, and also upon any of our Mannors or Lands, which are actually lett out on Leases, either for Lives or Years, as being Estates in some Degree like to those of which the Inhabitants are possessed; therefore you are at Liberty to give your Consent to any reasonable Bill or Act for that Purpose, provided the Tax to be paid for such our last mentioned

tioned Estates shall be payable by the Tenants and Occupiers, who shall deduct the same out of the Rents payable by them to us. And you shall not consent to any Bill or Act for taxing the Fine or Purchase-Monies, to be paid to us by any Person, on Purchase from us of any Estate, in Fee-simple, or for Life or Lives, as the Tax is to be laid on the Land; and the Taxing the Money paid for the Purchase of the Lands, or of a Freehold or Inheritance therein, would be, in Effect, to pay two Taxes for the same Thing; and that Landlords, in this Kingdom, do not pay any Land Tax for such Purchase-Monies, but only for the reserved Rent, when it amounts to above *Twenty Shillings per Annum*, the Residue of the Tax for such Land being paid by the Purchaser.

A true Copy, compared with the Original, by

RICHARD PETERS, Secretary.



REPORT of the Committee on the above Instructions.

THE Preamble to the Eleventh Instruction sets forth
 " That the *Interest Money* arising from the Loan of
 " Bills of Credit in this Province, was intended by the Proprietaries, and the House of Representatives, to be applied for the Public Service of the Province, and of the Inhabitants thereof, and should therefore, under the Direction of the same Power that raises it, be most carefully applied

“ applied to those Purposes, as a greater Security to the
 “ People against Misapplications, than if it was intrusted on-
 “ ly to one Branch of the Legislature; and such was the
 “ ancient Practize in their said Province.” That the In-
 terest Money was intended to be applied for the Public Service
 of the Province, and of the Inhabitants thereof, is un-
 doubtedly right; but that it was ever the “ Practice,” or
 that there was ever even a single Instance of the Proprie-
 taries or their Deputies having a Vote in the Application of
 the Interest Money, we must absolutely deny. Their Consent
 to the Disposition is not required in any of our Loan Acts
 from the Beginning to this Day, the constant Tenor of those
 Laws being, that the “ Interest Money shall be disposed of
 “ as the Assembly of this Province shall from Time to Time
 “ order and direct.” Their Consent was never asked, unless
 in the Acceptance of Presents made them out of that Interest,
 which could not be forced on them without their Consent;
 and that Kind of Application they have indeed been gra-
 ciously pleased to consent to from Time to Time, to the A-
 mount of above *Thirty Thousand Pounds* given to themselves
 out of that Fund and the Excise. If this was a “ Misappli-
 cation,” and we know of no other, the Power they contend
 for would not have prevented it; for 'tis scarce probable
 they should ever disapprove or refuse to sign Acts, or Re-
 solves, which they thought so just and reasonable.

And indeed, had these Presents been always as regular as
 the Seasons, and never intermitted, be the Conduct of the
 Governor ever so inconsistent with the Public Good, our
 Committee have Reason to believe, this new Instruction had
 never been formed or thought of. But since the Represent-
 tives

tatives of the People have dared to signify their Disappro-
 bation of a Governor's Measures, by withholding those To-
 kens of their Esteem, Affection and Gratitude, which were
 constantly given when they found themselves well governed;
 this Instruction is thought necessary to be enforced. Not
 “ for the greater Security of the People against Misappli-
 “ cation,” for they never complained of any; but to *compel*
 your Continuance of those Presents; to *compel* an Ad-
 dition to them, for they are thought too small; and to *compel*
 the Payment of what they are pleased to call the *Arrears*
 of such Presents to any Governors from whom they have at
 any Time been withheld. For if the People's Money can-
 not be disposed of for their own Benefit, without the Pro-
 prietary or his Deputy's Consent, the Passage of the Bill, or
 the Approbation of the Resolve, must be “ *facilitated*,” as
 the Proprietaries were pleased to tell us on a former Oc-
 casion, “ *by a Regard to their INTEREST*,”-----that is, by
 putting at the same Time into their private Pockets what-
 ever Share of the Public Money they shall be pleased to in-
 sist on, under the specious Name of *Salary* or *Support*; tho'
 by the Quit-rents, and even by their other Fees and Perqui-
 sites, established by Law or taken by Custom, they have al-
 ready a Support much more than sufficient.

The Money arising by the Interest of the Bills of Credit,
 as well as that arising by the Excise, is paid wholly by the
 People. To dispose of their own Money, by themselves or
 their Representatives, is, in our Opinion, a natural Right,
 inherent in every Man, or Body of Men, antecedent to all
 Laws.-----The Proprietaries pay no Part of this Money, and
 therefore can have no Right to a Share in the Power of dis-
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posing of it.---They might as reasonably claim a Right to a Negative in the Disposition of every Man's private Fortune; and for the same Reasons, to wit, "the Man's greater Security, and to prevent Misapplication;" nay, the Reasons would be stronger, Bodies of Men not being generally so apt to misapply their Money, as single Prodigals.---The People have never complained that any such Misapplication has been made by their Representatives: On the contrary, they have shewn their Approbation of the Conduct of the Assembly in this tender Point, by long repeated annual Elections of the same Men to the same Trust in the same Office. They have always seen their Money disposed of, from Time to Time, for the Advantage and Honour of the Public, or for the King's immediate Service, and they had Reason to be contented with the Disposition.---The Public Credit has been constantly preserved, and every Man who served the Government, has been always duly and readily paid: But if this new-claimed Negative in the Proprietaries takes Place, the People will not have it in their Power to reward the Man that serves them, or even to pay the Hire of the Labourer that works for them, without the Governor's Leave first purchased; much less will they be allowed to support an Agent in *England* to defend their Rights, or be able to pay the Expence of prosecuting their complaints when oppressed.---And to prevent their doing this, is, we conceive, another *main View* of this Instruction.

In short, it does not appear to your Committee that this extraordinary Instance of the Proprietary's Care of the People's Money, to prevent its being wasted by their own Representatives, was for the People at all necessary. Those Representatives

representatives themselves are a Part of the People, and must bear a Share of their Burdens. For their own Sakes, therefore, as well as to recommend themselves to the Esteem and Regard of their Constituents, it is highly probable they will execute that Trust, as they always have done, with Justice, Prudence and Frugality; with Freedom to the King's Service, and grateful Generosity to Governors that sincerely seek their Welfare, and do not join with the Proprietaries to oppress them.---But this Instruction might perhaps be necessary to *extort* those Grants to Governors which they have been pleased to stile *Salary*, and render That certain, which before depended on the *Good Will of the People*: For how else can the Proprietaries be sure of that Share of those Grants, which, by their private Contracts sometimes made with their Governor, is (if Report says true) to be paid to themselves?

The Proprietaries are however willing to permit the Renewal of the *Eighty Thousand Pounds*, which is now to sink in a few Years, and even to add *Forty Thousand Pounds* more, the whole to be emitted on Loan, "provided, that the Eleventh Instruction be complied with, and half the Power of applying the Interest reserved to them; and provided, that all Rents and Quitrents due, or to be due or payable to them, be always paid according to the Rate of Exchange at the Times of Payment between *Philadelphia* and *London*, or some other sufficient Provision enacted in Lieu thereof, as was done by a former Act.---Your Committee cannot help observing here, that the Proprietaries Tenderness for their own Interest appears in this Instruction much stronger than their Care for That of the People. Very great

great Emoluments arise to them by Emissions of Paper Money on Loan, and the Interest Money is a Tax they are clear of. They are therefore willing the Quantity should be increased; but whatever Advantages they receive from it, they are resolved to suffer no Disadvantage from any occasional Depreciation: For they will always be paid their Rents and Quitrents, according to the Rate of Exchange between Philadelphia and London. By the original Agreements, those Rents and Quitrents were to be paid in Sterling Money (or the Value in Coin current) to the Proprietary Receivers in the Province. A Bill of Exchange, besides the Sterling Sum convey'd, includes all the Freight, Risk and Expence of conveying that Sum in Specie to London. Now we conceive the People are not, nor can in Justice or Reason be, obliged to transmit their Rents to London, and pay them there to the Proprietaries. If the Proprietaries should think fit to remove to China, they might as justly add to their Demand the Rate of Exchange between London and Canton: This therefore is EXTORTION, and ought never to be allowed in any future Act, nor any Equivalent made for it. For had that Equivalent been really given as a Matter of Justice, and not extorted as Purchase Money for the Law, it would have been extended to the Rents of private Landlords, as well as those of the Proprietaries. Besides, the great Sums to be yearly remitted to them in London, for which no Returns come back to the Country, naturally tend to raise the Exchange; and even put it in the Power of their Agents to raise it occasionally, just before the periodical Time of Payment (to the great Injury of the People) and to lower it again at their Pleasure; a dangerous Power this, if no Inconvenience can arise to themselves by the Rise of Exchange!

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The Depreciation of Money in every Country where it happens is a common Calamity. The Proprietary Estate, ought not to be exempt from it, at the Expence of all other Estates. There are many fixed Ground Rents, and other Rents arising in the Province belonging to the People, and due to private Estates. These Rents have as much Right to be considered, and their Deficiency, in case of Depreciation, provided for out of the Public Funds, as those of the Proprietaries. But of these they take no Care, so their own are secured. It appears however to your Committee, that all Rents in the Country ought to be on the same Footing, with regard to any Loss by the Depreciation of its Currency, since that is less likely ever to happen which it is the Interest of all to prevent.

Your Committee now come to the Twenty-first Instruction, by the Preamble of which it is insinuated, as if Acts for Provincial Taxes had been common in this Province, and that the Proprietary's Estate had been always exempted in such Acts; whereas the Truth is, that there never were but two or three, and those in the early Times of the Provinces when the Proprietary's Circumstances were low, his Affairs incumbered, and the Quit-rents so small, as to be insufficient for his Support, and therefore they were not only exempted from any Part of such Tax, but Duties and Licence Fees were granted to help them out.----For more than Forty Years, as the Excise and Interest Money have been sufficient for Support of Government, no Provincial Taxes have been levied (in this very Instruction, a little lower, they themselves acknowledge none have been raised in their Time) and the Proprietary Estate has vastly increased: Those Licence

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Fees are also vastly increased, and yet they still receive them. But that their Estate should now be exempt from Provincial Taxes, raised for the Defence of that very Estate, appears to us extremely unreasonable. During the Distress of the Family, there was likewise a voluntary Subscription among the People to pay the Proprietary's Passage to *England*: They may from thence as justly claim a Right of having their Expences borne by the Public whenever they cross the Seas. But when those Aids were granted to the old Proprietary, he had a much better Claim to them than his Sons; for he undertook to act as an Agent and Advocate for his People, in *England*; to defend and secure their Rights and Privileges; not, like his Successors, to abolish and destroy them.

The Instruction farther says, That "since the Expiration of those former Laws, no Aid hath ever been granted by the Assembly to them as Proprietaries." As Proprietaries, what Right have they to Aids? Are they not hereditary Governors of the Province? and while they have indulged themselves with an almost constant Residence in *England*, remote from their Country, and greatly to its Inconvenience and Prejudice, have not the Assemblies constantly supported their Deputy, sent by the Proprietaries to do what they ought themselves to have done in Person; though he was often an imperfect Deputy, restrained in those Powers which should always subsist and be present in every Government for the common Welfare? But they are pleased to say, "they have voluntarily and chearfully expended several considerable Sums of their own Money for the Advancement of the Province." This they said likewise to a former Assembly, and the Answer was, "We are unacquainted with these Ex-

" pences ;

" pences ; let the Accounts be laid before us, and whatever Expence appears to have been made for the Service of the Province shall be allowed, and repaid with Thanks."--- Those Accounts have never yet appeared; and till they do, we think they ought not to be made the Foundation of any Claim whatever.

They say farther, "That they had no Reason to suspect that the Assembly would deviate so much from the former Usage, as to pretend, by any Act of theirs, to charge the Proprietary Estate in the Province with the Burden of any Taxes." Amazing! If the Assembly deviated from the former Usage, by taxing their own Estates, and those of their Constituents (their usual Funds failing) why should they not deviate in the same Manner in taxing the Proprietary Estate? And what are the particular Merits of this Family, that when the whole *British* Nation, when every Estate in the Kingdom, as well as in this Province, is taxed, towards the Recovery and Defence of their Estate in *Pennsylvania*, that very Estate alone should be exempted, and they so confident of its Right to an Exemption, as to have no Reason to suspect the Assembly would attempt to tax it?

But it seems "the Assembly have represented them in an untrue Light, as if unwilling to assist the Public, by contributing towards the Defence of the Country, tho' no Application had ever once been made to them for that Purpose." How far they are placed in an untrue Light on this Account, will, we presume, appear before we finish this Report. It appears too, by a Report of a former Committee,---They likewise say, "no Application was ever
once

“ once made to them for their Assistance towards the Defence of the Country.” Heretofore ’twas thought the Country was best defended by maintaining Peace and a good Understanding with the *Indians*. This was done from Year to Year by expensive and repeated Presents. The Proprietary reaped great Advantages from this good Understanding and these Presents, in his Bargains with the *Indians* for Lands. The Expences grew yearly more and more heavy, and repeated humble Applications were made to the Proprietaries, that they would be pleased to bear a Part, but without Success. They vouchsafed indeed an Answer to the last Application, but it was to reject it with the utmost Pride and Scorn, claiming an inherent Right of Exemption of their Estate from all public Charges whatsoever, in virtue of their being Governors as well as Proprietaries. And the *Sixty Thousand Pound Bill* is called an Attempt of the Assembly by “ an Act of theirs,” to charge the Proprietary Estate, as if they had presumed to do it alone by their own Authority. The Assembly could not possibly think of taxing the Proprietary Estate, without the Consent of the Proprietaries by their Deputy; the Bill was therefore another humble Application to the Proprietaries for their Consent to a Thing so reasonable; and the very Stile of it was, “ we pray that it may be enacted.” But that Prayer could not be granted, though the Province was on the Brink of Ruin. And yet, it seems the Proprietaries were not “ unwilling;” though their Deputy declared they had expressly restrained him even by the Words of his Commission!—The Bill however is stigmatized with the Character of “ most unjust and extraordinary.” Thus it is, when Men judge in their own Cases. These Gentlemen think it unjust to tax their Estates, though all the World

World thinks otherwise. As Provincial Taxes had not been usual, it might be *so far* extraordinary; but the Mode of Taxation was by no Means extraordinary, being the same with that of raising our County Rates and Levies, long used and approved by the Province.—And the Taxing of Proprietary Lands is used both in *New-Jersey* and *Maryland*; and located unimproved Lands have formerly been taxed in this Province. Had such been taxed every where from the first Settlement of *America*, we conceive it would have tended to the Increase of the Inhabitants, and the greater Strength of the Colonies; for then such immense Quantities of Land would not have been monopolized and lain dormant, but People would more easily have obtained Settlements, and been seated closer together.

But the Proprietaries would have it understood, that it is not for their own Sake only, that they object to the *Fifty Thousand Pound Bill* which was refused, or the *Sixty Thousand Pound Act* that passed. They are tenderly concerned for the Estates of others. No Part of the Lands of a Delinquent, who refuses or neglects to pay his Tax, ought, in their Opinion, to be sold for Payment; though Lands in *America* are by Act of Parliament made liable to be sold for Discharge of Debts, and were almost always so here by the Laws of this Province. If Lands, or Parts of Land, may be sold to satisfy private, why not public Debts? And though it be unusual in *England*, it has long been the Practice, as we are informed, in several of the Colonies, particularly in *New-England*. But they say, “ a Tax of *One Shilling* in the *Pound* on the whole Value, is what never was laid, nor “ can possibly be paid, in any Country.” Strange! May
no?

not a Country in imminent Danger give a Twentieth Part of their Estates to save the other Nineteen? Is it impossible even to give a Half, or three Fourths, to save the other Half or Quarter? May they not even give Nineteen Parts to save the Twentieth? The Proprietary's Gift of *Five Thousand Pounds*, they afterwards say, is twenty Times more than their Tax, if fairly and equally assessed, could by that Bill have amounted to. If so, it is possible to give the whole twenty Parts.---But it has always been understood, that Estates are not to be taxed to the full Value they might singly sell for. In the same Bill it was provided, that located unimproved Lands should not be valued in the Rates at more than *Fifteen Pounds per Hundred Acres*; when 'tis well known, that the Proprietary's lowest Price for wild Land on the Frontiers is *Fifteen Pounds Ten Shillings, per Hundred*; and that the located unimproved Lands in their Manors, are, some of them, valued at *Three or Four Hundred Pounds per Hundred*; they may therefore well say, that "if that Tax had been FULLY assessed, it must have amounted to many Times the Sum;" but then their next Assertion is somewhat inconsistent, viz: That the Bill laying this Tax was "most unjustly calculated for the Purpose of putting it in the Power of the Assessors to tax the Proprietary Estates up to the full Value, and to ease other Persons, by taxing them so lightly, as only to make up the Residue of the *Fifty Thousand Pounds*, in which Case, much the greatest Part of the Burden might have been laid on the Proprietary Estates alone."---The Value of the Proprietary Estate has long, for prudential Reasons, been kept a profound Secret; and the Proprietaries have lately given *Five Thousand Pounds* rather than submit it to the Enquiry of the Assessors. But your Committee conceive

conceive some Light may be obtained on that Head, from this Part of the Instruction compared with the *Fifty Thousand Pound Bill*. By that Bill their wild unsurveyed, or unlocated Lands, which are many Millions of Acres, were not to be taxed at all, though they never sell any of them for less than *Fifteen Pounds Ten Shillings, per Hundred Acres*. Their taxable Estate consists chiefly in located (though uncultivated) Tracts and Manors, and in the reserv'd Quitrents arising from the Lands they have sold. These Manors, and Tracts are generally choice, being of the best Lands, pick'd out of every new Purchase from the *Indians*, by their Surveyors, before the Office is opened, and laid by for a Market, not to be disposed of till all the surrounding Lands are sold and settled. This has increased their Value prodigiously, so that they are now, one with another, valued at more than *Three Hundred Pounds per Hundred*: Yet by the Bill, they were not to be taxed as worth more than *Fifteen Pounds per Hundred*.---And they own, that by the same Bill, "their *Quitrents* were to be taxed in the same Manner as other Estates," consequently as great an Abatement to be made in the Valuation. And yet by this same Bill, under this very moderate Valuation of their Estate, they say it would have been in the Power of the Assessors to have laid much the greatest Part of the Burden on their Estates alone. Now, much the greatest Part of *Fifty Thousand Pounds* may be *Forty Thousand Pounds*, but we will say (for Moderation's Sake) it is only *Thirty Thousand Pounds*, and that Sum might have been raised by that Bill, on the Proprietary Estates, in two Years, by a Tax of *One Shilling in the Pound, i. e. Fifteen Thousand Pounds per Annum*. The Shillings in *Fifteen Thousand Pounds* are *Three Hundred Thousand*, consequently

quently their Estates at that low Valuation are worth *Three Hundred Thousand Pounds*. But if you multiply that Valuation by 20, to bring it nearer the Truth, those Estates must amount to *Six Millions*, exclusive of their wild Lands as aforesaid. If this Computation be too high, they may be able hereafter to shew its Mistakes. At present, we conceive the Consequences fairly drawn from Facts and their own Premises.--- And yet this their enormous Estate is, by their Instructions, to be exempted, while all their Fellow Subjects groan under the Weight of Taxes for its Defence, it being the first attacked in the present War, and Part of it on the *Ohio*, the Prize contended for by the Enemy.--- For though they, towards the End of this Instruction, pretended to be "most ready and willing to bear a just Proportion along with their Tenants in any necessary Tax for the Defence of the Province," yet this appears clearly to be a *mere Pretence*, since they absolutely except their Quitrents, and their located unimproved Lands, their Fines, and the Purchase-Monies they have at Interest; that is, in a Manner, their *whole Estate*, as your Committee know of little they have left to be taxed, but a Ferry-house or two, a Kitchen, and a Dog Kennel.

But unimproved Lands should not, in our Proprietaries Opinion, pay any Taxes, because "they yield no annual Profit." This may deceive People in *England* (where the Value of Land is much at a Stay) as they are unacquainted with the Nature of Landed Estates in growing Plantations. Here new Lands, without Cultivation, without Fencing, or so much as cutting down a Tree, being reserved and laid by for a Market till the surrounding Lands are settled, improve much more in yearly Value even than Mo-

ney

ney at Interest upon Interest.---Thirty Years ago, the best and richest Lands near the Proprietary's *Conestogoe* Manor, were worth and sold for about *Forty Pounds per Hundred Acres*.--- That Manor was then laid out and reserved, containing near Seventeen Thousand Acres: And now the Lands of that very Manor, which, though so long located, have never yet been cultivated, will sell for *Three Hundred and Fifty Pounds per Hundred Acres*; which is near *Nine for One*, or *Eight Hundred per Cent* advance. Can an Estate thus producing *Twenty five per Cent. per Annum* on the prime Cost, be, with any Propriety, called "an *Estate yielding no annual Profit*?" Is it not a well known Practice in the Colonies, to lay out great Sums of ready Money for Lands, without the least Intent of Cultivation, but merely to sell them again hereafter? Would People follow this Practice if they could not make more Profit of their Money in that Way, than by employing it in Improvement of Land, in Trade, or in putting it to Interest, though Interest in the Plantations is from *Six to Ten per Centum*? Does not such Land, though otherwise *unimproved*, improve continually in its Value? How mean and unjust is it then, in these Gentlemen, to attempt to conceal the Advantages of this Kind of Estate, and screen it from Taxes, by lurking under the *ambiguous and deceitful* Terms, of *unimproved Lands*, and *Lands yielding no annual Profit*?

Meanly unjust indeed, in this Instance, do they appear to your Committee; who cannot but observe, that the Proprietaries, knowing their own Inclinations to screen their own Estates, and load those of the People, from thence suspected the People might be equally unjust, and intend, by the *Fifty Thousand Pound Bill*, to ease *their* Estates, and load

those

those of the Proprietaries. " The Bill, say they, appears
 " to us to be *most unjustly calculated*, for the Purpose of put-
 " ting it in the Power of Persons, wholly chosen by the
 " People, to tax our Estates up to the full Value therein
 " mentioned, and to ease other Persons by taxing them so
 " lightly, as only to make up the Residue that might be
 " wanted to compleat the *Fifty Thousand Pounds*. In which
 " Case the Persons chosen by the People might have laid
 " *by much the greatest Part* of the Burden upon our Estates
 " alone."--- Had they intended to raise *much the greatest*
Part of the Tax of *Fifty Thousand Pounds* on the Proprieta-
 ries Estate, would the House so readily have accepted of
Five Thousand Pounds in Lieu of their Share of that Tax?---
 But why this Suspicion of the Assembly? What Instance
 of Injustice can the Proprietaries charge them with, that
 could give Ground for such a Supposition? If they were
 capable of such an Intention, and an Endeavour to get *In-*
iquity established by a Law, must they not be the most unjust
 and dishonest of Men? The Assessors, it is true, are cho-
 sen by the People; they always were so by our Laws,
 and let a Man's Estate be ever so great, he has but one
 Vote in the Choice of them: But have the Proprietaries no
 Friends in their Province? What is become of all their De-
 pendants and Expectants; those in Place, or hoping for
 Places; the Thousands in their Debt; the Mortgagers at
 their Mercy? Will none of these, out of Love, or Hope,
 or Fear, vote for honest Assessors, that may take Care the
 Proprietary is not oppressed by the Weight of an unjust
 Tax?--- Could the Assembly be certain, that the whole Peo-
 ple were so wicked, as to join in choosing and trusting Setts
 of dishonest Assessors, merely to wrong the Proprietary?

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Are there no Laws in the Province against Perjury? Are
 not the Assessors by Law to be sworn or affirmed to assess
 themselves and all others impartially; and have they not al-
 ways been chosen as Men of Note for Probity and Justice?
 What a dark Prospect must a Man's own Heart afford him,
 when he can *from thence* form such Ideas of the Hearts of a
 whole People! A People famous throughout the World,
 for the Justice and Equity of their Laws, the Purity of their
 Manners, their Humanity and Hospitality to Strangers, their
 Affection to their late honoured Proprietary, their Faith-
 fulness in their Manufactures and Produce, and Upright-
 ness in all their Dealings! And to whose Virtue and Indus-
 try these very Gentlemen owe all their present Greatness.

The Proprietaries are pleased farther to say, " That
 " the Laying Taxes on the real Value of the Fee-simple,
 " and the Sale of Land for the Payment of Taxes, are
 " contrary to the Laws and Statutes of *Great-Britain*."
 Your Committee cannot find that any Laws or Statutes
 were ever made in *Great-Britain* to regulate the Mode of
 laying Taxes in the Plantations; and if there are none
 such, our Bill could not be *contrary to* what never existed.
 In *Virginia* the Taxes are laid on Slaves, and paid in To-
 bacco; and every Colony has its own Mode of Taxation,
 suited to its own Circumstances, almost all different from
 each other as well as from that used in *England*. But *diffe-*
rent from, and *contrary to*, we conceive to be distinct and
 different Things; otherwise many of our Laws, even
 those which have been approved at Home, and received
 the Royal Assent, are *contrary to* the Laws of *England*.---
 But as we said before, the Laws of *England* themselves,
 make Lands liable to pay Debts in the Colonies, and there-

fore

fore to sell them, or a Part of them, to pay public Debts, is not contrary to, but conformable with, the Laws of England.

But the Proprietaries " cannot find that the Quitrents re-
 " served to the Crown---in any of the other *American*
 " Colonies, have ever been taxed towards the Raising any
 " Supplies granted in those Colonies; and indeed those
 " Quitrents are generally *so small* (meaning the King's
 " Quitrents, we suppose, for their own surely are *large*
 " *enough*) that little or no Land Tax would be due or pay-
 " able on them, if arising in *Great-Britain, &c.*"---If your
 Committee are rightly informed, the King's Quitrents in
 the other Colonies, are applied to *public Purposes*, general-
 ly for the Service of the Colony that raises them. When
 our Proprietaries shall think fit to apply those arising here
 in the *same Manner*, we believe no Assembly will attempt to
 tax them. The Smallness of the Parts, we cannot conceive
 to be a good Reason for not taxing the Whole. Where
 every Man worth less than *Twenty Shillings* a Year is exempt
 from Taxes, he who enjoys a *Thousand* a Year might, as
 well as our Proprietaries, plead to be excused, for that his
 Income is only *Twenty Thousand Shillings*, each of which Shil-
 lings is far within the Sum exempted by Law.--In the
 whole, tho' what arises from each Estate be no great Sum,
 their Quitrents must amount to a very great Revenue;
 and their speaking of them in the diminutive Terms of *very*
small Quitrents or *Acknowledgments*, is only to amuse and de-
 ceive. They are Property; and Property should pay for
 its own Preservation. They ought therefore to be taxed
 for the Defence of the Country.---The Proprietaries indeed
 say,

say, a Land Tax was unnecessary, as there are *many other*
Ways of raising Money. They would doubtless chuse any
 Way in which their Estate could not be included.---But
 what are those *many other Ways*?--*Britain*, an independent
 State, can lay infinite Duties, on all foreign Wares, and
 imported Luxuries. We are suffered little foreign Trade,
 and almost all our Superfluities are sent us from *Britain*
 itself. Will she permit us to discourage their Importati-
 on by heavy Imposts? or to raise Funds by taxing her Ma-
 nufactures? A Variety of Excises and Duties serve only to
 multiply Offices and Officers, and to make a Part of the
 People pay for another Part who do not chuse to pay.
 No Excise or Duty, was ever a fair and equal Tax on Pro-
 perty.---The fairest, as the Proprietaries themselves have
 acknowledged, is a Poundage on all real and personal Estate,
 according to its Value.

We are now to hear of the Generosity of the Proprie-
 taries, who, as they say, " were so far from desiring not
 " to contribute to the Defence and Support of His Majes-
 " ty's Rights and Dominions, that *immediately* on the first
 " Notice of the Defeat of General *Braddock*, they had sent o-
 " ver an Order upon their Receiver-General, to pay *Five*
 " *Thousand Pounds* as a free Gift towards the Defence of the
 " said Province."---We may presume to ask, why, when
 they knew the Assemblies were continually worried to give
 Money, and the Bills in which it was offered as constantly
 rejected; why did they not unmanacle their Governor, and
 at the same Time set an Example of Zeal for the common
 Cause by a generous Gift on their Part, before they heard
 of that Defeat? Why not as soon as they knew he was sent
 to

to America? Why not on *Washington's* Defeat, or before his first Expedition, as soon as ever their Province was attacked and they learnt that the Enemy had built a Fort in it?--- But the Truth is, the Order was sent, *not immediately* on the News of *Braddock's* Defeat; the Date of the Order will show that it was a Month after that News arived in *England*. But it was *immediately* after they had Advice, that the Governor had refused a Grant of *Fifty Thousand Pounds* to the Crown for the Defence of the Proprietaries Province, because their Estate was taxed in the Bill, alledging Restrictions from them on that Head; against which all the World exclaimed, and an universal Odium was falling on their Heads, and the King's Wrath justly dreaded; then it was, that the boasted Order issued. And yet, as soon as their Fears subsided, it was sincerely repented, and every underhand Step taken to get the Act, in which their Gift was fixed, disapproved at Home; tho' if they had succeeded, when the Bills emitted were abroad, and in the Hands of the Public, many of the poor Soldiers, who had received them in Pay for their Services, would have been ruined, and Multitudes of others greatly injured.--And after all, this *Free Gift*, to be *immediately* paid, is *not yet* paid, though more than a Year is elapsed since the Order was given;---and Contracts, entered into by the Commissioners in Confidence of receiving that Money, are yet unsatisfied, to the Loss and Disappointment of many, and great Detriment to the Service.

However, if we will have a Land Tax, they are pleased to form a Bill for us, or at least to direct what Clauses shall be in, and what shall not be in it, thus violating the
most

most essential Right of the Commons in a *British* Constitution!---and with this particular Injunction, that the Tax shall be laid for no more than one Year; and shall not exceed *Four Shillings* in the *Pound* on the income; which, estimating Estates at Twenty Years Purchase, is about a Fifth of a Twentieth, or, in plainer Words, a hundredth Part of the Value. Perhaps this may be well enough in Times of Tranquillity; but when a Province is invaded, must it be given up to the Enemy, if a Tax of the hundredth Penny is not sufficient to save it?---Yes, that is our present Situation; for the Proprietaries Instructions are, it seems, unalterable.---Their Governor is bound to observe and enforce them, and must see the King's Province perish before his Eyes, rather than deviate from them a single Title. This we experienced within a few Days, when Advantage being cruelly taken of our present unhappy Situation, the prostrate Condition of our bleeding Country, the Knife of the Savage at her Throat, our Soldiers ready to mutiny for want of Pay and Necessaries, our People flying in Despair from the Frontier for want of Protection, the Assembly was compelled (like *Solomon's* true Mother) to wave her Right, to alter our Money-Bills, abridge our free Grant to the Crown by one Half, and, in short, to receive and enact a Law not agreeable to our Judgments, but such as was made for us by the Proprietary Instructions, and the Will and Pleasure of the Governor's Council; whereby our Constitution and the Liberties of our Country are wounded in the most essential Part, and even violated and destroyed.---We have Reason to confide, however, in the Justice of our Sovereign and a *British* Parliament, that this Tyranny shall not long subsist; and we hope no Time will be lost in making the proper Application.

In fine, we must say, in Justice to the House, that the Proprietary's Charge against the Assembly, as "being inclined by their Authority to tax the Proprietary Estate disproportionately, &c." is, to our Knowledge, groundless and unjust. They had as little *Inclination* as *Authority* to *wrong* him. They have not, it seems, *Authority* enough to oblige him to do *Justice*. As to their *Inclination*, they bear, every one of them, and maintain, the Character of **HONEST MEN**. When the Proprietaries shall be *truly* willing to bear an equitable Part of the Public Burden; when they shall renounce the exorbitant Demand of *Rent as the Exchange shall then be*; make Restitution of the Money which they have exacted from the Assemblies of this Province, and sincerely repent of their Extortion, they may then, *and not till then*, have some Claim to the same **NOBLE TITLE**.

F I N I S.

ADVERTISEMENT.

SINCE the Printing of the Note in Page 164, the Assembly thinking themselves released from the Necessity imposed upon them by the unhappy Circumstances of the Times, of exempting the Proprietary Estates out of the Common Taxation, have at last, by a steady and noble Perseverance in their Resolution of including them, and by the concurrent Interposition of General AMHERST, to whom the most grateful Acknowledgments are due, prevailed with the Governor to pass a Bill to that Effect, whereby those Estates are made liable to be taxed by the same Persons and under the same Regulations with all others in the Province.

ADDENDUM.

The following is a list of the names of the persons who have been appointed to the various offices of the Government of the Province of Ontario, since the last session of the Legislature.

The names of the persons who have been appointed to the various offices of the Government of the Province of Ontario, since the last session of the Legislature, are as follows:

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