



Containing the Freshest ADVICES

FOREIGN and DOMESTIC.

EXTRAORDINARY  
MONDAY, February 1, 1773.

BOSTON.

In the House of REPRESENTATIVES, January 27, 1773.

ORDERED, That Mr. Adams, Mr. Hancock, Mr. Bacon, Col. Bowers, Major Hawley, Capt. Darby, Mr. Phillips, Col. Thayer, and Col. Stockbridge, be a Committee to wait on his Excellency the Governor with the following ANSWER to his SPEECH, to both Houses, at the opening of this Session, viz.

MAY IT PLEASE YOUR EXCELLENCY,

YOUR Excellency's speech to the General Assembly at the opening of this Session, has been read with great attention in this House.

We fully agree with your Excellency, that our own concerns as well as his Majesty's service, very much depends upon peace and order; and we will at all times take such measures as are consistent with our constitution and the rights of the people to promote and maintain them. That government at present is in a very disturbed state: But we cannot ascribe it to the people's having adopted unconstitutional principles, which seems to be the cause assigned for it by your Excellency. It appears to us to have been occasioned rather, by the British House of Commons assuming and exercising a power inconsistent with the freedom of the constitution to give and grant the property of the colonists, and appropriate the same without their consent.

It is needless for us to enquire what were the principles that induced the councils of the nation to so new and unprecedented a measure. But the Commons of the nation have had, and ought to have full power and authority to make laws and statutes of sufficient force and validity to bind the colonies and people of America, subjects of the crown of Great Britain, in all cases whatever, and in consequence hereof another revenue act was made, the minds of the people were filled with anxiety, and they were justly alarmed with apprehensions of the total extinction of their liberties.

The result of the free enquiries of many persons into the right of the parliament to exercise such a power over the colonies, seems in your Excellency's opinion to be the cause of what you are pleased to call the present disturbed and disordered state of the government; upon which you may not any longer consistent with your duty to the King and your regard to the interest of the province delay communicating your sentiments. But that the principles adopted in consequence hereof, are unconstitutional, is a subject of enquiry. We know of no such disorders arising therefrom as are mentioned by your Excellency. If grand juries have not on their oaths found such offences, as your Excellency with the advice of his Majesty's council have ordered to be prosecuted, it is to be presumed they have followed the dictates of good conscience. They are the constitutional judges of these matters, and it is not to be supposed that moved from corrupt principles, they have suffered offenders to escape a prosecution, and thus supported and encouraged them to go on offending. If any part of authority, shall in an unconstitutional manner, interpose in any matter, it will be no wonder if it is brought into contempt; to the lessening or confounding of that subordination which is necessary to a well regulated state. Your Excellency's representation that the bands of government are weakened, we humbly conceive to be without good grounds; though we must own the heavy burthens unconventionally brought upon the people have been and will be universal and very justly complained of as a grievance.

You are pleased to say, that "when our predecessors first took possession of this plantation or colony, under a grant and charter from the crown of England, it was their sense and it was the sense of the kingdom, that they were to remain subject to the supreme authority of parliament;" whereby you understand your Excellency to mean in the declaratory act of parliament aforementioned, in all cases whatever. And indeed it is difficult, if possible, to draw a line of distinction between the universal authority of parliament over the colonies and no authority at all. It is therefore necessary for us to enquire how it appears, for your Excellency has not shown it to us, that when at the time

that our predecessors took possession of this plantation or colony, under a grant and charter from the crown of England, it was their sense, and the sense of the kingdom, that they were to remain subject to the supreme authority of parliament. In making this enquiry, we still, according to your Excellency's recommendation, treat the subject with calmness and candour, and also with a due regard to truth.

Previous to a direct consideration of the charter granted to this province or colony, and the better to elucidate the true sense and meaning of it, we would take a view of the state of the English North American colonies at the time when and after possession was first taken of any part of it, by the Europeans. It was then possessed by heathen and barbarous people, who had nevertheless all that right to the soil and sovereignty in and over the lands they possessed, which God had originally given to man. Whether their being heathen, infered any right, or authority to christian Princes, a right which had long been assumed by the Pope, to dispose of their lands to others, we will leave to your Excellency or any one of understanding and impartial judgment to consider. It is certain they had in no other sense forfeited them to any power in Europe. Should the doctrine be admitted that the discovery of lands owned and possessed by Pagan people, gives to any christian Prince a right and title to the dominion and property, still it is vested in the crown alone. It was an acquisition of foreign territory, not annexed to the realm of England, and therefore at the absolute disposal of the crown. For we take it to be a settled point, that the King has a constitutional prerogative to do so.

Both granted the first claim, and claiming a right by virtue of the same, now possessed by the colony of Virginia, the conveyance to Sir Walter Raleigh, the property, dominion and sovereignty the soil, to be held of the crown by homage, and a certain render, without any reservation to herself of any share in the legislative and executive authority. After the attainer of Sir Walter, King James the first created two Virginia companies, to be governed each by laws that should be made by his Majesty and not by the parliament, with power to establish and cause to be made a code of laws current among them; and vested with all liberties, franchises and immunities within any of his other dominions to all intents and purposes, as if they had been abiding, and born within the realm. A declaration similar to this is contained in the first charter of this colony, and in those of other American colonies, which shows that the colonies were not intended or considered to be within the realm of England, nor within the allegiance of the English crown. After this another charter was granted by the same King James to the Treasurer and company of Virginia, vesting them with full power and authority, to make, ordain and establish all manner of orders, laws, directions, instructions, forms and ceremonies of government, and magistracy, fit and necessary, and the same to abrogate, &c. without any reservation for securing their subjection to the parliament and future laws of England. A third charter was afterwards granted by the same King to the Treasurer and Company of Virginia, vesting them with power and authority to make laws, with an addition of this clause, "so always that the same be not contrary to the laws and statutes of this our realm of England." The same clause was afterwards copied into the charter of this and other colonies, with certain variations, such as that these laws should be "consonant to reason," "not repugnant to the laws of England," "as near as conveniently may be to the laws, liberties and rights of England," &c. These modes of expression convey the same meaning, and serve to show an intention that the laws of the colonies should be as much as possible, conformant in the spirit of them to the principles and fundamental laws of the English constitution, its rights and statutes then in being, and by no means to bind the colonies to a subjection to the supreme authority of the English parliament. And that this is the true intention, we think it further evident from this consideration, that no acts of any colony legislative, are ever brought into parliament for inspection there, though the laws made in some of them, like the acts of the British parliament are laid before the King for his assent or disallowance.

We have brought the first American charters into view, and the state of the country when they were granted, to show that the right of disposing of the lands was in the opinion of those times vested solely in the crown; but the several charters conveyed to the grantees, who should settle upon the territories therein granted, all the powers necessary to constitute them free and distinct States; and that the fundamental laws of the English constitution should be the certain and established rule of legislation to which the laws to be made in the several colonies were to be as nearly as conveniently might be, conformable or similar, which was the true intent and import of the words, "not repugnant to the laws of England," "consonant to reason," and other variant expressions in the different charters. And we would add, that the King in some of the charters reserves the right to judge of the consonance and similarity of their laws, with the English constitution to himself and not to the parliament, and in consequence thereof to assent, or within a limited time, disallow them.

These charters as well as that afterwards granted to Lord Baltimore, and other charters are repugnant to the idea of parliamentary authority; and to suppose a parliamentary authority over the colonies under such charters would necessarily induce the doctrine in politics imperium in imperio. And the King's repeated exercising the prerogative of disposing of the American territory by such charters, together with the silence of the nation thereupon, is an evidence that it was an acknowledged prerogative.

But further to show the sense of the English crown and nation that the American colonies and our predecessors of this country, were not to be considered as subject to the supreme authority of parliament, we beg leave to observe, that when a bill was offered by the two Houses of Parliament to King Charles the first, granting to the subjects of England the free liberty of fishing on the coast of America, he refused his royal assent, declaring as a reason, that "the colonies were without the realm and jurisdiction of parliament."

In like manner, his predecessor James the first had before declared upon a similar occasion, that "America was not annexed to the realm, and it was not fitting that parliament should make laws for those countries." This reason was, not secretly, but openly declared in parliament. If then the colonies were not annexed to the realm, at the time when their charters were granted, they never could be afterwards, without their own special consent, which has never since been had, or even asked. If they are not now annexed to the realm they are not a part of the kingdom, and consequently not subject to the legislative authority of the kingdom. For no country, by the common law was subject to the laws or to the parliament, but the realm of England.

We would, if your Excellency please, subjoin an instance of conduct in King Charles the second, singular indeed, but important to our purpose, who, in 1679, framed an act for a permanent revenue for the support of Virginia, and sent it thence by Lord Colepeper, the Governor of that colony; which was afterwards passed into a law, and "Enabled by the King's most excellent Majesty, by and with the consent of the General Assembly of Virginia." If the King had judged that colony to be a part of the realm, he would not, nor could he consistently with Magna Charta, have placed himself at the head of, and joined with any legislative body in making a law to tax the people there, other than the Lords and Commons of England.

Having taken a view of the several charters of the first colony in America, if we look into the old charter of this colony, we shall find it to be grounded on the same principle, that the right of disposing the territory granted therein was vested in the crown, as being that christian sovereign who first discovered it, when in the possession of heathen; that it was considered as being not within the realm, but only within the free and feignory of the King. As therefore it was without the realm of England, must necessarily be, if he had designed that the parliament should have had any authority over it, have made a special reservation for that purpose, which was not done.

Your Excellency says, it appears from the charter itself, to have been the sense of our predecessors, who first took possession of this plantation

on or colony, that they were to remain subject to the authority of Parliament. You have not been pleased to point out to us how this appears from the charter, unless it be in the reservation you make on the above mentioned clause, viz. "That a favourable construction has been put upon this clause, when it has been allowed to intend such laws of England only as were expressly made to respect us," which you say "is by charter a reserve of power and authority to Parliament; to bind us by such laws as shall as are made expressly to refer to us, and consequently is a limitation of the power given to the General Court." But we would observe, that the charter itself, and the words, "Expressly made to respect us," how this appears from thence to have been the sense of our predecessors? Is any reservation of power and authority to parliament thus to bind us, expressed or implied in the charter? It is evident, that King Charles the first, the very prince who granted it, as well as his predecessors, had no such idea of the supreme authority of parliament over the colony, when their declarations before recited. Your Excellency will then allow us further to ask, by what authority in reason or equity the parliament can enforce a construction so unfavourable to us? *Quod ab initio injuriam est, nullum per se liberum spectum, sed Græcia.* Which will submit to your Excellency may be rendered thus: "Whatever is originally in injustice wrong, can never be established or made right by repetition." In solemn agreements subsequent to this, ought never to be allowed. The celebrated author whom your Excellency has quoted tells us, that "neither these nor the others, the intended or contracting powers had a right to impose a law." This we mention to show, that the party to the charter, the King, and the subsequent acts, to explain any clause therein; more especially to restrict or to enlarge any power granted therein to the General Court ought to be interpreted as a manner of what may have its effect, if your Excellency's interpretation of this is just, "that it is a reserve of power and authority to parliament to bind us by such laws as are made expressly to refer to us," it is only "a limitation of the power given to the General Court" to legislate, but it may well be the parliament shall think fit, render it of force; for it puts it in the power of parliament to bind us by any laws as they please even to restrain us from making any at all. If your Excellency's assertions in the next succeeding part of your speech were grounded, the conclusion would be undeniably that the charter even in this clause, "do confer or reserve any liberties" worth enquiring "but what would have been enjoyed without saving that within any of his Majesty's dominions we are to be considered bare as natives." You are pleased to say, it cannot "be construed that by the liberties of free and natural born subjects (which are expressly granted in the charter) all intents, purposes and conditions whatsoever, is to be understood an exemption from parliament because not represented there: it is provided by the same charter that such shall be in force." It is an eminent liberty, "the King grants to the town of Plymouth the same liberties which London has, his Majesty has intended the like liberties." A grant of the liberties of free and natural subjects is equivalent to a grant of the same liberties. And the King in the first charter to this colony expressly grants that it "shall be construed, reputed and adjudged in all cases most favourable to the half and for the benefit and behoof of the Governor and Company; and their successors in any matter, cause or thing whatsoever, contrary notwithstanding." It is one of the liberties of free and natural subjects, born and abiding within the realm, to be governed as your Excellency observes, "by laws made by parliament in whose election they from time to time have a voice." This is an essential right. For nothing more evident, than that any people who are subject to the unlimited power of another, are in a state of abject slavery. It was and plainly foreseen that the right of representation in the English parliament could not be exercised by the people of this colony, would be impracticable, if consistent with the English constitution. And for this reason that this colony might have and enjoy all the liberties and immunities of free and natural subjects within the realm as stipulated in the

As necessary, and a legislative was accordingly constituted within the colony, one of which counts of representatives chosen by the people to make all laws, statutes, ordinances, &c. for the well ordering and governing the same, not repugnant to the laws of England, or, as nearly as conveniently might be, agreeable to the fundamental laws of the English constitution. We are therefore first to look to conceive where your Excellency finds it, "provided in the same charter, that such acts, viz. acts of parliament made expressly to refer to us, "shall be in force" in this province. There is nothing in this purpose expressed in the charter, or in our opinion even implied in it. And surely it would be very absurd, that a charter, which is evidently formed upon a supposition and intention, that a colony is and should be considered as not within the realm; and declared by the very person who granted it to be not within the jurisdiction of parliament, should yet provide, that the laws which the same parliament should make expressly to refer to that colony, should be in force therein. Your Excellency is pleased to ask, "does it follow that the government by their (our ancestors) removal from one part of the dominions to another loses its authority over that part to which they remove; and that they are freed from the subjection they were under before?" We answer, if that part of the King's dominions to which they removed was not then a part of the realm and was never annexed to it, the parliament lost no authority over it, having never had such authority; and the emigrants were consequently freed from the subjection they were under before their removal: The power and authority of parliament being constitutionally confined within the limits of the realm and the nation collectively, of which alone it is the representing and legislative assembly. Your Excellency further asks, "will it not rather be said, that by their voluntary removal, they have relinquished for time at least, one of the rights of an English subject, which they might if they pleased have continued to enjoy; and may again enjoy, when they return to the place where it can be exercised?" to which we answer, they never did relinquish the right to be governed by laws made by persons in whose election they had a voice. The King stipulated with them that they should have and enjoy all the liberties, franchises, and natural subjects born within the realm, to all intents, purposes and constructions whatsoever; that is, that they should be as free as those who were to abide within the realm: Consequently he stipulated with them that they should enjoy and exercise this most precious right, which discriminates freemen from slaves, uninterruptedly in its full benefit and enjoyment; and they did and ought still to enjoy it, without the necessity of returning to England.

It cannot help observing, that your Excellency's manner of reasoning on this point, seems to render the most valuable franchises of a charter unintelligible; as if persons born within the realm of England to inhabit therein should hold and exercise there a certain sort of English subjects; but in order to be so it is in such manner as to be of any benefit to them, they must not inhabit there, but go to the place where alone it can be exercised. By such construction, the words of the charter can have no sense or meaning. We are remarking upon the absurdity of a persons born within the realm, of the liberties which would have belonged to them if they had been born within the realm.

Your Excellency is disposed to compare this government to the variety of corporations, established within the kingdom, with power to make and execute by-laws, &c. And because they remain subject to the supreme authority of parliament, to infer that this colony is also subject to the same authority. This reasoning seems to us not just. The members of those corporations are resident within the kingdom; and their dependence subjects them to the authority of parliament, in which they are also represented; whereas the people of this colony are not resident within the realm. The charter was granted with the express purpose to induce them to reside without the realm; consequently they are not represented in parliament there. But we would ask your Excellency, are any of the corporations formed within the kingdom, constituted with the power of erecting other subordinate corporations? Of enacting and determining what crimes shall be capital? And conducting courts of common law with all their officers, for the hearing, trying and punishing criminal offenders with death? These and many other powers vested in this government plainly shew that it is to be considered as a corporation of another light, than as every State is a corporation. Besides, appeals from the courts of this colony, are not brought before the House of Lords, which shews that the Peers of the realm are not the Peers of America; but all such appeals are brought before the King in Council, which is a further evidence that we are not within the realm.

It is conceive enough has been said to convince your Excellency, that "when our predecessors first took possession of this plantation they were done by a grant and charter from the King of England, it was not and never had the sense of the King and that they were never subject to the supreme authority of parliament." We will now with your Excellency's leave, enquire what was the sense of our ancestors on this very important matter.

And as your Excellency has been pleased to tell us, you have not discovered that the supreme authority of parliament has been called in question even by private and particular persons until within seven or eight years past, except about the time of the anarchy and confusion in England which preceded the restoration of King Charles the second, we beg leave to remind your Excellency of some parts of your own history of Massachusetts-Bay. Therein we are informed of the sentiments of "persons of influence" after the restoration, from which the historian tells us, some parts of their conduct, that is of the General Assembly, "may be pretty well accounted for." By the history it appears to have been the opinion of those persons of influence, "that the subjects of any Prince or State had a natural right to remove to any other State or to another quarter of the world, unless the State was weakened or exposed by such remove; and even in that case, if they were deprived of the right of all mankind, liberty of conscience, it would justify a separation and upon their removal their subjection determined and ceased." To "the country to which they had removed, was claimed and possessed by independent princes, whose right to the lordship and sovereignty thereof had been acknowledged by the Kings of England," an instance of which is quoted in the margin; "That they themselves had actually purchased for valuable consideration, not only the soil but the dominion, the lordship and sovereignty of those princes," without which purchase "in the sight of God and men they had no right or title to what they possessed." That they had received a charter of incorporation from the King, from whence arose a new kind of subjection, namely, "a voluntary, civil subjection;" and by this compact "they were to be governed by laws made by themselves." Thus it appears to have been the sentiments of private persons, though persons by whose sentiments the public conduct was influenced, that their removal was a justifiable separation from the mother State, upon which their subjection to that State determined and ceased. The supreme authority of parliament, if it had then ever been asserted, must surely have been called in question by men, who had advanced such principles as these.

The first act of parliament made expressly to refer to the colonies was after the restoration. In the reign of King Charles the second, several such acts passed. And the same history informs us there was a difficulty in conforming to them and the reason of this difficulty is explained in a letter of the general assembly to their Agent, quoted in the following words, "they apprehended them to be an invasion of the rights, liberties and properties of the subjects of his Majesty in the colony, they not being represented in one session, and we judge the usual savings of were bounded within the four seas, and did not reach America; however as his Majesty had signified his pleasure that those acts should be observed in the Massachusetts, they had made provision by a law of the colony that they should be strictly attended." Which provision by a law of their own would have been superfluous, if they had admitted the supreme authority of parliament. It shews, by the same history it appears that those acts of Parliament as such were disregarded; and the following reason is given for it, "it seems to have been a general opinion that the acts of Parliament had no other force, than what they derived from acts made by the General Court to establish and confirm them."

But still to further to show the sense of our ancestors respecting this matter, we beg leave to recite some parts of a narrative presented to the Lords of Privy Council by Edward Randalph, in the year 1676, which we find in your Excellency's Collection of Papers, lately published. Therein it is declared to be the sense of the colony, "that no law is in force or effect there, but such as are made by the General Court, and therefore it is accustomed a breach of their privileges, and a bearing of the liberties of their Commonwealth, to urge the observation of the laws of England." And further, "That no oath shall be urged or required to be taken by any person, but such as hath as the General Court hath considered, allowed and ratified." And further, "there is no notice taken of the acts of navigation, plantation or any other laws made in England for the regulation of trade." That the government would make the world believe they were a free State and do set in all matters accordingly." Again, "These magistrates ever reserve to themselves a power to alter, evade and disannul any law or command, not agreeing with their humour or the absolute authority of their Government, acknowledging no superior." And further, "He (the Governor) freely declared to me, that the laws made by your Majesty and your Parliament, obligeth them in nothing, but what consists with the interests of that colony, that the legislative power and authority is and abides in them only." And in the same Mr. Randalph's letter to the Bishop of London, July 14, 1632, he says, "This independence is government, claimed and thereby practised." And your Excellency being sensible that this was the sense of our ancestors, in a marginal note in the same Collection of Papers observes that "This," viz. the provision made for obeying the acts of trade, "is very extraordinary, for this provision was an act of the colony declaring the acts of trade shall be in force there." Although Mr. Randalph was very unwillingly to the colony, yet as his declaration was concurrent with these recitals from your Excellency's history, we think they may

be admitted for the purpose for which they are now brought.

Thus we see, from your Excellency's History and publications, that the first our ancestors had of the jurisdiction of parliament under the first charter. Very different from that which your Excellency in your speech apprehends it to have been.

It appears by Mr. Neal's history of New-England, that the agent who had been employed by the colony to transact its affairs in England at the time when the present charter was granted, among other reasons gave the following for their acceptance of it, viz. "The general court has with the King's approbation as much power in New-England, as the King and Parliament have in England; they have all English privileges and can be touched by no law, and by no tax but of their own making." This is the explicit testimony that can be given of the sense our predecessors had of the supreme authority of parliament under the present charter. And it plainly shews, that they, who having been formerly conversant with those who framed the charter, must have well understood the design and meaning of it, supposed that the terms in our charter "full power and authority," intended and were considered as a sole and exclusive power, and that there was no reserve in the charter to the authority of parliament, to bind the colony," by any acts whatsoever.

Soon after the arrival of the charter, viz. in 1692, your Excellency's history informs us, "the first act" of this legislative was a sort of magna charta, stating and setting forth their general privileges, and this clause was among the rest; "no aid, tax, tallage, assessment, customs, loan, benevolence, or imposition whatever, shall be laid, assessed, imposed or levied on any of their Majesty's subjects, or their states, in any province whatsoever, but by the act and consent of the Governor, Council and Representatives of the people assembled in General Court." And though this act was disallowed, it serves to shew the sense which the general assembly contemporary with the granting the charter had of their sole and exclusive right to legislate for the colony. The history says, "the other parts of the act were copied from Magna Charta;" by which we may conclude that the assembly then constituted the words "not repugnant to the laws," to mean, conformable to the fundamental principles of the English constitution. And it is observable that the lords of privy council, so lately as in the reign of Queen Anne, when several laws enacted by the general assembly, were laid before her Majesty for her allowance, interpreted the words in this charter, "not repugnant to the laws of England," by the words "as nearly as conveniently may be agreeable to the laws and statutes of England." And her Majesty was pleased to disallow those laws, not because they were repugnant to any law or statute of England made expressly to refer to the colony, but because divers persons by virtue thereof were punished with ut being tried by their peers in the ordinary "courts of law," and "by the ordinary rules and methods of justice;" and that the said Magna Charta, which was the time of granting the charter, was a provincial or local law, and not a general law, and that the Acts of Parliament and the Constitution of the Colony in relation to the Colony, were not within the jurisdiction of the Legislature, says the same Author who is quoted by your Excellency "does not extend so far as the fundamentals of the constitution." "They ought to consider the fundamental laws as sacred, if the Nation has not in very express terms, given them the power to change them. For the Constitution of the State ought to be fixed; and since that was first established by the Nation which afterwards trusted certain persons with the legislative power, the fundamental laws are excepted from their Commission." Now the fundamentals of the Constitution of this Province are stipulated in the Charter; the remaining therefore in this case holds equally good. Much less then ought any Acts or Ordinances of the General Assembly, however numerous, to neither of which your Excellency has pointed us, which barely relate to Acts of Parliament made to respect the Plantations in general or this Colony in particular, to be taken as an acknowledgment of this People, or even of the Assembly which inadvertently passed those Acts, that we are subject to the supreme Authority of Parliament. And with still less Reason are the Decisions in the Executive Courts to determine this Point. If they have adopted that as "part of the Rule of Law" which in fact is not, it must be imputed to Inattention or Error in Judgment, and cannot justly be urged as an Alteration or Restriction of the legislative Authority of the Province.

Before we leave this Part of your Excellency's Speech, we would observe, that the great Design of our Ancestors, in leaving the Kingdom of England, was to be freed from a Subjection to its spiritual Laws and Courts, and to worship God according to the Dictates of their Consciences. Your Excellency in your History observes, that their Design was "to obtain for themselves and their Posterity the Liberty of worshipping God in such Manner as appeared to them most agreeable to the sacred Scriptures." And the General Court themselves declared in 1651, that "feeling just Cause to fear the Persecution of the then Bishop, and high Commission for not conforming to the Ceremonies of those under their Power, they thought it their safest Course, to get to this out side of the World, out of their View and beyond their Reach." But if it had been their Sense, that they were still to be subject to the supreme Authority of Parliament, they must have known that their Design might and probably would be frustrated; that the Parliament, especially considering the temper of those Times, might make what ecclesiastical Laws they pleased, expressly to refer to them, and place them in the same Circumstances with respect to religious Matters, to be released from which was the Design of their Removal. And we would add, that if your Excellency's Construction of the Clause in our present Charter is just, another Clause therein, which provides for Liberty of Conscience for all Christians except Papists, may be rendered void by an Act of Parliament made to refer to us, requiring a Conformity to the Rites and Mode of Worship in the Church of England or any other.

Thus we have endeavoured to shew the Sense of the People of this Colony under both Charters; and if there have been in any late Instances a Submission to Acts of Parliament, it has been in our opinion, rather from Inconsideration or a Reluctance at the Idea of contending with the Parent State, than from a Conviction or Acknowledgement of the supreme legislative Authority of Parliament.

Your Excellency tells us, "you know of no Line that can be drawn between the supreme Authority of Parliament and the total Independence of the Colonies." If there be a Line, it is either that which is drawn by the consent, or that which is drawn by the force of the Law.

Conclusion, that it was their Sense, that they were total independent. "It is impossible, your Excellency says, that there should be two independent Legislatures in one and the same State." May we not then further conclude, that it was their Sense that the Colonies were by their Charters made distinct States from the Mother Country? Your Excellency adds, "For although they may be but one Head, the King, yet the two legislative Bodies will make two Governments as distinct as the Kingdoms of England and Scotland, before the Union." Very true, may it please your Excellency; and if they interfere not with each other; what hinders but that being united in one Head and common Sovereign, they may live happily in that Connection and mutually support and protect each other? Notwithstanding all the Terrors which your Excellency has pictured to us as the Effects of a total Independence, there is more Reason to dread the Consequence, of absolute uncontrolled supreme Power, whether of a Nation or a Monarch, than those of a total Independence. It would be a Misfortune, to know by Experience, the Difference between the Liberties of an English Colonist and those of the Spanish French and Dutch." And since the British Parliament has passed an Act which is executed even with Rigour though not voluntarily submitted to, for raising Revenue and appropriating the same without the consent of the People who pay it, and have claimed a Power of making such Laws as they please to order and govern us, your Excellency will excuse us in asking, whether you do not think we already experience too much of such a Difference, and have not Reason to fear we shall soon be reduced to a worse Situation than that of the Colonies of France, Spain or Holland.

If your Excellency expects to have the Line of Distinction between the Supreme Authority of Parliament and the total Independence of the Colonies drawn by us, we would say that it would be a very arduous Undertaking, and of very great Importance to all the other Colonies; and therefore, could we conceive of such a Line, we should be unwilling to propose it, without their Consent in Congress.

To conclude, These are great and profound Questions. It is the Chief of this House, that by the ill Policy of a late injudicious Administration, America has been driven into the Contempt of them. And we cannot but express our Concern, that your Excellency by your Speech has reduced us to the unhappy Alternative, either of appearing by our Silence to acquiesce in your Excellency's Sentiments, or of too freely discussing this Point.

After all that we have said, we would be far from being understood to have in the least stated that just Sense of Allegiance which we owe to the King of Great-Britain, our rightful Sovereign; and should the People of this Province be left to the free and full Exercise of all the Liberties and Immunities granted to them by Charter, there would be no Danger of an Independence on the Crown. Our Charter reserves great Power to the Crown in its Representatives, fully sufficient to balance as regards to the English Constitution, all the Liberties and Privileges granted to the People. All this your Excellency knows full well. And whoever considers the Power and Influence, in all their Branches, reserved by our Charter to the Crown, will be far from thinking that the Colonies of this Province are too independent.

The foregoing answer to his Excellency's speech was presented last Thursday.

B O S T O N .

On Tuesday the 19th ult. a large Dwelling House improved by Mr. William Barker of Boston (being the Property of Dr. John Sprague of this Town) was consumed by Fire, with most of the Furniture, and several other Houses in the same Street, with some other necessary Provisions for the Family. This Accident was supposed to be occasioned by a Defect in the Chimney, by Reason of the Wooden Lug-Pole, burning out, so that the Fire communicated itself through the Chimney into the Chamber, and got to a great Height before it was discovered.

Among the many acts of generosity in Mr. Thomas Bradshaw while secretary of the treasury, it ought to be remembered with gratitude that he procured for his private clerk Martyn Leake (who is also a clerk in the treasury) the sum of two hundred pounds sterling a year of the public money for said clerk's being, as he is called, agent at the treasury for the Boston commissioners! And that upwards of a thousand pounds sterling has already been faithfully expended in that very useful and necessary appointment. Whether any future minister will think proper to cause the said treasury clerk to disgorge that sum of the public money, or whether, deeming it a notorious misapplication, it will be thought more just & proper to require the Boston Commissioners to replace the money out of their own pockets, is a matter that is yet uncertain. An agent however for the Boston commissioners is here understood to be a person at the treasury ready upon all occasions, secretly to convey intelligence to Boston of the movements of the Lords in all matters concerning the Board, and to conceal from, or gloss over to their Lordships every matter and thing which he finds corrupt, partial, or reprehensible in the Board!—To be ready upon all occasions to support as far as he is able, at the treasury, such persons as shall be recommended to him by the Board, and to impede, censure and debase all others which the Board shall signify their emity to!—also, in a private manner to send hither to the Board, copies of all letters and papers that go hence from such officers as are here persecuted and distressed by the most infamous men that ever disgraced a Royal commission, Names that are already grown rich in the spoils of this very business they were employed to manage and improve!

Messieurs Edes & Gill,  
Please to publish the above in the next Paper.

Old Lead, and Bwter wanted.

WANTED, a Quantity of old Lead, and Pewter, for which the C. M. will be given on the Delive y, by HARBOTTLE DORR, at his Shop in Union-Street; others is to be sold a good Assortment of Iron-money, Braizery, and Pewter Ware, &c. at a REASONABLE RATE, for Cash or Bank Credit.

Printed by EDES and GILL.