

force; but let him remember that force cannot give right.

That these are our grievances which we have thus laid before his majesty with that freedom of language and sentiment which becomes a free people, claiming their rights as derived from the laws of nature, and not as the gift of their chief magistrate. Let those flatter, who fear: it is not an American art. To give praise where it is not due, might be well from the venal, but would ill beseem those who are asserting the rights of human nature. They know, and will therefore say, that kings are the servants, not the proprietors of the people. Open your breast Sire, to liberal and expanded thought. Let not the name of George the third be a blot in the page of history. You are surrounded by British counsellors, but remember that they are parties. You have no ministers for American affairs, because you have none taken from among us, nor amenable to the laws on which they are to give you advice. It behoves you therefore to think and to act for yourself and your people. The great principles of right and wrong are legible to every reader: to pursue them requires not the aid of many counsellors. The whole art of government consists in the art of being honest. Only aim to do your duty, and mankind will give you credit where you fail. No longer persevere in sacrificing the rights of one part of the empire to the inordinate desires of another: but deal out to all equal and impartial right. Let no act be passed by any one legislature which may infringe on the rights and liberties of another. This is the important post in which fortune has placed you, holding the balance of a great, if a well poised empire. This, Sire, is the advice of your great American council, on the observance of which may perhaps depend your felicity and future fame, and the preservation of that harmony which alone can continue both to Great Britain and America the reciprocal advantages of their connection. It is neither our wish nor our interest to separate from her. We are willing on our part to sacrifice every thing which reason can ask to the restoration of that tranquility for which all must wish. On their part let them be ready to establish union on a generous plan. Let them name their terms, but let them be just. Accept of every commercial preference it is in our power to give for such things as we can raise for their use, or they make for ours. But let them not think to exclude us from going to other markets, to dispose of those commodities which they cannot use, nor to supply those wants which they cannot supply. Still less let it be proposed that our properties within our own territories shall be taxed or regulated by any power on earth but our own. The god who gave us life, gave us liberty at the same time: the hand of force may destroy, but cannot disjoin them. This, Sire, is our last, our determined resolution: and that you will be pleased to interpose with that efficacy which your earnest endeavors may insure to procure redress of these our great grievances, to quiet the minds of your subjects in British America against any apprehensions of future incroachment, to establish fraternal love and harmony thro' the whole empire, and that that may continue to the latest ages of time, is the fervent prayer of all British America.

## 11

CONTINENTAL CONGRESS, DECLARATION  
AND RESOLVES  
14 Oct. 1774

*Tansill 1-5*

(See ch. 1, no. 1)

## 12

CONTINENTAL CONGRESS TO THE INHABITANTS  
OF THE PROVINCE OF QUEBEC  
26 Oct. 1774

*Journals 1:105-13*

*Friends and fellow-subjects,*

We, the Delegates of the Colonies of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, the Counties of Newcastle Kent and Sussex on Delaware, Maryland, Virginia, North-Carolina and South-Carolina, deputed by the inhabitants of the said Colonies, to represent them in a General Congress at Philadelphia, in the province of Pennsylvania, to consult together concerning the best methods to obtain redress of our afflicting grievances, having accordingly assembled, and taken into our most serious consideration the state of public affairs on this continent, have thought proper to address your province, as a member therein deeply interested.

When the fortune of war, after a gallant and glorious resistance, had incorporated you with the body of English subjects, we rejoiced in the truly valuable addition, both on our own and your account; expecting, as courage and generosity are naturally united, our brave enemies would become our hearty friends, and that the Divine Being would bless to you the dispensations of his over-ruling providence, by securing to you and your latest posterity the inestimable advantages of a free English constitution of government, which it is the privilege of all English subjects to enjoy.

These hopes were confirmed by the King's proclamation, issued in the year 1763, plighting the public faith for your full enjoyment of those advantages.

Little did we imagine that any succeeding Ministers would so audaciously and cruelly abuse the royal authority, as to withhold from you the fruition of the irrevocable rights, to which you were thus justly entitled.

But since we have lived to see the unexpected time, when Ministers of this flagitious temper, have dared to violate the most sacred compacts and obligations, and as you, educated under another form of government, have artfully been kept from discovering the unspeakable worth of *that* form you are now undoubtedly entitled to, we es-

teem it our duty, for the weighty reasons herein after mentioned, to explain to you some of its most important branches.

"In every human society," says the celebrated Marquis *Beccaria*, "there is an *effort, continually tending* to confer on one part the height of power and happiness, and to reduce the other to the extreme of weakness and misery. The intent of good laws is to *oppose this effort*, and to diffuse their influence *universally and equally*."

Rulers stimulated by this pernicious "effort," and subjects animated by the just "intent of opposing good laws against it," have occasioned that vast variety of events, that fill the histories of so many nations. All these histories demonstrate the truth of this simple position, that to live by the will of one man, or sett of men, is the production of misery to all men.

On the solid foundation of this principle, Englishmen reared up the fabrick of their constitution with such a strength, as for ages to defy time, tyranny, treachery, internal and foreign wars: And, as an illustrious author of your nation, hereafter mentioned, observes,—"They gave the people of their Colonies, the form of their own government, and this government carrying prosperity along with it, they have grown great nations in the forests they were sent to inhabit."

In this form, the first grand right, is that of the people having a share in their own government by their representatives chosen by themselves, and, in consequence, of being ruled by *laws*, which they themselves approve, not by *edicts* of *men* over whom they have no controul. This is a bulwark surrounding and defending their property, which by their honest cares and labours they have acquired, so that no portions of it can legally be taken from them, but with their own full and free consent, when they in their judgment deem it just and necessary to give them for public service, and precisely direct the easiest, cheapest, and most equal methods, in which they shall be collected.

The influence of this right extends still farther. If money is wanted by Rulers, who have in any manner oppressed the people, they may retain it, until their grievances are redressed; and thus peaceably procure relief, without trusting to despised petitions, or disturbing the public tranquillity.

The next great right is that of trial by jury. This provides, that neither life, liberty nor property, can be taken from the possessor, until twelve of his unexceptionable countrymen and peers of his vicinage, who from that neighbourhood may reasonably be supposed to be acquainted with his character, and the characters of the witnesses, upon a fair trial, and full enquiry, face to face, in open Court, before as many of the people as chuse to attend, shall pass their sentence upon oath against him; a sentence that cannot injure him, without injuring their own reputation, and probably their interest also; as the question may turn on points, that, in some degree, concern the general welfare; and if it does not, their verdict may form a precedent, that, on a similar trial of their own, may militate against themselves.

Another right relates merely to the liberty of the person.

If a subject is seized and imprisoned, tho' by order of Government, he may, by virtue of this right, immediately obtain a writ, termed a Habeas Corpus, from a Judge, whose sworn duty it is to grant it, and thereupon procure any illegal restraint to be quickly enquired into and redressed.

A fourth right, is that of holding lands by the tenure of easy rents, and not by rigorous and oppressive services, frequently forcing the possessors from their families and their business, to perform what ought to be done, in all well regulated states, by men hired for the purpose.

The last right we shall mention, regards the freedom of the press. The importance of this consists, besides the advancement of truth, science, morality, and arts in general, in its diffusion of liberal sentiments on the administration of Government, its ready communication of thoughts between subjects, and its consequential promotion of union among them, whereby oppressive officers are shamed or intimidated, into more honourable and just modes of conducting affairs.

These are the invaluable rights, that form a considerable part of our mild system of government; that, sending its equitable energy through all ranks and classes of men, defends the poor from the rich, the weak from the powerful, the industrious from the rapacious, the peaceable from the violent, the tenants from the lords, and all from their superiors.

These are the rights, without which a people cannot be free and happy, and under the protecting and encouraging influence of which, these colonies have hitherto so amazingly flourished and increased. These are the rights, a profligate Ministry are now striving, by force of arms, to ravish from us, and which we are, with one mind, resolved never to resign but with our lives.

These are the rights *you* are entitled to and ought at this moment in perfection, to exercise. And what is offered to you by the late Act of Parliament in their place? Liberty of conscience in your religion? No. God gave it to you; and the temporal powers with which you have been and are connected, firmly stipulated for your enjoyment of it. If laws, divine and human, could secure it against the despotic caprices of wicked men, it was secured before. Are the French laws in *civil* cases restored? *It seems so*. But observe the cautious kindness of the Ministers, who pretend to be your benefactors. The words of the statute are—that those "laws shall be the rule, until they shall be *varied* or *altered* by any ordinances of the Governor and Council." Is the "certainty and lenity of the *criminal* law of England, and its benefits and advantages," commended in the said statute, and said to "have been sensibly felt by you," secured to you and your descendants? No. They too are subjected to arbitrary "*alterations*" by the Governor and Council; and a power is expressly reserved of appointing "such courts of *criminal, civil, and ecclesiastical* jurisdiction, as shall be thought proper." Such is the precarious tenure of mere *will*, by which you hold your lives and religion. The Crown and its Ministers are impowered, as far as they could be by Parliament, to establish even the *Inquisition* itself among you. Have you an Assembly composed of worthy men, elected by yourselves, and in whom you can confide, to make laws for you, to watch over your welfare, and

to direct in what quantity, and in what manner, your money shall be taken from you? No. The power of making laws for you is lodged in the governor and council, all of them dependent upon, and removeable at, the *pleasure* of a Minister. Besides, another late statute, made without your consent, has subjected you to the impositions of *Excise*, the horror of all free states; thus wresting your property from you by the most odious of taxes, and laying open to insolent tax-gatherers, houses, the scenes of domestic peace and comfort, and called the castles of English subjects in the books of their law. And in the very act for altering your government, and intended to flatter you, you are not authorized to "assess, levy, or apply any *rates* and *taxes*, but for the inferior purposes of *making roads*, and erecting and repairing *public buildings*, or for other *local* conveniences, within your respective towns and districts." Why this degrading distinction? Ought not the property, honestly acquired by *Canadians*, to be held as sacred as that of *Englishmen*? Have not *Canadians* sense enough to attend to any other public affairs, than gathering stones from one place, and piling them up in another? Unhappy people! who are not only injured, but insulted. Nay more!—With such a superlative contempt of your understanding and spirit, has an insolent Ministry presumed to think of you, our respectable fellow-subjects, according to the information we have received, as firmly to persuade themselves that your gratitude, for the injuries and insults they have recently offered to you, will engage you to take up arms, and render yourselves the ridicule and detestation of the world, by becoming tools, in their hands, to assist them in taking that freedom from *us*, which they have treacherously denied to *you*; the unavoidable consequence of which attempt, if successful, would be the extinction of all hopes of you or your posterity being ever restored to freedom: For idiocy itself cannot believe, that, when their drudgery is performed, they will treat you with less cruelty than they have *us*, who are of the same blood with themselves.

What would your countryman, the immortal *Montesquieu*, have said to such a plan of domination, as has been framed for you? Hear his words, with an intenseness of thought suited to the importance of the subject.—"In a free state, every man, who is supposed a free agent, *ought to be concerned in his own government*: Therefore the *legislative* should reside in the whole body of the *people*, or their *representatives*."—"The political liberty of the subject is a *tranquillity of mind*, arising from the opinion each person has of his *safety*. In order to have this liberty, it is requisite the government be so constituted, as that one man need not be *afraid* of another. When the power of *making laws*, and the power of *executing* them, are *united* in the same person, or in the same body of Magistrates, *there can be no liberty*; because apprehensions may arise, lest the same *Monarch* or *Senate*, should *enact* tyrannical laws, to *execute* them in a tyrannical manner."

"The power of *judging* should be exercised by persons taken from the *body of the people*, at certain times of the year, and pursuant to a form and manner prescribed by law. *There is no liberty*, if the power of *judging* be not *separated* from the *legislative* and *executive* powers."

"Military men belong to a profession, which *may be useful*, but *is often dangerous*."—"The enjoyment of liberty, and even its support and preservation, consists in every man's being allowed to speak his thoughts, and lay open his sentiments."

Apply these decisive maxims, sanctified by the authority of a name which all Europe reveres, to your own state. You have a Governor, it may be urged, vested with the *executive* powers, or the powers of *administration*: In him, and in your Council, is lodged the power of *making laws*. You have *Judges*, who are to *decide* every cause affecting your lives, liberty or property. Here is, indeed, an appearance of the several powers being *separated* and *distributed* into *different* hands, for checks one upon another, the only effectual mode ever invented by the wit of men, to promote their freedom and prosperity. But scorning to be illuded by a tinsel'd outside, and exerting the natural sagacity of Frenchmen, *examine* the specious device, and you will find it, to use an expression of holy writ, "a whited sepulchre," for burying your lives, liberty and property.

Your *Judges*, and your *Legislative Council*, as it is called, are *dependant* on your *Governor*, and *he* is *dependant* on the servant of the Crown, in Great-Britain. The *legislative*, *executive* and *judging* powers are *all* moved by the nods of a Minister. Privileges and immunities last no longer than his smiles. When he frowns, their feeble forms dissolve. Such a treacherous ingenuity has been exerted in drawing up the code lately offered you, that every sentence, beginning with a benevolent pretension, concludes with a destructive power; and the substance of the whole, divested of its smooth words, is—that the Crown and its Ministers shall be as absolute throughout your extended province, as the despots of Asia or Africa. What can protect your property from taxing edicts, and the rapacity of necessitous and cruel masters? your persons from Letters de Cachet, gaols, dungeons, and oppressive services? your lives and general liberty from arbitrary and unfeeling rulers? We defy you, casting your view upon every side, to discover a single circumstance, promising from any quarter the faintest hope of liberty to you or your posterity, but from an entire adoption into the union of these Colonies.

What advice would the truly great man before-mentioned, that advocate of freedom and humanity, give you, was he now living, and knew that we, your numerous and powerful neighbours, animated by a just love of our invaded rights, and united by the indissoluble bands of affection and interest, called upon you, by every obligation of regard for yourselves and your children, as we now do, to join us in our righteous contest, to make common cause with us therein, and take a noble chance for emerging from a humiliating subjection under Governors, Intendants, and Military Tyrants, into the firm rank and condition of English freemen, whose custom it is, derived from their ancestors, to make those tremble, who dare to think of making them miserable?

Would not this be the purport of his address? "Seize the opportunity presented to you by Providence itself. You have been conquered into liberty, if you act as you ought. This work is not of man. You are a small people, compared to those who with open arms invite you into a fel-

lowship. A moment's reflection should convince you which will be most for your interest and happiness, to have all the rest of North-America your unalterable friends, or your inveterate enemies. The injuries of Boston have roused and associated every colony, from Nova-Scotia to Georgia. Your province is the only link wanting, to complete the bright and strong chain of union. Nature has joined your country to theirs. Do you join your political interests. For their own sakes, they never will desert or betray you. Be assured, that the happiness of a people inevitably depends on their liberty, and their spirit to assert it. The value and extent of the advantages tendered to you are immense. Heaven grant you may not discover them to be blessings after they have bid you an eternal adieu."

We are too well acquainted with the liberality of sentiment distinguishing your nation, to imagine, that difference of religion will prejudice you against a hearty amity with us. You know, that the transcendent nature of freedom elevates those, who unite in her cause, above all such low-minded infirmities. The Swiss Cantons furnish a memorable proof of this truth. Their union is composed of Roman Catholic and Protestant States, living in the utmost concord and peace with one another, and thereby enabled, ever since they bravely vindicated their freedom, to defy and defeat every tyrant that has invaded them.

Should there be any among you, as there generally are in all societies, who prefer the favours of Ministers, and their own private interests, to the welfare of their country, the temper of such selfish persons will render them incredibly active in opposing all public-spirited measures, from an expectation of being well rewarded for their sordid industry, by their superiors; but we doubt not you will be upon your guard against such men, and not sacrifice the liberty and happiness of the whole Canadian people and their posterity, to gratify the avarice and ambition of individuals.

We do not ask you, by this address, to commence acts of hostility against the government of our common Sovereign. We only invite you to consult your own glory and welfare, and not to suffer yourselves to be inveigled or intimidated by infamous ministers so far, as to become the instruments of their cruelty and despotism, but to unite with us in one social compact, formed on the generous principles of equal liberty, and cemented by such an exchange of beneficial and endearing offices as to render it perpetual. In order to complete this highly desirable union, we submit it to your consideration, whether it may not be expedient for you to meet together in your several towns and districts, and elect Deputies, who afterwards meeting in a provincial Congress, may chuse Delegates, to represent your province in the continental Congress to be held at Philadelphia on the tenth day of May, 1775.

In this present Congress, beginning on the fifth of the last month, and continued to this day, it has been, with universal pleasure and an unanimous vote, resolved, That we should consider the violation of your rights, by the act for altering the government of your province, as a violation of our own, and that you should be invited to accede to our confederation, which has no other objects than the

perfect security of the natural and civil rights of all the constituent members, according to their respective circumstances, and the preservation of a happy and lasting connection with Great-Britain, on the salutary and constitutional principles herein before mentioned. For effecting these purposes, we have addressed an humble and loyal petition to his Majesty, praying relief of our and your grievances; and have associated to stop all importations from Great-Britain and Ireland, after the first day of December, and all exportations to those Kingdoms and the West-Indies, after the tenth day of next September, unless the said grievances are redressed.

That Almighty God may incline your minds to approve our equitable and necessary measures, to add yourselves to us, to put your fate, whenever you suffer injuries which you are determined to oppose, not on the small influence of your single province, but on the consolidated powers of North-America, and may grant to our joint exertions an event as happy as our cause is just, is the fervent prayer of us, your sincere and affectionate friends and fellow-subjects.

## 13

## DECLARATION OF INDEPENDENCE

4 July 1776

*Tansill 22-26*

(See ch. 1, no. 5)

## 14

THOMAS BURKE, ABSTRACT OF DEBATES  
IN CONGRESS  
25 Feb. 1777*Burnett 2:275-78*

*Febry 25th.* The Question of Interest was again debated, and postponed A Report was taken up relative to Deserters. it stood Originally a recommendation of Congress to the several states to Enact Laws Empowering all Constables Ferry keepers and Freeholders to take up persons suspected of being Deserters and carry them before any Justice of the Peace. An Amendment was moved the purport of which was that the Power should go Immediately from Congress—without the Intervention of the states. many Gentlemen were inattentive and it passed. The Delegate from North Carolina desired to be informed if he might enter his Protest against it. he was informed by the chair that he could not. he then desired to have his dissent entered on the Journal. declaring he was not Apprehensive of any Injury from it in the state he represented because he knew it would never be there observed the People too well knowing the Maxims of their Government, but that as it was as much as his Life was worth to consent to the Con-