

laid under *military* contribution, to assess and collect the sums demanded. The case of the provinces is certainly likely to be the hardest that can be instanced in story. Will it not equal any thing but down right military execution? Was there ever a tribute imposed even on the conquered? A fleet, an army of soldiers, and another of tax gatherers kept up, and not a single office either for securing or collecting the duty in the gift of the tributary state.

I am aware it will be objected, that the parliament of *England*, and of *Great Britain*, since the union, have from early days to this time, made acts to bind, if not to tax *Ireland*. I answer, *Ireland* is a *conquered* country. I do not, however, lay so much stress on this; for it is my opinion, that a *conquered* country has, upon submission and good behaviour, the same right to be free, under a conqueror, as the rest of his subjects. But the old notion of the *right of conquest* has been, in most nations, the cause of many severities, and heinous breaches of the law of nature: If any such have taken place with regard to *Ireland*, they should form no precedent for the colonies. The subordination and dependency of *Ireland*, to *Great Britain*, is expressly declared by act of parliament, in the reign of *G. 1st*. The subordination of the *colonies* to *Great Britain*, never was doubted by a Lawyer, if at all; unless perhaps by the author of the administration of the colonies: He indeed seems to make a moot point of it, whether the colony legislative power is as independant "as the legislative *Great Britain* holds by its constitution, and under the great charter."—The *people* hold under the great charter, as 'tis vulgarly expressed from our law-books: But that the King and parliament should be said to hold under *Magna Charta*, is as new to me, as it is to question whether the colonies are *subordinate* to *Great Britain*. The provincial legislative is unquestionably subordinate to that of *Great Britain*. I shall endeavour more fully to explain the nature of that subordination, which has puzzled so many in their enquiries. It is often very difficult for great lovers of power, and great lovers of liberty, neither of whom may have been used to the study of law, in any of its branches, to see the difference between subordination, absolute slavery and subjection, on one side; liberty, independence and licentiousness, on the other. We should endeavour to find the middle road, and confine ourselves to it. The

laws, the proceedings of parliament, and the decisions of the judges, relating to *Ireland*, will reflect light on this subject, rendered intricate only by *art*.

"*Ireland* being of itself a distinct dominion, and no part of the kingdom of *England* (as it directly appeareth by many authorities in *Calvin's* case) was to have PARLIAMENTS holden there as in *England*."

Why should not the colonies have, why are not they entitled to their assemblies, or parliaments, at least, as well as a conquered dominion?

"*Wales*, after the conquest of it, by *Edward the first*, was annexed to *England*, *jure proprietatis*, 12 Ed. 1. by the statute of *Rutland* only, and after, more really by 27 H. 8, and 34, but at first received laws from *England*, as *Ireland* did; but writs proceeded not out of the *English* chancery, but they had a chancery of their own, as *Ireland* hath; was not bound by the laws of *England*, unnamed until 27 H. 8. no more than *Ireland* is.

*Ireland* in nothing differs from it, but having a parliament *gratia Regis* (i. e. upon the old notion of conquest) subject (truly however) to the parliament of *England*. None doubts *Ireland* as much conquered as it; and as much subject to the parliament of *England*, if it please."

A very strong Argument arises from this authority, in favour of the *unconquered* plantations. If since *Wales* was annexed to *England*, they have had a representation in parliament, as they have to this day; and if the parliament of *England* does not tax *Ireland*, can it be right they should tax *us*, who have never been *conquered*, but came from *England* to *colonize*, and have always remained *good subjects* to this day?

I cannot find any instance of a tax laid by the *English* parliament on *Ireland*. "Sometimes the King of *England* called his Nobles of *Ireland*, to come to his parliament of *England*, &c. and by special words, the parliament of *England* may bind the subjects of *Ireland*"—

The following makes it clear to me, the parliament of *Great Britain* do not tax *Ireland*. "The parliament of *Ireland* having been prorogued to the month of *August* next, before they had provided for the maintenance of the government in that kingdom, a project was set on foot here to supply that defect, by retrenching the drawbacks upon goods exported thither