

ther from England. According to this scheme, the 22d, the house in a grand committee, considered the present laws with respect to drawbacks upon tobaccos, muslins, and East India silks, carried to Ireland; and came to two resolutions, which were reported the next day, and with an amendment to one of them agreed to by the house, as follows, viz. 1. That three pence *per* pound, part of the drawback on tobacco to be exported from Great-Britain for Ireland, be taken off.

2. That the said dominion of the drawback do take effect upon all tobacco exported for Ireland, after the 24th of March 1713, and continue until the additional duty of three pence half penny per pound upon tobacco in Ireland, expiring on the said 24th of March be *regrant-ed*: And ordered a bill to be brought in, upon the said resolutions.

Proceedings of House of Commons.

This was constitutional; there is an infinite difference between taking off British drawbacks, and imposing Irish or other Provincial duties.

“Ireland is considered as a provincial government, subordinate to, but no part of the Realm of England,” Mich 11. G. 2. in case of Outway and Ramsay.—“Acts of parliament made here, (i. e. in England) extend not to Ireland, unless particularly named; much less judgments obtained in the courts here; nor is it possible they should, because we have no officers to carry them into execution there.”

The first part seems to be applicable to the plantations in general, the latter is not; for by reason of charter reservations and particular acts of parliament, some judgments in England may be executed here, as final judgments, before his Majesty in council on a plantation appeal, and so from the admiralty.

It seems to have been disputed in Ireland, so lately as the 6 Geo. 1. Whether any act of the British parliament bound Ireland; or at least it was apprehended, that the undoubted right of the British parliament to bind Ireland, was in danger of being shaken: This, I presume, occasioned the act of that year, which declares, that “the kingdom of Ireland ought to be subordinate unto and dependent upon the Imperial Crown of Great-Britain, as being inseparably united thereto. And the King’s Majesty, with the consent of the lords and commons of Great-Britain in parliament, hath power to make laws to bind the people of Ireland.”—

This parliamentary power must have some bounds, even as to *Ireland* as well as the colonies, who are admitted to be subordinate *ab initio* to Great-Britain; not as *conquered*, but as *emigrant* subjects. If this act should be said to be a declaration not only of the general, but of the universal power of parliament, and that they may tax Ireland, I ask, Why it has never been done? If it had been done a thousand times, it would be a contradiction to the principles of a free government; and what is worse, destroy all subordination consistent with *freedom*, and reduce the people to *slavery*.

To say the parliament is absolute and arbitrary, is a contradiction. The parliament cannot make 2 and 2, 5: Omnipotency cannot do it. The supreme power in a state, is *just dicere* only:—*just dare*, strictly speaking, belongs alone to GOD. Parliaments are in all cases to *declare* what is for the good of the whole; but it is not the *declaration* of parliament that makes it so: There must be in every instance, a higher authority, viz. GOD. Should an act of parliament be against any of *his* natural laws, which are *immutably* true, *their* declaration would be contrary to eternal truth, equity and justice, and consequently void; and so it would be adjudged by the parliament itself, when convinced of their mistake. Upon this great principle, parliaments repeal such acts, as soon as they find they have been mistaken, in having declared them to be for the public good, when in fact they were not so. When such mistake is evident and palpable, as in the instances in the appendix, the judges of the executive courts have declared the act “of a whole parliament void.” See here the grandeur of the British constitution! See the Wisdom of our ancestors! The supreme *legislative*, and the supreme *executive*, are a perpetual check and balance to each other. If the supreme executive errs, it is informed by the supreme legislative in parliament: If the supreme legislative errs, it is informed by the supreme executive in the King’s courts of law.—Here, the King appears, as represented by his judges, in the highest lustre and majesty, as supreme executor of the commonwealth; and he never shines brighter, but on his Throne, at the head of the supreme legislative. This is government! This, is a constitution! to preserve which, either from foreign or domestic foes, has cost oceans of blood and treasure in every age; and the blood and the treasure have upon the whole been well