

him, and yet some of his Governors have tho't it an insufferable hardship, that they could not take what they pleased. To take leave of the administrator, there are in his book some good hints, but a multiplicity of mistakes in fact, and errors in matters of right, which I have not time to mention particularly.

Ireland is a conquered kingdom; and yet have tho't they received very hard measure in some of the prohibitions and restrictions of their trade. But were the colonies ever conquered? Have they not been subject and obedient, and loyal from their settlement? Were not the settlements made under the British laws and constitution? But if the colonies were all to be considered as conquered, they are entitled to the essential rights of men and citizens. And therefore admitting the right of prohibition, in its utmost extent and latitude; a right of taxation can never be infer'd from that. It may be for the good of the whole that a certain commodity should be prohibited: But this power should be exercised, with great *moderation* and impartiality, over dominions, which are not *represented*, in the national parliament. I had however rather see this carried with a high hand, to the utmost rigor, than have a tax of one shilling taken from me without my consent. A people may be very happy, free and easy among themselves, with a particular branch of foreign trade: I am sure these colonies have the natural means of every manufacture in *Europe*, and some that are out of their power to make or produce. It will scarcely be believed a hundred years hence, that the American manufactures could have been brought to such perfection, as they will then probably be in, if the present measures are pushed. One single act of parliament we find has set people a thinking, in six months, more than they had done in their whole lives before. It should be remembered, that the most famous and flourishing manufactures of wool, in *France*, were begun by *Lewis 14*, not an hundred years ago; and they now bid fair to rival the *English*, in every port abroad. All the manufactures that Great Britain could make, would be consumed in America, and in her own plantations, if put on a right footing; for which a greater profit in return would be made, than she will ever see again for woolen sent to any part of Europe.

But tho' it be allowed, that liberty may be enjoy'd in a comfortable measure, where pro-

hibitions are laid on the trade of a kingdom or province; yet if *taxes* are laid on either, *without* consent, they cannot be said to be free. This barrier of liberty being once broken down, all is lost. If a shilling in the pound may be taken from me against my will, why may not twenty shillings; and if so, why not my liberty or my life? Merchants were always *particularly* favour'd by the common law—"All Merchants, except enemies, may safely come into *England*, with their goods and merchandize"—2 Inst. 28.—And why not as well to the *plantations*? Are they not entitled to all the British privileges? No, they must be confined in their imports and exports, to the good of the metropolis. Very well, we have submitted to this. The act of navigation is a good act, so are all that exclude foreign manufactures from the plantations, and every honest man will readily subscribe to them. Moreover, "Merchant strangers, are also to come into the realm and depart at pleasure; and they are to be friendly entertained." 2 Ri. C. 1. But to promote the manufactures of *England*, 'tis tho't best to shut up the *colonies* in a manner from all the world. Right as to Europe: But for GOD's sake, must we have no trade with other colonies? In some cases the trade between *British* colony and colony is prohibited as in wool, &c. Granting all this to be right, is it not enough? No, duties and taxes must be paid without any *consent* or *representation* in parliament. The common law, that inestimable privilege of a jury, is also taken away in all trials in the colonies, relating to the revenue, if the informers have a mind to go to the admiralty; as they ever have done, and ever will do, for very obvious reasons. "It has ever been boasted, says Mr. Dummer in his defence of the charters, as the peculiar privilege of an Englishman, and the security of his property, to be tryed by his country, and the laws of the land: Whereas this admiralty method deprives him of both, as it puts his estate in the disposal of a single person, and makes the civil law the rule of judgment; which tho' it may not properly be called foreign, being the law of nations, yet 'tis what he has not consented to himself, nor his representative for him. A jurisdiction therefore so founded, ought not to extend beyond what *necessity requires*"—"If some bounds are not set to the jurisdiction of the admiralty, beyond which it shall not pass, it may, in time, like