A Letter to
John Farr and John Harris, Esqrs.
Sheriffs of the City of Bristol
on the
Affairs of America
1777

During the eighteenth century, among English cities Bristol was second in size, wealth, and commercial importance only to London. Certain influential Bristol merchants had come to recognize that Burke’s “tried abilities and known commercial knowledge” would make him a powerful representative of their interests in Parliament. They also agreed with his policy of conciliation toward America. Therefore, in October 1774 a deputation from Bristol went to London to see Burke, found he had gone to Malton in Yorkshire, followed him there, and despite his recent election from Malton, invited him to Bristol, where the election was already in progress. Burke was aware of the singular honor in being asked to stand for such a great constituency. He accepted immediately, drove the 270 miles to Bristol in forty hours, and after an intense and tedious campaign was declared elected on November 3, having run second to his fellow Whig, Henry Cruger.

In the acceptance speeches following their election, Burke’s colleague declared that he regarded himself bound by the coercive authority of his constituents. Burke had an altogether different conception of the relationship between a representative in Parliament and his constituents, and in his acceptance speech he put forth the classic expression of his doctrine of representation:

Certainly, gentlemen, it ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes ought to have great weight with him; their opinions high respect; their business unremitting attention. It is his duty to sacrifice his repose, his pleasure, his satisfactions, to theirs—and above all, ever, and in all cases, to prefer their interest to his own.
But his unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living. These he does not derive from your pleasure—no, nor from the law and the Constitution. They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion.

My worthy colleague says, his will ought to be subservient to yours. If that be all, the thing is innocent. If government were a matter of will upon any side, yours, without question, ought to be superior. But government and legislation are matters of reason and judgment, and not of inclination; and what sort of reason is that in which the determination precedes the discussion, in which one set of men deliberate and another decide, and where those who form the conclusion are perhaps three hundred miles distant from those who hear the arguments?

To deliver an opinion is the right of all men; that of constituents is a weighty and respectable opinion, which a representative... ought always most seriously to consider. But authoritative instructions, mandates issued, which the member is bound blindly and implicitly to obey, to vote, and to argue for, though contrary to the clearest convictions of his judgment and conscience—these are things utterly unknown to the laws of this land, and which arise from a fundamental mistake of the whole order and tenor of our constitution.

Parliament is not a congress of ambassadors from different and hostile interests, which interests each must maintain, as an agent and advocate, against other agents and advocates; but Parliament is a deliberative assembly of one nation, with one interest, that of the whole—where not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole. You choose a member, indeed; but when you have chosen him, he is not a member of Bristol, but he is a member of Parliament.

Burke represented Bristol in this manly spirit of duty and independence from 1774 to 1780. Ultimately, his refusal to maintain trade restrictions against Ireland, and to continue the penal laws against Catholics, and some lesser matters, alienated him from Bristol. From 1780 to 1794 he represented the pocket borough of Malton.

But in 1777 Burke’s relationship with his Bristol constituents was as yet unimpaired. The outbreak of hostilities in the Colonies, with initial British victories late in 1776, had strengthened North’s administration and the King’s determination to subdue the Colonies by force. The opposition of Rockingham’s party to the administration had grown so weak
that when American affairs were discussed, to dramatize disapproval, Burke and his friends "seceded" from the proceedings, and returned only for other business. Bolstered victories abroad, early in 1777 North used his great majority in Parliament to restrict his critics by passing a bill to partially suspend the Habeas Corpus Act in Britain. Burke noted on several occasions that the American war was creating a constitutional crisis in Britain, that success abroad would result in restrictions against civil liberty at home. North's action was the occasion for writing *A Letter to Sheriffs of Bristol* (April 3, 1777), but Burke enlarged upon his theme of defending constitutional liberty by reviewing effects of political policies conceived in metaphysical speculations rather than in experience and moral prudence.

**LETTER**

... I have the honor of sending you the two last acts have been passed with regard to the troubles in Am... It affords no matter for very pleasing reflection to serve that our subjects diminish as our laws increase.

If I have the misfortune of differing with some of my low-citizens on this great and arduous subject, it is no consolation to me that I do not differ from you. With am perfectly united. We are heartily agreed in our detes of a civil war. We have ever expressed the most unqualified disapprobation of all the steps which have led to it, and those which tend to prolong it. And I have no doubt that I feel exactly the same emotions of grief and shame on miserable consequences, whether they appear, on the one or the other, in the shape of victories or defeats, of cai made from the English on the continent or from the En in these islands, of legislative regulations which subvert liberties of our brethren or which undermine our own.

Of the first of these statutes (that for the letter of mar I shall say little. ... The other (for a partial suspension of the *Habeas Corpus*) appears to me of a much deeper dignity.

It seems to have in view two capital objects: the fir enable administration to confine, as long as it shall proper, those whom that act is pleased to qualify by the of pirates. Those so qualified I understand to be the manders and mariners of such privateers and ships of belonging to the colonies as in the course of this uncontest may fall into the hands of the crown. They are
fore to be detained in prison, under the criminal description of piracy, to a future trial and ignominious punishment, whenever circumstances shall make it convenient to execute vengeance on them, under the color of that odious and infamous offence.

To this first purpose of the law I have no small dislike, because the act does not (as all laws and all equitable transactions ought to do) fairly describe its object. The persons who make a naval war upon us, in consequence of the present troubles, may be rebels; but to call and treat them as pirates is confounding not only the natural distinction of things, but the order of crimes—which, whether by putting them from a higher part of the scale to the lower or from the lower to the higher, is never done without dangerously disordering the whole frame of jurisprudence. Though piracy may be, in the eye of the law, a less offence than treason, yet, as both are, in effect, punished with the same death, the same forfeiture, and the same corruption of blood, I never would take from any fellow-creature whatever any sort of advantage which he may derive to his safety from the pity of mankind, or to his reputation from their general feelings, by degrading his offence, when I cannot soften his punishment. The general sense of mankind tells me that those offences which may possibly arise from mistaken virtue are not in the class of infamous actions. Lord Coke, the oracle of the English law, conforms to that general sense, where he says that "those things which are of the highest criminality may be of the least disgrace." The act prepares a sort of masked proceeding, not honorable to the justice of the kingdom, and by no means necessary for its safety...

Besides, I must honestly tell you that I could not vote for, or countenance in any way, a statute which stigmatizes with the crime of piracy these men whom an act of Parliament had previously put out of the protection of the law. When the legislature of this kingdom had ordered all their ships and goods, for the mere new-created offence of exercising trade, to be divided as a spoil among the seamen of the navy—to consider the necessary reprisal of an unhappy, proscribed, interdicted people, as the crime of piracy, would have appeared, in any other legislature than ours, a strain of the most insulting and most unnatural cruelty and injustice. I assure you I never remember to have heard of anything like it in any time or country.

The second professed purpose of the act is to detain in
England for trial those who shall commit high treason in America.

That you may be enabled to enter into the true spirit of the present law, it is necessary, Gentlemen, to apprise you that there is an act, made so long ago as in the reign of Henry the Eighth, before the existence or thought of any English colonies in America, for the trial in this kingdom of treasons committed out of the realm. In the year 1769 Parliament thought proper to acquaint the crown with their construction of that act in a formal address, wherein they entreated his Majesty to cause persons charged with high treason in America to be brought into this kingdom for trial. By this act of Henry the Eighth, so construed and so applied, almost all that is substantial and beneficial in a trial by jury is taken away from the subject in the colonies. . . . To try a man under that act is, in effect, to condemn him unheard. A person is brought hither in the dungeon of a ship's hold; thence he is vomited into a dungeon on land, loaded with irons, unfurnished with money, unsupported by friends, three thousand miles from all means of calling upon or confronting evidence, where no local circumstance that tends to detect perjury can possibly be judged of;—such a person may be executed according to form, but he can never be tried according to justice.

I therefore could never reconcile myself to the bill I sent you, which is expressly provided to remove all inconveniences from the establishment of a mode of trial which has never appeared to me most unjust and most unconstitutional. Far from removing the difficulties which impede the execution of so mischievous a project, I would heap new difficulties upon it, if it were in my power. All the ancient, honest, judicial principles and institutions of England are so many chains to check and retard the headlong course of violence and oppression. They were invented for this one good purpose, that what was not just should not be convenient. Convinced of this, I would leave things as I found them. The old, cool-headed, general law is as good as any deviation dictated by present heat.

I could see no fair, justifiable expedience pleaded to favor this new suspension of the liberty of the subject. . . .

But it really appears to me that the means which this act employs are at least as exceptionable as the end. Permit me to open myself a little upon this subject; because it is of importance to me, when I am obliged to submit to the power without acquiescing in the reason of an act of legislature.
that I should justify my dissent by such arguments as may be supposed to have weight with a sober man.

The main operative regulation of the act is to suspend the Common Law and the statute *Habeas Corpus* (the sole securities either for liberty or justice) with regard to all those who have been out of the realm, or on the high seas, within a given time. The rest of the people, as I understand, are to continue as they stood before.

I confess, Gentlemen, that this appears to me as bad in the principle, and far worse in its consequence, than an universal suspension of the *Habeas Corpus* Act; and the limiting qualification, instead of taking out the sting, does in my humble opinion sharpen and envenom it to a greater degree. Liberty, if I understand it at all, is a *general* principle, and the clear right of all the subjects within the realm, or of none. Partial freedom seems to me a most invidious mode of slavery. But, unfortunately, it is the kind of slavery the most easily admitted in times of civil discord: for parties are but too apt to forget their own future safety in their desire of sacrificing their enemies. People without much difficulty admit the entrance of that injustice of which they are not to be the immediate victims. In times of high proceeding it is never the faction of the predominant power that is in danger: for no tyranny chastises its own instruments. It is the obnoxious and the suspected who want the protection of law; and there is nothing to bridle the partial violence of state factions but this—"that, whenever an act is made for a cessation of law and justice, the whole people should be universally subjected to the same suspension of their franchises." The alarm of such a proceeding would then be universal. It would operate as a sort of *call of the nation*. It would become every man's immediate and instant concern to be made very sensible of the *absolute necessity* of this total eclipse of liberty. They would more carefully advert to every renewal, and more powerfully resist it. These great determined measures are not commonly so dangerous to freedom. They are marked with too strong lines to slide into use. No plea, nor pretence, of *inconvenience or evil example* (which must in their nature be daily and ordinary incidents) can be admitted as a reason for such mighty operations. But the true danger is when liberty is nibbled away, for expediency, and by parts. The *Habeas Corpus* Act supposes, contrary to the genius of most other laws, that the lawful magistrate may see particular men with a malignant eye, and it provides for that identical case. But when men, in
particular descriptions, marked out by the magistrate hims
are delivered over by Parliament to this possible malignity
is not the Habeas Corpus that is occasionally suspended,
its spirit that is mistaken, and its principle that is subver
Indeed, nothing is security to any individual but the comm
interest of all.
This act, therefore, has this distinguished evil in it, that
is the first partial suspension of the Habeas Corpus that
been made. The precedent, which is always of very great
portance, is now established. For the first time a distinction
made among the people within this realm. Before this
every man putting his foot on English ground, every stran
owing only a local and temporary allegiance, even ne
slaves who had been sold in the colonies and under an act
Parliament, became as free as every other man who breath
the same air with them. Now a line is drawn, which may
advanced further and further at pleasure, on the same ar
ment of mere expedience on which it was first descri
There is no equality among us; we are not fellow-citizens
the mariner who lands on the quay does not rest on as l
legal ground as the merchant who sits in his counting-ho
Other laws may injure the community; this dissolves it.
things now stand, every man in the West Indies, every one
habitant of three unoffending provinces on the conti
every person coming from the East Indies, every gentles
who has travelled for his health or education, every mar
who has navigated the seas, is, for no other offence, un
temporary proscription. Let any of these facts (now be
presumptions of guilt) be proved against him, and the i
suspicion of the crown puts him out of the law. It is ev
no means clear to me whether the negative proof does
lie upon the person apprehended on suspicion, to the sub
sion of all justice. . . .
The act of which I speak is among the fruits of the Am
can war—a war in my humble opinion productive of m
mischiefs, of a kind which distinguish it from all others.
only our policy is deranged, and our empire distracted,
our laws and our legislative spirit appear to have been tot
perverted by it. We have made war on our colonies, not
arms only, but by laws. As hostility and law are not c
concordant ideas, every step we have taken in this busi
has been made by trampling on some maxim of justice
some capital principle of wise government. What presci
were established, and what principles overturned, (I wil
of English privilege, but of general justice,) in the Boston
Port, the Massachusetts Charter, the Military Bill, and all
that long array of hostile acts of Parliament by which the
war with America has been begun and supported! Had the
principles of any of these acts been first exerted on English
ground, they would probably have expired as soon as they
outraged it. But by being removed from our persons, they
have rooted in our laws, and the latest posterity will taste the
fruits of them.

Nor is it the worst effect of this unnatural contention, that
our laws are corrupted. Whilst manners remain entire, they
will correct the vices of law, and soften it at length to their
own temper. But we have to lament that in most of the late
proceedings we see very few traces of that generosity, hu-
manity, and dignity of mind, which formerly characterized
this nation. War suspends the rules of moral obligation, and
what is long suspended is in danger of being totally abrogated.
Civil wars strike deepest of all into the manners of the people.
They vitiate their politics; they corrupt their morals; they per-
vert even the natural taste and relish of equity and justice. By
teaching us to consider our fellow-citizens in an hostile light,
the whole body of our nation becomes gradually less dear to
us. The very names of affection and kindred, which were the
bond of charity whilst we agreed, become new incentives to
hate and rage when the communion of our country is dis-
solved. We may flatter ourselves that we shall not fall into this
misfortune. But we have no charter of exemption, that I
know of, from the ordinary frailties of our nature.

What but that blindness of heart which arises from the
frenzy of civil contention could have made any persons con-
ceive the present situation of the British affairs as an object
of triumph to themselves or of congratulation to their sover-
eign? Nothing surely could be more lamentable to those who
remember the flourishing days of this kingdom than to see the
insane joy of several unhappy people, amidst the sad spectacle
which our affairs and conduct exhibit to the scorn of Europe.
We behold (and it seems some people rejoice in beholding)
our native land, which used to sit the envied arbiter of all her
neighbors, reduced to a servile dependence on their mercy—a
sequestration in assurances of friendship which she does not
trust—complaining of hostilities which she dares not resent—
deficient to her allies, lofty to her subjects, and submissive to
her enemies—whilst the liberal government of this free nation
is supported by the hireling sword of German boors and vas-
sals, and three millions of the subjects of Great Britain are seeking for protection to English privileges in the arms of France!

These circumstances appear to me more like shocking prodigies than natural changes in human affairs. Men of firmer minds may see them without staggering or astonishment. Some may think them matters of congratulation and complimentary addresses; but I trust your candor will be so indulgent to my weakness as not to have the worse opinion of me for my declining to participate in this joy, and my rejecting all share whatsoever in such a triumph. I am too old, too stiff in my inveterate partialities, to be ready at all the fashionable evolutions of opinion. I scarcely know how to adapt my mind to the feelings with which the Court Gazettes mean to impress the people. It is not instantly that I can be brought to rejoice, when I hear of the slaughter and captivity of long lists of those names which have been familiar to my ears from my infancy, and to rejoice that they have fallen under the sword of strangers, whose barbarous appellations I scarcely know how to pronounce. The glory acquired at the White Plains by Colonel Rahl has no charms for me, and I fairly acknowledge that I have not yet learned to delight in finding Fort Kniphausen in the heart of the British dominions.

It might be some consolation for the loss of our old regards, if our reason were enlightened in proportion as our honest prejudices are removed. Wanting feelings for the honor of our country, we might then in cold blood be brought to think a little of our interests as individual citizens and our private conscience as moral agents.

Indeed, our affairs are in a bad condition. I do assure those gentlemen who have prayed for war, and obtained the blessing they have sought, that they are at this instant in very great straits. The abused wealth of this country continues a little longer to feed its distemper. As yet they, and their German allies of twenty hireling states, have contended only with the unprepared strength of our own infant colonies. But America is not subdued. Not one unattacked village which was originally adverse throughout that vast continent has yet submitted from love or terror. You have the ground you encamp on, and you have no more. The cantonments of your troops and your dominions are exactly of the same extent. You spread devastation, but you do not enlarge the sphere of authority.

The events of this war are of so much greater magnitude
than those who either wished or feared it ever looked for, that this alone ought to fill every considerate mind with anxious and diffidence. Wise men often tremble at the very things which fill the thoughtless with security. . . .

The way still before you is intricate, dark, and full of perplexed and treacherous mazes. Those who think they have the clew may lead us out of this labyrinth. We may trust them as amply as we think proper; but as they have most certainly a call for all the reason which their stock can furnish, why should we think it proper to disturb its operation by inflaming their passions? . . . A conscientious man would be cautious how he dealt in blood. He would feel some apprehension at being called to a tremendous account for engaging in so deep a play without any sort of knowledge of the game. It is no excuse for presumptuous ignorance, that it is directed by insolent passion. The poorest being that crawls on earth, contending to save itself from injustice and oppression, is an object respectable in the eyes of God and man. . . .

I can well conceive a country completely overrun, and miserably wasted, without approaching in the least to settlement. In my apprehension, as long as English government is attempted to be supported over Englishmen by the sword alone, things will thus continue. I anticipate in my mind the moment of the final triumph of foreign military force. When that hour arrives, (for it may arrive,) then it is that all this mass of weakness and violence will appear in its full light. If we should be expelled from America, the delusion of the partisans of military government might still continue. They might still feed their imaginations with the possible good consequences which might have attended success. Nobody could prove the contrary by facts. But in case the sword should do all that the sword can do, the success of their arms and the defeat of their policy will be one and the same thing. You will never see any revenue from America. Some increase of the means of corruption, without ease of the public burdens, is the very best that can happen. Is it for this that we are at war—and in such a war?

As to the difficulties of laying once more the foundations of that government which, for the sake of conquering what was our own, has been voluntarily and wantonly pulled down by a court faction here, I tremble to look at them. Has any of these gentlemen who are so eager to govern all mankind shown himself possessed of the first qualification towards
government, some knowledge of the object, and of the difficulties which occur in the task they have undertaken?

I assure you, that, on the most prosperous issue of your arms, you will not be where you stood when you called in to supply the defects of your political establishment. I would any disorder or disobedience to government which could arise from the most abject concession on our part be equal those which will be felt after the most triumphant victory. You have got all the intermediate evils of war into bargain.

I think I know America—if I do not, my ignorance is curable, for I have spared no pains to understand it—and I most solemnly assure those of my constituents who put a sort of confidence in my industry and integrity, that everything that has been done there has arisen from a total misconception of the object: that our means of originally holk America, that our means of reconciling with it after quarrels of recovering it after separation, of keeping it after victors did depend, and must depend, in their several stages and periods, upon a total renunciation of that unconditional submission which has taken such possession of the minds of vulgar men. The whole of those maxims upon which we have moped and continued this war must be abandoned. Nothing, indeed (for I would not deceive you,) can place us in our former situation. That hope must be laid aside. But there is a difference between bad and the worst of all. Terms relative to cause of the war ought to be offered by the authority of Parliament. An arrangement at home promising some sector for them ought to be made. By doing this, without the impairing of our strength, we add to the credit of our modulation, which, in itself, is always strength more or less.

I know many have been taught to think that modern in a case like this is a sort of treason—and that all argument for it are sufficiently answered by railing at rebels and religion, and by charging all the present or future miseries with we may suffer on the resistance of our brethren. But I wish them, in this grave matter, and if peace is not wholly moved from their hearts, to consider seriously, first, that criminate and recriminate never yet was the road to reconciliation, in any difference amongst men. In the next place, would be right to reflect that the American English (with they may abuse, if they think it honorable to revile the sent) can, as things now stand, neither be provoked at railing or bettered by our instruction. All communicatio
cut off between us. But this we know with certainty, that, though we cannot reclaim them, we may reform ourselves. If measures of peace are necessary, they must begin somewhere; and a conciliatory temper must precede and prepare every plan of reconciliation. Nor do I conceive that we suffer anything by thus regulating our own minds. We are not disarmed by being disencumbered of our passions. Declaiming on rebellion never added a bayonet or a charge of powder to your military force; but I am afraid that it has been the means of taking up many muskets against you. . . .

I know it is said, that your kindness is only alienated on account of their resistance, and therefore, if the colonies surrender at discretion, all sort of regard, and even much indulgence, is meant towards them in future. But can those who are partisans for continuing a war to enforce such a surrender be responsible (after all that has passed) for such a future use of a power that is bound by no compacts and restrained by no terror? Will they tell us what they call indulgences? Do they not at this instant call the present war and all its horrors a lenient and merciful proceeding?

No conqueror that I ever heard of has professed to make a cruel, harsh, and insolent use of his conquest. No! The man of the most declared pride scarcely dares to trust his own heart with this dreadful secret of ambition. But it will appear in its time; and no man who professes to reduce another to the insolent mercy of a foreign arm ever had any sort of goodwill towards him. . . .

When any community is subordinately connected with another, the great danger of the connection is the extreme pride and self-complacency of the superior, which in all matters of controversy will probably decide in its own favor. It is a powerful corrective to such a very rational cause of fear, if the inferior body can be made to believe that the party inclination or political views of several in the principal state will induce them in some degree to counteract this blind and tyrannical partiality. There is no danger that any one acquiring consideration or power in the presiding state should carry this leaning to the inferior too far. The fault of human nature is not of that sort. Power, in whatever hands, is rarely guilty of too strict limitations on itself. . . .

If the colonies . . . could see that in Great Britain the mass of the people is melted into its government, and that every dispute with the ministry must of necessity be always a quarrel with the nation, they can stand no longer in the
equal and friendly relation of fellow-citizens to the subjects of this kingdom. Humble as this relation may appear to some, when it is once broken, a strong tie is dissolved. Other sort of connections will be sought. For there are very few in the world who will not prefer an useful ally to an insolent master.

Such discord has been the effect of the unanimity into which so many have of late been seduced or bullied, or into the appearance of which they have sunk through mere despair. They have been told that their dissent from violent measures is an encouragement to rebellion. Men of great presumption and little knowledge will hold a language which is contradicted by the whole course of history. General rebellions and revolts of an whole people never were encouraged, now or at any time. They are always provoked. . . . Does anybody seriously maintain, that, charged with my share of the public councils, I am obliged not to resist projects which I think mischievous, lest men who suffer should be encouraged to resist? The very tendency of such projects to produce rebellion is one of the chief reasons against them. Shall that reason not be given? Is it, then, a rule, that no man in this nation shall open his mouth in favor of the colonies, shall defend their rights, or complain of their sufferings—or when war finally breaks out, no man shall express his desires of peace? . . .

I have always wished, that as the dispute had its apparent origin from things done in Parliament, and as the acts passed there had provoked the war, that the foundations of peace should be laid in Parliament also. I have been astonished to find that those whose zeal for the dignity of our body was so hot as to light up the flames of civil war should even publicly declare that these delicate points ought to be wholly left to the crown. Poorly as I may be thought affected to the authority of Parliament, I shall never admit that our constitutional rights can ever become a matter of ministerial negotiation.

I am charged with being an American. If warm affection towards those over whom I claim any share of authority be a crime, I am guilty of this charge: But I do assure you, (and they who know me publicly and privately will bear witness to me,) that, if ever one man lived more zealous than another for the supremacy of Parliament and the rights of this imperial crown, it was myself. Many others, indeed, might be more knowing in the extent of the foundation of these rights. I do not pretend to be an antiquary, a lawyer, or qualified for the chair of professor in metaphysics. I never ventured to put
your solid interests upon speculative grounds. My having constantly declined to do so has been attributed to my incapacity for such disquisitions; and I am inclined to believe it is partly the cause. I never shall be ashamed to confess, that, where I am ignorant, I am diffident. I am, indeed, not very solicitous to clear myself of this imputed incapacity; because men even less conversant than I am in this kind of subtleties, and placed in stations to which I ought not to aspire, have, by the mere force of civil discretion, often conducted the affairs of great nations with distinguished felicity and glory.

When I first came into a public trust, I found your Parliament in possession of an unlimited legislative power over the colonies. I could not open the statute-book without seeing the actual exercise of it, more or less, in all cases whatsoever. This possession passed with me for a title. It does so in all human affairs. No man examines into the defects of his title to his paternal estate or to his established government. Indeed, common sense taught me that a legislative authority not actually limited by the express terms of its foundation, or by its own subsequent acts, cannot have its powers parcelled out by argumentative distinctions, so as to enable us to say that here they can and there they cannot bind.

I had, indeed, very earnest wishes to keep the whole body of this authority perfect and entire as I found it—and to keep it so, not for our advantage solely, but principally for the sake of those on whose account all just authority exists: I mean the people to be governed. For I thought I saw that many cases might well happen in which the exercise of every power comprehended in the broadest idea of legislature might become, in its time and circumstances, not a little expedient for the peace and union of the colonies amongst themselves, as well as for their perfect harmony with Great Britain. Thinking so, I was at the same time very sure that the authority of which I was so jealous could not, under the actual circumstances of our plantations, be at all preserved in any of its members, but by the greatest reserve in its application, particularly in those delicate points in which the feelings of mankind are the most irritable. They who thought otherwise have found a few more difficulties in their work than (I hope) they were thoroughly aware of, when they undertook the present business. I must beg leave to observe, that it is not only the invidious branch of taxation that will be resisted, but that no other given part of legislative rights can be exercised, without regard to the general opinion of those who are to be gov-
erned. That general opinion is the vehicle and organ of legislative omnipotence. Without this, it may be a theory to entertain the mind, but it is nothing in the direction of affairs. The completeness of the legislative authority of Parliament over this kingdom is not questioned; and yet many things indubitably included in the abstract idea of that power, and which carry no absolute injustice in themselves, yet being contrary to the opinions and feelings of the people, can as little be exercised as if Parliament in that case had been possessed of no right at all. I see no abstract reason, which can be given, why the same power which made and repealed the High Commission Court and the Star-Chamber might not revive them again; and these courts, warned by their former fate, might possibly exercise their powers with some degree of justice. But the madness would be as unquestionable as the competence of that Parliament which should attempt such things. If anything can be supposed out of the power of human legislature, it is religion; I admit, however, that the established religion of this country has been three or four times altered by act of Parliament, and therefore that a statute binds even in that case. But we may very safely affirm, that, notwithstanding this apparent omnipotence, it would be now found as impossible for King and Parliament to alter the established religion of this country as it was to King James alone, when he attempted to make such an alteration without a Parliament. In effect, to follow, not to force, the public inclination—to give a direction, a form, a technical dress, and a specific sanction, to the general sense of the community, is the true end of legislature.

It is so with regard to the exercise of all the powers which our Constitution knows in any of its parts, and indeed to the substantial existence of any of the parts themselves. The king’s negative to bills is one of the most indisputed of the royal prerogatives; and it extends to all cases whatsoever. I am far from certain, that if several laws, which I know, had fallen under the stroke of that sceptre, that the public would have had a very heavy loss. But it is not the propriety of the exercise which is in question. The exercise itself is wisely forborne. Its repose may be the preservation of its existence; and its existence may be the means of saving the Constitution itself, on an occasion worthy of bringing it forth.

As the disputants whose accurate and logical reasonings have brought us into our present condition think it absurd that powers or members of any constitution should exist,
nearly, if ever, to be exercised, I hope I shall be excused in mentioning another instance that is material. We know that the Convocation of the Clergy had formerly been called, and sat with nearly as much regularity to business as Parliament itself. It is now called for form only. It sits for the purpose of making some polite ecclesiastical compliments to the king, and, when that grace is said, retires and is heard of no more. It is, however, a part of the Constitution, and may be called out into act and energy, whenever there is occasion, and whenever those who conjure up that spirit will choose to abide the consequences. It is wise to permit its legal existence: it is much wiser to continue it a legal existence only. So truly has prudence (constituted as the god of this lower world) the entire dominion over every exercise of power committed into its hands! And yet I have lived to see prudence and conformity to circumstances wholly set at nought in our late controversies, and treated as if they were the most contemptible and irrational of all things. I have heard it an hundred times very gravely alleged, that, in order to keep power in mind, it was necessary, by preference, to exert it in those very points in which it was most likely to be resisted and the least likely to be productive of any advantage.

These were the considerations, Gentlemen, which led me early to think, that, in the comprehensive dominion which the Divine Providence had put into our hands, instead of troubling our understandings with speculations concerning the unity of empire and the identity or distinction of legislative powers, and inflaming our passions with the heat and pride of controversy, it was our duty, in all soberness, to conform our government to the character and circumstances of the several people who composed this mighty and strangely diversified mass. I never was wild enough to conceive that one method would serve for the whole, that the natives of Hindostan and those of Virginia could be ordered in the same manner, or that the Cutchery court and the grand jury of Salem could be regulated on a similar plan. I was persuaded that government was a practical thing, made for the happiness of mankind, and not to furnish out a spectacle of uniformity to gratify the schemes of visionary politicians. Our business was to rule, not to wrangle; and it would have been a poor compensation that we had triumphed in a dispute, whilst we lost an empire.

If there be one fact in the world perfectly clear, it is this—that the disposition of the people of America is wholly averse to any other than a free government; and this is indication
enough to any honest statesman how he ought to adapt whatever power he finds in his hands to their case. If any ask me what a free government is, I answer, that, for any practical purpose, it is what the people think so—and that they, and not I, are the natural, lawful, and competent judges of this matter. If they practically allow me a greater degree of authority over them than is consistent with any correct ideas of perfect freedom, I ought to thank them for so great a trust, and not to endeavor to prove from thence that they have reasoned amiss, and that, having gone so far, by analogy they must hereafter have no enjoyment but by my pleasure.

If we had seen this done by any others, we should have concluded them far gone in madness. It is melancholy, as well as ridiculous, to observe the kind of reasoning with which the public has been amused, in order to divert our minds from the common sense of our American policy. There are people who have split and anatomized the doctrine of free government, as if it were an abstract question concerning metaphysical liberty and necessity, and not a matter of moral prudence and natural feeling. They have disputed whether liberty be a positive or a negative idea; whether it does not consist in being governed by laws, without considering what are the laws, or who are the makers; whether man has any rights by Nature; and whether all the property he enjoys be not the alma of his government, and his life itself their favor and indulgence. Others, corrupting religion as these have perverted philosophy, contend that Christians are redeemed into captivity, and the blood of the Saviour of mankind has been shed to make them the slaves of a few proud and insolent sinners. These shocking extremes provoking to extremes of another kind, speculations are let loose as destructive to all authority as the former are to all freedom; and every government is called tyranny and usurpation which is not formed on their fancies. In this manner the stirrers-up of this contention, not satisfied with distracting our dependencies and filling them with blood and slaughter, are corrupting our understandings; they are endeavoring to tear up, along with practical liberty, all the foundations of human society, all equity and justice, religion and order.

Civil freedom, Gentlemen, is not, as many have endeavored to persuade you, a thing that lies hid in the depth of abstruse science. It is a blessing and a beneft, not an abstract speculation; and all the just reasoning that can be upon it is of so coarse a texture as perfectly to suit the ordinary capacities of
those who are to enjoy, and of those who are to defend it. Far from any resemblance to those propositions in geometry and metaphysics which admit no medium, but must be true or false in all their latitude, social and civil freedom, like all other things in common life, are variously mixed and modified, enjoyed in very different degrees, and shaped into an infinite diversity of forms, according to the temper and circumstances of every community. The extreme of liberty (which is its abstract perfection, but its real fault) contains nowhere, nor ought to obtain anywhere; because extremes, as we all know, in every point which relates either to our duties or satisfactions in life, are destructive both to virtue and enjoyment. Liberty, too, must be limited in order to be possessed. The degree of restraint it is impossible in any case to settle precisely. But it ought to be the constant aim of every wise public counsel to find out by cautious experiments, and rational, cool endeavors, with how little, not how much, of this restraint the community can subsist: for liberty is a good to be improved, and not an evil to be lessened. It is not only a private blessing of the first order, but the vital spring and energy of the state itself, which has just so much life and vigor as there is liberty in it. But whether liberty be advantageous or not, (for I know it is a fashion to decry the very principle,) none will dispute that peace is a blessing; and peace must, in the course of human affairs, be frequently bought by some indulgence and toleration at least to liberty: for, as the Sabbath (though of divine institution) was made for man, not man for the Sabbath, government, which can claim no higher origin or authority, in its exercise at least, ought to conform to the exigencies of the time, and the temper and character of the people with whom it is concerned, and not always to attempt violently to bend the people to their theories of subject- tion. The bulk of mankind, on their part, are not excessively curious concerning any theories whilst they are really happy; and one sure symptom of an ill-conducted state is the propensity of the people to resort to them.

But when subjects, by a long course of such ill conduct, are once thoroughly inflamed, and the state itself violently dis- tempered, the people must have some satisfaction to their feelings more solid than a sophistical speculation on law and government. Such was our situation: and such a satisfaction was necessary to prevent recourse to arms; it was necessary towards laying them down; it will be necessary to prevent the taking them up again and again. Of what nature this satisfac-
tion ought to be I wish it had been the disposition of Parliament seriously to consider. It was certainly a deliberation that called for the exertion of all their wisdom.

I am, and ever have been, deeply sensible of the difficulty of reconciling the strong presiding power, that is so useful towards the conservation of a vast, disconnected, infinitely diversified empire, with that liberty and safety of the provinces which they must enjoy, (in opinion and practice at least,) or they will not be provinces at all. I know, and have long felt, the difficulty of reconciling the unwieldy haughtiness of a great ruling nation, habituated to command, pampered by enormous wealth, and confident from a long course of prosperity and victory, to the high spirit of free dependencies, animated with the first glow and activity of juvenile heat, and assuming to themselves, as their birthright, some part of that very pride which oppresses them. They who perceive no difficulty in reconciling these tempers (which, however, to make peace, must some way or other be reconciled) are much above my capacity, or much below the magnitude of the business. Of one thing I am perfectly clear: that it is not by deciding the suit, but by compromising the difference, that peace can be restored or kept. They who would put an end to such quarrels by declaring roundly in favor of the whole demands of either party have mistaken, in my humble opinion, the office of a mediator.

The war is now of full two years' standing: the controversy of many more. In different periods of the dispute, different methods of reconciliation were to be pursued. I mean to trouble you with a short state of things at the most important of these periods, in order to give you a more distinct idea of our policy with regard to this most delicate of all objects. The colonies were from the beginning subject to the legislature of Great Britain on principles which they never examined; and we permitted to them many local privileges, without asking how they agreed with that legislative authority. Modes of administration were formed in an insensible and very unsystematic manner. But they gradually adapted themselves to the varying condition of things. What was first a single kingdom stretched into an empire; and an imperial superintendency, of some kind or other, became necessary. Parliament, from a mere representative of the people, and a guardian of popular privileges for its own immediate constituents, grew into a mighty sovereign. Instead of being a control on the crown on its own behalf, it communicated a sort of strength
to the royal authority, which was wanted for the conservation
of a new object, but which could not be safely trusted to the
crown alone. On the other hand, the colonies, advancing by
equal steps, and governed by the same necessity, had formed
within themselves, either by royal instruction or royal charter,
assemblies so exceedingly resembling a parliament, in all
their forms, functions, and powers, that it was impossible they
should not imbibe some opinion of a similar authority.

At the first designation of these assemblies, they were prob-
ably not intended for anything more (nor perhaps did they
think themselves much higher) than the municipal corpora-
tions within this island, to which some at present love to com-
pare them. But nothing in progress can rest on its original
plan. We may as well think of rocking a grown man in the
cradle of an infant. Therefore, as the colonies prospered and
increased to a numerous and mighty people, spreading over a
very great tract of the globe, it was natural that they should
attribute to assemblies so respectable in their formal constitu-
tion some part of the dignity of the great nations which they
represented. No longer tied to by-laws, these assemblies made
acts of all sorts and in all cases whatsoever. They levied
money, not for parochial purposes, but upon regular grants to
the crown, following all the rules and principles of a parlia-
ment, to which they approached every day more and more
nearly. Those who think themselves wiser than Providence
and stronger than the course of Nature may complain of all
this variation, on the one side or the other, as their several
humors and prejudices may lead them. But things could not
be otherwise; and English colonies must be had on these
terms, or not had at all. In the mean time neither party felt
any inconvenience from this double legislature, to which they
had been formed by imperceptible habits, and old custom, the
great support of all the governments in the world. Though
these two legislatures were sometimes found perhaps perform-
ing the very same functions, they did not very grossly or sys-
tematically clash. In all likelihood this arose from mere neg-
lect, possibly from the natural operation of things, which, left
to themselves, generally fall into their proper order. But
whatever was the cause, it is certain that a regular revenue,
by the authority of Parliament, for the support of civil and
military establishments, seems not to have been thought of
until the colonies were too proud to submit, too strong to be
forced, too enlightened not to see all the consequences which
must arise from such a system.
If ever this scheme of taxation was to be pushed against the inclinations of the people, it was evident that discussions must arise, which would let loose all the elements that composed this double constitution, would show how much each of their members had departed from its original principles, and would discover contradictions in each legislature, as well to its own first principles as to its relation to the other, very difficult, if not absolutely impossible, to be reconciled.

Therefore, at the first fatal opening of this contest, the wisest course seemed to be to put an end as soon as possible to the immediate causes of the dispute, and to quiet a discussion, not easily settled upon clear principles, and arising from claims which pride would permit neither party to abandon, by resorting as nearly as possible to the old, successful course. A mere repeal of the obnoxious tax, with a declaration of the legislative authority of this kingdom, was then fully sufficient to procure peace to both sides. Man is a creature of habit, and, the first breach being of very short continuance, the colonies fell back exactly into their ancient state. This Congress has used an expression with regard to this pacification which appears to me truly significant. After the repeal of the Stamp Act, "the colonies fell," says this assembly, "into their ancient state of unsuspecting confidence in the mother country." This unsuspecting confidence is the true centre of gravity amongst mankind, about which all the parts are at rest. It is this unsuspecting confidence that removes all difficulties, and reconciles all the contradictions which occur in the complexity of all ancient puzzled political establishments. Happy are the rulers which have the secret of preserving it!...

I hope there are none of you corrupted with the doctrine taught by wicked men for the worst purposes, and received by the malignant credulity of envy and ignorance, which is, that the men who act upon the public stage are all alike, all equally corrupt, all influenced by no other views than the sordid lure of salary and pension. The thing I know by experience to be false. Never expecting to find perfection in men, and not looking for divine attributes in created beings, in my commerce with my contemporaries I have found much human virtue. They who raise suspicions on the good account of the behavior of ill men are of the party of the latter. A conscientious person would rather doubt his own judgment than condemn his species. I should much rather admit those whom at any time I have disdained the
most to be patterns of perfection than seek a consolation to my own unworthiness in a general communion of depravity with all about me.

That this ill-natured doctrine should be preached by the missionaries of a court I do not wonder. It answers their purpose. But that it should be heard among those who pretend to be strong assertors of liberty is not only surprising, but hardly natural. This moral levelling is a servile principle. It leads to practical passive obedience far better than all the doctrines which the pliant accommodation of theology to power has ever produced. It cuts up by the roots, not only all idea of forcible resistance, but even of civil opposition. It disposes men to an abject submission, not by opinion, which may be shaken by argument or altered by passion, but by the strong ties of public and private interest. For, if all men who act in a public situation are equally selfish, corrupt, and venal, what reason can be given for desiring any sort of change, which, besides the evils which must attend all changes, can be productive of no possible advantage? The active men in the state are true samples of the mass. If they are universally depraved, the commonwealth itself is not sound. We may amuse ourselves with talking as much as we please of the virtue of middle or humble life; that is, we may place our confidence in the virtue of those who have never been tried. But if the persons who are continually emerging out of that sphere be no better than those whom birth has placed above it, what hopes are there in the remainder of the body which is to furnish the perpetual succession of the state? All who have ever written on government are unanimous, that among a people generally corrupt liberty cannot long exist. . . .

I am aware that the age is not what we all wish. But I am sure that the only means of checking its precipitate degeneracy is heartily to concur with whatever is the best in our time . . .

This, Gentlemen, has been from the beginning the rule of my conduct; and I mean to continue it, as long as such a body as I have described can by any possibility be kept together; for I should think it the most dreadful of all offences, not only towards the present generation, but to all the future, if I were to do anything which could make the minutest breach in this great conservatory of free principles. . . .

Liberty is in danger of being made unpopular to Englishmen. Contending for an imaginary power, we begin to acquire the spirit of domination, and to lose the relish of honest equal-
ity. The principles of our forefathers become suspected to us because we see them animating the present opposition of our children. The faults which grow out of the luxuriance of freedom appear much more shocking to us than the vices which are generated from the rankness of servitude. Accordingly, the least resistance to power appears more inexcusable in our eyes than the greatest abuses of authority. All dread of a standing military force is looked upon as a superstitious panic. All shame of calling in foreigners and savages in a civil contest is worn off. We grow indifferent to the consequences inevitable to ourselves from the plan of ruling half the empire by a mercenary sword. We are taught to believe that a desire of domineering over our countrymen is love to our country, that those who hate civil war abet rebellion, and that the amiable and conciliatory virtues of lenity, moderation, and tenderness to the privileges of those who depend on this kingdom are a sort of treason to the state.

It is impossible that we should remain long in a situation which breeds such notions and dispositions without some great alteration in the national character. Those ingenuous and feeling minds who are so fortified against all other things, and so unarmed to whatever approaches in the shape of disgrace, finding these principles, which they considered as sure means of honor, to be grown into disrepute, will retire disheartened and disgusted. Those of a more robust make, the bold, able, ambitious men, who pay some of their court to power through the people, and substitute the voice of transient opinion in the place of true glory, will give into the general mode; and those superior understandings which ought to correct vulgar prejudice will confirm and aggravate its errors. Many things have been long operating towards a gradual change in our principles; but this American war has done more in a very few years than all the other causes could have effected in a century. It is therefore not on its own separate account, but because of its attendant circumstances, that I consider its continuance, or its ending in any way but that of an honorable and liberal accommodation, as the greatest evils which can befall us. . . . Let us not be amongst the first who renounce the maxims of our forefathers. . . .