

admired as seen, in the elegant and beautiful Dress with which he has been pleased to cloath them, in a late Pamphlet: Speaking of the Force of Precedent, he says, "When Instances are urged as an authoritative Reason for adopting a new Measure, they are proved to be more important from this Use of them, and ought therefore to be reviewed with Accuracy, and canvassed with Strictness. What is proposed ought to be incorporated with what hath been done, and the Result of both stated and considered as a substantive original Question, and if the Measure proposed is incompatible with the constitutional Rights of the Subject, it is so far from being a rational Argument, that Consistency requires an Adoption of the proposed Measure, that, on the contrary, it suggests the strongest Motive for abolishing the Precedent; when therefore an Instance of *Deviation* from the Constitution is pressed as a Reason for the *Establishment* of a Measure striking at the very Root of all Liberty; tho' the Argument is inconclusive, it ought to be useful.

"Wherefore if a sufficient Answer were not given to the Argument drawn from Precedents, by shewing that none of the Instances adduced are applicable, I should have very little Difficulty in denying the Justice of the Principle on which it is founded. *What hath been done, if wrongful, confers no Right to repeat it.* To justify Oppression and Outrage, by Instances of their Commission, is a Kind of Argument which never can produce Conviction, tho' it may their Acquiescence, whom the Terror of greater Evils may restrain from resisting, and thus the Despotism of the East may be supported, and the natural Rights of Mankind be trampled under Feet. The Question of Right, therefore, doth not depend upon Precedents, but on the Principles of the Constitution, and hath been put upon it's proper Point already discussed, whether the Colonies are Represented or not, in Parliament.

It was on this Principle, if we mistake not, that the glorious Revolution was effected; it is on this Principle we dare say, that your Honours, as a Council of State, are content to wave such Parts as you do not claim, or wish to have, of that extensive Jurisdiction exercised by the Council under a different Idea of Polity; it was on this Principle that our Predecessors struggled for and obtained the Extention of the beneficial Statutes, obtained to the Public the Ordinary Licence Fines, and the Establishment by Law of the Judges Oath. It was on this Principle, that our Predecessors firmly and effectually opposed the Claim for Councillors Attendance, double *per Diem* Allowances to the same Person for Attendance in two or more Capacities in the same Day, equally sanctioned by Precedent as the present Claim, the monstrous and unreasonable Accounts of Fees for Prosecutions against those who had been guilty of Excesses in the Proprietary Disputes about the Limits of this Province, and *Pennsylvania*; and the absurd Claim of a late Governor, founded only in the Abuse of a Trust conferred on him by the Public: Benefits to this Province now universally acknowledged, and more than adequate to temporary Inconveniencies, that those Struggles for Liberty and Justice occasioned. The Part your Predecessors took in those glorious Contests need not be exhibited, our Journals and Yours are full of Messages from the Upper House very like your last, and in those of our Predecessors solid Answers may be found to almost every Thing you have advanced on this Subject. Truth and Reason have prevailed at last, tho' the Journals of both Houses are mournful Histories of their being for a Time suppressed by Power, or obscured by Proprietary Influence.

We should think when your Honours reflect that our Constituents are remarkable in their Quickness to discover Right from Wrong, that every People who dare to think at all, know something of their own Interests and Rights, you would forbear any Strokes to catch popular Applause in a Dispute so plainly against you. The Upper House have heretofore made many Attempts to gain the Opinion and Confidence of the People, but they have always been unseasonable; at Times when they have treated the Representative Body with great Lightness, and your Journals speak the Result, wherefore then should you throw out the Offer you now do? Suppose the Matter should be determined in our Favour by the King and Council, as we really think it would, ought the Country to pay the Expence of a Government Agent to carry on the Dispute against the People? You might as well contend for the Propriety of a Man's being obliged, before he should be allowed to prosecute or defend his Right, to supply his Adversary with Money to carry on the Contest against himself. If your Honours are not closely enough connected with Lord *Baltimore* to induce him to lay what you may think proper before the King and Council, it is probable a Gentleman, ——— *Calvert*, Esq; mentioned in the Court Calendar as Agent for the Province of *Maryland*, may transact this Piece of Business for you, and if he has a Right to assume that Title, we presume he derives his Authority from your Honours, either in your Capacity of Council of State, or Upper House, or from some Branch of the Government, and we presume whoever gave him his Title must have given him an adequate Reward; for Office and Salary seem to be as closely connected as Light and Heat; we would therefore propose it to your Honours Consideration, whether in these Times of Distress, it would not be more consistent with Economy, and the Peoples Interest, for your Honours to employ the titular Agent on his old Salary, than to have, if you could, a new Tax on the People to support an Agent against their own Interest.

That Part of your Honours Proposal, that respects Taxing the People to support an Agent for themselves, had it stood singly, we should have gladly embraced, and for that Purpose we have this Session, as Lower Houses of Assembly have for a long Time past generally done, sent a Bill to your Honours, which hath, as usual, met with your Negative: We think a Tax on the People,