


## JOHN JAY

 OHN JAY, American statesman and jurist, first chief-justice of the U. S. Supreme Court, was born at New York, Dec. 12, 1745, and died in Westchester Co., N. Y., May 17, 1829. He was educated at King's College (now Columbia University), and after studying law became partner of R. R. Livingston, the well-known jurist and statesman. Identifying himself early with the political struggles of the period, he became a member of the Continental Congress in 1774, and wrote the "Address to the People of Great Britain," adopted by Congress, which is here appended. In 1776, he was chosen a member of the Provincial Congress of his native State, giving that body the benefit of his wise counsels and statesmanship, and drawing up for it its chief public documents, including the Constitution of 1777. Two years later, he was appointed U. S. minister to Spain, a post which he surrendered to proceed to Paris, as the colleague of Franklin and Adams in the negotiation of peace with Great Britain. Returning to this country in 1784 he became Secretary of Foreign Affairs, an office he held for five years until the establishment of the Federal Government, thereafter becoming chief-justice by the appointment of Washington. Prior to the passing of the Constitution, Jay did able service as one of the writers, with Hamilton and Madison, of "The Federalist." In 1794, he was named special commissioner to Great Britain, and there was instrumental in negotiating the famous treaty which bears his name, a document, however, that was violently denounced in Republican circles, where exception had been taken to some of its trade provisions. Prior to his return to America, Jay was elected Governor of New York, a post he held with honor until 1801, when he retired to his ancestral estate in Westchester Co., N. Y., and withdrew from politics. He lived on at Bedford, N. Y., until 1829, dying in his eighty-fourth year. During his retirement, he continued to manifest interest in many religious and philanthropic movements in which he had heretofore been engaged, and doubtless had much satisfaction in the results of one of them — the abolition of slavery in New York State, which was brought about under his auspices in 1799.

### ADDRESS TO THE PEOPLE OF GREAT BRITAIN

[Congress, on Oct. 11, 1774, appointed Mr. Lee, Mr. Livingston, and Mr. Jay a committee to prepare a memorial to the people of British America, and an address to the people of Great Britain. On the 18th, Mr. Jay reported a draft of the address, which was discussed and amended on the day following, and on the 21st was approved by Congress.]

**F**RIENDS AND FELLOW SUBJECTS,—When a nation led to greatness by the hand of liberty, and possessed of all the glory that heroism, munificence, and humanity can bestow, descends to the ungrateful task of  
(152)

forging chains for her friends and children, and, instead of giving support to freedom, turns advocate for slavery and oppression, there is reason to suspect she has either ceased to be virtuous or been extremely negligent in the appointment of her rulers.

In almost every age, in repeated conflicts in long and bloody wars, as well civil as foreign, against many and powerful nations, against the open assaults of enemies, and the more dangerous treachery of friends, have the inhabitants of your island, your great and glorious ancestors, maintained their independence and transmitted the rights of men and the blessings of liberty to you, their posterity.

Be not surprised, therefore, that we who are descended from the same common ancestors, that we whose forefathers participated in all the rights, the liberties, and the constitution you so justly boast of, and who have carefully conveyed the same fair inheritance to us, guaranteed by the plighted faith of government and the most solemn compacts with British sovereigns, should refuse to surrender them to men who found their claims on no principles of reason, and who prosecute them with a design that, by having our lives and property in their power, they may, with the greatest facility, enslave you.

The cause of America is now the object of universal attention; it has at length become very serious. This unhappy country has not only been oppressed, but abused and misrepresented; and the duty we owe to ourselves and posterity, to your interest, and the general welfare of the British empire, leads us to address you on this very important subject.

Know, then, that we consider ourselves, and do insist, that we are and ought to be as free as our fellow subjects in Britain, and that no power on earth has a right to take our property from us without our consent.

That we claim all the benefits secured to the subject by the English constitution, and particularly that inestimable one of trial by jury.

That we hold it essential to English liberty that no man be condemned unheard, or punished for supposed offences without having an opportunity of making his defence.

That we think the legislature of Great Britain is not authorized by the constitution to establish a religion fraught with sanguinary and impious tenets, or to erect an arbitrary form of government in any quarter of the globe. These rights we, as well as you, deem sacred; and yet, sacred as they are, they have, with many others, been repeatedly and flagrantly violated.

Are not the proprietors of the soil of Great Britain lords of their own property? Can it be taken from them without their consent? Will they yield it to the arbitrary disposal of any man or number of men whatever? You know they will not.

Why, then, are the proprietors of the soil of America less lords of their property than you are of yours? or why should they submit it to the disposal of your Parliament, or any other parliament or council in the world not of their election? Can the intervention of the sea that divides us cause disparity in rights, or can any reason be given why English subjects who live three thousand miles from the royal palace should enjoy less liberty than those who are three hundred miles distant from it?

Reason looks with indignation on such distinctions, and freemen can never perceive their propriety. And yet, however chimerical and unjust such discriminations are, the Parliament assert that they have a right to bind us in all cases, without exception, whether we consent or not; that they may take and use our property when and in what manner they

please; that we are pensioners on their bounty for all that we possess, and can hold it no longer than they vouchsafe to permit. Such declarations we consider as heresies in English politics, and which can no more operate to deprive us of our property than the interdicts of the Pope can divest kings of sceptres which the laws of the land and the voice of the people have placed in their hands.

At the conclusion of the late war — a war rendered glorious by the abilities and integrity of a minister to whose efforts the British empire owes its safety and its fame; at the conclusion of this war, which was succeeded by an inglorious peace, formed under the auspices of a minister of principles and of a family unfriendly to the Protestant cause and inimical to liberty — we say at this period, and under the influence of that man, a plan for enslaving your fellow subjects in America was concerted, and has ever since been pertinaciously carrying into execution.

Prior to this era you were content with drawing from us the wealth produced by our commerce: you restrained your trade in every way that could conduce to your emolument. You exercised unbounded sovereignty over the sea. You named the ports and nations to which alone our merchandise should be carried, and with whom alone we should trade; and though some of these restrictions were grievous, we nevertheless did not complain. We looked up to you as to our parent state, to which we were bound by the strongest ties, and were happy in being instrumental to your prosperity and your grandeur.

We call upon you, yourselves, to witness our loyalty and attachment to the common interest of the whole empire. Did we not, in the last war, add all the strength of this vast continent to the force which repelled our common enemy?

Did we not leave our native shores and meet disease and death to promote the success of British arms in foreign climates? Did you not thank us for our zeal, and even reimburse us large sums of money which you confessed we had advanced beyond our proportion and far beyond our abilities? You did.

To what causes, then, are we to attribute the sudden change of treatment and that system of slavery which was prepared for us at the restoration of peace?

Before we had recovered from the distresses which ever attend war, an attempt was made to drain this country of all its money by the oppressive Stamp Act. Paint, glass, and other commodities which you would not permit us to purchase of other nations were taxed; nay, although no wine is made in any country subject to the British state, you prohibited our procuring it of foreigners without paying a tax, imposed by your Parliament, on all we imported. These and many other impositions were laid upon us, most unjustly and unconstitutionally, for the express purpose of raising a revenue. In order to silence complaint it was indeed provided that this revenue should be expended in America for its protection and defence.

These exactions, however, can receive no justification from a pretended necessity of protecting and defending us. They are lavishly squandered on court favorites and ministerial dependents, generally avowed enemies to America, and employing themselves by partial representations to traduce and embroil the colonies.

For the necessary support of government here, we ever were and ever shall be ready to provide. And whenever the exigencies of the state may require it, we shall, as we have heretofore done, cheerfully contribute our full proportion of men and money.

To enforce this unconstitutional and unjust scheme of taxation, every fence that the wisdom of our British ancestors had carefully erected against arbitrary power has been violently thrown down in America, and the inestimable right of trial by jury taken away in cases that touch both life and property. It was ordained that whenever offences should be committed in the colonies against particular acts imposing various duties and restrictions upon trade, the prosecutor might bring his action for the penalties in the courts of admiralty, by which means the subject lost the advantage of being tried by an honest, uninfluenced jury of the vicinage, and was subjected to the sad necessity of being judged by a single man, a creature of the crown, and according to the course of a law which exempts the prosecutor from the trouble of proving his accusation and obliges the defendant either to evince his innocence or to suffer.

To give this new judicatory the greater importance, and as if with design to protect false accusers, it is further provided that the judge's certificate of there having been probable causes of seizure and prosecution shall protect the prosecutor from actions at common law for recovery of damages.

By the course of our law, offences committed in such of the British dominions in which courts are established and justice duly and regularly administered shall be there tried by a jury of the vicinage. There the offenders and the witnesses are known, and the degree of credibility to be given to their testimony can be ascertained.

In all these colonies justice is regularly and impartially administered; and yet, by the construction of some, and the direction of other acts of Parliament, offenders are to be taken by force, together with all such persons as may be pointed out as witnesses, and carried to England, there to be tried in

a distant land by a jury of strangers and subject to all the disadvantages that result from the want of friends, want of witnesses, and want of money.

When the design of raising a revenue from the duties imposed on the importation of tea into America had in great measure been rendered abortive by our ceasing to import that commodity, a scheme was concerted by the ministry with the East India Company, and an act passed enabling and encouraging them to transport and vend it in the colonies. Aware of the danger of giving success to this insidious manœuvre, and of permitting a precedent of taxation thus to be established among us, various methods were adopted to elude the stroke.

The people of Boston, then ruled by a governor whom, as well as his predecessor, Sir Francis Bernard, all America considers as her enemy, were exceedingly embarrassed. The ships which had arrived with the tea were, by his management, prevented from returning. The duties would have been paid; the cargoes landed and exposed to sale; a governor's influence would have procured and protected many purchasers.

While the town was suspended by deliberations on this important subject the tea was destroyed. Even supposing a trespass was thereby committed, and the proprietors of the tea entitled to damages, the courts of law were open, and judges appointed by the crown presided in them. The East India Company, however, did not think proper to commence any suits, nor did they even demand satisfaction, either from individuals or from the community in general. The ministry, it seems, officiously made the case their own, and the great council of the nation descended to intermeddle with a dispute about private property. Divers papers, letters, and other unauthenticated *ex parte* evidence, were laid before them.

Neither the persons who destroyed the tea, nor the people of Boston, were called upon to answer the complaint.

The ministry, incensed by being disappointed in a favorite scheme, were determined to recur from the little arts of finesse to open force and unmanly violence. The port of Boston was blocked up by a fleet, and an army placed in the town. Their trade was to be suspended, and thousands reduced to the necessity of gaining subsistence from charity, till they should submit to pass under the yoke and consent to become slaves, by confessing the omnipotence of Parliament, and acquiescing in whatever disposition they might think proper to make of their lives and property.

Let justice and humanity cease to be the boast of your nation! Consult your history; examine your records of former transactions; nay, turn to the annals of the many arbitrary states and kingdoms that surround you, and show us a single instance of men being condemned to suffer for imputed crimes, unheard, unquestioned, and without even the specious formality of a trial; and that, too, by laws made expressly for the purpose and which had no existence at the time of the fact committed.

If it be difficult to reconcile these proceedings to the genius and temper of your laws and constitution, the task will become more arduous when we call upon our ministerial enemies to justify, not only condemning men untried and by hearsay, but involving the innocent in one common punishment with the guilty, and for the act of thirty or forty to bring poverty, distress, and calamity on thirty thousand souls, and those not your enemies, but your friends, brethren, and fellow subjects.

It would be some consolation to us if the catalogue of American oppressions ended here. It gives us pain to be

reduced to the necessity of reminding you that under the confidence reposed in the faith of government, pledged in a royal charter from a British sovereign, the forefathers of the present inhabitants of the Massachusetts Bay left their former habitations and established that great, flourishing, and loyal colony.

Without incurring or being charged with a forfeiture of their rights, without being heard, without being tried, without law and without justice, by an act of Parliament their charter is destroyed, their liberties violated, their constitution and form of government changed; and all this upon no better pretence than because in one of their towns a trespass was committed on some merchandise said to belong to one of the companies, and because the ministry were of opinion that such high political regulations were necessary to compel due subordination and obedience to their mandates.

Nor are these the only capital grievances under which we labor. We might tell of dissolute, weak, and wicked governors having been set over us; of legislatures being suspended for asserting the rights of British subjects; of needy and ignorant dependents on great men advanced to the seats of justice and to other places of trust and importance; of hard restrictions on commerce, and a great variety of lesser evils the recollection of which is almost lost under the weight and pressure of greater and more poignant calamities.

Now mark the progression of the ministerial plan for enslaving us.

Well aware that such hardy attempts to take our property from us; to deprive us of that valuable right of trial by jury; to seize our persons, and carry us for trial to Great Britain; to blockade our ports; to destroy our charters and change our forms of government,—would occasion, and had already

occasioned, great discontent in the colonies, which might produce opposition to these measures, an act was passed to protect, indemnify, and screen from punishment such as might be guilty even of murder in endeavoring to carry their oppressive edicts into execution; and by another act the dominion of Canada is to be so extended, modelled, and governed as that, by being disunited from us, detached from our interests, by civil as well as religious prejudices; that by their numbers daily swelling with Catholic emigrants from Europe, and by their devotion to an administration so friendly to their religion, they might become formidable to us, and on occasion be fit instruments, in the hands of power, to reduce the ancient free Protestant colonies to the same state of slavery with themselves.

This was evidently the object of the act; and in this view, being extremely dangerous to our liberty and quiet, we cannot forbear complaining of it as hostile to British America. Superadded to these considerations we cannot help deploring the unhappy condition to which it has reduced the many English settlers who, encouraged by the royal proclamation promising the enjoyment of all their rights, have purchased estates in that country. They are now the subjects of an arbitrary government, deprived of trial by jury, and, when imprisoned, cannot claim the benefit of the habeas corpus act — that great bulwark and palladium of English liberty. Nor can we suppress our astonishment that a British Parliament should ever consent to establish in that country a religion that has deluged your island in blood and dispersed impiety, bigotry, persecution, murder, and rebellion through every part of the world.

This being a true state of facts, let us beseech you to consider to what end they may lead.

Admit that the ministry, by the powers of Britain and the aid of our Roman Catholic neighbors, should be able to carry the point of taxation and reduce us to a state of perfect humiliation and slavery: such an enterprise would doubtless make some addition to your national debt, which already presses down your liberties and fills you with pensioners and placemen. We presume, also, that your commerce will somewhat be diminished. However, suppose you should prove victorious, in what condition will you then be? What advantages or laurels will you reap from such a conquest?

May not a ministry with the same armies enslave you? It may be said you will cease to pay them — but remember the taxes from America, the wealth, and, we may add, the men, and particularly the Roman Catholics of this vast continent, will then be in the power of your enemies; nor will you have any reason to expect that after making slaves of us many among us should refuse to assist in reducing you to the same abject state.

Do not treat this as chimerical. Know that in less than half a century the quitrents reserved to the crown from the numberless grants of this vast continent will pour large streams of wealth into the royal coffers, and if to this be added the power of taxing America at pleasure, the crown will be rendered independent of you for supplies, and will possess more treasure than may be necessary to purchase the remains of liberty in your island. In a word, take care that you do not fall into the pit that is preparing for us.

We believe there is yet much virtue, much justice, and much public spirit in the English nation. To that justice we now appeal. You have been told that we are seditious, impatient of government, and desirous of independency. Be assured that these are not facts, but calumnies. Permit

us to be as free as yourselves, and we shall ever esteem a union with you to be our greatest glory and our greatest happiness; we shall ever be ready to contribute all in our power to the welfare of the empire; we shall consider your enemies as our enemies and your interest as our own.

But if you are determined that your ministers shall wantonly sport with the rights of mankind; if neither the voice of justice, the dictates of the law, the principles of the constitution, or the suggestions of humanity, can restrain your hands from shedding human blood in such an impious cause, we must then tell you that we will never submit to be hewers of wood or drawers of water for any ministry or nation in the world.

Place us in the same situation that we were in at the close of the last war, and our former harmony will be restored.

But lest the same supineness, and the same inattention to our common interest, which you have for several years shown, should continue, we think it prudent to anticipate the consequences.

By the destruction of the trade of Boston the ministry have endeavored to induce submission to their measures. The like fate may befall us all. We will endeavor, therefore, to live without trade, and recur for subsistence to the fertility and bounty of our native soil, which will afford us all the necessaries and some of the conveniences of life. We have suspended our importation from Great Britain and Ireland; and, in less than a year's time, unless our grievances should be redressed, shall discontinue our exports to those kingdoms and the West Indies.

It is with the utmost regret, however, that we find ourselves compelled, by the overruling principles of self-preservation, to adopt measures detrimental in their consequences, to num-

bers of our fellow subjects in Great Britain and Ireland. But we hope that the magnanimity and justice of the British nation will furnish a Parliament of such wisdom, independence, and public spirit as may save the violated rights of the whole empire from the devices of wicked ministers and evil counselors, whether in or out of office; and thereby restore that harmony, friendship, and fraternal affection between all the inhabitants of his Majesty's kingdoms and territories so ardently wished for by every true and honest American.

## HENRY GRATTAN



HENRY GRATTAN, Irish statesman and orator, eloquent assertor of Ireland's right to self-government, and zealous advocate of Catholic emancipation, was born at Dublin, July 3, 1746, and died at London, June 14, 1820. His father was a Protestant and for many years was Recorder of the city of Dublin, while his mother was a daughter of an Irish chief-justice (Thomas Marley). In 1767, Grattan graduated at Trinity College, Dublin, but before being called to the Irish bar, in 1772, he kept his terms at the Middle Temple, London. As a lawyer he does not seem to have won much success, so we find him drawn to politics, for which his eloquence and fervor of manner specially fitted him, and become a member of the Irish Parliament, where he usually sided with the Opposition. His chief services there were the vindication of the constitutional rights of Parliament, and the repeal of Poyning's Act, which secured, through his own instrumentality, the first independent Irish Parliament (1782). To a number of Grattan's countrymen, the privilege of a local Parliament was much qualified by the fact that all its members were Protestants, for at this time Roman Catholics were not permitted to vote for members of the Legislature, nor could they serve as grand jurors or magistrates. The Catholic Relief Act of 1793 did away with this restriction, but not before it had divided the two sects into warring camps, and brought on, with French assistance, the abortive rising at the close of the eighteenth century. The antidote to this was the legislative union with Great Britain, which however, was vigorously opposed by Grattan, having re-entered the Irish Parliament with the design of defeating the measure. In spite of this attitude, Grattan entered the English Parliament himself in 1805, though with the benign purpose of contending for Catholic emancipation. He remained in Parliament till the year of his death (1820), continuing to the last to labor in the interests of his beloved country. Grattan's character was above reproach, while his stormy oratory was unstained by revolutionary sentiment. See Lecky's "Leaders of Public Opinion in Ireland" for an estimate of the patriot.

### AGAINST ENGLISH IMPERIALISM

DELIVERED IN THE IRISH PARLIAMENT, APRIL 19, 1780

SIR, I have entreated an attendance on this day that you might, in the most public manner, deny the claim of the British Parliament to make law for Ireland, and with one voice lift up your hands against it.

If I had lived when the 9th of William took away the woolen manufacture, or when the 6th of George I.  
(165)