

EDITORIAL NOTES

J. M., *The Legislative Authority of the British Parliament, with Respect to North America*

- p. 6, l. 7: De Tallagio non concedendo: Tallage was a tax imposed, for example, in 1214 on towns and the demesne lands of the Crown, usually levied by a poll-tax. It is referred to in the Confirmation of the Charters of 1297 (25 Edward I c.1) and also in De Tallagio non Concedendo of 1306 (34 Edward I, c. 1). These both established that no tax of this kind could be imposed without the consent of the leading men and freemen of the realm.
- p. 6, ll. 19–20: *this Act ... in BRITISH LIBERTIES*: 34 Edward I, c. 4 is discussed in *British Liberties, or the Free-Born Subject's Inheritance* (London: Edward and Charles Dilly, 1766), pp. 54–9.
- p. 7, ll. 2–4: *Twelfth Century ... the Fourteenth*: It should read thirteenth century and fifteenth century.
- p. 19, ll. 12–13: *the 7th and 8th of William the Third*: 7 and 8 William III, c. 22.
- p. 20, l. 1: *the 5th of George the Second*: 5 George II, c. 7.
- p. 20, l. 9: *the 6th of George the Second*: 6 George II, c. 13.
- p. 21, l. 7: *the 4th of George the IIIrd*: 4 George III, c. 15
- p. 22, l. 18: *Salus populi suprema Lex est*: 'The safety (or welfare) of the people is the supreme law'.

Anon., *The Rights of Parliament Vindicated, on Occasion of the Late Stamp-Act*

- p. 25, ll. 12–13: "*Omnem Divini ... priscis præserrimus*": The quotation is adapted from Livy, *History of Rome*, VIII.11. It translates as: 'The memory of every traditional custom relating to either human or divine things has been lost through our abandonment of the old religion of our fathers in favour of foreign novelties'.
- p. 25, ll. 14–17: "*Usus & consuetudo ... Magnam Chartam*": The quotation translates as: 'The use and custom of Parliament is the law of England, the law of Parliament is the law of England, the law of England is the law of the land, the law of the land follows Magna Carta'.
- p. 28, l. 31: *Petit jus parliamentarium*: William Petyt (1636–1707), *Jus Parliamentarium: Or, the Ancient Power, Jurisdiction, Rights and Liberties, of the Most High Court of Parliament, Revived and Asserted* (London: Nourse, 1739), though originally known as *The*

- Ancient Right of the Commons of England asserted* (London: Printed for F. Smith, T. Basset, J. Wright, R. Chiswell, and S. Heyrick, 1680).
- p. 30, ll. 17–22: *By Magna Charta it appeareth ... tenants in capite*: This is clause 14 of Magna Carta.
- p. 31, ll. 1–10: *“Whatsoever is regularly determined ... That hath the force of law”*: Henry de Bracton (d. 1268), *De legibus et consuetudinibus Angliae* (*On the Laws and Customs of England*). Editions were published in 1569 and 1640.
- p. 32, ll. 20–1: *Sir Thomas Smith*: Sir Thomas Smith (1513–77), scholar, diplomat, political theorist and Secretary of State to Elizabeth I, wrote on parliament in *De republica Anglorum* (London: G. Seton, 1583), translated as *The Common-wealth of England* (London: G. Seton, 1594). See p. 46 (book II, ch. 2) of the latter.
- p. 32, l. 32: *Petit jus parliamentarium*: see Petyt, *Jus Parliamentarium*, p. 357.
- p. 36, ll. 5–11: *“To inherit ... of this kingdom”*: This is not quite an accurate transcription, but similar words are in clause X of the Maryland Charter of 1632.
- p. 37, ll. 29–32: *not ... a fifteenth part of the people of England, or above five thousand of ... Scotland*: This underestimates the number of English voters (which was about 15 per cent of adult males), and overestimates the number of Scottish voters (where there were about 4,000 enfranchised adult males).
- p. 38, ll. 14–23: *“Whatever the people ... representatives”*: see Smith, *The Common-wealth of England*, p. 46 (book II, ch. 2).
- p. 38, l. 15: *Comitia Centuriata*: The assembly of the whole Roman people, plebeian as well as patrician. Under the Republic, it elected all the higher officials, decided on war and passed laws.
- p. 38, ll. 26–32: *Among the non electors ... in the funds*: The franchise of London belonged to the freemen not the freeholders, though there would be an overlap between these two categories.
- p. 39, l. 26: *the royal charters*: the First Charter of Virginia 1606 and the Second Charter of Virginia 1609.
- p. 45, l. 27: *11. Rep. 87. Dyer 52: 11 Rep. 87* refers to the eleventh volume of *The Reports of Sir Edward Coke*; Dyer 58 refers to Sir James Dyer’s legal notes, originally published in London in 1585 and reprinted as *Les reports des divers matters & resolutions des reverend judges & sages del ley: touchant mults principal points occurent ester debate per eux* (London: Samuel Keble, 1688).
- p. 47, ll. 11–19: *extent of privileges ... any goods or merchandize*: see the Maryland Charter of 1632, clause XX.
- p. 48, l. 32: *Owen’s Collection of Charters*: The source referred to here is *The Charters of the Following Provinces of North America; viz. Virginia, Maryland, Connecticut, Rhode Island, Pennsylvania, Massachusetts’s Bay and Georgia* (London: Printed by W. Owen, 1766). The quotation is at p. 13.
- p. 49, ll. 7–8: *by the 8th article of the first and second charters of King James I*: The reference is to the Charters of Virginia of 1606 and 1609.
- p. 49, l. 26–p. 50, l. 7: *“Penn ... made good”*: see *The Charters of the Following Provinces*, pp. 2–5.
- p. 50, l. 12: *N. C. D.: nemine contradicente*, i.e., no one opposed it (and so it passed unanimously).
- p. 50, ll. 13–28: *“That it is ... most valuable rights”*: see *The Charters of the Following Provinces*, p. 10.

- p. 50, l. 32–3: *Mr. Bernard*: Sir Francis Barnard (1712–79), governor of Massachusetts from 1760 to 1769.
- p. 51, l. 6–p. 52, l. 23: “*I shall not enter ... relief you desire*”: see *The Charters of the Following Provinces*, p. 7.
- p. 53, l. 20–p. 55, l. 24: “*We cannot but be surprised ... liberties of Magna Charta*”: This is a rather free adaptation of the words on p. 16 of *The Charters of the Following Provinces*.
- p. 55, l. 31: *Mr. Hutchinson*: Thomas Hutchinson (1711–80), born in Boston, lieutenant governor of Massachusetts from 1758, acting governor from 1769 and then governor from 1771 to 1774.
- p. 56, ll. 3–14: “*It was a difficult thing ... did not reach America*”: see Thomas Hutchinson, *The History of the Colony of Massachusetts Bay, from the First Settlement thereof in 1628*, 2nd edn (London: M. Richardson, 1765), p. 322.
- p. 56, ll. 26–8: *nor could they get another charter ... until the year 1692*: The Massachusetts Charter of 1629 was cancelled by the High Court of Chancery in 1684. A new charter was granted on 7 October 1691 (not 1692).
- p. 57, l. 5: *scire facias*: A writ of *scire facias* requires the party against which it is issued to appear and show why a judicial record should not be enforced, repealed or annulled.
- p. 58, l. 18–p. 59, l. 9: “*The great and general court ... province or territory*”: This paraphrases parts of the Massachusetts Charter of 1691.
- p. 59, l. 21–p. 60, l. 14: “*None may now be admitted ... roll of grievances*”: see Hutchinson, *The History of the Colony of Massachusetts Bay*, p. 26 and note.
- p. 63, l. 19: *Scobells Acts. 1656*: The act is c. 28 and the work referred to is Henry Scobell, *A Collection of Acts and Ordinances of General Use, Made in Parliament* [from 1640 to 1656], 2 vols (London: Printed by Henry Hills and John Field, 1657).
- p. 65, l. 27–8: *the fate of Massachusetts in 1686*: The Massachusetts charter was annulled in 1684 not 1686.
- p. 65, l. 31: *15 Car. II. Cap 7. Par. 5*: 15 Charles II, c. 7, Charles II’s famous Navigation Act.
- p. 67, ll. 2–7: “*that the parliament ... arbitrary power*”: This is a paraphrase of *The Charters of the Following Provinces*, p. 16.

Anon., *The Constitutional Right of the Legislature of Great Britain to Tax the British Colonies in America*

- p. 71, ll. 11–15: *In a province ... power nor with arms*: see *The Oceana and Other Works of James Harrington, Esq.* (London: A. Millar, 1737), book I, p. 250.
- p. 73, ll. 12–13: *tremendous speech of the great Commoner*: The Great Commoner was William Pitt the Elder, Earl of Chatham (1707–78). His great speech was delivered on 14 January 1766. See William Cobbett (ed.), *Parliamentary History of England*, 30 vols (London: T. C. Hansard, 1806–20), vol. 16, pp. 97–100 and 103–8.
- p. 79, l. 11: *the arguments of Sidney, Lock*: Algernon Sidney (1623–83) the Whig martyr, executed in 1683, and the author of *Discourses Concerning Government* (1698); and John Locke (1632–1704), the great philosopher and political theorist, author of *Two Treatises on Government* (1690).
- p. 88, l. 9: *One great man, delighting in hyperboles*: William Pitt the Elder.
- p. 88, l. 16: *Another great man*: Charles Pratt (1714–94), 1st Earl Camden, an eminent lawyer and critic of the Stamp Act.
- p. 103, l. 9: *guarda costas*: coast guards.