

# FOUNDING POLITICAL WARFARE DOCUMENTS OF THE UNITED STATES



*J. Michael Waller, Editor*

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# Founding Political Warfare Documents of the United States

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Cover art: "Bloody Massacre" engraving by Paul Revere, 1770. Courtesy of the Library of Congress.

Title page art: A 1775 rendition of the first political cartoon in America: Benjamin Franklin's "Join or Die" from the French and Indian War.

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## Political Warfare: An American Tradition

### Introduction

Public diplomacy and political warfare have been an American tradition since before the founding of the republic. The Continental Congress made its case to the world when it was founded in 1774. In this course reader, we take a lengthy look at the complete texts of Continental Congress declarations, from early appeals to neighbors in Canada and to King George III to the Declaration of Independence of July 4, 1776. We also study the texts of essays and writings by eminent political leaders of the day, as well as propaganda art, political cartoons, newspapers and pamphlets, guerrilla theater, military psychological operations, and satire.

This reader is designed to be used in the context of lectures of American and British political warfare of the late 18<sup>th</sup> century, and as a complement to assigned books on Samuel Adams and the other Boston-based revolutionaries.

Obvious omissions in this reader, such as statements and works by Samuel Adams, appear in the Alexander and Bourne books or the texts by Smith and Taylor.

A common technique of the Continental Congress declarations, pioneered by Samuel Adams of Massachusetts, was to combine statements of high principle and reason with relentless attacks on the British government. Such statements showed the reasonableness of the American cause, and the unreasonableness of the British who had given the colonies no choice but to secede from the empire. It is instructive

to study how the tone of the Continental Congress changed over time as appeals to reason became more futile.

These letters and declarations are excellent models for public diplomacy today. They seek to build relations with foreign audiences, combining positive messages designed to support the American cause with relentless attacks on the adversary (or enemy).

This collection of pronouncements from the Continental Congress, a public letter from John Hancock, two public letters from General George Washington and a satirical piece by Benjamin Franklin indicate how the American colonists directed their messages at different audiences. The documents show how the thinking evolved from merely demanding the rights of Englishmen to ultimately severing all ties with the country they had considered as their own.

The editor has endeavored to keep the spelling and punctuation faithful to the original documents. Original texts appear in New Times Roman font. Brief editorial comments or clarifications appear in brackets [ ]. All other text appears in the present Verdana font.

## **Rules for Making Oneself a Disagreeable Companion**

Benjamin Franklin (1750)<sup>1</sup>

As a private citizen in Philadelphia, Benjamin Franklin often gave advice about personal behavior and life in general. The following essay is a parody to encourage good social conduct. Though not a piece of political warfare, the item shows Franklin's use of giving advice

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<sup>1</sup> *The Pennsylvania Gazette*, November 15, 1750.

on how to be counterproductive as a means of recognizing one's faults and hopefully correcting them. More than two decades after publishing the following "rules," in 1773, Franklin would write a similar piece of advice for the British empire, explaining step-by-step how it could destroy itself.

*RULES, by the Observation of which, a Man of Wit and Learning may nevertheless make himself a disagreeable Companion.*

Your Business is to *shine*; therefore you must by all means prevent the shining of others, for their Brightness may make yours the less distinguish'd. To this End,

1. If possible engross the whole Discourse; and when other Matter fails, talk much of your-self, your Education, your Knowledge, your Circumstances, your Successes in Business, your Victories in Disputes, your own wise Sayings and Observations on particular Occasions, &c. &c.;
2. If when you are out of Breath, one of the Company should seize the Opportunity of saying something; watch his Words, and, if possible, find somewhat either in his Sentiment or Expression, immediately to contradict and raise a Dispute upon. Rather than fail, criticise even his Grammar.
3. If another should be saying an indisputably good Thing; either give no Attention to it; or interrupt him; or draw away the Attention of others; or, if you can guess what he would be at, be quick and say it before him; or, if he gets it said, and you perceive the Company pleas'd with it, own it to be a good Thing, and withal remark that it had been said by *Bacon, Locke, Bayle*, or some other eminent Writer; thus you deprive him of the Reputation he might have gain'd by it, and gain some yourself, as you hereby show your great Reading and Memory.
4. When modest Men have been thus treated by you a few times, they will chuse ever after to be silent in your Company; then you may shine on without Fear of a Rival; rallying them at the same time for their Dullness, which will be to you a new Fund of Wit.

Thus you will be sure to please *yourself*. The polite Man aims at pleasing *others*, but you shall go beyond him even in that. A Man can be present only in one Company, but may at the same time be absent in twenty. He can please only where he *is*, you where-ever you are *not*.

## **The Stamp Act and Its Opposition, 1765-66**

### **The Stamp Act, 1765**

Opposite page: Parliamentary proceedings that contain the Stamp Act of 1765.

Notice how the British Empire measured time.

Anno Domini ("The Year of Our Lord") appears in Roman numerals at the bottom.

At the top is Anno Regni ("Year of Reign") Quinto, or Year 5 of the reign of King George III.



*Stamp Act*

Anno Regni  
**GEORGI III.**  
 REGIS

*Magna Britannia, Francie, & Hibernie,*  
 QUINTO.

At the Parliament begun and holden at  
*Westminster*, the Nineteenth Day of  
*May*, Anno Dom. 1761, in the First  
 Year of the Reign of our Sovereign  
 Lord GEORGE the Third,  
 by the Grace of God, of *Great Britain*,  
*France*, and *Ireland*, King, Defender  
 of the Faith, &c.

And from thence continued by several Prorogations to  
 the Tenth Day of *January*, 1765, being the Fourth  
 Session of the Twelfth Parliament of *Great Britain*.



L O N D O N :

Printed by *Mark Baskett*, Printer to the King's most  
 Excellent Majesty : and by the Assigns of *Robert*  
*Baskett*. M.DCC.LXV.

## **James Otis on Writs of Assistance**

Boston (1761)

James Otis was a prominent Massachusetts lawyer who is considered the first influential figure to give philosophical arguments against the British form of taxation of the American colonies. Boston merchants found the British Acts of Trade to be so onerous as to ruin their business, and they took creative steps to circumvent the repressive legislation. In 1761, the British added the Writs of Assistance as a legal tool to help enforce the Acts of Trade, and crack down on those violating British trade restrictions. Otis was the colonial Advocate General when the Writs of Assistance came into force. He resigned his post when called upon to enforce them, and gave a five-hour legal argument against their validity, offering the first speech that equated British rule with tyranny. The following is excerpted from that legal argument. Boston merchants retained his services to defend themselves against the Writs. Otis was soon eclipsed by Samuel Adams and others, but is considered the original ideological father of the American Revolution.

May it please your Honours: I was desired by one of the court to look into the (law) books, and consider the question now before them concerning Writs of Assistance. I have accordingly considered it, and now appear not only in obedience to your order, but likewise in behalf of the inhabitants of this town, who have presented another petition, and out of regard to the liberties of the subject. And I take this opportunity to declare that whether under a fee or not (for in such a cause as this I despise a fee) I will to my dying day oppose, with all the powers and faculties God has given me, all such instruments of slavery on the one hand and villainy on the other, as this Writ of Assistance is.

It appears to me the worst instrument of arbitrary power, the most destructive of English liberty and the fundamental principles of law that ever was found in an English lawbook. I must therefore beg your Honours' patience and attention to the whole range of an argument that may perhaps appear uncommon in many things, as well as to points of

learning that are more remote and unusual, that the whole tendency of my design may the more easily be perceived, the conclusions better descend, and the force of them be better felt. I shall not think much of my pains in this cause, as I engaged in it from principle.

I was solicited to argue this case as Advocate-General; and, because I would not, I have been charged with desertion from my office. To this charge I can give a very sufficient answer. I renounced that office and I argue this cause from the same principle; and I argue it with the greatest pleasure, as it is in favour of British liberty, at a time when we hear the greatest monarch upon earth declaring from his throne that he glories in the name of Briton and that the privileges of his people are dearer to him than the most valuable prerogatives of his crown; and as it is in opposition to a kind of power, the exercise of which in former periods of history cost one king of England his head and another his crown, I have taken more pains in this cause than I ever will take again, although my engaging in this and another popular cause has raised much resentment.

But I think I can sincerely declare that I cheerfully submit myself to every odious name for conscience' sake; and from my soul I despise all those whose guilt, malice, or folly has made them my foes. Let the consequences be what they will, I am determined to proceed. The only principles of public conduct that are worthy of a gentleman or a man are to sacrifice estate, ease, health, and applause, and even life, to the sacred calls of his country. These manly sentiments, in private life, make good citizens; in public life, the patriot and the hero. I do not say that, when brought to the test, I shall be invincible. I pray God I may never be brought to the melancholy trial; but if ever I should, it will then be known how far I can reduce to practice principles which I know to be founded in truth. In the meantime, I will proceed to the subject of this writ.

In the first place, may it please your honours, I will admit that writs of one kind may be legal; that is, special writs, directed to special officers, and to search certain houses, etc., specially set forth in the writ, may be granted by the Court of Exchequer at home, upon oath made before the Lord Treasurer by the person who asks it, that he suspects such goods to be concealed in those very places he desires to search. The Act of 14 Charles II., which Mr. Gridley [Otis's opponent who supported the Writs] mentions, proves this. And in this light the writ appears like a warrant from a Justice of the Peace to search for stolen goods. Your

honours will find in the old books concerning the office of a Justice of the Peace, precedents of general warrants to search suspected houses. But in more modern books you will find only special warrants to search such and such houses, specially named, in which the complainant has before sworn that he suspects his goods are concealed; and will find it adjudged that special warrants only are legal.

In the same manner I rely on it, that the writ prayed for in this petition is illegal. It is a power that places the liberty of every man in the hands of every petty officer. I say, I admit that special Writs of Assistance, to search special places, may be granted to certain persons on oath; but I deny that the writ now prayed for can be granted, for I beg leave to make some observations on the writ itself, before I proceed to other Acts of Parliament.

In the first place, the writ is universal, being directed "to all and singular justices, sheriffs, constables, and all other officers and subjects"; so that, in short, it is directed to every subject in the King's domains. Every one with this writ may be a tyrant; if this commission be legal, a tyrant in a legal manner, also, may control, imprison, or murder any one within the realm. In the next place, it is perpetual; there is no return.

A man is accountable to no person for his doings. Every man may reign secure in his petty tyranny, and spread terror and desolation around him [until the trump of the Archangel shall excite different emotions in his soul].

In the third place, a person with this writ, in the daytime, may enter all houses, shops, etc., at will, and command all to assist him. Fourthly, by this writ not only deputies, etc., but even their menial servants, are allowed to lord it over us. [What is this but to have the curse of Canaan with a witness on us: to be the servants of servants, the most despicable of God's creation?] Now one of the most essential branches of English liberty is the freedom of one's house.

A man's house is his castle; and whilst he is quiet, he is as well guarded as a prince in his castle. This writ, if it should be declared legal, would totally annihilate this privilege. Custom-house officers may enter our houses when they please; we are commanded to permit their entry. Their menial servants may enter, may break locks, bars, and everything

in their way; and whether they break through malice or revenge, no man, no court can inquire. Bare suspicion without oath is sufficient.

This wanton exercise of this power is not a chimerical suggestion of a heated brain. I will mention some facts. Mr. Pew had one of these writs, and when Mr. Ware succeeded him, he endorsed this writ over to Mr. Ware, so that these writs are negotiable from one officer to another; and so your Honours have no opportunity of judging the persons to whom this vast power is delegated.

Another instance is this: Mr. Justice Walley had called this same Mr. Ware before him, by a constable, for a breach of the Sabbath-day Acts, or that of profane swearing. As soon as he had finished, Mr. Ware asked him if he had done. He replied, "Yes." "Well, then," said Mr. Ware, "I will show you a little of my power. I command you to permit me to search your house for uncustomed goods," and went on to search the house from garret to cellar; and then served the constable in the same manner!

But to show another absurdity in this writ, if it should be established, I insist upon it every person, by the 14 Charles II., has this power as well as the Custom-house officers. The words are, "it shall be lawful for any person or persons authorized, etc." What a scene does this open! Every man prompted by revenge, ill-humor or wantonness to inspect the inside of his neighbour's house, may get a Writ of Assistance. Others will ask it from self defence; one arbitrary exertion will provoke another, until society be involved in tumult and in blood!

Again, these writs are not returned. Writs, in their nature, are temporary things. When the purposes for which they are issued are answered, they exist no more; but these live forever; no one can be called to account. Thus reason and the constitution are both against this writ. Let us see what authority there is for it. Not more than one instance can be found of it in all our law-books; and that was in the zenith of arbitrary power, namely, in the reign of Charles II., when star-chamber powers were pushed to extremity by some ignorant clerk of the exchequer. But had this writ been in any book whatever, it would have been illegal. All precedents are under the control of the principles of law. Lord Talbot (the Earl of Shrewsbury, an English peer of the era of William and Mary) says it is better to observe these than any precedents, though in the House of Lords the last resort of the subject.

No Acts of Parliament can establish such a writ; though it should be made in the very words of the petition, it would be void. An act against the constitution is void. But this proves no more than what I before observed, that special writs may be granted on oath and probable suspicion. The act of 7 and 8 William III. that the officers of the plantations shall have the same powers, etc., is confined to this sense; that an officer should show probable ground; should take his oath of it; should do this before a magistrate; and that such magistrate, if he think proper, should issue a special warrant to a constable to search the places. That of 6 Anne can prove no more.

(Haldimand Collection)

## **Royal Proclamation**

### **King George III (1763)**

This proclamation by Great Britain's young King George III to mark the end of the French and Indian War (Seven Years War), divides up the king's dominions of North America and the Caribbean and unintentionally sets the stage for the violations of several of the colonies' long-standing self-government – the policies that would spark the American revolution.

BY THE KING PROCLAMATION  
GEORGE R.

Whereas We have taken into Our Royal Consideration the extensive and valuable Acquisitions in America, secured to our Crown by the late Definitive Treaty of Peace, concluded at Paris. the 10th Day of February last; and being desirous that all Our loving Subjects, as well of our Kingdom as of our Colonies in America, may avail themselves with all convenient Speed, of the great Benefits and Advantages which must accrue therefrom to their Commerce, Manufactures, and Navigation, We have thought fit, with the Advice of our Privy Council. to issue this our Royal Proclamation, hereby to publish and declare to all our loving Subjects, that we have, with the Advice of our Said Privy Council, granted our Letters Patent, under our Great Seal of Great Britain, to erect, within the Countries and Islands ceded and confirmed

to Us by the said Treaty, Four distinct and separate Governments, styled and called by the names of Quebec, East Florida, West Florida and Grenada, and limited and bounded as follows, viz.

First—The Government of Quebec bounded on the Labrador Coast by the River St. John, and from thence by a Line drawn from the Head of that River through the Lake St. John, to the South end of the Lake Nipissim; from whence the said Line, crossing the River St. Lawrence, and the Lake Champlain, in 45. Degrees of North Latitude, passes along the High Lands which divide the Rivers that empty themselves into the said River St. Lawrence from those which fall into the Sea; and also along the North Coast of the Baye des Chaleurs, and the Coast of the Gulph of St. Lawrence to Cape Rosieres, and from thence crossing the Mouth of the River St. Lawrence by the West End of the Island of Anticosti, terminates at the aforesaid River of St. John.

Secondly—The Government of East Florida. bounded to the Westward by the Gulph of Mexico and the Apalachicola River; to the Northward by a Line drawn from that part of the said River where the Chatahouchee and Flint Rivers meet, to the source of St. Mary's River. and by the course of the said River to the Atlantic Ocean; and to the Eastward and Southward by the Atlantic Ocean and the Gulph of Florida, including all Islands within Six Leagues of the Sea Coast.

Thirdly—The Government of West Florida. bounded to the Southward by the Gulph of Mexico. including all Islands within Six Leagues of the Coast. from the River Apalachicola to Lake Pontchartrain; to the Westward by the said Lake, the Lake Maurepas, and the River Mississippi; to the Northward by a Line drawn due East from that part of the River Mississippi which lies in 31 Degrees North Latitude. to the River Apalachicola or Chatahouchee; and to the Eastward by the said River.

Fourthly—The Government of Grenada, comprehending the Island of that name, together with the Grenadines, and the Islands of Dominico, St. Vincent's and Tobago. And to the end that the open and free Fishery of our Subjects may be extended to and carried on upon the Coast of Labrador, and the adjacent Islands. We have thought fit. with the advice of our said Privy Council to put all that Coast, from the River St. John's to Hudson's Streights, together with the Islands of Anticosti and Madelaine, and all other smaller Islands lying upon the said Coast, under the care and Inspection of our Governor of Newfoundland.

We have also, with the advice of our Privy Council. thought fit to annex the Islands of St. John's and Cape Breton, or Isle Royale, with the lesser Islands adjacent thereto, to our Government of Nova Scotia.

We have also, with the advice of our Privy Council aforesaid, annexed to our Province of Georgia all the Lands lying between the Rivers Alatomaha and St. Mary's.

And whereas it will greatly contribute to the speedy settling of our said new Governments, that our loving Subjects should be informed of our Paternal care, for the security of the Liberties and Properties of those who are and shall become Inhabitants thereof, We have thought fit to publish and declare, by this Our Proclamation, that We have, in the Letters Patent under our Great Seal of Great Britain, by which the said Governments are constituted. given express Power and Direction to our Governors of our Said Colonies respectively, that so soon as the state and circumstances of the said Colonies will admit thereof, they shall, with the Advice and Consent of the Members of our Council, summon and call General Assemblies within the said Governments respectively, in such Manner and Form as is used and directed in those Colonies and Provinces in America which are under our immediate Government: And We have also given Power to the said Governors, with the consent of our Said Councils, and the Representatives of the People so to be summoned as aforesaid, to make, constitute, and ordain Laws. Statutes, and Ordinances for the Public Peace, Welfare, and good Government of our said Colonies, and of the People and Inhabitants thereof, as near as may be agreeable to the Laws of England, and under such Regulations and Restrictions as are used in other Colonies; and in the mean Time, and until such Assemblies can be called as aforesaid, all Persons Inhabiting in or resorting to our Said Colonies may confide in our Royal Protection for the Enjoyment of the Benefit of the Laws of our Realm of England; for which Purpose We have given Power under our Great Seal to the Governors of our said Colonies respectively to erect and constitute, with the Advice of our said Councils respectively, Courts of Judicature and public Justice within our Said Colonies for hearing and determining all Causes, as well Criminal as Civil, according to Law and Equity, and as near as may be agreeable to the Laws of England, with Liberty to all Persons who may think themselves aggrieved by the Sentences of such Courts, in all Civil Cases. to appeal, under the usual Limitations and Restrictions, to Us in our Privy Council.



We have also thought fit, with the advice of our Privy Council as aforesaid, to give unto the Governors and Councils of our said Three new Colonies, upon the Continent full Power and Authority to settle and agree with the Inhabitants of our said new Colonies or with any other Persons who shall resort thereto, for such Lands. Tenements and Hereditaments, as are now or hereafter shall be in our Power to dispose of; and them to grant to any such Person or Persons upon such Terms, and under such moderate Quit-Rents, Services and Acknowledgments, as have been appointed and settled in our other Colonies, and under such other Conditions as shall appear to us to be necessary and expedient for the Advantage of the Grantees, and the Improvement and settlement of our said Colonies.

And Whereas, We are desirous, upon all occasions, to testify our Royal Sense and Approbation of the Conduct and bravery of the Officers and Soldiers of our Armies, and to reward the same, We do hereby command and empower our Governors of our said Three new Colonies, and all other our Governors of our several Provinces on the Continent of North America, to grant without Fee or Reward, to such reduced Officers as have served in North America during the late War, and to such Private Soldiers as have been or shall be disbanded in America, and are actually residing there, and shall personally apply for the same, the following Quantities of Lands, subject, at the Expiration of Ten Years, to the same Quit-Rents as other Lands are subject to in the Province within which they are granted, as also subject to the same Conditions of Cultivation and Improvement; viz.

To every Person having the Rank of a Field Officer - 5,000 Acres.

To every Captain – 3,000 Acres.

To every Subaltern or Staff Officer – 2,000 Acres.

To every Non-Commission Officer – 200 Acres .

To every Private Man - 50 Acres.

We do likewise authorize and require the Governors and Commanders in Chief of all our said Colonies upon the Continent of North America to grant the like Quantities of Land, and upon the same conditions, to such reduced Officers of our Navy of like Rank as served on board our

Ships of War in North America at the times of the Reduction of Louisbourg and Quebec in the late War, and who shall personally apply to our respective Governors for such Grants.

And whereas it is just and reasonable, and essential to our Interest, and the Security of our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under our Protection, should not be molested or disturbed in the Possession of such Parts of Our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved to them. or any of them, as their Hunting Grounds.—We do therefore, with the Advice of our Privy Council, declare it to be our Royal Will and Pleasure. that no Governor or Commander in Chief in any of our Colonies of Quebec, East Florida. or West Florida, do presume, upon any Pretence whatever, to grant Warrants of Survey, or pass any Patents for Lands beyond the Bounds of their respective Governments. as described in their Commissions: as also that no Governor or Commander in Chief in any of our other Colonies or Plantations in America do presume for the present, and until our further Pleasure be known, to grant Warrants of Survey, or pass Patents for any Lands beyond the Heads or Sources of any of the Rivers which fall into the Atlantic Ocean from the West and North West, or upon any Lands whatever, which, not having been ceded to or purchased by Us as aforesaid, are reserved to the said Indians, or any of them.

And We do further declare it to be Our Royal Will and Pleasure, for the present as aforesaid, to reserve under our Sovereignty, Protection, and Dominion, for the use of the said Indians, all the Lands and Territories not included within the Limits of Our said Three new Governments, or within the Limits of the Territory granted to the Hudson's Bay Company, as also all the Lands and Territories lying to the Westward of the Sources of the Rivers which fall into the Sea from the West and North West as aforesaid.

And We do hereby strictly forbid, on Pain of our Displeasure, all our loving Subjects from making any Purchases or Settlements whatever, or taking Possession of any of the Lands above reserved. without our especial leave and Licence for that Purpose first obtained.

And. We do further strictly enjoin and require all Persons whatever who have either wilfully or inadvertently seated themselves upon any Lands within the Countries above described. or upon any other Lands

which, not having been ceded to or purchased by Us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such Settlements.

And whereas great Frauds and Abuses have been committed in purchasing Lands of the Indians, to the great Prejudice of our Interests, and to the great Dissatisfaction of the said Indians: In order, therefore, to prevent such Irregularities for the future, and to the end that the Indians may be convinced of our Justice and determined Resolution to remove all reasonable Cause of Discontent, We do. with the Advice of our Privy Council strictly enjoin and require. that no private Person do presume to make any purchase from the said Indians of any Lands reserved to the said Indians, within those parts of our Colonies where, We have thought proper to allow Settlement: but that. if at any Time any of the Said Indians should be inclined to dispose of the said Lands, the same shall be Purchased only for Us, in our Name, at some public Meeting or Assembly of the said Indians, to be held for that Purpose by the Governor or Commander in Chief of our Colony respectively within which they shall lie: and in case they shall lie within the limits of any Proprietary Government. they shall be purchased only for the Use and in the name of such Proprietaries, conformable to such Directions and Instructions as We or they shall think proper to give for that Purpose: And we do. by the Advice of our Privy Council, declare and enjoin, that the Trade with the said Indians shall be free and open to all our Subjects whatever. provided that every Person who may incline to Trade with the said Indians do take out a Licence for carrying on such Trade from the Governor or Commander in Chief of any of our Colonies respectively where such Person shall reside. and also give Security to observe such Regulations as We shall at any Time think fit. by ourselves or by our Commissaries to be appointed for this Purpose, to direct and appoint for the Benefit of the said Trade:

And we do hereby authorize, enjoin, and require the Governors and Commanders in Chief of all our Colonies respectively, as well those under Our immediate Government as those under the Government and Direction of Proprietaries, to grant such Licences without Fee or Reward, taking especial Care to insert therein a Condition, that such Licence shall be void, and the Security forfeited in case the Person to whom the same is granted shall refuse or neglect to observe such Regulations as We shall think proper to prescribe as aforesaid.

And we do further expressly conjoin and require all Officers whatever, as well Military as those Employed in the Management and Direction of Indian Affairs, within the Territories reserved as aforesaid for the use of the said Indians, to seize and apprehend all Persons whatever, who standing charged with Treason. Misprisions of Treason. Murders, or other Felonies or Misdemeanors. shall fly from Justice and take Refuge in the said Territory. and to send them under a proper guard to the Colony where the Crime was committed of which they, stand accused. in order to take their Trial for the same.

Given at our Court at St. James's the 7th Day of October 1763. in the Third Year of our Reign.

GOD SAVE THE KING

(Haldimand Collection)

### **Sugar Act Parliament (1764)**

The first of the parliamentary acts following the end of the French and Indian War that would cause friction in many of the American colonies.

*WHEREAS it is expedient that new provisions and regulations should be established for improving the revenue of this kingdom, and for extending and securing the navigation and commerce between Great Britain and your Majesty's dominions in America, which, by the peace, have been so happily enlarged: and whereas it is just and necessary, that a revenue be raised, in your Majesty's and dominions in America, for defraying the expenses of defending, protecting, and securing the same; we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, being desirous to make some provisions, in this present session of parliament, towards raising the said revenue in America, have resolved to give and grant unto your Majesty the several rates and duties herein aftermentioned.*

IV. And whereas an act was made in the sixth year of the reign of his late majesty King George the Second, intituled, *An act for the better securing and encouraging the trade of his Majesty's sugar colonies in*

America, which was to continue in force for five years and which, by several subsequent acts was, from time to time, continued; and, by an act made in the first year of the reign of his present Majesty, was further continued until the end of this present session of parliament; and although the said act hath been found in some degree useful, yet it is highly expedient that the same should be altered, enforced, and made more effectual; but, in consideration of the great distance of several of the said colonies and plantations from this kingdom, it will be proper further to continue the said act for a short space, before any alterations and amendments shall take effect, in order that all persons concerned may have due and proper notice thereof; bit therefore enacted by the authority aforesaid, That the said act made in the sixth year of the reign of his late majesty King *George* the Second, intituled, *An act for the better securing and encouraging the trade of his Majesty's sugar colonies in America*, shall be, and the same is hereby further continued, until the thirtieth day of *September*, one thousand seven hundred and sixty four.

V. And be it further enacted by the authority aforesaid, That from the twenty ninth day of *September*, one thousand seven hundred and sixty four, the said act, subject to such alterations and amendments as are herein after contained, shall be, and the same is hereby made perpetual.

VI. And be it further enacted by the authority aforesaid, That in lieu and instead of the rate and duty imposed by the said act upon melasses and syrups, there shall, from and after the said twenty ninth day of *September* one thousand seven hundred and sixty four, be raised, levied, collected, and paid, unto his Majesty, his heirs and successors, for and upon every gallon of melasses or syrups, being the growth, product, or manufacture, of any colony or plantation in *America*, not under the dominion of his Majesty, his heirs or successors, which shall be imported or brought into any colony or plantation in *American*, which now is, or hereafter may be, under the dominion of his Majesty, his heirs or successors, the sum of three pence

XI. And it is hereby further enacted by the authority aforesaid, That all the monies which shall arise by the several rates and duties herein before granted; and also by the duties which, from and after the said twenty ninth day of *September*, one thousand seven hundred and sixty four, shall be raised upon sugars and paneles, by virtue of the said act made in the sixth year of the reign of his said late majesty King *George*

the Second (except the necessary charges of raising, collecting, levying, recovering, answering, paying, and accounting for the same) shall be paid into the receipt of his Majesty's Exchequer, and shall be entered separate and apart from all other monies paid or payable to his Majesty, his heirs or successors: and shall be there reserved, to be, from time to time, disposed of by parliament, towards defraying the necessary expenses of defending, protecting, and securing, the *British* colonies and plantations in *America*

XVIII. And be it further enacted by the authority aforesaid, That no rum or spirits for the produce or manufacture of any of the colonies or plantations in *America*, not in the possession or under the dominion of his Majesty, his heirs or successors, shall be imported or brought into any of the colonies or plantations in *America* which now are, or hereafter may be, in the possession or under the dominion of his Majesty, his heirs or successors, upon forfeiture of all such rum or spirits, together with the ship or vessel in which the same shall be imported, with the tackle, apparel, and furniture thereof, to be seized by any officer or officers of his Majesty's customs, and prosecuted in such manner and form as herein after is expressed; any law, custom, or usage, to the contrary notwithstanding.

XX. And, for the better preventing frauds in the importation of foreign sugars and paneles, rum and spirits, molasses and syrups, into any of his Majesty's dominions, under pretence that the same are the growth, produce, or manufacture, of the *British* colonies or plantations, it is further enacted by the authority aforesaid, That from and after the twenty ninth day of *September*, one thousand seven hundred and sixty four, every person or persons loading on board any ship or vessel, in any of the *British* colonies or plantations in *America*, and rum or spirits, sugars or paneles, molasses or syrups, as of the growth, product, or manufacture, or any *British* colony or plantation, shall, before, product, or manufacture, of any *British* colony or plantation, shall before the clearing out of the said ship or vessel, produce and deliver to the collector or other principal officer of the customs at the loading port, an affidavit signed and sworn to before some justice of the peace in the said *British* colonies or plantations, either by the power, maker, or shipper, of such goods, or his or their known agent or factor, expressing, in words at length and not in figures, the quality of the goods so shipped, with the number and denomination of the packages, and describing the name or names of the plantation or plantations, and

the name of the colony where the same grew or were produced and manufactured; which affidavit shall be attested, under the hand of the said justice of the peace, to have been sworn to in his presence; who is hereby required to do the same without fee or reward: and the collector or other principal officer of the customs to whom such affidavit shall be delivered, shall thereupon grant to the master, or other person having the charge of the ship or vessel, a certificate under his hand and seal of office (without fee or reward) of his having received such affidavit pursuant to the directions of this act; which certificate shall express the quality of the goods shipped on board such ship or vessel, with the number and denomination of the packages: and such collector or other principal officer of the customs shall also (without fee or reward) within thirty days after the sailing of the ship or vessel, transmit an exact copy of the said affidavit to the secretary's office for the respective colony or plantation where the goods were shipped, on forfeiture of five pounds.

XXI. And it is further enacted, That upon the arrival of such ship or vessel into the port of her discharge, either in *Great Britain* or any other port of his Majesty's dominions, where such goods may be lawfully imported, the master or other person taking the charge of the ship or vessel shall, at the time he makes his report of his cargo, deliver the said certificate to the collector or other person taking such goods may be lawfully imported, the master or other person taking the charge of the ship or vessel shall, at the time he makes his report of his cargo, deliver the said certificate to the collector or other principal officer of the customs, and make oath before him, that the goods so reported are the same that are mentioned in the said certificate, on forfeiture of one hundred pounds; and if any rum or spirits, sugars or paneles, molasses or syrups, shall be imported or found on board any such ship or vessel, for which no such certificate shall be produced, or which shall not agree therewith, the same shall be deemed and taken to be foreign rum and spirits, sugar and paneles, molasses and syrups, and shall be liable to the same duties, restrictions, regulations, penalties, and forfeitures, in all respects, as rum, spirits, sugar, paneles, molasses, and syrups, of the growth, produce, or manufacture, of any foreign colony or plantation, would respectively be liable to by laZ

XXIII. And whereas by an act of parliament made in the twelfth year of the reign of King *Charles* the Second, intituled, *An act for encouraging and increasing of shipping and navigation*, and several subsequent acts

of parliament which are now in force, it is, amongst other things, directed, that for every ship or vessel that shall load any commodities, in those acts particularly enumerated, at any *British* plantation, being the growth, product, or manufacture thereof, bonds shall be given with one surety, to the value of one thousand pounds, if the ship be of less burthen than one hundred tons, and of the sum of two thousand pounds; if the ship be of greater burthen, that the same commodities shall be brought by such ship or vessel to some other *British* plantation, or to some port in *Great Britain* ; notwithstanding which, there is great reason to apprehend such goods are frequently carried to foreign parts, and landed there: and whereas great quantities of foreign molasses and syrups are clandestinely run on shore in the *British* colonies, to the prejudice of the revenue, and the great detriment of the trade of this kingdom, and it's *American* plantations: to remedy which practices for the future, be it further enacted by the authority aforesaid, That bond and security, in the like penalty, shall also be given to the collector or other principal officer of the customs at any port or place in any of the *British American* colonies or plantations, with one surety besides the master of every ship or vessel that shall lade or take on board there any goods not particularly enumerated in the said acts, being the product or manufacture of any of the said colonies or plantations, with condition, that, in case any molasses or syrups, being the produce of any of the plantations, not under the dominion of his Majesty, his heirs or successors, shall be laden on board such ship or vessel, the same shall (the danger of the seas and enemies excepted) be brought, without fraud or willful diminution, by the said ship or vessel to some of his Majesty's colonies or plantations in *America*, or to some port in *Great Britain*; and that the master or other person having the charge of such ship or vessel, shall immediately upon his arrival at every port or place in *Great Britain*, or in the *British American* colonies and plantations, make a just and true report of all the goods laden on board such ship or vessel under their true and proper denominations; and if any such non-enumerated goods shall be laden on board any such ship or vessel before such bond shall be given, the goods so laden together with the ship or vessel and her furniture shall be forfeited, and shall and may be seized by any officer of the customs, and prosecuted in the manner herein after directed.

XXIV. And it is hereby further enacted by the authority aforesaid, That every master or person having the charge of any ship or vessel shall, before he departs from any *British* colony or plantation where he receives his lading, take a certificate under the hands and seals of the



collector or other principal officer of the customs there (which certificate such officers are hereby required to grant without fee or reward) that bond hath been given, pursuant to the directions of this or any other act of parliament, as the case shall require; and the master or person having the charge of such ship or vessel, shall keep such certificate in his custody till the voyage is compleated, and shall then deliver the same up to the collector or other chief officer of the customs at the port or place where he shall discharge his lading, either in *Great Britain* or any *British American* colony or plantation, on forfeiture of one hundred pounds for each and every offence.

XXV. And it is hereby further enacted, That if any *British* ship or vessel laden, as aforesaid, with any goods of the produce or manufacture of any *British* colony or plantation in *America*, or having on board any molasses or syrups the produce of any foreign colony or plantation, shall be discovered by any officer of his Majesty's customs within two leagues of the shore of any *British* colony or plantation in *America*, and the master or person taking charge of such ship or vessel shall not produce a certificate that bond has been given, pursuant to the directions of this or any other act of parliament, as the case may require; or if he shall not produce such certificate to the collector or other chief officer of the customs where he shall arrive, either in *Great Britain* or any *British American* colony or plantation, such ship or vessel, with here tackle, apparel, and furniture, and all the goods therein laden, shall be forfeited, and shall and may be seized and prosecuted.

XXVII. And it is hereby further enacted by the authority aforesaid, That from and after the twenty ninth day of *September*, one thousand seven hundred and sixty four, all coffee, pimento, cocoa nuts, whale fins, raw silk, hides, and skins, pot and pearl ashes, of the growth, production, or manufacture, of any *British* colony or plantation in *America*, shall be imported directly from thence into this kingdom, or some other *British* colony or plantation, under the like securities, penalties, and forfeitures, as are particularly mentioned in two acts of parliament made in the twelfth and twenty fifth years of the reign of King *Charles* the Second, the former intituled, *An act for the encouraging and increasing of shipping and navigation*, and the latter intituled, *An act for the encouragement of the Greenland and eastland trades, and for the better securing the plantation trade*, or either of them, with respect to the goods in those acts particularly enumerated; any law, custom, or usage, to the contrary notwithstanding.

XXVIII. And it is hereby further enacted by the authority aforesaid, That no iron, nor any sort of wood, commonly called *Lumber*, as specified in an act passed in the eight year of the reign of King *George* the First, intituled, *An act for giving further encouragement for the importation of naval stores, and for other purposes therein mentioned*, of the growth, production, or manufacture, of any *British* colony or plantation in *America*, shall be there laden on board any ship or vessel to be carried from thence, until sufficient bond shall be given, with one surety besides the master of the vessel, to the collector or other principal officer of the customs at the loading port, in a penalty of double the value of the goods, with condition, that the said goods shall not be landed in any part of *Europe* except *Great Britain*

XXIX. And for the better prevention frauds in the importation or exportation of goods that are liable to the payment of duties, or are prohibited, in the *British* colonies or plantations in *America*, it is further enacted by the authority aforesaid, That no goods, wares, or merchandizes, of any kind whatsoever, shall be shipped or laden on board any ship or vessel in any of the *British* colonies or plantations in *America*, to be carried from thence to any other *British* colony or plantation, without a sufferance or warrant first had and obtained from the collector or other proper officer of the customs at the port or place where such goods shall intended to be put on board; and master of every such ship or vessel shall, before the same be removed or carried out from the port or place where he takes in his lading, take out a cocket or cockets expressing the quantity and quality of the goods, and marks of the package, so laden, with the merchants names by whom shipped and to whom consigned which cocket or cockets shall be produced by the master of such ship or vessel, to the collector or other principal officer of the customs at the port or place where such ship or vessel shall arrive in any of the *British* colonies or plantations in *America*, before any part of the goods are unladen or put on shore: and if any goods or merchandizes shall be shipped as aforesaid without such sufferance, or the vessel shall depart and proceed on her voyage without such cocket or cockets, or the goods shall be landed or put on shore before such cocket or cockets are produced at the port or place of discharge, or if the goods do not agree in all respects therewith, the goods in any or either of those cases, shall be forfeited and lost.

XXX. ThaW no ship or vessel shall, upon any pretence whatsoever, be cleared outwards from any port of this kingdom, for any land, island,

plantation, colony, territory, or place, to his Majesty belonging, or which shall hereafter belong unto or be in the possession or under the dominion of his Majesty, his heirs, or successors, in *America*, unless the whole and entire cargo of such ship or vessel shall be *bona fide*, and without fraud, laden and shipped in this kingdom

XXXI. Provided always, That this act shall not extend, nor be construed to extend, to forfeit, for want of such cocket or clearance, any salt laden in *Europe* for the fisheries in *New England*, *Newfoundland*, *Pensylvania*, *New York*, and *Nova Scotia*, or any other place to which salt is or shall be allowed by law to be carried; wines laden in the *Madeiras*, of the growth thereof; and wines of the growth of the *Western Islands*, of *Azores*, and laden there; nor any horses, victuals, or linen cloth, of and from *Ireland*, which may be laden on board such ships or vessels.

XXXVIII. And it is hereby further enacted by the authority aforesaid, That if any officer of his Majesty's customs shall, directly or indirectly, take or receive any bribe, recompense, or reward, in any kind whatsoever; or connive at any false entry, or make any collusive seizure or agreement; or do any other act or deed whatsoever by which his Majesty, his heirs or successors, shall or may be defrauded in his or their duties, or whereby any goods prohibited shall be suffered to pass either inwards or outwards, or whereby the forfeitures and penalties inflicted by this or any other act of parliament relating to his Majesty's customs in *America* may be evaded; every such officer therein offending shall, for each and every offence, forfeit the sum of five hundred pounds, and be rendered incapable of serving his Majesty in any office or employment civil or military: and if any person or persons whatsoever shall give, offer, or promise to give, any bribe, recompense, or reward, to any officer of the customs, to do, conceal, or connive at, any act, whereby any of the provisions made by this or any other act of parliament relating to his Majesty's customs in *America* may be evaded or broken, every such person or persons shall, for each and every such offence (whether the same offer, proposal, or promise, be accepted or performed, or not) forfeit the sum of fifty pounds

XLI. that all the forfeitures and penalties inflicted by this or any other act or acts of parliaments relating to the trade and revenues of the said *British* colonies or plantations in *America*, which shall be incurred there, shall and may be prosecuted, sued for, and recovered in any court

of record, or in any court of admiralty, in the said colonies or plantations where such offence shall be committed, or in any court of vice admiralty which may or shall be appointed over all *America* (which court or vice admiralty are hereby respectively authorized and required to proceed, hear, and determine the same) at the election of the informer or prosecutor.

XLV. And it is hereby further enacted by the authority aforesaid, That from and after the twenty ninth day of *September*, one thousand seven hundred and sixty four, if any ship or goods shall be seized for any cause of forfeiture, and any dispute shall arise whether the customs and duties for such goods have been paid, or the same have been lawfully imported or exported, or concerning the growth, product, or manufacture, of such goods, or the place from whence such goods were brought, then, and in such cases, the proof thereof shall lie upon the owner or claimer of such ship or goods, and not upon the officer who shall seize or stop the same; any law, custom, or usage, to the contrary notwithstanding.

XLVI. And be it further enacted by the authority aforesaid, That in case any information shall be commenced and brought to trial in *America*, on account of any seizure of any ship or goods as forfeited by this or any other act of parliament relating to his Majesty's customs, wherein a verdict or sentence shall be given for the claimer thereof; and it shall appear to the judge or court before whom the same shall be tried, that there was a probable cause of seizure, the judge or court before whom the same shall be tried shall certify on the record or other proceedings, that there was a probable cause for the prosecutors seizing the said ship or goods; and, in such case, the defendant shall not be intitled to any costs of suit whatsoever; nor shall the persons who seized the said ship or goods, be liable to any action, or other suit or prosecution, on account of such seizure.

## Currency Act Parliament (1764)

WHEREAS great quantities of paper bills of credit have been created and issued in his Majesty's colonies or plantations in America, by virtue of acts, orders, resolutions, or votes of assembly, making and declaring such bills of credit to be legal tender in payment of money: and whereas such bills of credit have greatly depreciated in their value, by means whereof debts have been discharged with a much less value than was contracted for, to the great discouragement and prejudice of the trade and commerce of his Majesty's subjects, by occasioning confusion in dealings, and lessening credit in the said colonies or plantations: for remedy whereof, may it please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of September, one thousand seven hundred and sixty four, no act, order, resolution, or vote of assembly, in any of his Majesty's colonies or plantations in America, shall be made, for creating or issuing any paper bills, or bills of credit of any kind or denomination whatsoever, declaring such paper bills, or bills of credit, to be legal tender in payment of any bargains, contracts, debts, dues, or demands whatsoever; and every clause or provision which shall hereafter be inserted in any act, order, resolution, or vote of assembly, contrary to this act, shall be null and void.

II. And whereas the great quantities of paper bills, or bills of credit, which are now actually in circulation and currency in several colonies or plantations in America, emitted in pursuance of acts of assembly declaring such bills a legal tender, make it highly expedient that the conditions and terms, upon which such bills have been emitted, should not be varied or prolonged, so as to continue the legal tender thereof beyond the terms respectively fixed by such acts for calling in and discharging such bills; be it therefore enacted by the authority aforesaid, That every act, order, resolution, or vote of assembly, in any of the said colonies or plantations, which shall be made to prolong the legal tender of any paper bills, or bills of credit, which are now subsisting and current in any of the said colonies or plantations in America, beyond the times fixed for the calling in, sinking, and discharging of such paper bills, or bills of credit, shall be null and void.

III. And be it further enacted by the authority aforesaid, That if any governor or commander in chief for the time being, in all or any of the said colonies or plantations, shall, from and after the said first day of September, one thousand seven hundred and sixty four, give his assent to any act or order of assembly contrary to the true intent and meaning of this act, every such governor or commander in chief shall, for every such offence, forfeit and pay the sum of one thousand pounds, and shall be immediately dismissed from his government, and for ever after rendered incapable of any public office or place of trust.

IV. Provided always, That nothing in this act shall extend to alter or repeal an act passed in the twenty fourth year of the reign of his late majesty King George the Second, intituled, An act to regulate and restrain paper bills of credit in his Majesty's colonies or plantations of Rhode Island and Providence plantations, Connecticut, the Massachuset's Bay, and New Hampshire, in America, and to prevent the same being legal tenders in payments of money.

V. Provided also, That nothing herein contained shall extend, or be construed to extend, to make any of the bills now subsisting in any of the said colonies a legal tender.

(Haldimand Collection)

### **Rights of the British Colonies Asserted and Proved** James Otis (1764)

Massachusetts lawyer James Otis, in this document, denies the legal authority of parliament to tax the colonies. This essay marks one of the very first pushbacks against parliament from America. The following are two passages from Otis's landmark pamphlet.

*The supreme national legislative cannot be altered justly 'till the commonwealth is dissolved, nor a subordinate legislative taken away without forfeiture or other good cause.* Nor then can the subjects in the subordinate government be reduced to a state of slavery, and subject to the despotic rule of others. A state has no right to make slaves of the

conquered. Even when the subordinate right of legislature is forfeited, and so declared, this cannot affect the natural persons either of those who were invested with it, or the inhabitants, so far as to deprive them of the rights of subjects and of men - The colonists will have an equitable right notwithstanding any such forfeiture of charter, to be represented in Parliament, or to have some new subordinate legislature among themselves. It would be best if they had both. Deprived however of their common rights as subjects, they cannot lawfully be, while they remain such. A representation in Parliament from the several Colonies, since they are become so large and numerous, as to be called on not to maintain provincial government, civil and military among themselves, for this they have cheerfully done, but to contribute towards the support of a national standing army, by reason of the heavy national debt, when they themselves owe a large one, contracted in the common cause, can't be tho't an unreasonable thing, nor if asked, could it be called an immodest request. *Qui sentis commodum sentire debet et onus*, has been tho't a maxim of equity. But that a man should bear a burthen for other people, as well as himself, without a return, never long found a place in any law-book or decrees, but those of the most despotic princes. Besides the equity of an American representation in parliament, a thousand advantages would result from it. It would be the most effectual means of giving those of both countries a thorough knowledge of each others interests; as well as that of the whole, which are inseparable.

Were this representation allowed; instead of the scandalous memorials and depositions that have been sometimes, in days of old, privately cooked up in an inquisitorial manner, by persons of bad minds and wicked views, and sent from America to the several boards, persons of the first reputation among their countrymen, might be on the spot, from the several colonies, truly to represent them. Future ministers need not, like some of their predecessors, have recourse for information in American affairs, to every vagabond stroller, that has run or rid post thro' America, from his creditors, or to people of no kind of reputation from the colonies; some of whom, at the time of administering their sage advice, have been as ignorant of the state of the country, as of the regions in Jupiter and Saturn.

No representation of the Colonies in parliament alone, would however be equivalent to a subordinate legislative among themselves; nor so well answer the ends of increasing their prosperity and the commerce of Great-Britain. It would be impossible for the parliament to judge so

well, of their abilities to bear taxes, impositions on trade, and other duties and burthens, or of the local laws that might be really needful, as a legislative here.

(James Otis, in Charles F. Mullett, ed., "Some Political Writings of James Otis," Collected *University of Missouri Studies* 4 (1929): 257-432.) A second passage from the pamphlet follows:

Let no Man think I am about to commence advocate for *despotism*, because I affirm that government is founded on the necessity of our natures; and that an original supreme Sovereign, absolute, and uncontrollable, *earthly* power *must* exist in and preside over every society; from whose final decisions there can be no appeal but directly to Heaven. It is therefore *originally* and *ultimately* in the people. I say supreme absolute power is *originally* and *ultimately* in the people; and they never did in fact *freely*, nor can they *rightfully* make an absolute, unlimited renunciation of this divine right. It is ever in the nature of the thing given in *trust*, and on a condition, the performance of which no mortal can dispence with; namely, that the person or persons on whom the sovereignty is confer'd by the people, shall *incessantly* consult *their* good. Tyranny of all kinds is to be abhor'd, whether it be in the hands of one, or of the few, or of the many.--And tho' "in the last age a generation of men sprung up that would flatter Princes with an opinion that *they* have a *divine right* to absolute power"; yet "slavery is so vile and miserable an estate of man, and so directly opposite to the generous temper and courage of our nation, that 'tis hard to be conceived that an *Englishman*, much less a *gentleman*, should plead for it." Especially at a time when the finest writers of the most polite nations on the continent of *Europe*, are enraptured with the beauties of the civil constitution of *Great-Britain*; and envy her, no less for the *freedom* of her sons, than for her immense *wealth* and *military* glory.

But let the *origin* of government be placed where it may, the *end* of it is manifestly the good of *the whole*. *Salus populi supreme lex esto*, is of the law of nature, and part of that grand charter given the human race, (tho' too many of them are afraid to assert it,) by the only monarch in the universe, who has a clear and indisputable right to *absolute* power; because he is the *only* One who is *omniscient* as well as *omnipotent*.

It is evidently contrary to the first principles of reason, that supreme *unlimited* power should be in the hands of *one* man. It is the greatest



"*idolatry*, begotten by *flattery*, on the body of *pride*", that could induce one to think that a *single mortal* should be able to hold so great a power, if ever so well inclined. Hence the origin of *deifying* princes: It was from the trick of gulling the vulgar into a belief that their tyrants were *omniscient*, and that it was therefore right, that they should be considered as *omnipotent*. Hence the *Dii majorum et minorum gentium*; the great, the monarchical, the little Provincial subordinate and subaltern gods, demigods, and semidemi-gods, ancient and modern. Thus deities of all kinds were multiplied and increased in *abundance*; for every devil incarnate, who could enslave a people, acquired a title to *divinity*; and thus the "rabble of the skies" was made up of locusts and caterpillars; lions, tygers and harpies; and other devourers translated from plaguing the earth!

The *end* of government being the *good* of mankind, points out its great duties: It is above all things to provide for the security, the quiet, and happy enjoyment of life, liberty, and property. There is no one act which a government can have a *right* to make, that does not tend to the advancement of the security, tranquility and prosperity of the people. If life, liberty and property could be enjoyed in as great perfection in *solitude*, as in *society*, there would be no need of government. But the experience of ages has proved that such is the nature of man, a weak, imperfect being; that the valuable ends of life cannot be obtained without the union and assistance of many. Hence 'tis clear that men cannot live apart or independent of each other: In solitude men would perish; and yet they cannot live together without contests. These contests require some arbitrator to determine them. The necessity of a common, indifferent and impartial judge, makes all men seek one; tho' few find him in the *sovereign power*, of their respective states or any where else in *subordination* to it.

Government is founded *immediately* on the necessities of human nature, and *ultimately* on the will of God, the author of nature; who has not left it to men in general to choose, whether they will be members of society or not, but at the hazard of their senses if not of their lives. Yet it is left to every man as he comes of age to chuse *what society* he will continue to belong to. Nay if one has a mind to turn *Hermit*, and after he has been born, nursed, and brought up in the arms of society, and acquired the habits and passions of social life, is willing to run the risque of starving alone, which is generally most unavoidable in a state of hermitage, who shall hinder him? I know of no human law, founded on the law of *nature*, to restrain him from separating himself from the

species, if he can find it in his heart to leave them; unless it should be said, it is against the great law of *self-preservation*: But of this every man will think himself *his own judge*.

The few *Hermits* and *Misanthropes* that have ever existed, show that those states are *unnatural*. If we were to take out from them, those who have made great *worldly* gain of their *godly* hermitage, and those who have been under the madness of *enthusiasm*, or *disappointed* hopes in their *ambitious* projects, for the detriment of mankind; perhaps there might not be left ten from *Adam* to this day.

The form of government is by *nature* and by *right* so far left to the *individuals* of each society, that they may alter it from a simple democracy or government of all over all, to any other form they please. Such alteration may and ought to be made by express compact: But how seldom this right has been asserted, history will abundantly show. For once that it has been fairly settled by compact; *fraud force or accident* have determined it an hundred times. As the people have gained upon tyrants, these have been obliged to relax, *only* till a fairer opportunity has put it in their power to encroach again.

But if every prince since *Nimrod* had been a tyrant, it would not prove a *right* to tyrannize. There can be no prescription old enough to supersede the law of nature, and the grant of God almighty; who has given to all men a natural right to be *free*, and they have it ordinarily in their power to make themselves so, if they please.

Government having been proved to be necessary by the law of nature, it makes no difference in the thing to call it from a certain period, *civil*. This term can only relate to form, to additions to, or deviations from, the substance of government: This being founded in nature, the superstructures and the whole administration should be conformed to the law of universal reason. A supreme legislative and supreme executive power, must be placed *somewhere* in every common-wealth: Where there is no other positive provision or compact to the contract, those powers remain in the *whole body of the people*. It is also evident there can be but *one* best way of depositing those powers; but what that way is, mankind have been disputing in peace and in war more than five thousand years. If we could suppose the individuals of a community met to deliberate, whether it were best to keep those powers in *their own hands*, or dispose of them in *trust*, the following questions would occur--Whether those two great powers of *Legislation* and *Execution*

should remain united? If so, whether in the hands of the many, or jointly or severally in the hands of a few, or jointly in some one individual? If both those powers are retained in the hands of the many, where nature seems to have placed them originally, the government is a simple *democracy*, or a government of all over all. This can be administered, only by establishing it as a first principle, that the votes of the majority shall be taken as the voice of the whole. If those powers are lodged in the hands of a few, the government is an *Aristocracy* or *Oligarchy*. Here too the first principles of a practicable administration is that the majority rules the whole. If those great powers are both lodged in the hands of one man, the government is a *simple Monarchy*, commonly, though falsely called *absolute*, if by that term is meant a right to do as one pleases.--*Sic volo, sic jubeo, stet pro ratione voluntas*, belongs not of right to any mortal man.

The same law of nature and of reason is equally obligatory on a *democracy*, an *aristocracy*, and a *monarchy*: Whenever the administrators, in any of those forms, deviate from truth, justice and equity, they verge towards tyranny, and are to be opposed; and if they prove incorrigible, they will be *deposed* by the people, if the people are not rendered too abject. Deposing the administrators of a *simple democracy* may sound oddly, but it is done every day, and in almost every vote. A.B. & C. for example, make a *democracy*. Today A & B are for so vile a measure as a standing army. Tomorrow B & C vote it out. This is as really deposing the former administrators, as setting up and making a new king is deposing the old one. *Democracy* in the one case, and *monarchy* in the other, still remain; all that is done is to change the administration.

The first principle and great end of government being to provide for the best good of all the people, this can be done only by a supreme legislative and executive ultimately in the people, or whole community, where God has placed it; but the inconveniences, not to say impossibility, attending the consultations and operations of a large body of people have made it necessary to transfer the power of the whole to a *few*: This necessity gave rise to deputation, proxy or a right of representation.

(Ashbrook Center on Teaching American History)

## **Stamp Act**

### **Parliament (1765)**

This law was the first to provoke widespread American opposition to Parliament. British leaders mishandled the law's enactment and implementation – and made the fatal mistake of alienating the colonial printers, whose presses were crucial to shaping public opinion.

An act for granting and applying certain stamp duties, and other duties, in the British colonies and plantations in America, towards further defraying the expences of defending, protecting, and securing the same; and for amending such parts of the several acts of parliament relating to the trade and revenues of the said colonies and plantations, as direct the manner of determining and recovering the penalties and forfeitures therein mentioned.

WHEREAS by an act made in the last session of parliament, several duties were granted, continued, and appropriated, towards defraying the expences of defending, protecting, and securing, the British colonies and plantations in America: and whereas it is just and necessary, that provision be made for raising a further revenue within your Majesty's dominions in America, towards defraying the said expences: we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, have therefore resolved to give and grant unto your Majesty the several rates and duties herein after mentioned; and do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of November, one thousand seven hundred and sixty five, there shall be raised, levied, collected, and paid unto his Majesty, his heirs, and successors, throughout the colonies and plantations in America which now are, or hereafter may be, under the dominion of his Majesty, his heirs and successors,

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written or printed, any declaration, plea, replication, rejoinder, demurrer, or other pleading, or any copy thereof, in any court of law within the British colonies and plantations in America, a stamp duty of three pence.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written or printed, any special bail and appearance upon such bail in any such court, a stamp duty of two shillings.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any petition, bill, answer, claim, plea, replication, rejoinder, demurrer, or other pleading in any court of chancery or equity within the said colonies and plantations, a stamp duty of one shilling and six pence.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any copy of any petition, bill, answer, claim, plea, replication, rejoinder, demurrer, or other pleading in any such court, a stamp duty of three pence.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any monition, libel, answer, allegation, inventory, or renunciation in ecclesiastical matters in any court of probate, court of the ordinary, or other court exercising ecclesiastical jurisdiction within the said colonies and plantations, a stamp duty of one shilling.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any copy of any will (other than the probate thereof) monition, libel, answer, allegation, inventory, or renunciation in ecclesiastical matters in any such court, a stamp duty of six pence.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written or printed, any donation, presentation, collation, or institution of or to any benefice, or any writ or instrument for the like purpose, or any register, entry, testimonial, or certificate of any degree taken in any university, academy, college, or seminary of learning, within the said colonies and plantations, a stamp duty of two pounds.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any monition, libel, claim, answer, allegation, information, letter of request, execution, renunciation, inventory, or other pleading, in any admiralty

court within the said colonies and plantations, a stamp duty of one shilling.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which any copy of such monition, libel, claim, answer, allegation, information, letter of request, execution, renunciation, inventory, or other pleading shall be ingrossed, written, or printed, a stamp duty of six pence.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on shall be ingrossed, written, or printed, any appeal, writ of error, writ of dower, Ad quod damnum, certiorari, statute merchant, statute staple, attestation, or certificate, by any officer, or exemplification of any record or proceeding in any court whatsoever within the said colonies and plantations (except appeals, writs of error, certiorari, attestations, certificates, and exemplifications, for or relating to the removal of any proceedings from before a single justice of the peace) a stamp duty of ten shillings.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any writ of covenant for levying of fines, writ of entry for suffering a common recovery, or attachment issuing out of, or returnable into, any court within the said colonies and plantations, a stamp duty of five shillings.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any judgment, decree, sentence, or dismissal, or any record of Nisi Prius or Postea, in any court within the said colonies and plantations, a stamp duty of four shillings.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall ingrossed, written, or printed, any affidavit, common bail or appearance, interrogatory deposition, rule, order, or warrant of any court, or any Dedimus Potestatem, Capias, Subpoena, summons, compulsory citation, commission, recognizance, or any other writ, process, or mandate, issuing out of, or returnable into, any court, or any office belonging thereto, or any other proceeding therein whatsoever, or any copy thereof, or of any record not herein before charged, within the said colonies and plantations (except warrants relating to criminal matters, and proceedings thereon or relating thereto) a stamp duty of one shilling.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any licence, appointment, or admission of any counsellor, solicitor, attorney, advocate, or proctor, to practice in any court, or of any notary within the said colonies and plantations, a stamp duty of ten pounds.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any note or bill of lading, which shall be signed for any kind of goods, wares, or merchandize, to be exported from, or any cocket or clearance granted within the said colonies and plantations, a stamp duty of four pence.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, letters of mart, or commission for private ships of war, within the said colonies and plantations, a stamp duty of twenty shillings.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written or printed, any grant, appointment, or admission of or to any publick beneficial office or employment, for the space of one year, or any lesser time, of or above the value of twenty pounds per annum sterling money, in salary, fees, and perquisites, within the said colonies and plantations, (except commissions and appointments of officers of the army, navy, ordnance, or militia, of judges, and of justices of the peace) a stamp duty of ten shillings.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which any grant of any liberty, privilege, or franchise, under the seal of any of the said colonies or plantations, or under the seal or sign manual of any governor, proprietor, or publick officer alone, or in conjunction with any other person or persons, or with any council, or any council and assembly, or any exemplification of the same, shall be ingrossed, written, or printed, within the said colonies and plantations, a stamp duty of six pounds.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any licence for retailing of spirituous liquors, to be granted to any person who shall take out the same, within the said colonies and plantations, a stamp duty of twenty shillings.

For every skin or piece of vellum or parchment, of sheet or piece of paper, on which shall be ingrossed, written, or printed any licence for retailing wine, to be granted to any person who shall not take out a licence for retailing of spirituous liquors, within the said colonies and plantations, a stamp duty of four pounds.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any licence for retailing of wine, to be granted to any person who shall take out a licence for retailing of spirituous liquors, within the said colonies and plantations, a stamp duty of three pounds,

For every skin or piece of vellum or parchment, of sheet or piece of paper, on which shall be ingrossed, written, or printed, any probate of a will, letters of administration, or of guardianship for any estate above the value of twenty pounds sterling money; within the British colonies and plantations upon the continent of America, the islands belonging thereto, and the Bermuda and Bahama islands, a stamp duty of five shillings.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written or printed, any such probate, letters of administration or of guardianship within all other parts of the British dominions in America, a stamp duty of ten shillings.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any bond for securing the payment of any sum of money, not exceeding the sum of ten pounds sterling money, within the British colonies and plantations upon the continent of America, the islands belonging there to, and the Bermuda and Bahama islands, a stamp duty of six pence.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any bond for securing the payment of any sum of money above ten pounds, and not exceeding the sum of twenty pounds sterling money, within such colonies, plantations, and islands, a stamp duty of one shilling.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any bond for securing the payment of any sum of money above twenty pounds, and



not exceeding forty pounds of sterling money, within such colonies, plantations, and islands, a stamp duty of one shilling and six pence.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any order or warrant for surveying or setting out any quantity of land, not exceeding one hundred acres, issued by any governor, proprietor, or any publick officer alone, or in conjunction with any other person or persons, or with any council, or any council and assembly, within the British colonies and plantations in America, a stamp duty of six pence.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any such order or warrant for surveying or setting out any quantity of land above one hundred, and not exceeding two hundred acres, within the said colonies and plantations, a stamp duty of one shilling,

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any such order or warrant for surveying or setting out any quantity of land above two hundred, and not exceeding three hundred and twenty acres, and in proportion for every such order or warrant for surveying or setting out every other three hundred and twenty acres, within the said colonies and plantations, a stamp duty of one shilling and six pence.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any original grant, or any deed, mesne conveyance, or other instrument whatsoever, by which any quantity of land not exceeding one hundred acres shall be granted, conveyed, or assigned, within the British colonies and plantations upon the continent of America, the islands belonging thereto, and the Bermuda and Bahama islands (except leases for any term not exceeding the term of twenty one years) a stamp duty of one shilling and six pence.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any such original grant, or any such deed, mesne conveyance, or other instrument whatsoever by which any quantity of land above one hundred, and not exceeding two hundred acres, shall be granted, conveyed, or assigned, within such colonies, plantations, and islands, a stamp duty of two shillings.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any such original grant, or any such deed, mesne conveyance, or other instrument whatsoever, by which any quantity of land above two hundred, and not exceeding three hundred and twenty acres, shall be granted, conveying, or assigned and in proportions for every such grant, deed, mesne conveyance, or other instrument, granting, conveying, or assigning, every other three hundred and twenty acres, within such colonies, plantations, and islands, a stamp duty of two shillings and six pence.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any such original grant, or any such deed, mesne conveyance, or other instrument whatsoever, by which any quantity of land not exceeding one hundred acres shall be granted, conveyed, or assigned, within all other parts of the British dominions in America, a stamp duty of three shillings.

For every skin or piece of vellum or parchment or sheet or piece of paper, on which shall be ingrossed, written, or printed, any such original grant, or any such deed, mesne conveyance, or other instrument whatsoever, by which any quantity of land above one hundred, and not exceeding two hundred acres, shall be granted, conveyed, or assigned, within the same parts of the said dominions, a stamp duty of four shillings.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any such original grant, or any such deed, mesne conveyance, or other instrument whatsoever, whereby any quantity of land above two hundred, and not exceeding three hundred and twenty acres, shall be granted, conveyed, or assigned, and in proportion for every such grant, deed, mesne conveyance, or other instrument, granting, conveying, or assigning, every other three hundred and twenty acres, within the same parts of the said dominions, a stamp duty of five shillings.

For every skin or piece of vellum or parchment, of sheet or piece of paper, on which shall be ingrossed, written, or printed, any grant, appointment, or admission, of or to any publick beneficial office or employment, not herein before charged, above the value of twenty pounds per annum sterling money in salary, fees, and perquisites, or

any exemplification of the same, within the British colonies and plantations upon the continent of America, the islands belonging thereto, and the Bermuda and Bahama islands (except commissions of officers of the army, navy, ordnance, or militia, and of justices of the peace) a stamp duty of four pounds.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any such grant, appointment, or admissions, of or to any such publick beneficial office or employment, or any exemplification of the same, within all other parts of the British dominions in America, a stamp duty of six pounds.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any indenture, lease, conveyance, contract, stipulation, bill of sale, charter party, protest, articles of apprenticeship, or covenant (except for the hire of servants not apprentices, and also except such other matters as are herein before charged) within the British colonies and plantations in America, a stamp duty of two shillings and six pence.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which any warrant or order for auditing any publick accounts, beneficial warrant, order, grant, or certificate, under any publick seal, or under the seal of sign manual of any governor, proprietor, or publick officer alone, or in conjunction with any other person or persons, or with any council, or any council and assembly, not herein before charge, or any passport, or let-pass, surrender of officer, or policy of assurance, shall be ingrossed, written, or printed, within the said colonies and plantations (except warrants or orders for the service of the navy, army, ordnance, or militia, and grants of offices under twenty pounds per annum in salary, fees, and perquisites) a stamp duty of five shillings.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any notarial act, bond, deed, letter, of attorney, procuration, mortgage, release, or other obligatory instrument, not herein before charged, within the said colonies and plantations, a stamp duty of two shillings and three pence.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written or printed, any register, entry, or inrollment of any grant, deed, or other instrument whatsoever

herein before charged, within the said colonies and plantations, a stamp duty of three pence.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be ingrossed, written, or printed, any register, entry, or inrollement of any grant, deed, or other instrument whatsoever not herein before charged, within the said colonies and plantations, a stamp duty of two shillings.

And for and upon every pack of playing cards, and all dice, which shall be sold or used within the said colonies and plantations, the several stamp duties following (that is to say)

For every pack of such cards, the sum of one shilling.

And for every pair of such dice, the sum of ten shillings.

And for and upon every paper, commonly called a pamphlet, and upon every news paper, containing publick news, intelligence, or occurrences, which shall be printed, dispersed, and made publick, within any of the said colonies and plantations, and for and upon such advertisements as are herein after mentioned, the respective duties following (that is to say)

For every such pamphlet and paper contained in half a sheet, or and lesser piece of paper, which shall be so printed, a stamp duty of one halfpenny, for every printed copy thereof.

For every such pamphlet and paper (being larger than half a sheet, and not exceeding one whole sheet) which shall be so printed, a stamp duty of one penny, for every printed copy thereof.

For every pamphlet and paper being larger than one whole sheet, and not exceeding six sheets in octavo, or in a lesser page, or not exceeding twelve sheets in quarto, or twenty sheets in folio, which shall be so printed, a duty after the rate of one shilling for every sheet of any kind of paper which shall be contained in one printed copy thereof.

For every advertisement to be contained in any gazette, news paper, or other paper, or any pamphlet which shall be so printed, a duty of two shillings.

For every almanack or calendar, for any one particular year, or for any time less than a year, which shall be written or printed on one side only of any one sheet, skin, or piece of paper parchment, or vellum, within the said colonies and plantations, a stamp duty of two pence.

For every other almanack or calendar for any one particular year, which shall be written or printed within the said colonies or plantations, a stamp duty of four pence.

And for every almanack or calendar written or printed within the said colonies and plantations, to serve for several years, duties to the same amount respectively shall be paid for every such year.

For every skin or piece of vellum or parchment, or sheet or piece of paper, on which any instrument, proceeding, or other matter or thing aforesaid, shall be ingrossed, written, or printed, within the said colonies and plantations, in any other than the English language, a stamp duty of double the amount of the respective duties being charged thereon.

And there shall be also paid in the said colonies and plantations, a duty of six pence for every twenty shillings, in any sum not exceeding fifty pounds sterling money, which shall be given, paid, contracted, or agreed for, with or in relation to any clerk or apprentice, which shall be put or placed to or with any master or mistress to learn any profession, trade, or employment.

II. And also a duty of one shilling for every twenty shillings, in any sum exceeding fifty pounds, which shall be given, paid, contracted, or agreed, for, with or in relation to any such clerk, or apprentice.

III. And be it further enacted by the authority aforesaid, That every deed, instrument, note, memorandum, letter, or other instrument or writing, for or relating to the payment of any sum of money, or for making any valuable consideration for or upon the loss of any ship, vessel, goods, wages, money, effects, or upon any loss by fire, or for any other loss whatsoever, or for or upon any life or lives, shall be construed, deemed, and adjudged to be policies of assurance, within the meaning of this act: and if any such deed, instrument, note, memorandum, letter, or other instrument or writing, for insuring, or tending to insure, any more than one ship or vessel for more than any

one voyage, or any goods, wages, money, effects, or other matter or thing whatsoever, for more than one voyage, or in more than one ship or vessel, or being the property of, or belonging to, any more than one person, or any more than one body politick or corporate, or for more than one risk; then, in every such case, the money insured thereon, or the valuable consideration thereby agreed to be made, shall become the absolute property of the insured, and the insurer shall also forfeit the premium given for such insurance, together with the sum of one hundred pounds.

IV. And be it further enacted by the authority aforesaid, That every deed, instrument, note, memorandum, letter, or other minument or writing, between the captain or master or owner of any ship or vessel, and any merchant, trader, or other person, in respect to the freight or conveyance of any money, goods, wares, merchandizes, or effects, laden or to be laden on board of any such ship or vessel, shall be deemed and adjudged to be a charter party within the meaning of this act.

V. And be it further enacted by the authority aforesaid, That all books and pamphlets serving chiefly for the purpose of an almanack, by whatsoever name or names intituled or described, are and shall be charged with the duty imposed by this act on almanacks, but not with any of the duties charged by this act on pamphlets, or other printed papers; anything herein contained to the contrary notwithstanding.

VI. Provided always, That this act shall not extend to charge any bill of exchange, accompts, bills of parcels, bills of fees, or any bills or notes not sealed for payment of money at sight, or upon demand, or at the end of certain days of payment.

VII. Provided, That nothing in this act contained shall extend to charge the probate of any will, or letters of administration to the effects of any common seaman or soldier, who shall die in his Majesty's service; a certificate being produced from the commanding officer of the ship or vessel, or troop or company in which such seaman or soldier served at the time of his death, and oath, or if by a quaker a solemn affirmation, made of the truth thereof, before the proper judge or officer by whom such probate or administration ought to be granted; which oath or affirmation such judge or officer is hereby authorized and required to administer, and for which no fee or rewards shall be taken.

VIII. Provided always, and be it enacted, That until after the expiration of five years from the commencement of the said duties, no skin, or piece of vellum or parchment, or sheet or piece of paper, on which any instrument, proceeding, or other matter or thing shall be ingrossed, written, or printed, within the colonies of Quebec or Granada, in any other than the English language, shall be liable to be charged with any higher stamp duty than if the same had been ingrossed, written, or printed in the English language.

IX. Provided always, That nothing in this act contained shall extend to charge with any duty, any deed, or other instrument, which shall be made between any Indian nation and the governor, proprietor of any colony, lieutenant governor, or commander in chief alone, or in conjunction with any other person or persons, or with any council, or any council and assembly of any of the said colonies or plantations, for or relating to the granting, surrendering, or conveying, any lands belonging to such nation, to, for, or on behalf of his Majesty, or any such proprietor, or to any colony or plantation.

X. Provided always, That this act shall not extend to charge any proclamation, forms of prayer and thanksgiving, or any printed votes of any house of assembly in any of the said colonies and plantations, with any of the said duties on pamphlets or news papers; or to charge any books commonly used in any of the schools within the said colonies and plantations, or any books containing only matters of devotion or piety; or to charge any single advertisement printed by itself, or the daily accounts or bills of goods imported and exported, so as such accounts or bills do contain no other matters than what have been usually comprized therein; any thing herein contained to the contrary notwithstanding.

XI. Provided always, That nothing in this act contained shall extend to charge with any of the said duties, any vellum, parchment, or paper, on which shall only be ingrossed, written, or printed, any certificate that shall be necessary to intitle any person to receive a bounty granted by act of parliament.

XII. And be it further enacted by the authority aforesaid, That the said several duties shall be under the management of the commissioners, for the time being, of the duties charged on stamped vellum, parchment, and paper, in Great Britain: and the same commissioners are hereby empowered and required to employ such officers under them, for that

purpose, as they shall think proper; and to use such stamps and marks, to denote the stamp duties hereby charged, as they shall think fit; and to repair, renew, or alter the same, from time to time, as there shall be occasion; and to do all other acts, matters, and things, necessary to be done, for putting this act in execution with relation to the duties hereby charged.

XIII. And be it further enacted by the authority aforesaid, That the commissioners for managing the said duties, for the time being, shall and may appoint a fit person or persons to attend in every court of publick office within the said colonies and plantations, to take notice of the vellum, parchment, or paper, upon which any of the matter or things hereby charged with a duty shall be ingrossed, written, or printed, and of the stamps or marks thereupon, and of all other matters and things tending to secure the said duties; and that the judges in the several courts, and all other persons to whom it may appertain, shall, at the request of any such officer, make such orders, and do such other matters and things, for the better securing of the said duties, as shall be lawfully or reasonably desired in that behalf: and every commissioner and other officer, before he proceeds to the execution of any part of this act, shall take an oath in the words, or to the effect following (that is to say) I A. B. do swear, That I will faithfully execute the trust reposed in me, pursuant to an act of parliament made in the fifth year of the reign of his majesty King George the Third, for granting certain stamp duties, and other duties, in the British colonies and plantations in America, without fraud or concealment; and will from time to time true account make of my doing therein, and deliver the same to such person or persons as his Majesty, his heirs, or successors, shall appoint to receive such account; and will take no fee, reward, or profit for the execution or performance of the said trust, or the business relating thereto, from any person or persons, other than such as shall be allowed by his Majesty, his heirs, and successors, or by some other person or persons under him or them to that purpose authorized.

Or if any such officer shall be of the people commonly called Quakers, he shall take a solemn affirmation to the effect of the said oath; which oath or affirmation shall and may be administered to any such commissioner or commissioners by any two or more of the same commissioners, whether they have or have not previously taken the same: and any of the said commissioners, or any justice of the peace, within the kingdom of Great Britain, or any governor, lieutenant governor, judge, or other magistrate, within the said colonies or



plantations, shall and may administer such oath or affirmation to any subordinate officer.

XIV. And be it further enacted by the authority aforesaid, That the said commissioners, and all officers to be employed or entrusted by or under them as aforesaid, shall, from time to time, in and for the better execution of their several places and trusts, observe such rules, methods, and orders, as they respectively shall, from time to time, receive from the high treasurer of Great Britain, or the commissioners of the treasury, or any three or more of such commissioners for the time being; and that the said commissioners for managing the stamp duties shall take especial care, that the several parts of the said colonies and plantations shall, from time to time, be sufficiently furnished with vellum, parchment, and paper, stamped or marked with the said respective duties.

XV. And be it further enacted by the authority aforesaid, That if any person or persons shall sign, ingross, write, print, or sell, or expose to sale, or cause to be signed, ingrossed, written, printed or sold, or expose to sale, in any of the said colonies or plantations, or in any other part of his Majesty's dominions, any matter or thing, for which the vellum, parchment, or paper, is hereby charged to pay any duty, before the same shall be marked or stamped with the marks or stamps to be provided as aforesaid, or upon which there shall not be some stamp or mark resembling the same; or shall sign, ingross, write, print, or sell, or expose to sale, or cause to be signed, ingrossed, written, printed, or sold, or exposed to sale, any matter or thing upon any vellum, parchment, or paper, that shall be marked or stamped for any lower duty than the duty by this act made payable in respect thereof; every such person so offending shall, for every such offence, forfeit the sum of ten pounds.

XVI. And be it further enacted by the authority aforesaid, That no matter or thing whatsoever, by this act charged with the payment of a duty, shall be pleaded or given in evidence, or admitted in any court within the said colonies or plantations, to be good, useful, or available in law or equity, unless the same shall be marked or stamped, in pursuance of this act, with the respective duty hereby charged thereon, or with an higher duty.

XVII. Provided nevertheless, and be it further enacted by the authority aforesaid, That if any vellum, parchment, or paper, containing any

deed, instrument, or other matter or thing, shall not be duly stamped in pursuance of this act, at the time of the signing, sealing, or other execution, or the entry or inrollment thereof, any person interested therein, or any person on his or her behalf, upon producing the same to any one of the chief distributors of stamped vellum, parchment, and paper, and paying to him the sum of ten pounds for every such deed, instrument, matter, or thing, and also double the amount of the duties payable in respect thereof, shall be intitled to receive from such distributor, vellum, parchment, or paper, stamped pursuant to this act, to the amount of the money so paid; a certificate being first written upon every such piece of vellum, parchment, or paper, expressing the name and place of abode of the person by or on whose behalf such payment is made, the general purport of such deed, instrument, matter, or thing, the names of the parties therein, and of the witnesses (if any) thereto, and the date thereof, which certificate shall be signed by the said distributor; and the vellum, parchment, or paper, shall be then annexed to such deed, instrument, matter, or thing, by or in the presence of such distributor, who shall impress a seal upon wax, to be affixed on the part where such annexation shall be made, in the presence of a magistrate, who shall attest such signatures and sealing; and the deed, instrument, or other matter or thing, from thenceforth shall and may, with the vellum, parchment, or paper, so annexed, be admitted and allowed in evidence in any court whatsoever, and shall be as valid and effectual as if the proper stamps had been impressed thereon at the time of the signing, sealing, or other execution, or entry or inrollment thereof: and the said distributor shall, once in every six months, or oftener if required by the commissioners for managing the stamp duties, send to such commissioners true copies of all such certificates, and an account of the number of pieces of vellum, parchment, and paper, so annexed, and of the respective duties impressed upon every such piece.

XVIII. And be it further enacted by the authority aforesaid, That if any person shall forge, counterfeit, erase, or alter, any such certificate, ever such person so offending shall be guilty of felony, and shall suffer death as in cases of felony without the benefit of clergy.

XIX. And be it further enacted by the authority aforesaid, That if any person or persons shall, in the said colonies or plantations, or in any other part of his Majesty's dominions, counterfeit or forge any seal, stamp, mark type, device, or label, to resemble any seal, stamp, mark, type, device, or label, which shall be provided or made in pursuance of

this act; or shall counterfeit or resemble the impressions of the same upon any vellum, parchment, paper, cards, dice, or other matter or thing, thereby to evade the payment of any duty hereby granted; or shall make, sign, print, utter, vend, or sell, any vellum, parchment, or paper, or other matter or thing with such counterfeit mark or impression thereon, knowing such mark or impression to be counterfeited; then every person so offending shall be adjudged a felon, and shall suffer death as in cases of felony without the benefit of clergy.

XX. And it is hereby declared, That upon any prosecution of prosecutions for such felony, the dye, tool, or other instrument made use of in counterfeiting or forging any such seal, stamp, mark, type, device, or label, together with the vellum, parchment, paper, cards, dice, or other matter, or thing having such counterfeit impression, shall, immediately after trial or conviction of the party or parties accused, be broke, defaced, or destroyed, in open court.

XXI. And be it further enacted by the authority aforesaid, That if any register, publick officer, clerk, or other person in any court, registry, or office within any of the said colonies or plantations, shall, at any time after the said first day of November, one thousand seven hundred and sixty five, enter, register, or inroll, any matter or thing hereby charged with a stamp duty, unless the same shall appear to be duly stamped; in every such case such register, publick officer, clerk, or other person, shall, for every such offence, forfeit the sum of twenty pounds.

XXII. And be it further enacted by the authority aforesaid, That from and after the said first day of November, one thousand seven hundred and sixty five, if any counsellor, clerk, officer, attorney, or other person, to whom this shall appertain, or who shall be employed or intrusted, in the said colonies or plantations, to enter or file any matter or thing in respect whereof a duty shall be payable by virtue of this act, shall neglect to enter, file, or record the same, as by law the same ought to be entered, filed, or recorded, within the space of four months after he shall have received any money for or in respect of the same, or shall have promised or undertaken so to do; or shall neglect to enter, file, or record, any such matter or thing, before any subsequent, further or other proceeding, matter, or thing, in the same suit, shall be had, entered, filed, or recorded; that then every such counsellor, clerk, officer, attorney, or other person so neglecting or offending, in each of the cases aforesaid, shall forfeit the sum of fifty pounds for every such offence.

XXIII. And be it further enacted by the authority aforesaid, That if any person or persons, at any time after the said first day of November, one thousand seven hundred and sixty five, shall write, ingross, or print, or cause to be written, ingrossed, or printed, in the said colonies or plantations, or any other part of his said Majesty's dominions, either the whole or any part of any matter or thing whatsoever in respect whereof any duty is payable by this act, upon any part of any piece of vellum, parchment, or paper, whereon there shall have been before written any other matter or thing in respect whereof any duty was payable by this act; or shall fraudulently erase, or cause to be erased, the name or names of any person or persons, or any sum, date, or other thing, ingrossed, written, or printed, in such matter or thing as aforesaid; or fraudulently cut, tear, or get off, any mark or stamp from any piece of vellum, parchment, or paper, or any part thereof, with intent to use such stamp or mark for any other matter or thing in respect whereof any duty shall be payable by virtue of this act; that then, and so often and in every such case, every person so offending shall, for every such offence, forfeit the sum of fifty pounds.

XXIV. And be it further enacted by the authority aforesaid, That every matter and thing, in respect whereof any duty shall be payable in pursuance of this act, shall be ingrossed, written, or printed, in such manner, that some part thereof shall be either upon, or as near and conveniently may be, to the stamps or marks denoting the duty; upon pain that the person who shall ingross, write, or print, or cause to be ingrossed, written, or printed, any such matter or thing in any other manner, shall, for every such offence, forfeit the sum of five pounds.

XXV. And be it further enacted by the authority aforesaid, That every officer of each court, and every justice of the peace or other person within the said colonies and plantations, who shall issue any writ or process upon which a duty is by this act payable, shall, at the issuing thereof, set down upon such writ or process the day and year of his issuing the same, which shall be entered upon a remembrance, or in a book to be kept for that purpose, setting forth the abstract of such writ or process; upon pain to forfeit the sum of ten pounds for every such offence.

XXVI. And, for the better collecting and securing the duties hereby charged on pamphlets containing more than one sheet of paper as aforesaid, be it further enacted by the authority aforesaid, That from and after the said first day of November, one thousand seven hundred

and sixty five, one printed copy of every pamphlet which shall be printed or published within any of the said colonies or plantations, shall within the space of fourteen days after the printing thereof, be brought to the chief distributor in the colony or plantations where such pamphlet shall be printed, and the title thereof, with the number of the sheets contained therein, and the duty hereby charged thereon, shall be registered or entered in a book to be there kept for that purpose; which duty shall be thereupon paid to the proper officer or officers appointed to receive the same, or his or their deputy or clerk, who shall thereupon forthwith give a receipt for the same on such printed copy, to denote the payment of the duty hereby charged on such pamphlet; and if any such pamphlet shall be printed or published, and the duty hereby charged thereon shall not be duly paid, and the title and number or sheets shall not be registered, and a receipt for such duty given on one copy, where required so to be, within the time herein before for that purpose limited; that then the author, printer, and publisher, and all other persons concerned in or about the printing or publishing of such pamphlet, shall, for every such offence, forfeit the sum of ten pounds, and shall lose all property therein, and in every other copy thereof, so as any person may freely print and publish the same, paying the duty payable in respect thereof by virtue of this act, without being liable to any action, prosecution, or penalty for so doing.

XXVII. And it is hereby further enacted by the authority aforesaid, That no person whatsoever shall sell or expose to sale any such pamphlet, or any news paper, without the true respective name or names, and place or places of abode, of some known person or persons by or for whom the same was really and truly printed or published, shall be written or printed thereon; upon pain that every person offending therein shall, for every such offence, forfeit the sum of twenty pounds.

XXVIII. And be it further enacted by the authority aforesaid, That no officer appointed for distributing stamped vellum, parchment, or paper, in the said colonies or plantations, shall sell or deliver any stamped paper for printing any pamphlet, or any publick news, intelligence, or occurrences, to be contained in one sheet, or any lesser piece of paper, unless such person shall give security to the said officer, for the payment of the duties for the advertisements which shall be printed therein or thereupon.

XXIX. And whereas it may be uncertain how many printed copies of the said printed news papers or pamphlets, to be contained in one sheet or in a lesser piece of paper, may be sold; and to the intent the duties hereby granted thereupon may not be lessened by printing a less number than may be sold, out of a fear of a loss thereby in printing more such copies than will be sold; it is hereby provided, and be it further enacted by the authority aforesaid, That the proper officer or officers appointed for managing the said stamp duties, shall and may cancel, or cause to be cancelled, all the stamps upon the copies of any impression of any news paper or pamphlet contained in one sheet, or any lesser piece of paper, which shall really and truly remain unsold, and of which no profit or advantage has been made; and upon oath, or if by a quaker, upon solemn affirmation, made before a justice of the peace, or other proper magistrate, that all such copies, containing the stamps so tendered to be cancelled, are really and truly remaining unsold, and that none of the said copies have been fraudulently returned or rebought, or any profit or advantage made thereof; which oath or affirmation such magistrate is hereby authorized to administer, and to examine upon oath or affirmation into all circumstances relating to the selling or disposing of such printed copies, shall and may deliver, or cause to be delivered, the like number of other sheets, half sheets, or less pieces of paper, properly stamped with the same respective stamps, upon payment made for such paper, but no duty shall be taken for the stamps thereon; any thing herein contained to the contrary notwithstanding: and the said commissioners for managing the stamp duties for the time being are hereby empowered, from time to time, to make such rules and orders for regulating the methods, and limiting the times, for such cancelling and allowances as aforesaid, with respect to such news papers and pamphlets, as they shall, upon experience and consideration of the several circumstances, find necessary or convenient, for the effectual securing the duties thereon, and doing justice to the persons concerned in the printing and publishing thereof.

XXX. Provided always, and be it further enacted by the authority aforesaid, That any officer or officers employed by the said commissioners for managing the stamp duties, shall and may deliver to any person, by or for whom any almanack or almanacks shall have been printed, paper marked or stamped according to the true intent and meaning hereof, for the printing such almanack or almanacks, upon his or her giving sufficient security to pay the amount of the duty hereby charged thereon, within the space of three months after such delivery; and that the said officer or officers, upon bringing to him or them any

number of the copies of such almanacks, within the space of three months from the said delivery and request to him or them in that behalf made, shall cancel all the stamps upon such copies, and abate to every such person so much of the money due upon such security as such cancelled stamps shall amount to.

XXXI. Provided always, That where any almanack shall contain more than one sheet of paper, it shall be sufficient to stamp only one of the sheets or pieces of paper upon which such almanack shall be printed, and to pay the duty accordingly.

XXXII. And it is hereby further enacted by the authority aforesaid, That from and after the said first day of November, one thousand seven hundred and sixty five, in case any person or persons, within any of the said colonies or plantations, shall sell, hawk, carry about, utter, or expose to sale, any almanacks, or calendar, or any news paper, or any book, pamphlet, or paper, deemed or construed to be, or serving the purpose of, an almanack or news paper, within the intention and meaning of this act, not being stamped or marked as by this act is directed; every such person, shall for every such offence, forfeit the sum of forty shillings.

XXXIII. And be it further enacted by the authority aforesaid, That from and after the said first day of November, one thousand seven hundred and sixty five, the full sum or sums of money, or other valuable consideration received, or in any wise directly or indirectly given, paid, agreed, or contracted, for, with, or in relation to any clerk or apprentice, within any of the said colonies or plantations, shall be truly inserted, or written in words at length, in some indenture or other writing which shall contain the covenants, articles, contracts, or agreements, relating to the service of such clerk or apprentice; and shall bear date upon the day of signing, sealing, or other execution of the same, upon pain that every master or mistress to or with whom, or to whose use, any sum of money, or other valuable consideration whatsoever, shall be given, paid, secured, or contracted, for or in respect of any such clerk or apprentice, which shall not be truly and fully so inserted and specified in some such indenture, or other writing, shall, for every such offence, forfeit double the sum, or double the amount of any valuable consideration so given, paid, agreed, secured, or contracted for; to be sued for and recovered at any time, during the term specified in the indenture or writing for the service of such clerk or apprentice, or within one year after the determination thereof; and that all such

indentures, or other writings, shall be brought, within the space of three months, to the proper officer or officers, appointed by the said commissioners for collecting the said duties within the respective colony or plantation; and the duty hereby charged for the sums, or other valuable consideration inserted therein, shall be paid by the master or mistress of such clerk or apprentice to the said officer or officers, who shall give receipts for such duty on the back of such indentures or other writings; and in case the duty shall not be paid within the time before limited, such master or mistress shall forfeit double the amount of such duty.

XXXIV. And be it further enacted by the authority aforesaid, That all indentures or writings within the said colonies or plantations, relating to the service of clerks or apprentices, wherein shall not be truly inserted or written the full sum or sums of money, or other valuable consideration, received, or in any wise directly or indirectly given, paid, agree, secured, or contracted for, with, or in relation to any such clerk or apprentice, and a receipt given for the same by the officer or officers aforesaid, or whereupon the duties payable by this act shall not be duly paid or lawfully tendered, according to the tenor and true meaning of this act, within the time herein for that purpose limited, shall be void and not available in any court or place, or to any purpose whatsoever.

XXXV. And be it further enacted by the authority aforesaid, That if any master or mistress of any clerk or apprentice shall neglect to pay the said duty, within the time herein before limited, and any such clerk or apprentice shall in that case pay, or cause to be paid, to the amount of double the said duty, either during the term of such clerkship or apprenticeship, or within one year after the determination thereof, such master or mistress not having then paid the said double duty although required by such clerk or apprentice so to do; then, and in such case, it shall and may be lawful to and for any such clerk or apprentice, within three months after such payment of the said double duty, to demand of such master or mistress, or his or her executors or administrators, such sums or sums of money, or valuable consideration, as was or were paid to such master or mistress, for or in respect of such clerkship or apprenticeship; and in case such sum or sums of money, or valuable consideration, shall not be paid within three months after such demand there made, it shall and may be lawful to and for any such clerk or apprentice, or any other person or persons on his or her behalf, to sue for and recover the same, in such manner as any penalty hereby



inflicted may be sued for and recovered; and such clerks or apprentices shall, immediately after payment of such double duty, be and are hereby discharged from their clerkships or apprenticeships, and from all actions, penalties, forfeitures, and damages, for not serving the time for which they were respectively bound, contracted for, or agreed to serve, and shall have such and the same benefit and advantage of the time they shall respectively have continued with and served such masters or mistress; as they would have been entitled to in case such duty had been paid by such master or mistress, within the time herein before limited for that purpose.

XXXVI. And be it further enacted by the authority aforesaid, That all printed indentures, or contracts for binding clerks or apprentices, after the said first day of November, one thousand seven hundred and sixty five, within the said colonies and plantations, shall have the following notice or memorandum printed under the same, or added thereto, videlicet,

THE indenture must bear date the day it is executed, and the money or other thing, given or contracted for with the clerk or apprentice, must be inserted in words at length, and the duty paid, and a receipt given on the back of the indenture, by the distributor of stamps, or his substitute, within three months after the execution of such indenture, under the penalties inflicted by law.

And if any printer, stationer, or other person or persons, within any of the said colonies or plantations, or any other part of his Majesty's dominions, shall sell, or cause to be sold, any such indenture or contract, without such notice or memorandum being printed under the same, or added thereto; then, and in every such case, such printer, stationer, or other person or persons, shall for every such offence, forfeit the sum of ten pounds.

XXXVII. And, for the better securing the said duty on playing cards and dice; be it further enacted by the authority aforesaid, That from and after the said first day of November, one thousand seven hundred and sixty five, no playing cards or dice shall be sold, exposed to sale, or used in play, within the said colonies or plantations, unless the paper and thread inclosing, or which shall have inclosed, the same, shall be or shall be also marked or stamped on the spotted or painted side thereof with such mark or marks as shall have been provided in pursuance of this act, upon pain that every person who shall sell, or expose to sale,

any such cards or dice which shall not have been so respectively sealed, marked, or stamped, as hereby is respectively required, shall forfeit for every pack or parcel of cards, and every one of such dice so sold or exposed to sale, the sum of ten pounds.

XXXVIII. And it is hereby enacted by the authority aforesaid, That if any person within the said colonies or plantations, or any other part of his Majesty's dominions, shall sell or buy any cover or label which has been made use of for the inclosing any pack or parcel of cards; every person so offending shall, for every such offence, forfeit twenty pounds.

XXXIX. Provided always, and be it enacted by the authority aforesaid, That if either the buyer or seller of any such cover or label shall inform against the other party concerned in buying or selling such cover or label, the party so informing shall be admitted to give evidence against the party informed against, and shall be indemnified against the said penalties.

XL. And be it further enacted by the authority aforesaid, That if any person or persons shall fraudulently inclose any parcel or pack of playing cards in any outside paper so sealed and stamped as aforesaid, the same having been made use of for the purpose aforesaid; then, so often, and in every such case, every person so offending in any of the particulars before-mentioned, shall, for every such offence, forfeit the sum of twenty pounds.

XLI. And be it further enacted by the authority aforesaid, That from and after the said first of November, one thousand seven hundred and sixty five, every clerk, officer, and other person employed or concerned in granting, making out, or delivering licences for retailing spirituous liquors or wine within any of the said colonies or plantations, shall, and he is hereby required and directed, within two months after delivering any such licences, to transmit, to the chief distributor of stamped vellum, parchment, and paper, a true and exact list or account of the number of licences so delivered, in which shall be inserted the names of the persons licensed, and the places where they respectively reside; and if any such clerk, officer, or other person shall refuse or neglect to transmit any such list or account to such distributor, or shall transmit a false or untrue one, then, and in every such case, such clerk, officer, or other person, shall, for every such offence, forfeit fifty pounds.

XLII. And be it further enacted by the authority aforesaid, That licences for selling or uttering by retail spirituous liquors or wine within any of the said colonies and plantations, shall be in force and serve for no longer than one year from the date of each licence respectively.

XLIII. Provided nevertheless, and be it enacted by the authority aforesaid, That if any person licenced to sell spirituous liquors or wines, shall die or remove from the house or place wherein such spirituous liquors or wine shall, by virtue of such licence, be sold, it shall and may be lawful for the executors, administrators, or assigns of such person so dying or removing, who shall be possessed of such house or place, or for any occupier of such house or place, to sell spirituous liquors or wine therein during the residue of the term for which such licence shall have been granted, without any new licence to be had or obtained in that behalf; any thing to the contrary thereof in any wise notwithstanding.

XLIV. And it is hereby enacted by the authority aforesaid, That if any person or persons shall sell or utter by retail, that is to say, in any less quantity than one gallon at any one time, any kind of wine, or any liquor called or reputed wine, or any kind of spirituous liquors, in the said colonies or plantations without taking out such licence yearly and every year, he, she, or they so offending shall, for every such offence, forfeit the sum of twenty pounds..

XLV. And be it further enacted by the authority aforesaid, That every person who shall retail spirituous liquors or wine in any prison or house of correction, or any workhouse appointed or to be appointed for the reception of poor persons within any of the said colonies or plantations, shall be deemed a retailer of spirituous liquors or wine within this act.

XLVI. Provided always, and be it further enacted by the authority aforesaid, That if at any time after the said first day of November, one thousand seven hundred and sixty five, there shall not be any provision made for licensing the retailers of wine or spirituous liquors, within any of the said colonies or plantations; then, and in every such case, and during such time as no provision shall be made, such licences shall and may be granted for the space of one year, and renewed from time to time by the governor or commander in chief of every such respective colony or plantation.

XLVII. And it is hereby further enacted by the authority aforesaid, That every person who shall at any one time buy of any chief distributor within any of the said colonies or plantations, vellum, parchment, or paper, the duties whereof shall amount to five pounds sterling money of Great Britain, or upwards shall be allowed after the rate of four pounds per centum, upon the prompt payment of the said duties to such chief distributor.

XLVIII. And be it further enacted by the authority aforesaid, That all publick clerks or officers within the said colonies or plantations, who shall from time to time have in their custody any publick books, or other matters or things hereby charged with a stamp duty, shall at any seasonable time or times, permit any officer or officers thereunto authorized by the said commissioners for managing the stamp duties, to inspect and view all such publick books, matters, and things, and to take thereout such notes and memorandums as shall be necessary for the purpose of ascertaining or securing the said duties, without fee or reward; upon pain that every such clerk or other officer who shall refuse or neglect so to do, upon reasonable request in that behalf made, shall, for every such refusal or neglect, forfeit the sum of twenty pounds.

XLIX. And be it further enacted by the authority aforesaid, That the high treasurer of Great Britain, or the commissioners of his Majesty's treasury, or any three or more of such commissioners, for the time being, shall once in every year at least, set the prices at which all sorts of stamped vellum, parchment, and paper, shall be sold by the said commissioners for managing the stamp duties, and their officers; and that the said commissioners for the said duties shall cause such prices to be marked upon every such skin and piece of vellum and parchment, and sheet and piece paper: and if any officer or distributor to be appointed by virtue of this act, shall sell, or cause to be sold, any vellum, parchment, or paper, for a greater or higher price or sum, than the price or sum so set or affixed thereon; every such officer or distributor shall, for every such offence, forfeit the sum of twenty pounds.

L. And be it also enacted by the authority aforesaid, That the several officers who shall be respectively employed in the raising, receiving, collecting, or paying, the several duties hereby charged, within the said colonies and plantations, shall every twelve months, or oftener, if thereunto required by the said commissioners for managing the said

duties, exhibit his and their respective account and accounts of the said several duties upon oath, or if a quaker upon affirmation, in the presence of the governor, or commander in chief, or principal judge of the colony or plantation where such officer shall be respectively resident, in such manner as the high treasurer, or the commissioners of the treasury, or any three or more of such commissioners for the time being, shall, from time to time, direct and appoint, in order that the same may be immediately afterwards transmitted by the said officer or officers to the commissioners for managing the said duties, to be comptrolled and audited according to the usual course and form of comptrolling and auditing the accounts of the stamp duties arising within this kingdom: and if any of the said officers shall neglect or refuse to exhibit any such account, or to verify the same upon oath or affirmation, or to transmit any such account so verified to the commissioner for managing the said duties, in such manner and within such time, as shall be so appointed or directed; or shall neglect or refuse to pay, or cause to be paid, into the hands of the receiver general of the stamp duties in Great Britain, or to such other person or persons as the high treasurer, or commissioners of the treasury, or any three or more of such commissioners for the time being, shall, from time to time, nominate or appoint, the monies respectively raised, levied, and received, by such officers under the authority of this act, at such times, and in such manner, as they shall be respectively required by the said high treasurer, or commissioners of the treasury; or if any such officers shall divert, detain, or misapply, all or any part of the said monies so by them respectively raised, levied, and received, or shall knowingly return any person or persons insuper for any monies or other things duly answered, paid, or accounted for, by such person or persons, whereby he or they shall sustain any damage or prejudice; in every such case, every such officer shall be liable to pay trebled the value of all and every sum and sums of money so diverted or misapplied; and shall also be liable to pay treble damages to the party grieved, by returning him insuper.

LI. And be it further enacted by the authority aforesaid, That the commissioners, receiver or receivers general, or other person or persons, who shall be respectively employed in Great Britain, in the directing, receiving, or paying, the monies arising by the duties hereby granted, shall, and are hereby required, between the tenth day of October and the fifth day of January following, and so from year to year, at those times, to exhibit their respective accounts thereof to his Majesty's auditors of the imprest in England for the time being, or one

of them, to be declared before the high treasurer, or commissioners of the treasury and chancellor of the exchequer for the time being, according to the course of the exchequer.

LII. And be it further enacted by the authority aforesaid, That if the same commissioners for managing the said duties, or the said receiver or receivers general, shall neglect or refuse to pay into the exchequer all or any of the said monies, in such manner as they are required by this act to pay the same, or shall divert or misapply any part thereof; then they, and every of them so offending, shall be liable to pay double the value of all and every sum and sums of money so diverted or misapplied.

LIII. And be it further enacted by the authority aforesaid, That the comptroller or comptrollers for the time being of the duties hereby imposed, shall keep perfect and distinct accounts in books fairly written of all the monies arising by the said duties; and if any such comptroller or comptrollers shall neglect his or their duty therein, then he or they, for every such offence, shall forfeit the sum of one hundred pounds.

LIV. And be it further enacted by the authority aforesaid, That all the monies which shall arise by the several rates and duties hereby granted (except the necessary charges of raising, collecting, recovering, answering, paying, and accounting for the same, and the necessary charges from time to time incurred in relation to this act, and the execution thereof) shall be paid into the receipt of his Majesty's exchequer, and shall be entered separate and apart from all other monies, and shall be there reserved to be from time to time disposed of by parliament, towards further defraying the necessary expences of defending, protecting, and securing, the said colonies and plantations.

LV. And whereas, it is proper that some provision should be made for payment of the necessary expences which have been, and shall be incurred in relation to this act, and the execution thereof; and of the orders and rules to be established under the authority of the same, before the said duties shall take effect, or the monies arising thereby shall be sufficient to discharge such expences; be it therefore enacted by the authority aforesaid, That his Majesty may, and he is hereby empowered by any warrant or warrants under his royal sign manual, at any time or times before the twentieth day of April, one thousand seven hundred and sixty six, to cause to be issued and paid out of any of the surplusses, excesses, overplus monies, and other revenues composing

the fund commonly called The sinking fund (except such monies of the said sinking fund as are appropriated to any particular use or uses, by any former act or acts of parliament in that behalf) such sum and sums of money as shall be necessary to defray the said expences; and the monies so issued, shall be reimbursed, by payment into the exchequer of the like sum or sums out of the first monies which shall arise by virtue of this act; which monies, upon the payment thereof into the exchequer, shall be carried to the account, and made part of the said fund.

LVI. And it is hereby further enacted and declared, That all the powers and authorities by the act granted to the commissioners for managing the duties upon stamped vellum, parchment, and paper, shall and may be fully and effectually carried into execution by any three or more of the said commissioners; any thing herein before contained to the contrary notwithstanding.

LVII. And be it further enacted by the authority aforesaid, That all forfeitures and penalties incurred after the twenty ninth day of September, one thousand seven hundred and sixty five, for offences committed against an act passed in the fourth year of the reign of his present Majesty, intituled, An act for granting certain duties in the British colonies and plantations in America; for continuing, amending, and making perpetual, an act passed in the sixth year of the reign of his late majesty King George the Second, intituled, An act for the better securing and encouraging the trade of his Majesty's sugar colonies in America; for applying the produce of such duties, and of the duties to arise by virtue of the said act, towards defraying the expences of defending, protecting, and securing the said colonies and plantations; for explaining an act made in twenty fifth year of the reign of King Charles the Second, intituled, An act for the encouragement of the Greenland and Eastland trades, and for the better securing the plantation trade; and for altering and disallowing several drawbacks on exports from this kingdom, and more effectually preventing the clandestine conveyance of goods to and from the said colonies and plantations, and improving and securing the trade between the same and Great Britain, and for offences committed against any other act or acts of parliament relating to the trade or revenues of the said colonies or plantations; shall and may be prosecuted, sued for, and recovered, in any court of record, or in any court of admiralty, in the respective colony or plantation where the offence shall be committed, or in any court of vice admiralty appointed or to be appointed, and which shall

have jurisdiction within such colony, plantation, or place, (which courts of admiralty or vice admiralty are hereby respectively authorized and required to proceed, hear, and determine the same) at the election of the informer or prosecutor.

LVIII. And it is hereby further enacted and declared by the authority aforesaid, That all sums of money granted and imposed by this act as rates or duties, and also all sums of money imposed as forfeitures or penalties, and all sums of money required to be paid, and all other monies herein mentioned, shall be deemed and taken to be sterling money of Great Britain, and shall be collected, recovered, and paid, to the amount of the value which such nominal sums bear in Great Britain; and that such monies shall and may be received and taken, according to the proportion and value of five shillings and six pence the ounce in silver; and that all the forfeitures and penalties hereby inflicted, and which shall be incurred, in the said colonies and plantations, shall and may be prosecuted, sued for, and recovered, in any court of record, or in any court of admiralty, in the respective colony or plantation where the offence shall be committed, or in any court of vice admiralty appointed or to be appointed, and which shall have jurisdiction within such colony, plantation, or place, (which courts of admiralty or vice admiralty are hereby respectively authorized and required to proceed, hear, and determine the same,) at the election of the informer or prosecutor; and that from and after the twenty ninth day of September, one thousand seven hundred and sixty five, in all cases, where any suit or prosecution shall be commenced and determined for any penalty or forfeiture inflicted by this act, or by the same act made in the fourth year of his present Majesty's reign, or by any other act of parliament relating to the trade or revenues of the said colonies or plantations, in any court of admiralty in the respective colony or plantation where the offence shall be committed, either party, who shall think himself aggrieved by such determination, may appeal from such determination to any court of vice admiralty appointed or to be appointed, and which shall have jurisdiction within such colony, plantation, or place, (which court of vice admiralty is hereby authorized and required to proceed, hear, and determine such appeal) any law, custom, or usage, to the contrary notwithstanding; and the forfeitures and penalties hereby inflicted, which shall be incurred in any other part of his Majesty's dominions, shall and may be prosecuted, sued for and recovered, with full costs of suit, in any court of record within the kingdom, territory, or place, where the offence shall be committed, in



such and the same manner as any debt or damage, to the amount of such forfeiture or penalty, can or may be sued for and recovered.

LIX. And it is hereby further enacted, That all the forfeitures and penalties hereby inflicted shall be divided, paid, and applied, as follows; (that is to say) one third part of all such forfeitures and penalties recovered in the said colonies and plantations, shall be paid into the hands of one of the chief distributors of stamped vellum, parchment, and paper, residing in the colony or plantation wherein the offender shall be convicted, for the use of his Majesty, his heirs, and successors; one third part of the penalties and forfeitures, so recovered, to the governor or commander in chief of such colony or plantation; and the other third part therefore, to the person who shall inform or sue for the same; and that one moiety of all such penalties and forfeitures recovered in any other parts of his Majesty's dominions, shall be to the use of his Majesty, his heirs, and successors, and the other moiety thereof, to the person who shall inform or sue for the same.

LX. And be it further enacted by the authority aforesaid, That all the offences which are by this act made felony, and shall be committed within any part of his Majesty's dominions, shall and may be heard, tried, and determined, before any court of law within the respective kingdom, territory, colony, or plantation, where the offence shall be committed, in such and the same manner as all other felonies can or may be heard, tried, and determined, in such court.

LXI. And be it further enacted by the authority aforesaid, That all the present governors or commanders in chief of any British colony or plantation, shall, before the said first day of November, one thousand seven hundred and sixty five, and all who hereafter shall be made governors or commanders in chief of the said colonies or plantations, or any of them, before their entrance into their government, shall take a solemn oath to do their utmost, that all and every clauses contained in this present act be punctually and bona fide observed, according to the true intent and meaning thereof, so far as appertains unto the said governors or commanders in chief respectively, under the like penalties, forfeitures, and disabilities, either for neglecting to take the said oath, or for wittingly neglecting to do their duty accordingly, as are mentioned and expressed in an act made in the seventh and eighth year of the reign of King William the Third, intituled, An act for preventing frauds, and regulating abuses, in the plantation trade; and the said oath hereby required to be taken, shall be administered by such person or

persons as hath or have been, or shall be, appointed to administer the oath required to be taken by the said act made in the seventh and eighth year of the reign of King William the Third.

LXII. And be it further enacted by the authority aforesaid, That all records, writs, pleadings, and other proceedings in all courts whatsoever, and all deeds, instruments, and writings whatsoever, hereby charged, shall be ingrossed and written in such manner as they have been usually accustomed to be ingrossed and written, or are now ingrossed and written within the said colonies and plantations.

LXIII. And it is hereby further enacted, That if any person or persons shall be sued or prosecuted, either in Great Britain or America, for any thing done in pursuance of this act, such person and persons shall and may plead the general issue, and give this act and the special matter in evidence; and if it shall appear so to have been done, the jury shall find for the defendant or defendants: and if the plaintiff or plaintiffs shall become nonsuited, or discontinue his or their action after the defendant or defendants shall have appeared, or if judgement shall be given upon any verdict or demurrer against the plaintiff or plaintiffs, the defendant or defendants shall recover treble costs and have the like remedy for the same, as defendants have in other cases by law.

(Haldimand Collection)

## **Quartering Act (Amendment to Mutiny Act) Parliament (1765)**

An act to amend and render more effectual, in his Majesty's dominions in America, an act passed in this present session of parliament, intituled, An act for punishing mutiny and desertion, and for the better payment of the army and their quarters.

WHEREAS in and by an act made in the present session of parliament, intituled, An act for punishing mutiny and desertion, and for the better payment of the army and their quarters; several regulations are made and enacted for the better government of the army, and their observing strict discipline, and for providing quarters for the army, and carriages on marches and other necessary occasions, and inflicting penalties on offenders against the same act, and for many other good purposes therein mentioned; but the same may not be sufficient for the forces that may be employed in his Majesty's dominions in America: and whereas, during the continuance of the said act, there may be occasion for marching and quartering of regiments and companies of his Majesty's forces in several parts of his Majesty's dominions in America: and whereas the publick houses and barracks, in his Majesty's dominions in America, may not be sufficient to supply quarters for such forces: and whereas it is expedient and necessary that carriages and other conveniences, upon the march of troops in his Majesty's dominions in America, should be supplied for that purpose: be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That for and during the continuance of this act, and no longer, it shall and may be lawful to and for the constables, tithingmen, magistrates, and other civil officers of villages, towns, townships, cities, districts, and other places, within his Majesty's dominions in America, and in their default or absence, for any one justice of the peace inhabiting in or near any such village, township, city, district or other place, and for no others; and such constables, tithingmen, magistrates, and other civil officers as aforesaid, are hereby required to quarter and billet the officers and soldiers, in his Majesty's service, in the barracks provided by the colonies; and if there shall not be sufficient room in the said barracks for the officers and soldiers, then and in such case only, to quarter and billet the residue of such officers and soldiers, for whom there shall not be room in such barracks, in inns, livery stables, ale-

houses, victualling-houses, and the houses of sellers of wine by retail to be drank in their own houses or places thereunto belonging, and all houses of persons selling of rum, brandy, strong water, cyder or metheglin, by retail, to be drank in houses; and in case there shall not be sufficient room for the officers and soldiers in such barracks, inns, victualling and other publick alehouses, that in such and no other case, and upon no other account, it shall and may be lawful for the governor and council of each respective province in his Majesty's dominions in America, to authorize and appoint, and they are hereby directed and empowered to authorize and appoint, such proper person or persons as they shall think fit, to take, hire and make fit, and, in default of the said governor and council appointing and authorizing such person or persons, or in default of such person or persons so appointed neglecting or refusing to do their duty, in that case it shall and may be lawful for any two or more of his Majesty's justices of the peace in or near the said villages, town, townships, cities, districts, and other places, and they are hereby required to take, hire, and make fit for the reception of his Majesty's forces, such and so many uninhabited houses, outhouses, barns or other buildings, as shall be necessary, to quarter therein the residue of such officers and soldiers for whom there should not be rooms in such barracks and publick houses as aforesaid, and to put and quarter the residue of such officer and soldiers therein.

II. And it is hereby declared and enacted, That there shall be no more billets at any time ordered, than there are effective soldiers present to be quartered therein: and in order that this service may be effectually provided for, the commander in chief in America, or other officer under whose orders any regiment or company shall march, shall, from time to time, give, or cause to be given, as early notice as conveniently may be, in writing, signed by such commander or officer of their march, specifying their numbers and time of marching as near as may be, to the respective governors of each province through which they are to march; in order that proper persons may be appointed and authorized, in pursuance of this act, to take up and hire, if it shall be necessary, uninhabited houses, outhouses, barns, or other buildings, for the reception of such soldiers as the barracks and publick houses shall not be sufficient to contain or receive.

III. And be it further enacted by the authority aforesaid, That if any military officer shall take upon himself to quarter soldiers, in any of his Majesty's dominions in America, otherwise than is limited and allowed by this act; or shall use or offer any menace or compulsion to or upon

any justice of the peace, constable, tithingman, magistrate, or other civil officer before mentioned, in his Majesty's dominions in America, tending to deter and discourage any of them from performing any part of the duty hereby required or appointed; such military officer, for every such offence, being thereof convicted before any two or more of his Majesty's justices of the peace living within or near such villages, towns, townships, cities, districts or other places, by the oaths of two or more credible witnesses, shall be deemed and taken to be ipso facto cashiered, and shall be utterly disabled to have or hold any military employment in his Majesty's service, upon a certificate thereof being transmitted to the commander in chief in America; unless the said conviction shall be reserved upon an appeal brought, within six months, in the proper court for hearing appeals against convicting by justices of the peace: and in case any person shall find himself aggrieved, in that such constable, tithingman, magistrate, or other civil officer, shall have quartered or billeted in or upon his house a greater number of soldiers than he ought to bear in proportion to his neighbours, and shall complain thereof to one or more justice or justices of the peace of the village, town, township, city, district, or other place, where such soldiers are quartered, such justice or justices has or have hereby power to relieve such person, by ordering such and so many of the soldiers to be removed, and quartered upon such other person or persons, as they shall see cause; and such other person or persons shall be obliged to receive such soldiers accordingly.

IV. Provided also, and be it further enacted, That no justice or justices of the peace, having or executing any military office or commission in his Majesty's regular forces in America, may, during the continuance of this act, directly or indirectly, act or be concerned in the quartering, billeting or appointing any quarters, for any soldier or soldiers, according to the disposition made for quartering of any soldier or soldiers by virtue of this act (except where there shall be no other justice or justices of the peace) but that all warrants, acts, matters, or things, executed or appointed by such justice or justices of the peace for or concerning the same, shall be void; any thing in this act contained to the contrary notwithstanding..

V. Provided nevertheless, and it is hereby enacted, That the officers and soldiers so quartered and billeted as aforesaid (except such as shall be quartered in the barracks, and hired uninhabited houses, or other buildings as aforesaid) shall be received and furnished with diet, and small beer, cyder, or rum mixed with water, by the owners of the inns,

livery stables, alehouses, victualling-houses, and other houses in which they are allowed to be quartered and billeted by this act; paying and allowing for the same the several rates herein after mentioned to be payable out of the subsistence-money, for diet and small beer, cyder, or rum mixed with water.

VI. Provided always. That in case any innholder, or other person, on whom any non-commission officers or private men shall be quartered by virtue of this act, in any of his Majesty's dominions in America (except on a march, or employed in recruiting, and likewise except the recruits by them raised, for the space of seven days at most, for such non-commission officers and soldiers who are recruiting, and recruits by them raised) shall be desirous to furnish such non-commission officers or soldiers with candles, vinegar, and salt, and with small beer or cyder, not exceeding five pints, or half a pint of rum mixed with a quart of water, for each man per diem, gratis, and allow to such non-commission officers or soldiers the use of fire, and the necessary utensils for dressing and eating their meat, and shall give notice of such his desire to the commanding officer, and shall furnish and allow the same accordingly; then, and in such case, the non-commission officers and soldiers so quartered shall provide their own victuals; and the officer to whom it belongs to receive, or that actually does receive, the pay and subsistence-money, for diet and small beer, to the non-commission officers and soldiers aforesaid, and not to the innholder or other person on whom such non-commission officers and soldiers are quartered; any thing herein contained to the contrary notwithstanding.

VII. And whereas there are several barracks in several places in his Majesty's said dominions in America, or some of them provided by the colonies, for the lodging and covering of soldiers in lieu of quarters, for the ease and convenience as well of the inhabitants of and in such colonies, as of the soldiers; it is hereby further enacted, That all such officer and soldiers, so put and placed in such barracks, or hired uninhabited houses, out-houses, barns, or other buildings, shall, from time to time be furnished and supplied there by the persons to be authorized or appointed for that purpose by the governor and council of each respective province, or upon neglect or refusal of such governor and council in any province, then by two or more justices of the peace residing in or near such place, with fire, candles, vinegar, and salt, bedding, utensils for dressing their victuals, and small beer or cyder, not exceeding five pints, or half a pint of rum mixed with a quart of water, to each man, without paying any thing for the same.

VIII. And that the several persons who shall so take, hire, and fit up as aforesaid, such uninhabited houses, out-houses, barns, or other buildings, for the reception of the officers and soldiers, and who shall so furnish the same, and also the said barracks, with fire, candles, vinegar, and salt, bedding, utensils for dressing victuals, and small beer, cyder, or rum, as aforesaid, may be reimbursed and paid all such charges and expences they shall be put to therein, be it enacted by the authority aforesaid, That the respective provinces shall pay unto such person or persons all such sum or sums of money so by them paid, laid out, or expended, for the taking, hiring, and fitting up, such uninhabited houses, out-houses, barns, or other buildings, and for furnishing the officers and soldiers therein, and in the barracks, with fire, candles, vinegar, and salt, bedding, utensils for dressing victuals, and small beer, cyder, or rum, as aforesaid; and such sum or sums are hereby required to be raised, in such manner as the publick charges for the provinces respectively are raised.

IX. Provided always, and be it enacted by the authority aforesaid, That if any officer, within his Majesty's said dominions of America, shall take, or cause to be taken, or knowingly suffer to be taken, any money, of any person, for excusing the quartering of officers or soldiers, or any of them, in any house allowed by this act; every such officer shall be cashiered, and be incapable of serving in any military employment whatsoever.

X. And whereas some doubts may arise, whether commanding officers of any regiment or company, within his Majesty's said dominions in America, may exchange any men quartered in any village, town, township, city, district, or place, in his Majesty's said dominions in America, with another man quartered in the same place, for the benefit of the service; be it declared and enacted by the authority aforesaid, That such exchange as above mentioned may be made by such commanding officers respectively, provided the number of men do not exceed the number at that time billeted on such house or houses; and the constables, tithingmen, magistrates, and other chief officers of the villages, towns, townships, cities, districts, or other places where any regiment or company shall be quartered, are hereby required to billet such men so exchanged accordingly.

XI. And be it further enacted by the authority aforesaid, That if any constable, tithingman, magistrate, or other chief officer or person whatsoever, who, by virtue or colour of this act, shall quarter or billet,

or be employed in quartering or billeting, any officers or soldiers, within his Majesty's said dominions in America, shall neglect or refuse, for the space of two hours, to quarter or billet such officers or soldiers, when thereunto required, in such manner as is by this act directed, provided sufficient notice be given before the arrival of such forces; or shall receive, demand, contract, or agree for, any sum or sums of money, or any reward whatsoever, for or on account of excusing, or in order to excuse, any person or persons whatsoever from quartering, or receiving into his, her, or their house or houses, any officer or soldier, or in case any victualler, or any other person within his Majesty's dominions in America, liable by this act to have any officer or soldier billeted or quartered on him or her, shall refuse to receive or victual any such officer or soldier so quartered or billeted upon him or her as aforesaid; or in case any person or persons shall refuse to furnish or allow, according to the directions of this act, the several things herein before directed to be furnished or allowed to officers and soldiers, so quartered or billeted on him or her, or in the barracks, and hired uninhabited houses, out-houses, barns or other buildings, as aforesaid, at the rate herein after mentioned; and shall be thereof convicted before one of the magistrates of any one of the supreme chief or principal common law courts of the colony where such offence shall be committed, either by his own confession, or by the oath of one or more credible witness or witnesses (which oath such magistrate of such court is hereby empowered to administer) every such constable, tithingman, magistrate, or other chief officer or person so offending shall forfeit, for every such offence, the sum of five pounds sterling, or any sum of money not exceeding five pounds, nor less than forty shillings, as the said magistrate (before whom the matter shall be heard) shall in his discretion think fit; to be levied by distress and sale of the goods of the person offending, by warrant under the hand and seal of such magistrate before whom such offender shall be convicted, to be directed to a constable or other officer within the village, town, township, city, district, or other place, where the offender shall dwell; and shall direct the said sum of five pounds, or such other sum as shall be ordered to be levied in pursuance of this act as aforesaid, when levied, to be paid into the treasury of the province or colony where the offence shall be committed, to be applied towards the general charges of the said province or colony.

XII. And, that the quarters both of officers and soldiers, in his Majesty's said dominions in America, may hereafter be duly paid and satisfied, be it enacted by the authority aforesaid, That from and after



the twenty fourth day of March, in the year one thousand seven hundred and sixty five, every officer to whom it belongs to receive, or that does actually receive, the pay or subsistence-money either for a whole regiment, or particular companies, or otherwise, shall immediately, upon each receipt of every particular sum which shall from time to time be paid, returned, or come to his or their hands, on account of pay or subsistence, give publick notice thereof to all persons keeping inns, or other places where officers or soldiers are quartered by virtue of this act: and shall also appoint the said innkeepers and others to repair to their quarters, at such times as they shall appoint for the distribution and payment of the said pay or subsistence money to the said officers or soldiers, which shall be within four days at farthest after receipt of the same as aforesaid, and the said inn-keepers and other shall then and there acquaint such officer or officers with the accounts or debts (if any shall be) between them and the officers and soldiers so quartered in their respective houses; which account the said officer or officers are hereby required to accept of, and immediately pay the same, before any part of the said pay or subsistence be distributed either to the officers or soldiers; provided the accounts exceed not for a commissions officer of foot, being under the degree of a captain, for such officers diet and small beer per diem, one shilling, and if such officer shall have a horse or horses, for each horse or horses, for their hay and straw per diem, six pence, nor for one foot soldier's diet and small beer, cyder, or rum mixed as aforesaid, per diem, four pence: and if any officer or officers as aforesaid shall not give notice as aforesaid, and not immediately, upon producing such account stated, satisfy, content, and pay the same, upon complaint and oath made thereof by any two witnesses, before two of his Majesty's justices for the village, town, township, city, district, or other place where such quarters were (which oath such justices are hereby authorized and required to administer) the paymaster or paymasters of his Majesty's guards and garrisons, upon certificate of the said justices before whom such oath was made, of the sum due upon such accounts, an the persons to whom the same is owing, are hereby required and authorized to pay and satisfy the said sums out of the arrears due to the said officer or officers; upon penalty that such paymaster or paymasters shall forfeit their respective place or places of paymaster, and be discharged from holding the same for the future; and in case there shall be no arrears due to the said officer or officers, then the said paymaster or paymasters are hereby authorized and required to deduct the sums, he or they shall pay pursuant to the certificates of the said justices, out of the next pay or subsistence money of the regiment to which such

officer or officers shall belong; and such officer or officers shall, for every such offence, or for neglecting to give notice of the receipt of such pay or subsistence money as aforesaid, be deemed and taken, and is hereby declared, to be ipso facto cashiered.

XIII. And, where it shall happen that the subsistence money due to any officer or soldier, within his Majesty's said dominions in America, shall, by occasion of any accident, not be paid to such officer or soldier, or such officer or soldier shall neglect to pay the same, so that quarters cannot be or are not paid as this act directs; and where any forces shall be upon their march, in his Majesty's dominions in America, so that no subsistence can be remitted to them to make payment as this act directs: or they shall neglect to pay the same; in every such case, it is hereby further enacted, That every such officer shall before his or their departure out of his or their quarters, where such regiment, troop, or company shall remain for any time whatsoever, make up the accounts with every person with whom such regiment or company shall have quartered, and sign a certificate thereof, and give the said certificate, so by him signed, to the party to whom such money is due, with the name of such regiment or company to which he or they shall belong, to the end the said certificate may be forthwith transmitted to the paymaster of his Majesty's guards and garrisons, who is hereby required immediately to make payment thereof to the person or persons to whom such money shall be due, to the end the same may be applied to such regiment or company respectively; under pain as before in this act directed for nonpayment of quarters.

XIV, And, for better preventing abuses in quartering or billeting the soldiers in his Majesty's dominions in America, in pursuance of this act, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any one or more justices of the peace, or other officer, within their respective villages, towns, townships, cities, districts, or other places, in his Majesty's said dominions in America, by warrant or order under his or their hand and seal, or hands or seals, at any time or times during the continuance of this act, to require and command any constable, tithingman, magistrate, or other chief officer, who shall quarter or billet any soldiers in pursuance of this act, to give an account in writing unto the said justice or justices, or other officer requiring the same, of the number of officers and soldiers who shall be quartered or billeted by them and also the names of the house-keepers or persons upon whom, and the barracks and hired uninhabited houses, or other buildings as aforesaid, in which and where every such officer

of soldiers shall be quartered or billeted, together with an account of the street or place where every such house-keeper or person dwells, and where every such barrack or hired uninhabited house or building is or are, and of the signs (if any) which belong to their houses; to the end that it may appear to the said justice or justices; or other officer, where such officers or soldiers are quartered or billeted, and that he or they may thereby be the better enabled to prevent or punish all abuses in the quartering or billeting them.

XV. And be it further enacted by the authority aforesaid, That for the better and more regular provision of carriages for his Majesty's forces in their marches, or for their arms, clothes, or accoutrements, in his Majesty's said dominions in America, all justices of the peace within their several villages, town, townships, cities, districts, and places, being duly required thereunto by an order from his Majesty, or the general of his forces, or of the general commanding, or the commanding officer there shall, as often as such order is brought and shewn unto one or more of them, by the quarter-master, adjutant, or other officer of the regiment, detachment, or company, so ordered to march, issue out his or their warrants to the constables, tithingmen, magistrates, or other officers of the villages, towns, townships, cities, districts, and other places, from, through, near, or to which such regiment, detachment, or company, shall be ordered to march, requiring them to make such provision for carriages, with able men to drive the same, as shall be mentioned in the said warrant: allowing them reasonable time to do the same, that the neighbouring parts may not always bear the burthen: and in case sufficient carriages cannot be provided within any such village, town, township, city, district, or other place, then the next justice, or justices of the peace of the village, town, township, city, district, or other place, shall, upon such order as aforesaid being brought or shewn to one or more of them, by any of the officers as aforesaid, issue his or their warrants to the constables, tithingman, magistrate, or other officers, of such next village, town, township, city, district, or other place, for the purposes aforesaid, to make up such deficiency; and such constable, tithingman, magistrate, or other officer, shall order or appoint such person or persons, having carriages, within their respective villages, towns, townships, cities, districts, or other places, as they shall think proper to provide and furnish such carriages and men, according to the warrant aforesaid; who are hereby required to provide and furnish the same accordingly.

XVI. And be it further enacted, That the pay or hire for a New York wagon, carrying twelve hundred pounds gross weight, shall be seven pence sterling for each mile; and for every other carriage in that and every other colony in his Majesty's said dominions in America, in the same proportion; and at or after the same rate or price for what weight every such other carriage shall carry; and that the first day's pay or hire for every such carriage, shall be paid down by such officer to such constable, tithingman, magistrate, or other civil officer, who shall get or procure such carriages, for the use of the owner or owners thereof; and the pay or hire for every such carriage after the first day, shall be paid every day, from day to day, by such officer as aforesaid, into the hands of the driver or drivers of such carriages respectively, until such carriages shall be discharged from such service, for the use of the owner and owners thereof.

XVII. Provided always, and be it further enacted, That no such wagon, cart, or carriage, impressed by authority of this act, shall be liable or obliged, by virtue of this act, to carry above twelve hundred weight; any thing herein contained to the contrary notwithstanding.

XVIII. Provided also, That no such wagon, cart, or carriage, shall be obliged to travel more than one day's march, if, within that time, they shall arrive at any other place where other carriages may be procured; but, in case other sufficient carriages cannot be procured, then such carriages shall be obliged to continue in the service till they shall arrive at such village, town, township, city, district, or other place, where proper and sufficient carriages, for the service of the forces, may be procured.

XIX. And be it further enacted by the authority aforesaid, That if any constable, tithingman, magistrate, or other civil officer, within his Majesty's dominions in America, shall willfully neglect or refuse to execute such warrants of the justices of the peace, as shall be directed unto them for providing carriages as aforesaid; or if any person or persons appointed by such constable, tithingman, magistrate, or other civil officer, to provide or furnish any carriage and man, shall refuse or neglect to provide the same, or any other person or persons whatsoever shall willfully do any act or thing whereby the execution of the said warrants shall be delayed, hindered, or frustrated; every such constable, tithingman, magistrate, civil officer, or other person so offending, shall, for every such offence, forfeit any sum not exceeding forty shillings sterling, no less than twenty shillings, to be paid into the treasury of the

province where any such offence shall be committed; to be applied towards the aforesaid contingent charges of the province: and all and every such offence or offences, and all and every other offence or offences, in this act mentioned, and not otherwise provided, shall and may be inquired of, heard, and fully determined, by two of his majesty's justices of the peace dwelling in or near the village, town, township, city, district, or place, where such offence shall be committed; who have hereby power to cause the said penalty to be levied by distress and sale of the offenders goods and chattels, rendering the overplus (if any) to the owner.

XX. And whereas the allowance hereby provided, for the payment of the carriages that may be necessary in the marching of troops, may not be a sufficient compensation for the same, to satisfy the constables, tithingmen, magistrates, and other civil officer, their charges and expences therein; for remedy whereof, be it further enacted by the authority aforesaid, That the constables, tithingmen, magistrates, and civil officers, procuring such carriages, shall pay a reasonable expence or price for every carriage so procured; and that every such constable, tithingman, magistrate, civil officer, or other person, shall be repaid what he or they shall so expend, together with his or their own charges and expences attending the same, by the province or colony where the same shall arise.

XXI. Provided always, and be it further enacted by the authority aforesaid, That where it shall be necessary to take wagons or other carriages for long marches, beyond the settlements, an appraisement shall be made of the value of such horses and carriages, at the time of the taking them up to be employed in such marches beyond the settlements, by two indifferent persons, one to be chosen by the commanding officer of such forces, and the other by the owner of such cattle or carriages; a certificate of which appraisement shall be given to the owner or owners of such cattle or carriages respectively: and in case any of the cattle or carriages, so taken up for such service, shall in the execution thereof, be lost or destroyed; that then and in every such case, upon producing the said certificate and proper vouchers upon oath of such loss or destruction, to the paymaster general of his majesty's guards and garrisons, the said paymaster shall, and he is hereby required to pay to the respective owners of such cattle or carriages, the sums specified, in such certificates and vouchers, to be the value of such cattle or carriages so lost or destroyed.

XXII. And whereas several soldiers, being duly enlisted in his Majesty's service, do often desert such service; for remedy whereof, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the constable, tithingman, magistrate, or other civil officer, of the village, town, township, city, district, or place, within the said dominions in America, where any person, who may be reasonably suspected to be such a deserter, shall be found, to apprehend, or cause him to be apprehended; and to cause such person to be brought before any justice of the peace or other chief magistrate living in or near such village, town, township, city, district, or place, who hath hereby power to examine such suspected person; and if by his confession, or testimony of one or more witness or witnesses upon oath, or the knowledge of such justice of the peace, or other magistrate, it shall appear, or be found, that such suspected person is a lifted soldier, and ought to be with the regiment or company to which he belongs, such justice of the peace or other magistrate shall forthwith cause him to be conveyed to the gaol of the village, town, township, city, district, county, or place where he shall be found, or to the house of correction or other publick prison in such village, town, township, city, district, county, or place, where such deserter shall be apprehended, and transmit an account thereof to the commander in chief of his Majesty's forces in the said dominions in America, or to the commanding officer of the forces posted nearest to such justice or justices, or other magistrate or magistrates, for the time being, to the end that such person may be proceeded against according to law: and the gaoler or keeper of such gaol, house of correction, or prison, shall receive the full subsistence of such deserter or deserters during the time that he or they shall continue in his custody for the maintenance of such deserter or deserters: but shall not be intitled to any fee or reward on account of the imprisonment of such deserter or deserters; any law, usage, or custom to the contrary notwithstanding.

XXIII. Provided always, That if any person shall harbour, conceal, or assist, any deserter for his Majesty's service within his Majesty's said dominions in America, knowing him to be such, the person so offending, shall forfeit for every such offence, the sum of five pounds; or if any person shall knowingly detain, buy or exchange, or otherwise receive, any arms, clothes, caps, or other furniture belonging to the King, from any soldier or deserter, or any other person, upon any account or pretence whatsoever, within his Majesty's dominions in America, or cause the colour of such clothes to be changed; the person so offending shall forfeit, for every such offence, the sum of five

pounds; and upon conviction upon the oath of one or more credible witness or witnesses, before any of his Majesty's justices of the peace, the said respective penalties of five pounds, and five pounds, shall be levied by warrant under the hands of the said justice or justices of the peace, by distress and sale of the goods and chattels of the offenders; one moiety of the said first-mentioned penalty of five pounds to be paid to the informer, by whose means such deserter shall be apprehended; and one moiety of the said last mentioned penalty of five pounds to be paid to the informer; and the residue of the said respective penalties to be paid to the officer to whom any such deserter or soldier did belong: and in case any such offenders, who shall be convicted as aforesaid, of harbouring or assisting any such deserter or deserters, or having knowingly received any arms, clothes, caps, or other furniture belonging to the King; or having caused the colour of such clothes to be changed, contrary to the intent of this act, shall not have sufficient goods and chattels, whereon distress may be made, to the value of the penalties recovered against him for such offence, or shall not pay such penalties within four days after such conviction; then, and in such case, such justice of the peace shall and may, by warrant under his hand and seal, commit such offender to the common gaol, there to remain, without bail or mainprize, for the space of three months, or cause such offender to be publicly whipt, at the discretion of such justice.

XXIV. And be it further enacted, That no commission officer shall break open any house, within his Majesty's dominions in America, to search for deserters, without a warrant from a justice of the peace, and in the day-time; and that every commission officer who shall, in the night, or without warrant from one or more of his Majesty's justices of the peace (which said warrants the said justice or justices are hereby empowered to grant) forcibly enter into, or break open, the dwelling-house or out-houses of any person whatsoever under pretence of searching for deserters, shall, upon due proof thereof, forfeit the sum of twenty pounds.

XXV. And whereas several crimes and offenses have been and may be, committed by several person, not being soldiers, at several forts or garrisons, and several other places within his Majesty's dominions in America, which are not within the limits or jurisdiction of any civil government there hitherto established; and which crimes and offenses are not properly cognizable or triable and punishable, by a court-martial, but by the civil magistrate; by means whereof several great crimes and offenses may go unpunished, to the great scandal of

government; for remedy whereof, be it further enacted by the authority aforesaid, That from and after the twenty fourth day of March, one thousand seven hundred and sixty five, and for so long afterwards as this act shall continue in force, if any person or persons, not being a soldier or soldiers, do or shall commit any crime or crimes, or offence or offenses, in any of the said forts, garrisons, or places, within his Majesty's dominions in America, which are not within the limits or jurisdiction of any civil government hitherto established, it shall and may be lawful for any person or persons to apprehend such offender or offenders, and to carry, him, her, or them, before the commanding officer for the time being of his Majesty's forces there; and such offender being charged upon oath in writing, before the said commanding officer, and which oath the said commanding officer is hereby impowered to administer, that then, and in every such case, the said commanding officer shall receive and take into his custody, and safely keep, every such offender, and shall convey and deliver, or cause to be conveyed and delivered, with all convenient speed, every such offender to the civil magistrate of the next adjoining province, together with the cause of his or her detainer, to be committed and dealt with by such civil magistrates or magistrate according to law; and every such civil magistrate is hereby commanded and required to commit every such offender, that he or she may be dealt with according to law; and in every such case, it shall and may be lawful to prosecute and try every such offender in the court of such province or colony, where crimes and offenses of the like nature are usually tried, and where the same would be properly tried in case such crime or offence had been committed within the jurisdiction of such court, and such crime shall and may be alleged to be committed within the jurisdiction of such court; and such court shall and may proceed therein to trial, judgment, and execution, in the same manner as if the such crime or offence had been really committed within the jurisdiction of such court; any law, usage, custom, matter, or thing, whatsoever to the contrary notwithstanding,

XXVI. And be it further enacted by the authority aforesaid, That every bill, plaint, action, or suit, against any person or persons, for any act, matter, or thing, to be acted or done in pursuance of this act, or the said other in part recited act, in any of his Majesty's dominions in America, shall be brought and prosecuted in and before some principal court of record in the colony where such matter or thing shall be done or committed; and in case the same shall not be done or committed within the jurisdiction of any such court, then in the court of the colony next to



the place where the same shall be done and committed, and in no other court whatsoever.

XXVII. And be it further enacted by the authority aforesaid, That where any troops or parties upon command have occasion in their march, in any of his Majesty's dominions in America, to pass regular ferries, it shall and may be lawful for the commanding officer either to pass over with his party as passenger, or to hire the ferry-boat entire to himself and his party, debarring others for that time in his option; and in case he shall chuse to take passage for himself and party as passengers he shall only pay for himself and for each person, officer, or soldier, under his command, half of the ordinary rate payable by single persons at any such ferry; and in case he shall hire the ferry-boat for himself and party, he shall pay half of the ordinary rate for such boat or boats; and in such places where there are no regular ferries, but that all passengers hire boats at the rate they can agree for, officers with or without parties are to agree for boats at the rates that other persons do in the like cases.

XXVIII. And be it further enacted by the authority aforesaid, That all sum and sums of money mentioned in this act, and all penalties and forfeitures whatsoever to be incurred or forfeited for any offence, cause, matter, or thing whatsoever, to be done, committed, or omitted to be done in his Majesty's colonies and dominions in America, contrary to the true intent and meaning of this act, shall be, and shall be paid and forfeited in lawful money of the colony or place where the same shall be forfeited or become due, at the rate of four shillings and eight pence sterling money for a Spanish milled dollar, and not otherwise.

XXIX. And be it further enacted by the authority aforesaid, That if any action, bill, plaint, or suit, shall be brought or commenced against any person or persons for any act, matter, or thing, done or acted in pursuance of this act, that it shall and may be lawful to and for all and every person or persons so sued to plead thereto the general issue that he or they are not guilty, and to give the special matter in evidence to the jury who shall try the cause; and if the verdict therein shall pass for the defendant or defendants, or the plaintiff or plaintiffs therein shall become nonsuit, or suffer a discontinuance, or by any other means judgment therein shall be given for the defendants or defendant therein; that in every such case the justice or justices, or other judge or judges of the court in which such action shall be brought; shall by force and

virtue of this act allow unto such defendant or defendants his or their treble costs, which he or they shall have sustained, or be put to, by reason of the defence of such suit, for which cost such defendant and defendants shall have the like remedy as in other cases where costs are by the law given to defendants.

XXX. And be it further enacted by the authority aforesaid, That this act and every thing herein contained, shall continue and be in force in all his Majesty's dominions in America, from the twenty fourth day of March, in the year one thousand seven hundred and sixty five, until the twenty fourth day of March in the year of our Lord one thousand seven hundred and sixty seven.

## **The Objections to the Taxation of Our American Colonies by the Legislature of Great Britain, Briefly Considered**

Soame Jenyns (1765)

Many in Britain sympathized with the Americans' complaints, and the Whig party was particularly in tune with the rebellious sentiment. Soame Jenyns was a British political figure, Whig Member of Parliament, and a senior government trade official. He was also a prolific writer and satirist.

The right of the Legislature of Great-Britain to impose taxes on her American Colonies, and the expedicocy of exerting that right in the present conjuncture, are propositions so indisputably clear, that I should never have thought it necessary to have undertaken their defence, had not many arguments been lately flung out, both in papers and conversation, which with insolence equal to their absurdity deny them both. As these are usually mixt up with several patriotic and favorite words such as Liberty, Property, Englishmen, etc., which are apt to make strong impressions on that more numerous part of mankind, who have ears but no understanding, it will not, I think, be improper to give them some answers: to this, therefore, I shall singly confine myself, and do it in as few words as possible, being sensible that the fewest will give least trouble to myself and probably most information to my reader.

The great capital argument, which I find on this subject, and which, like an Elephant at the head of a Nobob's army, being once overthrown, must put the whole into confusion, is this; that no Englishman is, or can be taxed, but by his own consent: by which must be meant one of these three propositions; either that no Englishman can be taxed without his own consent as an individual; or that no Englishman can be taxed without the consent of the persons he chuses to represent him; or that no Englishman can be taxed without the consent of the majority of all those, who are elected by himself and others of his fellow-subjects to represent them. Now let us impartially consider, whether any one of these propositions are in fact true: if not, then this wonderful structure which has been erected upon them, falls at once to the ground, and like another Babel, perishes by a confusion of words, which the builders themselves are unable to understand.

First then, that no Englishman is or can be taxed but by his own consent as an individual: this is so far from being true, that it is the very reverse of truth; for no man that I know of is taxed by his own consent; and an Englishman, I believe, is as little likely to be so taxed, as any man in the world.

Secondly, that no Englishman is or can be taxed but by the consent of those persons whom he has chose to represent him; for the truth of this I shall appeal only to the candid representatives of those unfortunate counties which produce cyder, and shall willingly acquiesce under their determination.

Lastly, that no Englishman is, or can be taxed, without the consent of the majority of those, who are elected by himself, and others of his fellow-subjects, to represent them. This is certainly as false as the other two; for every Englishman is taxed, and not one in twenty represented: copyholders, leaseholders, and all men possessed of personal property only, chuse no representatives; Manchester, Birmingham, and many more of our richest and most flourishing trading towns send no members to parliament, consequently cannot consent by their representatives, because they chuse none to represent them; yet are they not Englishmen? or are they not taxed?

I am well aware, that I shall hear Locke, Sidney, Selden, and many other great names quoted to prove that every Englishman, whether he has a right to vote for a representative, or not, is still represented in the British Parliament; in which opinion they all agree: on what principle

of common sense this opinion is founded I comprehend not, but on the authority of such respectable names I shall acknowledge its truth; but then I will ask one question, and on that I will rest the whole merits of the cause: Why does not this imaginary representation extend to America, as well as over the whole island of Great-Britain? If it can travel three hundred miles, why not three thousand? if it can jump over rivers and mountains, why cannot it sail over the ocean? If the towns of Manchester and Birmingham sending no representatives to parliament, are notwithstanding there represented, why are not the cities of Albany and Boston equally represented in that assembly? Are they not alike British subjects? are they not Englishmen? or are they only Englishmen when they solicit for protection, but not Englishmen when taxes are required to enable this country to protect them?

But it is urged, that the Colonies are by their charters placed under distinct Governments, each of which has a legislative power within itself, by which alone it ought to be taxed; that if this privilege is once given up, that liberty which every Englishman has a right to, is torn from them, they are all slaves, and all is lost.

The libery of an Englishman, is a phrase of so various a signification, having within these few years been used as a synonymous term for blasphemy, bawdy, treason, libels, strong beer, and cyder, that I shall not here presume to define its meaning; but I shall venture to assert what it cannot mean; that is, an exemption from taxes imposed by the authority of the Parliament of Great Britain; nor is there any charter, that ever pretended to grant such a privilege to any colony in America; and had they granted it, it could have had no force; their charters being derived from the Crown, and no charter from the Crown can possibly supersede the right of the whole legislature: their charters are undoubtedly no more than those of all corporations, which impower them to make byelaws, and raise duties for the purposes of their own police, for ever subject to the superior authority of parliament; and in some of their charters, the manner of exercising these powers is specified in these express words, “according to the course of other corporations in Great-Britain”: and therefore they can have no more pretence to plead an exemption from this parliamentary authority, than any other corporation in England.

It has been moreover alleged, that, though Parliament may have power to impose taxes on the Colonies, they have no right to use it, because it would be an unjust tax; and no supreme or legislative power can have a

right to enact any law in its nature unjust: to this, I shall only make this short reply, that if Parliament can impose no taxes but what are equitable, and the persons taxed are to be the judges of that equity, they will in effect have no power to lay any tax at all. No tax can be imposed exactly equal on all, and if it is not equal, it cannot be just: and if it is not just, no power whatever can impose it; by which short syllogism, all taxation is at an end; but why it should not be used by Englishmen on this side the Atlantic, as well as by those on the other, I do not comprehend. . .

(Haldimand Collection)

### **‘If this be Treason’**

Patrick Henry, Virginia House of Burgesses  
(May 29, 1765)

Even the most radical opponents of British rule had to be careful in expressing their deepest political opinions before independence, because it was a treasonable offense to speak against the king. Most revolutionary leaders initially proclaimed their affection and loyalty toward the king. In this excerpt from a floor speech to the Virginia colonial legislature, in which Patrick Henry denounced the Stamp Act, he used a clever play on words to criticize the king while defending him:

“Caesar had his Brutus, Charles the First his Cromwell; and George the Third – ”

[“Treason!” interjected the Speaker of the House]

“ – *may profit by their example*. If *this* be treason, make the most of it.”

## Virginia Resolves

Virginia House of Burgesses (May 29, 1765)

Whereas the honorable House of Commons in England have late drawn into question how far the general assembly of this colony has power to enact laws for laying taxes and imposing duties payable to the pope of this his majesty's most ancient colony — For settling and ascertaining the same to all future times, the House of Burgesses of this present general assembly have come to the several following resolutions:

*Resolved*, That the first Adventures and Settlers of this his Majesty's Colony and Dominion of *Virginia* brought with them, and transmitted to their Posterity, and all other his Majesty's Subjects since inhabiting in this his Majesty's said Colony, all the Liberties, Privileges, Franchises, and Immunities, that have at any Time been held, enjoyed, and possessed, by the people of *Great Britain*.

*Resolved*, That by two royal Charters, granted by King *James* the First, the Colonists aforesaid are declared entitled to all Liberties, Privileges, and Immunities of Denizens and natural Subjects, to all Intents and Purposes, as if they had been abiding and born within the Realm of *England*.

*Resolved*, That the Taxation of the People by themselves, or by Person chosen by themselves to represent them, who can only know what Taxes the People are able to bear, or the easiest Method of raising them, and must themselves be affected by every Tax laid on the People, is the only Security against a burthensome Taxation, and the distinguishing Characteristick of *British* Freedom, without which the ancient Constitution cannot exist.

*Resolved*, That his Majesty's liege People of this his most ancient and loyal Colony have without Interruption enjoyed the inestimable Right of being governed by such Laws, respecting their internal Polity and Taxation, as are derived from their own Consent, with the Approbation of their Sovereign, or his Substitute; and that the same hath never been forfeited or yielded up, but hath been constantly recognized by the Kings and People of *Great Britain*.

## **James Otis on the Stamp Act**

### **Boston (1765)**

Oration delivered before the Governor and Council of the Colony of Massachusetts, December 20, 1765. At about this time, Otis joined forces with Samuel Adams. The slogan, "Taxation without representation is tyranny" is attributed to Otis.

It is with great grief that I appear before your Excellency (Governor Hutchinson) and Honours (of the City Council) on this occasion. A wicked and unfeeling minister (Earl Grenville) has caused a people, the most loyal and affectionate that ever king was blest with, to groan under the most insupportable oppression.

But I think, Sir, that he now stands upon the brink of inevitable destruction; and trust that soon, very soon, he will feel the full weight of his injured sovereign's righteous indignation. I have no doubt, Sir, but that the loyal and dutiful representations of nine provinces, the cries and supplications of a distressed people, the united voice of all his Majesty's most loyal and affectionate British-American subjects, will obtain all that ample redress which they have a right to expect; and that ere long they will see their cruel and insidious enemies, both at home and abroad, put to shame and confusion.

My brother Adams has entered so largely into the validity of the act, that I shall not enlarge on that head. Indeed, what has been observed is sufficient to convince the most illiterate savage that the Parliament of England had no regard to the very first principles of their own liberties.

Only the preamble of that oppressive act is enough to rouse the blood of every generous Briton.--"We your Majesty's subjects, the commons of Great Britain, etc., do give and grant"--What? Their own property? No! The treasure, the heart's blood of all your Majesty's dutiful and affectionate British-American subjects.

But the time is far spent. I will not tire your patience. It was once a fundamental maxim that every subject had the same right to his life, liberty, property, and the law that the King had to his crown; and 'tis yet, I venture to say, as much as a crown is worth, to deny the subject

his law, which is his birthright. 'Tis a first principle "that Majesty should not only shine in arms, but be armed with the laws." The administration of justice is necessary to the very existence of governments. Nothing can warrant the stopping the course of justice but the impossibility of holding courts, by reason of war, invasion, rebellion, or insurrection. This was law at a time when the whole island of Great Britain was divided into an infinite number of petty baronies and principalities; as Germany is, at this day.

Insurrections then, and even invasions, put the whole nation into such confusion that justice could not have her equal course; especially as the kings in ancient times frequently sat as judges. But war has now become so much of a science, and gives so little disturbance to a nation engaged, that no war, foreign or domestic, is a sufficient reason for shutting up the courts. But if it were, we are not in such a state, but far otherwise, the whole people being willing and demanding the full administration of justice. The shutting up of the courts is an abdication, a total dissolution of government. Whoever takes from the king his executive power, takes from the king his kingship. "The laws which forbid a man to pursue his right one way, ought to be understood with this equitable restriction, that one finds judges to whom he may apply."

I can't but observe that cruel and unheard-of neglect of that enemy to his king and country, the author of this Act, that, when all business, the very life and being of a commercial state, was to be carried on by the use of stamps, that wicked and execrable minister never paid the least regard to the miseries of this extensive continent, but suffered the time for the taking place of the Act to elapse months before a single stamp was received. Though this was a high piece of infidelity to the interest of his royal master, yet it makes it evident that it could never be intended, that if stamps were not to be had, it should put a stop to all justice, which is, *ipse facto*, a dissolution of society.

It is a strange kind of law which we hear advanced nowadays, that because one unpopular Act can't be carried into execution, that therefore there shall be an end of all law. We are not the first people who have risen to prevent the execution of a law; the very people of England themselves rose in opposition to the famous Jew-bill, and got that immediately repealed. And lawyers know that there are limits, beyond which, if parliaments go, their acts bind not.



The king is always presumed to be present in his courts, holding out the law to his subjects; and when he shuts his courts, he unknights himself in the most essential point. Magna Charter and the other statutes are full, "that they will not defer, delay, nor deny any man justice"; "that it shall not be commanded by the Great Seal, or in any other way, to disturb or delay common right." The judges of England are "not to counsel, or assent to anything which may turn to the damage or disherison of the crown." They are sworn not to deny to any man common right, by the king's letters, nor none other man's, nor for none other cause. Is not the dissolution of society a disherison of the crown? The "justices are commanded that they shall do even law and execution of right to all our subjects, rich and poor, without having regard to any person, without letting to do right for any letters or commandment which may come to them, or by any other cause."

## **Declaratory Act Parliament (1766)**

*An act for the better securing the dependency of his majesty's dominions in America upon the crown and parliament of Great Britain.*

Whereas several of the houses of representatives in his Majesty's colonies and plantations in America, have of late against law, claimed to themselves, or to the general assemblies of the same, the sole and exclusive right of imposing duties and taxes upon his majesty's subjects in the said colonies and plantations; and have in pursuance of such claim, passed certain votes, resolutions, and orders derogatory to the legislative authority of parliament, and inconsistent with the dependency Of the said colonies and plantations upon the crown of Great Britain : may it therefore please your most excellent Majesty, that it may be declared ; and be it declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said colonies and plantations in America have been, are, and of right ought to be, subordinate unto, and dependent upon the imperial crown and parliament of Great Britain; and that the King's majesty, by and with the advice and consent of the lords spiritual and temporal, and commons of Great Britain, in parliament assembled, had, hath, and of right ought to have, full power and authority to make laws and statutes of sufficient force and validity

to bind the colonies and people of America, subjects of the crown of Great Britain, in all cases whatsoever,

II. And be it further declared and enacted by the authority aforesaid, That all resolutions, votes, orders, and proceedings, in any of the said colonies or plantations, whereby the power and authority of the parliament of Great Britain, to make laws and statutes as aforesaid, is denied, or drawn into question, are, and are hereby declared to be, utterly null and void to all in purposes whatsoever.

(Haldimand Collection)

## **“The Great Financier or, British Economy for the Years 1763, 1764, 1765”**

Unknown engraver, London (1765)

In this London cartoon, Prime Minister George Grenville holds a balance to weigh "Debts" and "Savings," with the debts being far heavier. Those waiting in line include an Indian woman, symbolizing America. She is wearing a yoke labeled "Taxed without representation." A melancholy-looking Britannia sits at right.



### **“No Stamp Act”**

Political teapot, American colonies (circa 1766-70)

Teapot celebrating the repeal of the Stamp Act. The pot denounces the Stamp Act on one side, and proclaims, “America: Liberty Restored” on the other.

Made between 1766 and 1770. Porcelain featuring images of famous political figures or representing national causes were popular items of political protest at the time.

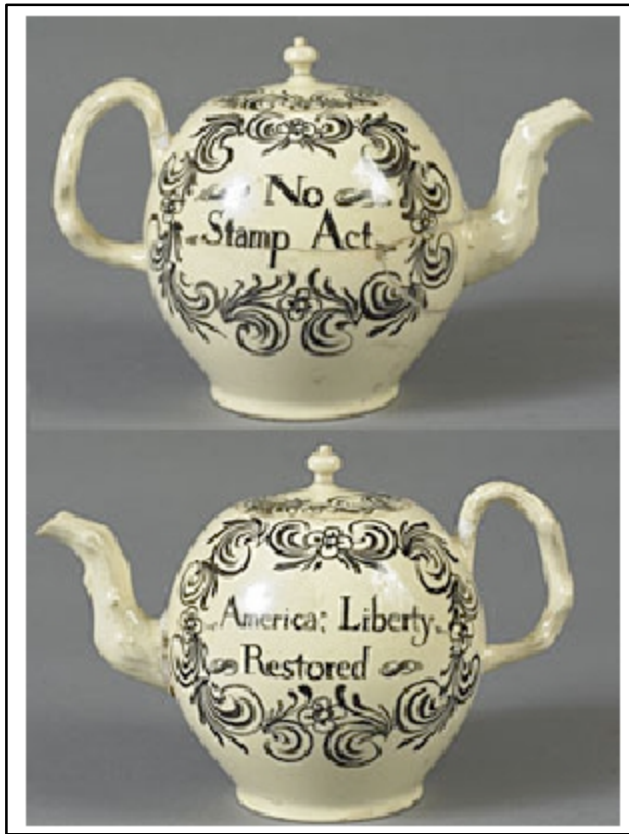


Image courtesy of the Smithsonian Institution.

## Funeral Edition

*Pennsylvania Journal & Weekly Advertiser* (1765)



The publisher of the *Pennsylvania Journal and Weekly Advertiser* uses gallows humor to tell his readers that, with the Stamp Act going into effect, his newspaper would be shut down. He asks subscribers not to seek refunds as he is losing his livelihood and hopes to re-open the paper in the future.

In the upper right corner appears a skull and cross-bones with the caption, "This is the place to affix the stamp." The cartoon, enlarged at right, would become an icon of the revolution.



## **Franklin, in London, attacks the Stamp Act**

Benjamin Franklin (1766)

The length of trans-Atlantic crossings made it difficult to stay abreast of political developments on either side of the ocean. In London where he worked as a lobbyist on behalf of the colonial assemblies of Pennsylvania, Massachusetts, New Jersey and Georgia, Benjamin Franklin appeared caught off-guard when in 1765 he appeared supportive of the Stamp Act. Walter Isaacson notes, "With his reputation as a defender of colonial rights in tatters because of his softness, Franklin faced one of the great challenges in the annals of political damage control."<sup>2</sup>

In the first three months of 1766, Franklin attacked the Stamp Act in 13 separate published works. He used the occasion to chide London for its attitude toward the American colonies, and suggested that his fellow Englishmen in America use their economic leverage to pressure Parliament.

Among his suggestions was to boycott tea; hardy and resourceful Americans didn't need English tea, he said, and could find suitable if rustic substitutes. As was customary, he usually wrote under a pseudonym, as did those he challenged in print. He wrote under different pen names for different publications, sometimes in pieces that appeared on the same day.

Writing as "Pacificus Secundus," Franklin, in Isaacson's words, "resorted to his old tactic of scathing satire by pretending to support the idea that military rule be imposed in the colonies," saying it would take a mere 50,000 troops at a cost of £12 million a year to do the job. Under the name "Homespun," Franklin ridiculed

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<sup>2</sup> Walter Isaacson, *A Benjamin Franklin Reader* (Simon & Schuster, 2003), p. 203. The Franklin excerpts in this section are drawn from Isaacson's work, pp. 203-211.

those who thought the Americans could do without English imports and suggested “homespun” substitutes. He also wrote a song comparing the “Mother Country” to a peevish “old Mother.”

Franklin’s “propaganda campaign” in London, which included what Isaacson calls “a stirring testimony he provided to Parliament,” were vital to persuading the British government to repeal the Stamp Act.

### **Pacificus Secundus: Reply to Pacificus**

Benjamin Franklin, *The Public Advertiser*, London  
(January 2, 1766)

Sir,

PACIFICUS in your Paper of Friday last, tells us, that the inhabitants of New-England “are descended from the Stiff-Rumps in Oliver [Cromwell]’s Time;” and he accounts for their being “so tenacious of what they call their Rights and Liberties;” from the independent Principles handed down to them by their Forefathers, and that Spirit of Contradiction, which, he says, “is the distinguishing Characteristic of Fanaticism.” But it seems the Inhabitants of Virginia and Maryland, who are descended from the Royalists of the Church of England, driven hence by those very Oliverian Stiff-Rumps, and never tinctured with Fanaticism, are, in the present Case, as stiff-rump’d as the others, and even led the Way in asserting what “they call their Rights.” So that this Hypothesis of Fanaticism appears insufficient to account for the Opposition universally given to the Stamp-Act in America; and I fancy the Gentleman thought so himself, as he mends it a little after, by lumping all the Americans under the general Character of “House-breakers and Felons.”

Supposing them such, his Proposal of “vacating all their Charters, taking away the Power of their Assemblies, and sending an armed Force among them, to reduce them all to a military Government, in which the Order of the commanding Officer is to be their Law,” will certainly be a very *justifiable* Measure. I have only some Doubts as to the Expediency of it, and the Facility of carrying it into Execution. For I apprehend ’tis not unlikely they may set their Rumps more stiffly

against this Method of Government, than ever they did against that by Act of Parliament: But, on second Thoughts, I conceive it may possibly do very well: For though there should be, as 'tis said there are, at least 250,000 fighting Men among them, many of whom have lately seen Service; yet, as one Englishman is to be sure as good as five Americans, I suppose it will not require Armies of above 50,000 Men in the whole, sent over to the different Parts of that extensive Continent, for reducing them; and that a three or four Year's Civil War, at perhaps a less Expence than ten or twelve Millions a Year, Transports and Carriages included, will be sufficient to compleat *Pacificus's* Pacification, notwithstanding any Disturbance our restless Enemies in Europe might think fit to give us while engaged in this necessary Work. I mention three or four Years only; for I can never believe the Americans will be able to spin it out to seventy, as the Hollanders did the War for their Liberties against Spain, how much soever it may be found the Interest of our own numerous Commissaries, Contractors, and Officers afraid of Half Pay, to continue and protract it. It may be objected, that by ruining the Colonies, killing one half the People, and driving the rest over the Mountains, we may deprive ourselves of their Custom for our Manufactures: But a Moment's Consideration will satisfy us, that since we have lost so much of our European Trade, it can only be the Demand in America that keeps up, and has of late so greatly enhanced the Price of those Manufactures, and therefore a Stop put to that Demand will be an Advantage to us all, as we may thereafter buy our own Goods cheaper for our own Use at home. I can think of but one Objection more, which is, that Multitudes of our Poor may starve for Want of Employment. But our wise Laws have provided a Remedy for that. The Rich are to maintain them. I am, Sir, Your humble Servant,

Pacificus Secundus.

**Homespun: Second Reply to Vindex Patriae**  
 Benjamin Franklin, *The Gazetteer and New Daily Advertiser*, London (January 2, 1766)<sup>3</sup>

VINDEX PATRIAE, a writer in your paper, comforts himself, and the India Company, with the fancy, that the Americans, should they resolve to drink no more tea, can by no means keep that resolution, their Indian

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<sup>3</sup> The Benjamin Franklin Papers, Vol. 13, 7a.



corn not affording “an agreeable, or easy digestible breakfast.” Pray let me, an American, inform the gentleman, who seems quite ignorant of the matter, that Indian corn, take it for *all in all*, is one of the most agreeable and wholesome grains in the world; that its green ears roasted are a delicacy beyond expression; that *samp*, *hominy*, *succatash*, and *nokehock*, made of it, are so many pleasing varieties; and that a *johnny* or *hoecake*, hot from the fire, is better than a Yorkshire muffin. But if Indian corn were as *disagreeable* and *indigestible* as the Stamp Act, does he imagine we can get nothing else for breakfast? Did he never hear that we have oatmeal in plenty, for water gruel or burgoo; as good wheat, rye, and barley as the world affords, to make frumenty; or toast and ale; that there is every where plenty of milk, butter, and cheese; that rice is one of our staple commodities; that for tea, we have sage and bawm in our gardens, the young leaves of the sweet white hickory or walnut, and, above all, the buds of our pine, infinitely preferable to any tea from the Indies; while the islands yield us plenty of coffee and chocolate? Let the gentleman do us the honour of a visit in America, and I will engage to breakfast him every day in the month with a fresh variety, without offering him either tea or Indian corn. As to the Americans using no more of the former, I am not sure they will take such a resolution; but if they do, I fancy they will not lightly break it. I question whether the army proposed to be sent among them, would oblige them to swallow a drop more of tea than they chuse to swallow; for, as the proverb says, though one man may *lead* a horse to the water, ten can’t *make him drink*. Their resolutions have hitherto been pretty steadily kept. They resolved to wear no more mourning; and it is now totally out of fashion with near two millions of people; and yet nobody sighs for Norwich crapes, or any other of the expensive, flimsey, rotten, black stuffs and cloths you used to send us for that purpose, with the frippery gauses, loves, ribbands, gloves, &c. thereunto belonging. They resolved last spring to eat no more lamb; and not a joint of lamb has since been seen on any of their tables, throughout a country of 1500 miles extent, but the sweet little creatures are all alive to this day, with the prettiest fleeces on their backs imaginable. Mr. VINDEY’S very civil letter will, I dare say, be printed in all our provincial news papers, from Nova Scotia to Georgia; and together with the other *kind*, *polite*, and *humane* epistles of your correspondents PACIFICUS, TOM HINT, &c. &c. contribute not a little to strengthen us in every resolution that may be of advantage, to *our* country at least, if not to *yours*.

Homespun.

**“Further Defence of Indian Corn”**

Benjamin Franklin, *The Gazetteer and New Daily Advertiser*, London (January 15, 1766)<sup>4</sup>

To the Printer.

JOHN BULL shews in nothing more his great veneration for good eating, and how much he is always thinking of his belly, than in his making it the constant topic of his contempt for other nations, that *they do not eat so well as himself*. The *roast beef of Old England* he is always exulting in, as if no other country had beef to roast; reproaching, on every occasion, the Welsh with their leeks and toasted cheese, the Irish with their potatoes, and the Scotch with their oatmeal. And now that we are a little out of favour with him, he has begun, by his attorney VINDEXPATRIAE, to examine our eating and drinking, in order, I apprehend, to fix some horrible scandal of the same kind upon us poor Americans.

I did but say a word or two in favour of *Indian corn*, which he had treated as “disagreeable and indigestible,” and this vindictive gentleman grows angry. “Let him tell the world, IF HE DARES (says he) that the Americans prefer it to a place at their own tables.” Ah, Sir, I see the dilemma you have prepared for me. If I should not *dare* to say, that we do prefer it to a place at our tables, then you demonstrate, that we must come to England for tea, or go without our breakfasts: and if I do *dare* to say it, you fix upon me and my countrymen for ever, the indelible disgrace of being *Indian corn-eaters*.

I am afraid, Mr. Printer, that you will think this too trifling a dispute to deserve a place in your paper: but pray, good Sir, consider, as you are yourself an Englishman, that we Americans, who are allowed even by Mr. VINDEXPATRIAE to have some English blood in our veins, may think it a very serious thing to have the honour of our eating impeached in any particular whatsoever.

“Why doth he not deny the fact (says VINDEXPATRIAE) that it is assigned to the slaves for their food? To proclaim the *wholesomeness* of this corn, without assigning a reason why white men give it to their slaves, when they can get other food, is only satirizing the good sense of their brethren in America.” In truth I cannot deny the fact, though it should

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<sup>4</sup> Benjamin Franklin Papers, Vol. 13.

reflect ever so much on the *good sense* of my countrymen. I own we do give food made of Indian corn to our slaves, as well as eat it ourselves; not, as you suppose, because it is “*indigestible* and *unwholesome*,” but because it keeps them healthy, strong and hearty, and fit to go through all the labour we require of them. Our slaves, Sir, cost us money, and we buy them to make money by their labour. If they are sick, they are not only unprofitable, but expensive. Where then was your *English good sense*, when you imagined we gave the slaves our Indian corn, because we knew it to be *unwholesome*?

In short, this is only another of Mr. VINDEX’s paradoxes, in which he is a great dealer. The first endeavoured to persuade us, that we were represented in the British Parliament *virtually*, and by *fiction*: Then that we were *really* represented there, because the Manor of East Greenwich in Kent is represented there, and all the Americans live in East Greenwich. And now he undertakes to prove to us, that taxes are the most profitable things in the world to those that pay them; for that Scotland is grown rich since the Union, by paying English taxes. I wish he would accommodate himself a little better to our dull capacities. We Americans have a great many heavy taxes of our own, to support our several governments, and pay off the enormous debt contracted by the war; we never conceived ourselves the richer for paying taxes, and are willing to leave all new ones to those that like them. At least, if we must with Scotland, participate in your taxes, let us likewise, with Scotland, participate in the Union, and in all the privileges and advantages of commerce that accompanied it.

VINDEX, however, will never consent to this. He has made us partakers in all the odium with which he thinks fit to load Scotland: “They resemble the Scots in sentiments (says he) their religion is Scottish; their customs and *laws* are Scottish; like the Scotch they Judaically observe what *they call* the Sabbath, persecute old women for witches, are intolerant to other sects, &c.” But we must not, like the Scots, be admitted into Parliament; for that, he thinks, would increase “the Scotch interest in England, which is equally hostile to the cause of liberty, and the cause of our church.”

Pray, Sir, who informed you that our “*laws* are Scottish?” The same, I suppose, that told you our Indian corn is unwholesome. Indeed, Sir, your information is very imperfect. The common law of England, is, I assure you, the common law of the colonies: and if the civil law is what you mean by the Scottish law, we have none of it but what is forced

upon us by England, in its courts of Admiralty, depriving us of that inestimable part of the common law, trials by juries. And do you look upon keeping the *Sabbath*, as part of the Scottish law? “The Americans, like the Scots, (you say,) observe what *they call* the Sabbath.” Pray, Sir, you who are so zealous for your church (in abusing other Christians) what *do you call* it? and where the harm of their *observing* it? If you look into your prayer-book, or over your altars, you will find these words written, *Remember to keep holy the SABBATH Day*. This law, tho’ it may be observed in Scotland, and has been *countenanced* by some of your statutes, is, Sir, originally one of *God’s Commandments*: a body of laws still in force in America, tho’ they may have become *obsolete* in *some other* countries.

Give me leave, Master JOHN BULL, to remind you, that you are *related to all mankind*; and therefore it less become you than any body, to affront and abuse other nations. But you have mixed with your many virtues, a pride, a haughtiness, and an insolent contempt for all but yourself, that, I am afraid, will, if not abated, procure you one day or other a handsome drubbing. Besides your rudeness to foreigners, you are far from being civil even to your own family. The Welch you have always despised for submitting to your government: But why despise your own English, who conquered and settled Ireland for you; who conquered and settled America for you? Yet these you now think you may treat as you please, because, forsooth, they are a *conquered* people. Why dispise the Scotch, who fight and die for you all over the world? Remember, you courted Scotland for one hundred years, and would fain have had your *wicked will* of her. She virtuously resisted all your importunities, but at length kindly consented to become your lawful wife. You then solemnly promised to *love, cherish, and honour* her, as long as you both should live; and yet you have ever since treated her with the utmost contumely, which you now begin to extend to your common children. But, pray, when your enemies are uniting in a *Family Compact* against you, can it be discreet in you to kick up in your own house a *Family Quarrel*? And at the very time you are inviting foreigners to settle on your lands, and when you have more to settle than ever you had before, it is [*sic*] prudent to suffer your lawyer, VINDEY, to abuse those who have settled there already, because they cannot yet speak “Plain English?” It is my opinion, Master BULL, that the Scotch and Irish, as well as the colonists, are capable of speaking much *plainer English* than they have ever yet spoke, but which I hope they will never be provoked to speak.

To be brief, Mr. VINDEK, I pass over your other accusations of the Americans, and of the Scotch, that we “Persecute old women for witches, and are intolerant to other sects,” observing only, that we were wise enough to leave off both those foolish tricks, long before Old England made the act of toleration, or repealed the statute against witchcraft; so that even *you yourself* may safely travel through all Scotland and the Colonies, without the least danger of being persecuted as a churchman, or taken (up) for a conjurer. And yet I own myself so far of an intolerant spirit, that though I thank you for the box-in-the-ear you have given TOM HINT, as being, what you justly call him, “a futile calumniator,” I cannot but wish he would give you another—for the same reason.

One word more, however, about the *Indian corn*, which I began and must end with, even though I should hazard your remarking, that it is certainly “indigestible,” as it plainly appears to *stick in my stomach*. “Let him tell the world, IF HE DARES, (you say) that the Americans prefer it to a place at their tables.” And, pray, if I should DARE,—what then?—Why then—“You will enter upon a discussion of its salubrity and pleasant taste.” Really? Would you venture to write on the salubrity and *pleasant taste* of Indian corn, when you never in your life have tasted a *single grain* of it? But why should that hinder you writing on it? Have you not written even on *politics*? Your’s,

Homespun.

**“The Mother Country: A Song”****Benjamin Franklin (circa 1765)<sup>5</sup>**

We have an old Mother that peevish has grown;  
She snubs us like Children that scarce walk alone;  
She forgets we're grown up and have sense of our own.  
*Which nobody can deny, deny.*  
*Which nobody can deny.*

If we don't obey Orders, whatever the Case,  
She frowns, and she chides, and she loses all Patience;  
And sometimes she hits us a slap in the Face,  
*Which nobody can deny, &c.*

Her Orders so odd are, we often suspect  
That Age has impaired her sound Intellect;  
But still an old Mother should have due Respect,  
*Which nobody can deny, &c.*

Let's bear with her Humors as well as we can;  
But why should we bear the Abuse of her Man?  
When servants make Mischief, they earn the Rattan,  
*Which nobody should deny, &c.*

Know too, ye bad Neighbours, who aim to divide  
The Sons from the Mother, that still she's our Pride;  
And if ye attack her we're all of her side,  
*Which nobody can deny, &c.*

We'll join in her Lawsuits, to baffle all those,  
Who, to get what she has, will be often her Foes;  
For we know it must all be our own, when she goes.  
*Which nobody can deny, deny,*  
*Which nobody can deny.*

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<sup>5</sup> John Bigelow, ed., *The Works of Benjamin Franklin*, Vol. III (George Putnam's Sons, 1904), p. 351.

## Funeral for the Stamp Act

Cartoon, London (1766)



"The Repeal or the Funeral of Miss Ame-stamp." In this fanciful funeral procession by the warehouses along the banks of the Thames, Prime Minister George Grenville carries a tiny coffin inscribed "Miss Ame-stamp, b. 1765 died 1766." Two large bales on the quay are inscribed, "Stamps from America," signifying the return of now-useless tax stamps; and "Black cloth from America" for England's stamp funerals. The skulls depict "Monsters born in the rebellions of the years 1715 and 1745." On the left, a dog shows his disrespect for the clergyman delivering the funeral address.





## **Townshend Revenue Act Parliament (1767)**

An act for granting certain duties in the British colonies and plantations in America; for allowing a drawback of the duties of customs upon the exportation, from this kingdom, of coffee and cocoa nuts of the produce of the said colonies or plantations; for discontinuing the drawbacks payable on china earthen ware exported to America; and for more effectually preventing the clandestine running of goods in the colonies and plantations.

WHEREAS it is expedient that a revenue should be raised in your Majesty's dominions in America, for making a more certain and adequate provision for defraying the charge of the administration of justice, and the support of civil government, in such provinces where it shall be found necessary; and towards further defraying the expenses of defending, protecting, and securing, the said dominions; we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, have therefore resolved to give and grant unto your Majesty the several rates and duties herein after mentioned; and do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twentieth day of November, one thousand seven hundred and sixty seven, there shall be raised, levied, collected, and paid, unto his Majesty, his heirs, and successors, for and upon the respective goods herein after mentioned, which shall be imported from Great Britain into any colony or plantation in America which now is, or hereafter may be, under the dominion of his Majesty, his heirs, or successors, the several rates and duties following; that is to say,

For every hundred weight avoirdupois of crown, plate, flint, and white glass, four shillings and eight pence.

For every hundred weight avoirdupois of green glass, one shilling and two pence.

For every hundred weight avoirdupois of red lead, two shillings.

For every hundred weight avoirdupois of white lead, two shillings.

For every hundred weight avoirdupois of painters colours, two shillings.

For every pound weight avoirdupois of tea, three pence.

For every ream of paper, usually called or known by the name of Atlas Fine, twelve shillings.

For every ream of paper called Atlas Ordinary, six shillings.

For every ream of paper called Bastard, or Double Copy, one shilling and six pence.

For every single ream of blue paper for sugar bakers, ten pence halfpenny

For every ream of paper called Blue Royal, one shilling and six pence.

For every bundle of brown paper containing forty quires, not made in Great Britain, six pence.

For every ream of paper called Brown Cap, not made in Great Britain, nine pence.

For every ream of paper called Brown Large Cap, made in Great Britain, four pence halfpenny.

For every ream of paper called Small Ordinary Brown, made in Great Britain, three pence.

For every bundle, containing forty quires, of paper called Whited Brown, made in Great Britain, four pence halfpenny.

For every ream of cartridge paper, one shilling and one penny halfpenny.

For every ream of paper called Chancery Double, one shilling and six pence.

For every ream of paper called Genoa Crown Fine, one shilling and one penny halfpenny.

For every ream of paper called Genoa Crown Second, nine pence.

For every ream of paper called German Crown, nine pence.

For every ream of paper called Fine Printing Crown, nine pence.

For every ream of paper called Second Ordinary Printing Crown, six pence three farthings.

For every ream of paper called Crown Fine, made in Great Britain, nine pence.

For every ream of paper called Crown Second, made in Great Britain, six pence three farthings.

For every ream of paper called Demy Fine, not made in Great Britain, three shillings.

For every ream of paper called Demy Second, not made in Great Britain, one shilling and

four pence halfpenny.

For every ream of paper called Demy Fine, made in Great Britain, one shilling and one penny halfpenny.

For every ream of paper called Demy Second, made in Great Britain, nine pence.

For every ream of paper called Demy Printing, one shilling and three pence.

For every ream of paper called Genoa Demy Fine, one shilling and six pence.

For every ream of paper called Genoa Demy Second, one shilling and one penny halfpenny.

For every ream of paper called German Demy, one shilling and one penny halfpenny.

For every ream of paper called Elephant Fine, six shillings.

For every ream of paper called Elephant Ordinary, two shillings and five pence farthing.

For every ream of paper called Genoa Fools Cap Fine, one shilling and one penny halfpenny.

For every ream of paper called Genoa Fools Cap Second, nine pence.

For every ream of paper called German Fools Cap, nine pence.

For every ream of paper called Fine Printing Fools Cap, nine pence.

For every ream of paper called Second Ordinary Printing Fools Cap, six pence three farthings.

For every ream of any other paper called Fools Cap Fine, not made in Great Britain, one shilling and ten pence halfpenny.

For every ream of any other paper called Fools Cap Fine Second, not made in Great Britain, one shilling and six pence.

For every ream of paper Fools Cap Fine, made in Great Britain, nine pence.

For every ream of paper called Fools Cap Second, made in Great Britain, six pence three farthings.

For every ream of paper called Imperial Fine, twelve shillings.

For every ream of paper called Second Writing Imperial, eight shillings and three pence.

For every ream of paper called German Lombard, nine pence.

For every ream of paper called Medium Fine, four shillings and six pence.

For every ream of paper called Genoa Medium, one shilling and ten pence halfpenny.

For every ream of paper called Second Writing Medium, three shillings.

For every ream of painted paper, not made in Great Britain, six shillings.

For every ream of paper called Fine Large Post, one shilling and ten pence halfpenny.

For every ream of paper called Small Post, one shilling and one penny halfpenny.

For every ream of paper called Fine Genoa Pot, six pence three farthings.

For every ream of paper called Second Genoa Pot, six pence three farthings.

For every ream of other paper called Superfine Pot, not made in Great Britain, one shilling and six pence.

For every ream of other paper called Second Fine Pot, not made in Great Britain, one shilling and one penny halfpenny.

For every ream of paper called Ordinary Pot, not made in Great Britain, six pence three farthings.

For every ream of paper called Fine Pot, made in Great Britain, nine pence.

For every ream of paper called Second Pot, made in Great Britain, four pence halfpenny.

For every ream of paper called Super Royal Fine, nine shillings.

For every ream of paper called Royal Fine, six shillings.

For every ream of paper called Fine Holland Royal, two shillings and five pence farthing.

For every ream of paper called Fine Holland Second, one shilling and six pence.

For every ream of paper called Second Fine Holland Royal, one shilling and six pence.

For every ream of paper called Ordinary Royal, nine pence.

For every ream of paper called Genoa Royal, two shillings and five pence farthing.

For every ream of paper called Second Writing Royal, four shillings and one penny halfpenny.

For every ream of paper called Second Writing Super Royal, six shillings.

For every hundred weight avoirdupois of paste-boards, mill-boards, and scale-boards, not made in Great Britain, three shillings and nine pence.

For every hundred weight avoirdupois of paste-boards, mill-boards, and scale-boards, made in Great Britain, two shillings and three pence.

And for and upon all paper which shall be printed, painted, or stained, in Great Britain, to serve for hangings or other uses, three farthings for every yard square, over and above the duties payable for such paper by this act, if the same had not been printed, painted, or stained; and after those rates respectively for any greater or less quantity.

II. And it is hereby further enacted by the authority aforesaid, That all other paper (not being particularly rated and charged in this act) shall pay the several and respective duties that are charged by this act, upon such paper as is nearest above in size and goodness to such unrated paper.

III. And be it declared and enacted by the authority aforesaid, That a ream of paper, chargeable by this act, shall be understood to consist of twenty quires, and each quire of twenty four sheets.

IV. And it is hereby further enacted by the authority aforesaid, That the said rates and duties, charged by this act upon goods imported into any British American colony or plantation, shall be deemed, and are hereby declared to be, sterling money of Great Britain; and shall be collected, recovered, and paid to the amount of the value which such nominal sums bear in Great Britain; and that such monies may be received and taken, according to the proportion and value of five shillings and six pence the ounce in silver; and shall be raised, levied, collected, paid, and recovered, in the same manner and form, and by such rules, ways, and means, and under such penalties and forfeitures, as any other duties, now payable to his Majesty upon goods imported into the said colonies or plantations, may be raised, levied, collected, paid, and recovered, by any act or acts of parliament now in force, as fully and effectually, to all intents and purposes, as if the several clauses, powers, directions, penalties, and forfeitures, relating thereto, were particularly repeated, and again enacted, in the body of this present act: and that all the monies that shall arise by the said duties (except the necessary charges of raising, collecting, levying, recovering, answering, paying, and accounting for the same) shall be applied, in the first place, in such manner as is herein after mentioned, in making a more certain and adequate provision for the charge of the administration of justice, and the support of civil government, in such of the said colonies and plantations where it shall be found necessary; and that the residue of such duties shall be paid into the receipt of his Majesty's exchequer, and shall be entered separate and apart from all other monies paid or payable to his Majesty, his heirs, or successors; and shall be there reserved, to be from time to time disposed of by parliament towards defraying the necessary expences of defending, protecting, and securing, the British colonies and plantations in America.

V. And be it further enacted by the authority aforesaid, That his Majesty and his successors shall be, and are hereby, impowered, from time to time, by any warrant or warrants under his or their royal sign manual or sign manuals, countersigned by the high treasurer, or any three or more of the commissioners of the treasury for the time being, to cause such monies to be applied, out of the produce of the duties granted by this act, as his Majesty, or his successors, shall think proper or necessary, for defraying the charges of the administration of justice, and the support of the civil government, within all or any of the said colonies or plantations.

VI. And whereas the allowing a drawback of all the duties of customs upon the exportation, from this kingdom, of coffee and cocoa nuts, the growth of the British dominions in America, may be a means of encouraging the growth of coffee and cocoa in the said dominions; be it therefore enacted by the authority aforesaid, That from and after the said twentieth day of November, one thousand seven hundred and sixty seven, upon the exportation of any coffee or cocoa nuts, of the growth or produce of any British colony or plantation in America, from this kingdom as merchandize, the whole duties of customs, payable upon the importation of such coffee or cocoa nuts, shall be drawn back and repaid; in such manner, and under such rules, regulations, penalties, and forfeitures, as any drawback or allowance, payable out of the duties of customs upon the exportation of such coffee or cocoa nuts, was, could, or might be paid, before the passing of this act; any law, custom, or usage, to the contrary notwithstanding.

VII. And it is hereby further enacted by the authority aforesaid, That no drawback shall be allowed for any china earthen ware sold, after the passing of this act, at the sale of the united company of merchants of England trading to the East Indies, which shall be entered for exportation from Great Britain to any part of America; any law, custom, or usage, to the contrary notwithstanding.

VIII. And it is hereby further enacted by the authority aforesaid, That if any china earthen ware sold, after the passing of this act, at the sale of the said united company, shall be entered for exportation to any part of America as china earthen ware that had been sold at the sale of the said company before that time; or, if any china earthen ware shall be entered for exportation to any parts beyond the seas, other than to some part of America, in order to obtain any drawback thereon, and the said china earthen ware shall nevertheless be carried to any part of America, and landed there contrary to the true intent and meaning of this act; that then, in each and every such case, the drawback shall be forfeited; and the merchant or other person making such entry, and the master or person taking the charge of the ship or vessel on board which the said goods shall be laden for exportation, shall forfeit double the amount of the drawback paid, or to be paid, for the same, and also treble the value of the said goods; one moiety to and for the use of his Majesty, his heirs, and successors; and the other moiety to such officer of the customs as shall sue for the same; to be prosecuted, sued for, and recovered, in such manner and form, and by the same rules and regulations, as other penalties inflicted for offences against any laws



relating to the customs may be prosecuted, sued for, and recovered, by any act or acts of parliament now in force.

IX. And for the more effectual preventing the clandestine running of goods in the British dominions in America, be it further enacted by the authority aforesaid, That from and after the said twentieth day of November, one thousand seven hundred and sixty seven, the master or other person having or taking the charge or command of every ship or vessel arriving in any British colony or plantation in America shall, before he proceeds with his vessel to the place of unlading, come directly to the custom house for the port or district where he arrives, and make a just and true entry, upon oath, before the collector and comptroller, or other principal officer of the customs there, of the burthen, contents, and lading of such ship or vessel, with the particular marks, numbers, qualities, and contents, of every parcel of goods therein laden, to the best of his knowledge; also where and in what port she took in her lading; of what country built; how manned; who was master during the voyage, and who are owners thereof; and whether any, and what goods, during the course of such voyage, had or had not been discharged out of such ship or vessel, and where: and the master or other person having or taking the charge or command of every ship or vessel, going out from any British colony or plantation in America, before he shall take in, or suffer to be taken into or laden on board any such ship or vessel, any goods, wares, or merchadizes, to be exported, shall, in like manner, enter and report outwards such ship or vessel, with her name and burthen, of what country built, and how manned, with the names of the master and owners thereof, and to what port or place he intends to pass or sail: and before he shall depart with such ship or vessel out of any such colony or plantation, he shall also bring and deliver unto the collector and comptroller, or other principal officer of the customs at the port or place where he shall lade, a content in writing, under his hand, of the name of every merchant, or other person who shall have laden, or put on board any such ship or vessel, any goods or merchandize, together with the marks and numbers of such goods or merchandize: and such master or person having or taking the charge or command of every such ship or vessel, either coming into , or going out of, any British colony or plantation as aforesaid, whether such ship or vessel shall be laden or in ballast, or otherwise, shall likewise publickly, in the open custom house, to the best of his knowledge, answer upon oath to such questions as shall be demanded of him by the collector and comptroller, or other principal officer of the customs for such port or place, concerning such ship or vessel, and the

destination of her voyage, or concerning any goods or merchandize that shall or may be laden on board her, upon forfeiture of one hundred pound sterling money of Great Britain, for each and every default or neglect; to be sued for, prosecuted, recovered, and divided, in the same manner and form, by the same rules and regulations in all respects, as other pecuniary penalties, for offences against the laws relating to the customs or trade of his Majesty's colonies in America, may, by any act or acts of parliament now in force, be prosecuted, sued for, recovered, and divided.

X. And whereas by an act of parliament made in the fourteenth year of the reign of King Charles the Second, intituled, An act for preventing frauds, and regulating abuses, in his Majesty's customs, and several other acts now in force, it is lawful for any officer of his Majesty's customs, authorized by writ of assistance under the seal of his majesty's court or exchequer, to take a constable, headborough, or other public officer inhabiting near unto the place, and in the day-time to enter and go into any house, shop, cellar, warehouse, or room or other place, and, in case of resistance, to break open doors, chests, trunks, and other package there, to seize, and from thence to bring, any kinds of goods or merchandize whatsoever prohibited or uncustomed, and to put and secure the same in his Majesty's store-house next to the place where such seizure shall be made: and whereas by an act made in the seventh and eighth years of the reign of King William the Third, intituled, An act for preventing frauds, and regulating abuses, in the plantation trade, it is, amongst other things, enacted, that the officers for collecting and managing his Majesty's revenue, and inspecting the plantation trade, in America, shall have the same powers and authorities to enter houses or warehouses, to search for and seize goods prohibited to be imported or exported into or out of any of the said plantations, or for which any duties are payable, or ought to have been paid; and that the like assistance shall be given to the said officers in the execution of their office, as, by the said recited act of the fourteenth year of King Charles the Second, is provided for the officers in England: but, no authority being expressly given by the said act, made in the seventh and eighth years of the reign of King William the Third, to any particular court to grant such writs of assistance for the officers of the customs in the said plantations, it is doubted whether such officers can legally enter houses and other places on land, to search for and seize goods, in the manner directed by the said recited acts: To obviate which doubts for the future, and in order to carry the intention of the said recited acts into effectual execution, be it enacted, and it is

hereby enacted by the authority aforesaid, That from and after the said twentieth day of November, one thousand seven hundred and sixty seven, such writs of assistance, to authorize and empower the officer of his Majesty's customs to enter and go into any house, warehouse, shop, cellar, or other place, in the British colonies of plantations of America, to search for and seize prohibited or uncustomed goods, in the manner directed by the said recited acts, shall and may be granted by the said superior or supreme courts of justice having jurisdiction within such colony or plantation respectively.

XI. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced either in Great Britain or America, against any person or persons for any thing done in pursuance of this act, the defendant or defendants in such action or suit may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon; and that the same was done in pursuance and by the authority of this act: and if it shall appear so to have been done, the jury shall find for the defendant or defendants: and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if judgement shall be given upon any verdict or demurrer against the plaintiff; the defendant or defendants shall recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

#### CAP. XLVII.

An act for discontinuing the duties on logwood exported; for taking off the duties on Succus Liquoritiae imported, and for granting other duties in lieu thereof; for explaining such parts of two acts made in the tenth and twelfth years of the reign of Queen Anne, as relate to certain duties on silks, printed, painted, or stained, in Great Britain; for granting a duty upon the exportation of such rice as shall have been imported duty-free, in pursuance of an act made in this session of parliament: and for more effectually preventing the wear of foreign lace and needle work which are prohibited to be imported into this kingdom,

WHEREAS the discontinuing the duty payable upon the exportation of logwood from this kingdom, may be a means of encouraging the importation thereof; May it please your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same,

That from and after the twentieth day of July, one thousand seven and sixty seven, the duty now payable upon logwood, exported from this kingdom to any parts beyond the seas, shall cease, determine, and be no longer paid or payable; any law, custom or usage, to the contrary notwithstanding.

II. Provided always, and it is hereby further enacted by the authority aforesaid, That due entries shall be made at the custom-house of all such logwood, upon which the duty is taken off by this act; and such logwood shall be shipped outwards in the presence of the proper officers of the customs appointed for that purpose; and the exportation thereof shall be in British built ships or vessels, navigated according to law; and the said logwood shall be liable to the same duty as if this act had never been made; any thing herein before contained to the contrary notwithstanding.

III. And whereas Succus Liquoritiae is rated in the book of rates made in the twelfth year of the reign of King Charles the Second, at one shilling per pound weight; according to which value, the duties now payable upon Succus Liquoritiae, imported into this kingdom, amount to seven pounds, two shillings, and six pence, for every hundred weight thereof: and whereas it has been found, by experience, that the said duties are too high; which has induced many persons to import clandestinely great quantities of such Succus Liquoritiae, to the prejudice of the revenue and the fair trader: For remedy whereof, be it enacted by the authority aforesaid, That from and after the twentieth day of July, one thousand seven hundred and sixty seven, the several duties payable upon the importation of Succus Liquoritiae shall cease, determine, and be no longer paid; and in lieu thereof, there shall be paid and payable to his Majesty, his heirs, and successors, for every hundred weight avoirdupois of Succus Liquoritiae, which from and after the said twentieth day of July, one thousand seven hundred and sixty seven, shall be imported into Great Britain, the sum of thirty shillings.

IV. And it is hereby further enacted by the authority aforesaid, That the said duty by this act granted shall be paid down in ready money, without any discount or allowance; and shall not be afterwards drawn back or repaid upon the exportation of the same goods; and shall be raised, levied, collected, and paid, in the same manner and form, and by such rules, ways, and means, and under such penalties and forfeitures, as the duties upon Succus Liquoritiae hereby determined, or any of

them, might have been raised, levied, recovered, and paid, if the same, or any of them, had continued.

V. And it is hereby enacted by the authority aforesaid, That the duties to arise upon the importation of Succus Liquoritiae pursuant to this act (the necessary charges of management excepted) shall be appropriated and applied, as near as may be, to the same uses and purposes as the present duties upon drugs, rated by the book of rates made in the twelfth year of the reign of King Charles the Second, are applicable, or ought to be applied.

VI. And whereas by an act passed in the tenth year of the reign of her late majesty Queen Anne, intituled, An act for laying several duties upon all sope and paper made in Great Britain, or imported into the same; and upon chequered and striped linen imported; and upon certain silks, calicoes, linens, and stuffs, printed, painted, or stained; and upon several kinds of stamp vellum, parchment, and paper, and upon certain printed papers, pamphlets, and advertisements; for raising the sum of one million eight hundred thousand pounds, by way of a lottery, towards her Majesty's supply; and for licensing an additional number of hackney chairs; and for charging certain stocks of cards and dice; and for better securing her Majesty's duties to arise in the office of stamp duties by licences for marriages, and otherwise; and for relief of persons who have not claimed their lottery tickets in due time, or have lost exchequer bills or lottery tickets; and for borrowing money upon stock (part of the capital of the South Sea company) for the use of the public; it is, amongst other things, enacted, that there should be raised, levied, collected, and paid, to and for the use of her Majesty her heirs, and successors, for and upon all silks, calicoes, linens, and stuffs, of what kind soever, which, at any time or times, within or during the term of thirty two years, to be reckoned from the twentieth day of July, one thousand seven hundred and twelve, should be printed, stained, painted, or dyed, in Great Britain (such calicoes, linens, and fustians, as should be dyed throughout of one colour only; and stuffs made of woollen, or whereof the greatest part in value should be woollen; always excepted) the several and respective rates and duties herein after expressed (over and above the duties payable upon the importation of them, or any of them) that is to say,

For and upon all silks so printed, stained, or painted, in Great Britain (silk handkerchiefs excepted) the sum of six pence for every yard in length, reckoning half a yard for the breadth.

And for all silk handkerchiefs so printed, stained, or painted, in Great Britain, the sum of three pence for every yard square; and in those proportions for wider or narrower silks.

And whereas by an act passed in the third year of the reign of his late majesty King George the First, intituled, And act for redeeming the duties and revenues which were settled to pay off principal and interest on the orders made forth at four lottery acts passed in the ninth and tenth years of her late Majesty's reign; and for redeeming certain annuities payable on orders out of the hereditary excise, according to a former act in that behalf; and for establishing a general yearly fund, not only for the future payment of annuities at several rates, to be payable and transferrable at the bank of England, and redeemable by parliament, but also to raise monies for such proprietors of the said orders as shall choose to be paid their principal and arrears of interest in ready money; and for making good such other deficiencies and payments as in this act are mentioned; and for taking off the duties on linseed imported, and British linen exported; the said several rates and duties are made perpetual: And whereas by an act of parliament made in the twelfth year of the reign of her said late majesty Queen Anne, intituled, An act for laying additional duties on sope and paper; and upon certain linens, silks, callicoes, and stuffs; and upon starch, and exported coals; and upon stamp vellum, parchment, and paper, for raising one million four hundred thousand pounds, by way of a lottery, for her Majesty's supply; and for allowances on exporting made wares of leather, sheep skins, and lamb skins; and for distribution of four thousand pounds due to the officers and seamen for gun money; and to adjust the property of tickets in former lotteries; and touching certain shares of stock in the capital of the South Sea company; and for appropriating the monies granted to her Majesty; it is, amongst other things, enacted, That there should be raised, levied, collected, and paid, to and for the use of her Majesty, her heirs, and successors, for and upon all silks, callicoes, linens, and stuffs, of what kind soever, which, at any time or times within or during the term of thirty two years, to be reckoned from the second day of August, one thousand seven hundred and fourteen, should be printed, stained, painted, or dyed, in Great Britain (such callicoes, linens, and fustians, as shall be dyed throughout of one colour only; and stuffs made of woollen, or whereof the greatest parts in value shall be woollen; always excepted) the several and respective rates and duties therein and herein after expressed (over and above all other duties payable for the same, or any of them) that is to say,

For and upon all silks so printed, stained, or painted, within or during the term aforesaid, in Great Britain (silk handkerchiefs excepted) the sum of six pence for every yard in length, reckoning half a yard for the breadth.

And for all silk handkerchiefs so printed, stained, or painted, within or during the term aforesaid, in Great Britain, the sum of one penny for every yard square; and in those proportions for wider or narrower silks.

And whereas by an act of parliament made in the sixth year of the reign of his said late majesty King George the First, intituled, An act for enabling the South Sea company to encrease their present capital and fund, by redeeming such publick debts and and incumbrances as are therein mentioned; and for raising money, to be applied for lessening several of the publick debts and incumbrances; and for calling in the present exchequer bills remaining uncanceled; and for making forth new bills in lieu thereof, to be circulated and exchanged upon demand at or near the exchequer; the said several rates and duties last mentioned are made perpetual: And whereas some doubts have arisen, whether ribbands and silks so printed, stained, or painted, being less than half a yard in breadth, are within the meaning of the said recited acts, and liable to the said several rates and duties by the said acts imposed: Now, for obviating all such doubts, be it declared by the authority aforesaid, That all ribbands and silks printed, stained, or painted, in Great Britain, though less than half a yard in breadth, are, within the true intent and meaning of the said acts, liable to the several rates and duties by the said two first mentioned acts imposed, according to the proportions in which such ribbands or silks are or shall be made.

VII. And whereas by an act made in this present session of parliament, intituled, An act for allowing the free importation of rice, sago powder, and vermicelli, into this kingdom, from his Majesty's colonies in North America, for a limited time, it is, amongst other things, enacted, That it shall and may be lawful for any person or persons to import into Great Britain, from any of his Majesty's colonies in North America, at any time or times before the first day of December, one thousand seven hundred and sixty seven, any rice, without the payment of any subsidy, custom, duty, or imposition whatsoever: Now, to the end the advantage intended to this kingdom, by the said recited act, may not be evaded by the exportation of such rice into foreign parts; we your Majesty's most dutiful and loyal subjects the commons of Great Britain, in parliament assembled, do give and grant unto your Majesty, and do humbly

beseech your Majesty that it may be enacted; and be it enacted by the authority aforesaid, That for and upon all rice which hath been or shall be, imported into this kingdom duty-free, by virtue of the said recited act, and which shall be again exported thereout, there shall be paid and answered to his Majesty, his heirs, and successors, a subsidy of poundage of six pence in the pound, according to the value or rate set upon rice imported, in the book of rates referred to by the act of the twelfth year of King Charles the Second; which said subsidy of six pence in the pound upon such rice so exported, shall be raised, levied, collected, and recovered, by such ways and means, and under such rules, regulations, penalties, and forfeitures, as the subsidy or poundage for any goods or merchandizes exported from Great Britain may be raised, levied, collected, or recovered, by any act of parliament now in force, as fully and effectually, to all intents and purposes, as if the several clauses, powers, directions, penalties, and forfeitures, relating thereto, were particularly repeated and again enacted into the body of this present act.

VIII. And be it further enacted by the authority aforesaid, That the said duties granted by this act upon rice exported shall (the necessary charges of management excepted) be paid into the receipt of his Majesty's exchequer, and be there reserved for the disposition of parliament.

IX. And whereas the permitting foreign lace made of silk or thread and foreign needle-work, to be worn or used in Great Britain, after the same had been seized and condemned, gives the unfair dealer in those commodities, opportunity to secure from seizures great quantities thereof, which are clandestinely imported: Now to prevent a practice so very prejudicial to the publick revenue, and the manufacturers of such goods in this kingdom; be it therefore enacted by the authority aforesaid, That from and after the seventh day of July, one thousand seven hundred and sixty seven, no foreign lace made of silk or thread, or foreign needle-work, which shall have been, or shall be, seized and condemned in Great Britain, for any cause of forfeiture, shall be sold or delivered out of any custom-house warehouse wherein the same shall be secured, otherwise than on condition to be exported under the like securities, regulations, and restrictions, penalties, and forfeitures, as are prescribed by law, for the due exportation of East India goods prohibited to be worn or used in Great Britain; any law, custom, or usage to the contrary notwithstanding.



X. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants, in any such action or suit, may plead the general issue, and give this act, and the special matter, in evidence, at any trial to be had thereupon; and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared; or if judgement shall be given upon any verdict or demurrer against the plaintiff; the defendant or defendants shall recover treble costs, and have the like remedy for the same, as any defendant or defendants hath or have in other cases by law.

(Haldimand Collection)

## **Massachusetts Circular Letter**

Samuel Adams (1768)

Samuel Adams wrote and distributed the "Massachusetts Circular Letter" to the colonial Massachusetts legislative assembly and the assemblies of other colonies to challenge royal and parliamentary decrees and laws as being against the British constitution.

As with many of Adams' writings, several of his complaints in this letter, including about taxation, the payment of judges, and the salaries of public officials, are later echoed in the Declaration of Independence.

Province of Massachusetts Bay, February 11, 1768.

SIR,

The House of Representatives of this province, have taken into their serious consideration, the great difficulties that must accrue to themselves and their constituents, by the operation of several acts of Parliament, imposing duties and taxes on the American colonies.

As it is a subject in which every colony is deeply interested, they have no reason to doubt but your House is deeply impressed with its importance, and that such constitutional measures will be come into, as are proper. It seems to be necessary, that all possible care should be taken, that the representatives of the several assemblies, upon so delicate a point, should harmonize with each other. The House, therefore, hope that this letter will be candidly considered in no other light there as expressing a disposition freely to communicate their mind to a sister colony upon a common concern, in the same manner as they would be glad to receive the sentiments of your or any other House of Assembly on the continent.

The House have humbly represented to the ministry, their own sentiments, that his Majesty's high court of Parliament is the supreme legislative power over the whole empire; that in all free states the constitution is fixed, and as the supreme legislative derives its power and authority from the constitution, it cannot overleap the bounds of it, without destroying its own foundation; that the constitution ascertains and limits both sovereignty and allegiance, and, therefore, his Majesty's American subjects, who acknowledge themselves bound by the ties of allegiance, have an equitable claim to the full enjoyment of the fundamental rules of the British constitution; that it is an essential, unalterable right, in nature, engrafted into the British constitution, as a fundamental law, and ever held sacred and irrevocable by the subjects within the realm, that what a man has honestly acquired is absolutely his own, which he may freely give, but cannot be taken from him without his consent; that the American subjects may, therefore, exclusive of any consideration of charter rights, with a decent firmness, adapted to the character of free men and subjects, assert this natural and constitutional right.

It is, moreover, their humble opinion, which they express with the greatest deference to the wisdom of the Parliament, that the acts made there, imposing duties on the people of this province, with the sole and express purpose of raising a revenue, are infringements of their natural and constitutional rights; because, as they are not represented in the British Parliament, his Majesty's Commons in Britain, by those acts, grant their property without their consent.

This House further are of opinion, that their constituents, considering their local circumstances, cannot, by any possibility, be represented in the Parliament; and that it will forever be impracticable, that they

should be equally represented there, and consequently, not at all; being separated by an ocean of a thousand leagues. That his Majesty's royal predecessors, for this reason, were graciously pleased to form a subordinate legislature here, that their subjects might enjoy the unalienable right of a representation: also, that considering the utter impracticability of their ever being fully and equally represented in Parliament, and the great expense that must unavoidably attend even a partial representation there, this House think that a taxation of their constituents, even without their consent, grievous as it is, would be preferable to any representation that could be admitted for them there.

Upon these principles, and also considering that were the right in Parliament ever so clear, yet, for obvious reasons, it would be beyond the rules of equity that their constituents should be taxed, on the manufactures of Great Britain here, in addition to the duties they pay for them in England, and other advantages arising to Great Britain, from the acts of trade, this House have preferred a humble, dutiful, and loyal petition, to our most gracious sovereign, and made such representations to his Majesty's ministers, as they apprehended would tend to obtain redress.

They have also submitted to consideration, whether any people can be said to enjoy any degree of freedom, if the Crown, in addition to its undoubted authority of constituting a Governor, should appoint him such a stipend as it may judge proper, without the consent of the people, and at their expense; and whether, while the judges of the land, and other civil officers, hold not their commissions during good behaviour, their having salaries appointed for them by the Crown, independent of the people, hath not a tendency to subvert the principles of equity, and endanger the happiness and security of the subject.

In addition to these measures, the House have written a letter to their agent, which he is directed to lay before the ministry; wherein they take notice of the hardships of the act for preventing mutiny and desertion, which requires the Governor and Council to provide enumerated articles for the King's marching troops, and the people to pay the expenses; and also, the commission of the gentlemen appointed commissioners of the customs, to reside in America, which authorizes them to make as many appointments as they think fit, and to pay the appointees what sum they please, for whose mal-conduct they are not accountable; from whence it may happen, that officers of the Crown may be multiplied to such a degree as to become dangerous to the

liberty of the people, by virtue of a commission, which does not appear to this House to derive any such advantages to trade as many have supposed.

These are the sentiments and proceedings of this House; and as they have too much reason to believe that the enemies of the colonies have represented them to his Majesty's ministers, and to the Parliament, as factious, disloyal, and having a disposition to make themselves independent of the mother country, they have taken occasion, in the most humble terms, to assure his Majesty, and his ministers, that, with regard to the people of this province, and, as they doubt not, of all the colonies, the charge is unjust. The House is fully satisfied, that your Assembly is too generous and liberal in sentiment, to believe that this letter proceeds from an ambition of taking the lead, or dictating to the other assemblies. They freely submit their opinions to the judgment of others; and shall take it kind in your House to point out to them anything further, that may be thought necessary.

This House cannot conclude, without expressing their firm confidence in the King, our common head and father; that the united and dutiful supplications of his distressed American subjects, will meet with his royal and favorable acceptance.

### **Resolutions of the Boston Town Meeting** Samuel Adams (1768)

After the Crown sent troops to Boston in 1768 to repress popular discontent against taxation and other onerous laws, the local Boston government, called the Boston Town Meeting, passed resolutions on September 13 to declare their rights as British subjects. In the resolutions, the Bostonians said that the government was taxing them illegally and that the presence of troops in their town was also illegal. Given that the colonists had no representation in parliament, the resolution called for a meeting of local representatives from throughout the Massachusetts colony ("province") so that the colony could stand united against British crimes.

These Resolutions of the Boston town meeting were made in response to British troops being stationed in Boston. British troops were stationed there in 1768 by General Thomas Gage who had been sent to calm down colonists angry with Great Britain. Having a standing army in their own city outraged Bostonians. They published this document, written by Samuel Adams, that declared their rights as British citizens. They argue that they are being unconstitutionally taxed and that having an army in their midst is unconstitutional as well. The document calls for a convention of the entire province to meet on September 22 to deal with the outrages against them. The British occupation of Boston eventually led to the Boston Massacre, in which several citizens were killed by British troops.

The committee appointed to take the state of our public affairs into consideration reported the following declaration and resolves:

Whereas it is the first principle in civil society, founded in nature and reason, that no law of the society can be binding on any individual without his consent, given by himself in person, or by his representative of his own free election; and whereas in and by an Act of the British Parliament passed in the first year of the reign of King William and Queen Mary, of glorious and blessed memory, entitled an Act declaring the Rights and Liberties of the Subject, and Settling the Succession of the Crown; the Preamble of which Act is in these words, viz: "Whereas the late King James the Second, by the assistance of diverse evil councillors, judges, and ministers employed by him, did endeavour to subvert and extirpate the Protestant religion, and the laws and liberties of this kingdom," it is expressly among other things declared, that the levying money for the use of the Crown, by pretence of prerogative, without grant of Parliament for a longer time or in other manner than the same is granted, is illegal. And whereas in the third year of the reign of the same King William and Queen Mary, their Majesties were graciously pleased by their royal charter to give and grant to the inhabitants of his Majesty's province all the territory therein described, to be held in free and common socage; and also to ordain and grant to the said inhabitants certain rights, liberties, and privileges therein expressly mentioned; among which it is granted, established, and ordained, that all and every the subjects of them, their heirs and successors, which shall go to inhabit within said province and territory, and every of their children which shall happen to be born there, or on the seas in going thither, or returning from thence, shall have and enjoy all liberties and immunities of free and natural subjects,

within any of the dominions of them, their heirs and successors, to all intents, purposes, and constructions whatever, as if they and every of them were born within the realm of England.

And whereas by the aforesaid Act of Parliament made in the first year of the said King William and Queen Mary, all and singular the promises contained therein, are claimed demanded, and insisted on as the undoubted rights and liberties of the subjects born within the realm.

And whereas the freeholders and other inhabitants of this town, the metropolis of the province in said charter mentioned, do hold all the rights and liberties therein contained to be sacred and inviolable - at the same time publicly and solemnly acknowledging their firm and unshaken allegiance to their alone and rightful sovereign King George the third, the lawful successor of the said King William and Queen Mary to the British throne.

Resolved, that the said freeholders and other inhabitants of the Town of Boston will at the utmost peril of their lives and fortunes take all legal and constitutional measures to defend and maintain the person, family, crown, and dignity of our said sovereign Lord George the third; and all and singular the rights, liberties, privileges, and immunities granted in the said royal charter, as well as those which are declared to be belonging to us as British subjects by birthright, as all others therein specially mentioned.

And whereas by the said royal charter it is specially granted to the Great and General Court or assembly therein constituted, to impose and levy proportionable and reasonable assessments, rates, and taxes upon the estates and persons of all and every the proprietors and inhabitants of said province or territory, for the service of the king in the necessary defence and support of his government of this province, and the protection and preservation of his subjects therein, therefore:

Voted, as the opinion of this town, that the levying money within this province for the use and service of the Crown in other manner than the same is granted by the Great and General Court or assembly of this province is in violation of the said royal charter; and the same is also in violation of the undoubted natural rights of subjects, declared in the aforesaid Act of Parliament, freely to give and grant their own money for the service of the Crown, with their own consent, in person, or by representatives of their own free election.

And whereas in the aforesaid Act of Parliament it is declared that the raising or keeping a standing army within the kingdom in time of peace, unless it be with the consent of Parliament, is against law; it is the opinion of this town that the said declaration is founded in the indefeasible right of the subjects to be consulted, and to give their free consent in person, or by representatives of their own free election, to the raising and keeping a standing army among them; and the inhabitants of this town being free subjects, have the same right derived from nature and confirmed by the British constitution, as well as the said royal charter; and therefore the raising or keeping a standing army, without their consent in person or by representatives of their own free election, would be an infringement of their natural, constitutional, and charter rights; and the employing such army for the enforcing of laws made without the consent of the people, in person, or by their representatives, would be a grievance.

The foregoing report being divers times distinctly read, and considered by the town, the question was put: whether the same shall be accepted and recorded, and passed unanimously in the affirmative. Upon a motion made and seconded, the following votes was unanimously passed, viz :

Whereas by an Act of Parliament of the first of King William and Queen Mary, it is declared that for the redress of all grievances, and for amending, strengthening, and preserving the laws, parliaments ought to be held frequently, and inasmuch as it is the opinion of this town that the people labour under many intolerable grievances which unless speedily redressed threaten the total destruction of our invaluable natural, constitutional, and charter rights:

And furthermore as his excellency the governor has declared himself unable, at the request of this town, to call a general court, which is the assembly of the states of this province for the redress of such grievances:

Voted, that this town will now make choice of a suitable number of persons to act for them as a committee in convention, with such as may be sent to join them from the several towns in this province, in order that such measures may be consulted and advised as his Majesty's service, and the peace and safety of his subjects in this province may require; whereupon the Hon. James Otis, Esq., the Hon. Thomas Cushing, Esq., Mr. Samuel Adams, and John Hancock, Esq., were

appointed a committee for the said purpose, the town hereafter to take into consideration what recompense shall be made them for the service they may perform.

Voted, that the selectmen be directed to write to the selectmen of the several towns within this province informing them of the foregoing vote, and to propose that a convention be held, if they shall think proper, at Faneuil Hall, in this town, on Tuesday the 22d day of September, instant, at 10 o'clock before noon.



## Boston Massacre

Paul Revere engraving (1770)



This engraving was the most vivid image the public saw of the incident, and to most people who saw it, the scene was shocking. As a trial would soon prove and historians would confirm, the scene is full of misrepresentations and outright falsifications. But it served its propaganda purpose of filling the public with anger and fear about the British, and helping set the stage for revolution.

## **Text of poem accompanying Paul Revere's engraving**

Poetry and song were popular means of spreading messages in British North America, being rather easy to memorize and pass along an intact propaganda message. This poem accompanied Revere's engraving of the Boston Massacre.

Unhappy Boston! See thy Sons deplore,  
Thy hallow'd Walks besmear'd with guiltless Gore,  
While faithless P-n [Preston] and his savage Bands,  
With murd'rous Rancour stretch their bloody Hands,  
Like fierce Barbarians grinning o'er their Prey,  
Approve the Carnage and enjoy the Day.

If scalding drops from Rage from Anguish Wrung  
If speechless Sorrows lab'ring for a Tongue,  
Or if a weeping World can ought appease  
The plaintive Ghosts of Victims such as these:  
The Patriot's copious tears for each are shed.  
A glorious Tribute which embalms the Dead.

But know FATE summons to that awful Goal  
Where JUSTICE strips the Murd'rer of his Soul,  
Should venal C-ts the scandal of the Land,  
Snatch the relentless Villain from her Hand  
Keen execrations on this Plate inscrib'd  
Shall reach a JUDGE who never can be brib'd.

*The unhappy sufferers were Messrs. SAM'L GRAY, SAM'L MAVERICK, JAM'S CALDWELL, CRISPUS ATTUCKS & PAT CARR, killed. Six wounded: two of them (CHRIST'N MONK & JOHN CLARK) Mortally*

**Gravestone of the Boston Massacre victims**  
Old Granary Cemetery, Boston



Gravestone of the Boston Massacre victims and Christopher Snider, Old Granary Cemetery, Boston.

*Courtesy hodgman*

## Illustration of newspaper coverage of the Boston Massacre

*Boston Gazette* (March 12, 1770)

THE *Boston-*  
AND  
COUNTRY

Containing the *freightest* *Advertis,*

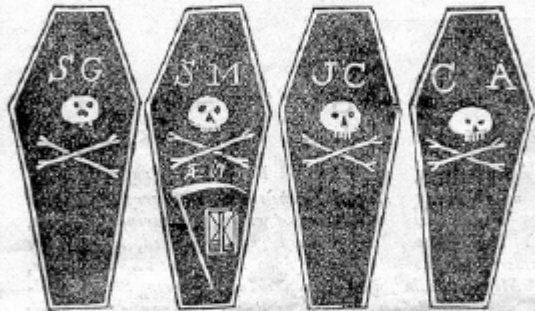
No. 775

*Gazette,*  
JOURNAL.

*Foreign and Domestic.*

MONDAY, March 12, 1770.

Last Thursday, agreeable to a general Request of the Inhabitants, and by the Consent of Parents and Friends, were carried to their *Grave* in Succession, the Bodies of *Samuel Gray*, *Samuel Maverick*, *James Caldwell*, and *Crispus Attucks*, the unhappy Victims who fell in the bloody Massacre of the Monday Evening preceding!



On this Occasion most of the Shops in Town were shut, all the Bells were ordered to toll a solemn Peal, as were also those in the neighboring Towns of Charlestown, Roxbury, &c. The Procession began to move between the Hours of 4 and 5 in the Afternoon; two of the unfortunate Sufferers, viz. Mess. *James Caldwell* and *Crispus Attucks*, who were Strangers, borne from Faneuil-Hall, attended by a numerous Train of Persons of all Ranks; and the other two, viz. Mr. *Samuel Gray*, from the House of Mr. Benjamin Gray, (his Brother) on the North-side of the Exchange, and Mr. *Maverick*, from the House of his distressed Mother Mrs. *Mary Maverick*, in Union-Street, each followed by their respective Relations and Friends: The several Hearses forming a Junction in King-Street, the Theatre of the inhuman Tragedy! proceeded from thence thro' the Main-Street, lengthened by an immense Concourse of People, so numerous as to be obliged to follow in Ranks of six, and brought up by a long Train of Carriages belonging to the principal Gentry of the Town. The Bodies were deposited in one Vault in the middle Burying-ground: The aggravated Circumstances of their Death, the Distress and Sorrow visible in every Countenance, together with the peculiar Solemnity with which the whole Funeral was conducted, surpass description.

## **A Report of the Committee of the Town of Boston**

Samuel Adams (1770)

Official reports often have more credibility than the statements of individual politicians, and the Boston town government, known as the Town Meeting, used its authority to support revolutionary arguments. Samuel Adams dominated the public statements of the Boston Town Meeting, and authored the town government's official committee report into the matter. Adams then arranged for the official report to be sent to England, where it was widely reprinted as an authoritative description of the incident, well before royal authorities could get their own version back to London.

It may be a proper introduction to this narrative, briefly to represent the state of things for some time previous to the said massacre; and this seems necessary in order to the forming a just idea of the causes of it.

At the end of the late war, in which this Province bore so distinguished a part, a happy union subsisted between Great-Britain and the Colonies. This was unfortunately interrupted by the Stamp-Act; but it was in some measure restored by the Repeal of it. It was again interrupted by other acts of parliament for taxing America; and by the appointment of a Board of Commissioners, in pursuance of an act, which by the face of it was made for the relief and encouragement of commerce, but which in its operation, it was apprehended, would have, and it has in fact had, a contrary effect. By the said act the said Commissioners were "to be resident in some convenient part of "his Majesty's dominions in America"- This must be understood to be in some part convenient for the whole.- But it does not appear, that in fixing the place of their residence, the convenience of the whole was at all consulted; for Boston being very far from the center of the colonies, could not be the place most convenient for the whole.- Judging by the act, it may seem this town was intended to be favoured, by the Commissioners being appointed to reside here; and that the consequence of that residence would be the relief and encouragement of commerce: but the reverse has been the constant and uniform effect of it; so that the commerce of the town, from the embarrassments in which it has been lately involved, is greatly reduced. For the particulars on this head, see the state of the

trade not long since drawn up and transmitted to England by a committee of the merchants of Boston.

The residence of the commissioners here has been detrimental not only to the commerce, but to the political interests of the town and province; and not only so, but we can trace from it the causes of the late horrid massacre.

Soon after their arrival here in November 1767, instead of confining themselves to the proper business of their office, they became partizens of Governor Bernard in his political schemes, and had the weakness and temerity to infringe upon one of the most essential rights of the house of commons of this province- that of giving their votes with freedom, and not being accountable therefor but to their constituents. One of the members of that house, Captain Timothy Folger, having voted in some affair contrary to the mind of the said Commissioners, was for so doing dismissed from the office he held under them.

These proceedings of theirs, the difficulty of access to them on officebusiness, and a supercilious behavior, rendered them disgusting to people in general, who in consequence thereof treated them with neglect. This probably stimulated them to resent it: and to make their resentment felt, they and their coadjutor Governor Bernard made such representations to his Majesty's ministers, as they thought best calculated to bring the displeasure of the nation upon the town and province, and in order that those representations might have the more weight, they are said to have contrived and executed plans for exciting disturbances and tumults, which otherwise would probably never have existed; and when excited, to have transmitted to the ministry the most exaggerated accounts of them.

These particulars of their conduct his Majesty's Council of this province have fully laid open in their proceeding in council, and in their address to General Gage in July and October 1768, and in their letter to Lord Hillsborough of the 15th of April 1769.- Unfortunately for us, they have been too successful in their said representations, which, in conjunction with Governor Bernard's, have occasioned his Majesty's faithful subjects of this town and province to be treated as enemies and rebels, by an invasion of the town by sea and land: to which the approaches were made with all the circumspection usual where a vigorous opposition is expected. While the town was surrounded by a considerable number of his Majesty's ships of war, two regiments

landed and took possession of it; and to support these, two other regiments arrived some time after from Ireland, one of which landed at Castle- Island, and the other in the town.

Thus were we, in aggravation of our other embarrassments, embarrassed with troops, forced upon us contrary to our inclination- contrary to the spirit of Magna Charta - contrary to the very letter of the Bill of Rights, in which it is declared, that the raising or keeping a standing army within the kingdom in time of peace, unless it be with the consent of parliament, is against law- and without the desire of the civil magistrates, to aid whom was the pretense for sending the troops hither; who were quartered in the town in direct violation of an act of parliament for quartering troops in America: and all this in consequence of the representations of the said Commissioners and the said Governor, as appears by their memorials and letters lately published.

As they were the procuring cause of troops being sent hither, they must therefore be the remote and a blameable cause of all the disturbances and bloodshed that have taken place in consequence of that measure.

But we shall leave them to their own reflections, after observing, that as they had some months before the arrival of the troops, under pretense of safety to their persons, retired from town to the castle; so, after the arrival of the troops, and their being quartered in the town, they thought proper to return, having answered, as they doubtless thought, the purpose of their voluntary flight.

We shall next attend to the conduct of the troops, and to some circumstances relative to them.- Governor Bernard without consulting the Council, having given up the State-house to the troops at their landing, they took possession of the chambers, where the representatives of the province and the courts of law held their meetings, and (except the council-chamber) of all other parts of that house: in which they continued a considerable time, to the great annoyance of those courts while they sat, and of the merchants and gentlemen of the town, who had always made the lower floor of it their exchange. They had a right so to do, as the property of it was in the town; but they were deprived of that right by mere power. The said Governor soon after, by every stratagem and by every method, but a forcible entry, endeavored to get possession of the manufactory-house, to make a barrack of it for the troops; and for that purpose caused it to



be besieged by the troops, and the people in it to be used very cruelly; which extraordinary proceedings created universal uneasiness, arising from the apprehension that the troops under the influence of such a man would be employed to effect the most dangerous purposes: but failing in that, other houses were procured, in which, contrary to act of parliament, he caused the troops to be quartered. After their quarters were settled, the main guard was posted at one of the said houses, directly opposite to, and not 12 yards from the State-house (where the General Court, and all the Law Courts for the County were held) with two field pieces pointed to the State-house. This situation of the main guard and field pieces seemed to indicate an attack upon the constitution, and a defiance of law, and to be intended to affront the legislative and executive authority of the province.

The General Court, at the first Session after the arrival of the troops, viewed it in this light, and applied to Governor Bernard to cause such a nuisance to be removed; but to no purpose. Disgusted at such an indignity, and at the appearance of being under duress, they refused to do business in such circumstances, and in consequence thereof were adjourned to Cambridge, to the great inconvenience of the members.

Besides this, the challenging the inhabitants by centinels posted in all parts of the town before the lodging of officers, which (for about six months, while it lasted) occasioned many quarrels and great uneasiness.-

Captain Wilson's of the 59th, exciting the negroes of the town to take away their masters lives and property, and repair to the army for protection, which was fully proved against him.- The attack of a party of soldiers on some of the magistrates of the town- the repeated rescues of soldiers from peace officers- the firing of a loaded musket in a public street, to the endangering a great number of peaceable inhabitants- the frequent wounding of persons by their bayonets and cutlasses, and the numerous instances of bad behaviour in the soldiery, made us early sensible, that the troops were not sent here for any benefit to the town or province, and that we had no good to expect from such conservators of the peace.

It was not expected however, that such an outrage and massacre, as happened here on the evening of the fifth instant, would have been perpetuated. There were then killed and wounded, by a discharge of musquetry, eleven of his Majesty's subjects, viz.



Mr. Samuel Gray, killed on the spot by a ball entering his head.

Crispus Attucks, a molatto, killed on the spot, two balls entering his breast.

Mr. James Caldwell, killed on the spot, by two balls entering his back.

Mr. Samuel Maverick, a youth of 17 years of age, mortally wounded: he died the next morning.

Mr. Patrick Carr mortally wounded: he died the 14th instant.

Christopher Monk and John Clark, youths about 17 years of age, dangerously wounded; it is apprehended they will die.

Mr. Edward Payne, merchant, standing at his door, wounded.

Mess. John Green, Robert Patterson, and David Parker, all dangerously wounded.

The actors in this dreadful tragedy were a party of soldiers commanded by Captain Preston of the 29th regiment. This party, including the Captain, consisted of eight, who are all committed to gaol.

There are depositions in this affair, which mention that several guns were fired at the same time from the Custom-House; before which this shocking scene was exhibited. Into this matter inquisition is now making.- In the mean time it may be proper to insert here the substance of some of those depositions.

Benjamin Frizell, on the evening of the 5th of March, having taken his station near the west-corner of the Custom-House, in King-street, before and at the time of the soldiers firing their guns, declares, (among other things) that the first discharge was only of one gun, the next of two guns, upon which he the deponent thinks he saw a man stumble, the third discharge was of three guns, upon which he thinks he saw two men fall; and immediately after were discharged five guns, two of which were by soldiers on his right hand; *the other three, as appeared, to the deponent, were discharged from the balcony, or the chamber window of the CUSTOM-HOUSE, the flashes appearing on the left hand, and higher than the right hand flashes appeared to be, and of*

*which the deponent was very sensible, although his eyes were much turned to the soldiers, who were all on his right hand.*

Gillam Bass, being in King-street at the same time, declares that they (the party of soldiers from the main guard) posted themselves between the Custom-House door, and the west corner of it; and in a few minutes began to fire upon the people: *Two or three of the flashes so high above the rest, that the deponent verily believes they must have come from the* CUSTOM-HOUSE *window*<sup>8</sup>

What gave occasion to the melancholy event of that evening seems to have been this. A difference having happened near Mr. Gray's ropewalk, between a soldier and a man belonging to it, the soldier challenged the ropemakers to a boxing match. The challenge was accepted by one of them, and the soldier worsted. He ran to the barrack in the neighbourhood, and returned with several of his companions. The fray was renewed, and the soldiers were driven off. They soon returned with recruits, and were again worsted. This happened several times, till at length a considerable body of soldiers was collected, and they also were driven off, the ropemakers having been joined by their brethren of the contiguous ropewalks. By this time Mr. Gray being alarmed interposed, and with the assistance of some gentlemen prevented any further disturbance. To satisfy the soldiers and punish the man who had been the occasion of the first difference, and as an example to the rest, he turned him out of his service; and waited on Col. Dalrymple, the commanding officer of the troops, and with him concerted measures for preventing further mischief. Though this affair ended thus, it made a strong impression on the minds of the soldiers in general, who thought the honour of the regiment concerned to revenge those repeated repulses. For this purpose they seem to have formed a combination to commit some outrage upon the inhabitants of the town indiscriminately; and this was to be done on the evening of the fifth instant, or soon after, as appears by the depositions of the following persons, viz.

William Newhall declares, that on Thursday night the first of March instant, he met four soldiers of the 29th regiment, and that he heard them say, *there were a great many that would eat their dinners on Monday next, that should not eat any on Tuesday.*

Daniel Calse declares, that on Saturday evening the 3d of March a campwoman, wife to James M'Deed a grenadier of the 29th, came into his father's shop, and the people talking about the affrays at the Ropewalks, and blaming the soldiers for the part they had in it, the woman said the soldiers were in the right; adding, *that before Tuesday or Wednesday night they would wet their swords or bayonets in New England people's blood.*

Matthew Adams declares, that on Monday evening the 5th of March instant between the hours of seven and eight o'clock, he went to the house of corporal Pershall of the 29th regiment, near Quaker-lane, where he saw the corporal and his wife, with one of the fifers of the said regiments. When he got what he went for, and was coming away, the corporal called him back, and desired him with great earnestness to go home to his master's house as soon as business was over, and not to be abroad on any account that night in particular, *for the soldiers were determined to be revenged on the ropewalk people, and that much mischief would be done.* Upon which the fifer (about 18 or 19 years of age) said, *he hoped in God they would burn the town down.* On this he left the house, and the said corporal called after him again, and begged he would mind what he said to him.

Caleb Swan declares, that on Monday night the 5th of March instant, at the time of the bells ringing for fire, he heard a woman's voice whom he knew to be the supposed wife of one Montgomery, a grenadier of the 29th regiment, standing at her door, *and heard her say, it was not fire; the town was too haughty and too proud; and that many of their arses would be laid low before the morning/*

By the foregoing depositions it appears very clearly, there was a general combination among the soldiers, of the 29th regiment at least, to commit some extraordinary act of violence upon the town; that if the inhabitants attempted to repel it by firing even one gun upon those soldiers, the 14th regiment were ordered to be in readiness to assist him; and that on the late butchery in King-street they actually were ready for that purpose, had a single gun been fired on the perpetrators of it.

It appears by a variety of depositions, that on the same evening between the hours of six and half after nine (at which time the firing began) many persons, without the least provocation, were in various parts of

the town insulted and abused by parties of armed soldiers patrolling the streets.

Samuel Drowne declares, that about nine of the clock of the evening of the 5th of March current, standing at his own door in Cornhill, he saw about 14 or 15 soldiers of the 29th regiment, who came from Murray's barracks armed with naked cutlasses, swords, &c. and came upon the inhabitants of the town, then standing or walking in Cornhill, and abused some, and violently assaulted others as they met them; most of whom were without so much as a stick in their hand to defend themselves, as he very clearly could discern, it being moon-light, and himself being one of the assaulted persons. All or most of the said soldiers he saw go into King-street (some of them through Royal Exchange-lane) and there followed them, and soon discovered them to be quarrelling and fighting with the people whom they saw there, which he thinks were not more than a dozen, when the soldiers came there first, armed as aforesaid. Of those dozen people the most of them were gentlemen, standing together a little below the Town-house upon the Exchange. At the appearance of those soldiers so armed, the most of the twelve persons went off, some of them being first assaulted.

The violent proceedings of this party, and their going into King-street, "quarrelling and with the people whom they saw there" (mentioned in Mr. Drowne's deposition) was immediately introductory to the grand catastrophe.

These assailants, who issued from Murray's barracks (so called) after attacking and wounding divers persons in Cornhill, as above mentioned, being armed, proceeded (most of them) up the Royal Exchange-lane, into King-street, where making a short stop, and after assaulting and driving away the few they met there, they brandished their arms and cried out, Where are the boogers? where are the cowards? At this time there were very few persons in the street beside themselves.- This party in proceeding from Exchange-lane into King-street must pass the centry posted at the westerly corner of the Custom house, which butts on that lane and fronts on that street. This is needful to be mentioned, as near that spot and in that street the bloody tragedy was acted, and the street-actors in it were stationed, their station being but a few feet from the front side of the said Custom-house.- The outrageous behavior and the threats of the said party occasioned the ringing of the Meeting-house bell near the head of King-street; which bell ringing quick as for fire, it presently brought out a number of the

inhabitants, who being soon sensible of the occasion of it, were naturally led to King-street, where the said party had made a stop but a little while before, and where their stopping had drawn a number of boys round the centry at the Custom-house. Whether the boys mistook the centry for one of the said party, and thence took occasion to differ with him, or whether he first affronted them, which is affirmed in several depositions, - however that may be, there was much foul language between them; and some of them, in consequence of his pushing at them with his bayonet, threw snow-balls at him, which occasioned him to knock hastily at the door of the Custom-house. From hence two persons thereupon proceeded immediately to the main guard, which they posted (opposite to the State-house) at a small distance near the head of the said street. The officer on guard was Capt. Preston, who with seven or eight soldiers with fire arms, and charged bayonets, issued from the Guard-house, and in great haste posted himself and his soldiers in the front of the Custom-house near the corner aforesaid. In passing to this station the soldiers pushed several persons with their bayonets, driving through the people in so rough a manner, that it appeared they intended to create a disturbance. This occasioned some snow-balls to be thrown at them; which seems to have been the only provocation that was given. Mr. Knox (between whom and Capt. Preston there was some conversation on the spot) declares, that while he was talking with Capt. Preston, the soldiers of his detachment had attacked the people with their bayonets; and that there was not the least provocation given to Capt. Preston or his party; the backs of the people being towards them when the people were attacked. He also declares, that Capt. Preston seemed to be in great haste and much agitated; and that according to his opinion there were not then present in King-street above 70 or 80 persons at the extent.

The said party was formed into a half-circle, and, within a short time after they had been posted at the Custom-house, began to fire upon the people.

Capt. Preston is said to have ordered them to fire, and to have repeated that order. One gun was fired first; then others in succession, and with deliberation, till ten or a dozen guns were fired, or till that number of discharges were made from the guns that were fired. By which means 11 persons were killed and wounded, as above represented.

Soon after the firing, a drum with a party from the main guard went to Murray's and the other barracks, beating an alarm as they went, which,

with the firing, had the effect of a signal for action; whereupon all the soldiers of the 29th regiment, or the main body of them, appeared in King-street under arms, and seemed bent on a further massacre of the inhabitants, which was with great difficulty prevented. They were drawn up between the State-house and main guard, their lines extending across the street and facing down King-street, where the town-people were assembled. The first line kneeled; and the whole of the first platoon presented their guns ready to fire, as soon as the word should be given. They continued in that posture a considerable time; but by the good Providence of God they were restrained from firinJ

### **The Rights of the Colonists: The Report of the Committee of Correspondence to the Boston Town Meeting**

Samuel Adams (November 10, 1772)

Samuel Adams and some of the other early revolutionary theoreticians combined strong negative attacks with high appeals to principle. This essay on the rights of the colonists, which Adams wrote but published under the official cover of the Committee of Correspondence (which he founded) of the Boston town government, embraces Lockean principles of natural rights. Adams appeals to the rights of the colonists as men, as Protestant Christians, and as Englishmen. Notice the familiar themes: right to life, liberty, and self-defense.

#### **I. Natural Rights of the Colonists as Men.**

Among the natural rights of the Colonists are these: First, a right to life; Secondly, to liberty; Thirdly, to property; together with the right to support and defend them in the best manner they can. These are evident branches of, rather than deductions from, the duty of self-preservation, commonly called the first law of nature.

All men have a right to remain in a state of nature as long as they please; and in case of intolerable oppression, civil or religious, to leave the society they belong to, and enter into another.

When men enter into society, it is by voluntary consent; and they have a right to demand and insist upon the performance of such conditions and previous limitations as form an equitable original compact.

Every natural right not expressly given up, or, from the nature of a social compact, necessarily ceded, remains.

All positive and civil laws should conform, as far as possible, to the law of natural reason and equity.

As neither reason requires nor religion permits the contrary, every man living in or out of a state of civil society has a right peaceably and quietly to worship God according to the dictates of his conscience.

“Just and true liberty, equal and impartial liberty,” in matters spiritual and temporal, is a thing that all men are clearly entitled to by the eternal and immutable laws of God and nature, as well as by the law of nations and all well-grounded municipal laws, which must have their foundation in the former.

In regard to religion, mutual toleration in the different professions thereof is what all good and candid minds in all ages have ever practised, and, both by precept and example, inculcated on mankind. And it is now generally agreed among Christians that this spirit of toleration, in the fullest extent consistent with the being of civil society, is the chief characteristic mark of the Church. Insomuch that Mr. Locke has asserted and proved, beyond the possibility of contradiction on any solid ground, that such toleration ought to be extended to all whose doctrines are not subversive of society. The only sects which he thinks ought to be, and which by all wise laws are excluded from such toleration, are those who teach doctrines subversive of the civil government under which they live. The Roman Catholics or Papists are excluded by reason of such doctrines as these, that princes excommunicated may be deposed, and those that they call heretics may be destroyed without mercy; besides their recognizing the Pope in so absolute a manner, in subversion of government, by introducing, as far as possible into the states under whose protection they enjoy life,

liberty, and property, that solecism in politics, imperium in imperio, leading directly to the worst anarchy and confusion, civil discord, war, and bloodshed.

The natural liberty of man, by entering into society, is abridged or restrained, so far only as is necessary for the great end of society, the best good of the whole.

In the state of nature every man is, under God, judge and sole judge of his own rights and of the injuries done him. By entering into society he agrees to an arbiter or indifferent judge between him and his neighbors; but he no more renounces his original right than by taking a cause out of the ordinary course of law, and leaving the decision to referees or indifferent arbitrators.

In the last case, he must pay the referees for time and trouble. He should also be willing to pay his just quota for the support of government, the law, and the constitution; the end of which is to furnish indifferent and impartial judges in all cases that may happen, whether civil, ecclesiastical, marine, or military.

The natural liberty of man is to be free from any superior power on earth, and not to be under the will or legislative authority of man, but only to have the law of nature for his rule.

In the state of nature men may, as the patriarchs did, employ hired servants for the defence of their lives, liberties, and property; and they should pay them reasonable wages. Government was instituted for the purposes of common defence, and those who hold the reins of government have an equitable, natural right to an honorable support from the same principle that "the laborer is worthy of his hire." But then the same community which they serve ought to be the assessors of their pay. Governors have no right to seek and take what they please; by this, instead of being content with the station assigned them, that of honorable servants of the society, they would soon become absolute masters, despots, and tyrants. Hence, as a private man has a right to say what wages he will give in his private affairs, so has a community to determine what they will give and grant of their substance for the administration of public affairs. And, in both cases, more are ready to offer their service at the proposed and stipulated price than are able and willing to perform their duty.



In short, it is the greatest absurdity to suppose it in the power of one, or any number of men, at the entering into society, to renounce their essential natural rights, or the means of preserving those rights; when the grand end of civil government, from the very nature of its institution, is for the support, protection, and defence of those very rights; the principal of which, as is before observed, are Life, Liberty, and Property. If men, through fear, fraud, or mistake, should in terms renounce or give up any essential natural right, the eternal law of reason and the grand end of society would absolutely vacate such renunciation. The right to freedom being the gift of God Almighty, it is not in the power of man to alienate this gift and voluntarily become a slave.

## II. The Rights of the Colonists as Christians.

These may be best understood by reading and carefully studying the institutes of the great Law Giver and Head of the Christian Church, which are to be found clearly written and promulgated in the New Testament.

By the act of the British Parliament, commonly called the Toleration Act, every subject in England, except Papists, &c., was restored to, and re-established in, his natural right to worship God according to the dictates of his own conscience. And, by the charter of this Province, it is granted, ordained, and established (that is, declared as an original right) that there shall be liberty of conscience allowed in the worship of God to all Christians, except Papists, inhabiting, or which shall inhabit or be resident within, such Province or Territory. Magna Charta itself is in substance but a constrained declaration or proclamation and promulgation in the name of the King, Lords, and Commons, of the sense the latter had of their original, inherent, indefeasible natural rights, as also those of free citizens equally perdurable with the other. That great author, that great jurist, and even that court writer, Mr. Justice Blackstone, holds that this recognition was justly obtained of King John, sword in hand. And peradventure it must be one day, sword in hand, again rescued and preserved from total destruction and oblivion.

### III. The Rights of the Colonists as Subjects.

A commonwealth or state is a body politic, or civil society of men, united together to promote their mutual safety and prosperity by means of their union.

The absolute rights of Englishmen and all freemen, in or out of civil society, are principally personal security, personal liberty, and private property.

All persons born in the British American Colonies are, by the laws of God and nature and by the common law of England, exclusive of all charters from the Crown, well entitled, and by acts of the British Parliament are declared to be entitled, to all the natural, essential, inherent, and inseparable rights, liberties, and privileges of subjects born in Great Britain or within the realm. Among those rights are the following, which no man, or body of men, consistently with their own rights as men and citizens, or members of society, can for themselves give up or take away from others.

First, “The first fundamental, positive law of all common wealths or states is the establishing the legislative power. As the first fundamental natural law, also, which is to govern even the legislative power itself, is the preservation of the society.”

Secondly, The Legislative has no right to absolute, arbitrary power over the lives and fortunes of the people; nor can mortals assume a prerogative not only too high for men, but for angels, and therefore reserved for the exercise of the Deity alone.

“The Legislative cannot justly assume to itself a power to rule by extempore arbitrary decrees; but it is bound to see that justice is dispensed, and that the rights of the subjects be decided by promulgated, standing, and known laws, and authorized independent judges”; that is, independent, as far as possible, of Prince and people. “There should be one rule of justice for rich and poor, for the favorite at court, and the countryman at the plough.”

Thirdly, The supreme power cannot justly take from any man any part of his property, without his consent in person or by his representative.

These are some of the first principles of natural law and justice, and the great barriers of all free states and of the British Constitution in particular. It is utterly irreconcilable to these principles and to many other fundamental maxims of the common law, common sense, and reason that a British House of Commons should have a right at pleasure to give and grant the property of the Colonists. (That the Colonists are well entitled to all the essential rights, liberties, and privileges of men and freemen born in Britain is manifest not only from the Colony charters in general, but acts of the British Parliament.) The statute of the 13th of Geo. 2, C. 7, naturalizes even foreigners after seven years' residence. The words of the Massachusetts charter are these: "And further, our will and pleasure is, and we do hereby for us, our heirs, and successors, grant, establish, and ordain, that all and every of the subjects of us, our heirs, and successors, which shall go to, and inhabit within our said Province or Territory, and every of their children, which shall happen to be born there or on the seas in going thither or returning from thence, shall have and enjoy all liberties and immunities of free and natural subjects within any of the dominions of us, our heirs, and successors, to all intents, constructions, and purposes whatsoever as if they and every one of them were born within this our realm of England."

Now what liberty can there be where property is taken away without consent? Can it be said with any color of truth and justice, that this continent of three thousand miles in length, and of a breadth as yet unexplored, in which, however, it is supposed there are five millions of people, has the least voice, vote, or influence in the British Parliament? Have they all together any more weight or power to return a single member to that House of Commons who have not inadvertently, but deliberately, assumed a power to dispose of their lives, liberties, and properties, than to choose an Emperor of China? Had the Colonists a right to return members to the British Parliament, it would only be hurtful; as, from their local situation and circumstances, it is impossible they should ever be truly and properly represented there. The inhabitants of this country, in all probability, in a few years, will be more numerous than those of Great Britain and Ireland together; yet it is absurdly expected by the promoters of the present measures that these, with their posterity to all generations, should be easy, while their property shall be disposed of by a House of Commons at three thousand miles' distance from them, and who cannot be supposed to have the least care or concern for their real interest; who have not only no natural care for their interest, but must be in effect bribed against it,

as every burden they lay on the Colonists is so much saved or gained to themselves. Hitherto, many of the Colonists have been free from quit rents; but if the breath of a British House of Commons can originate an act for taking away all our money, our lands will go next, or be subject to rack rents from haughty and relentless landlords, who will ride at ease, while we are trodden in the dirt. The Colonists have been branded with the odious names of traitors and rebels only for complaining of their grievances. How long such treatment will or ought to be borne, is submitted.

(Haldimand Collection)

### **Preface to the English Edition of the Boston Report Benjamin Franklin (1772)**

All accounts of the discontent so general in our colonies have of late years been industriously smothered and concealed here; it seeming to suit the views of the American minister [Lord Hillsborough], to have it understood that by his great abilities all faction was subdued, all opposition suppressed, and the whole country quieted. That the true state of affairs there may be known, and the true causes of that discontent well understood, the following piece (not the production of a private writer, but the unanimous act of a large American city), lately printed in New England, is republished here. This nation, and the other nations of Europe, may thereby learn, with more certainty, the grounds of a dissension that possibly may, sooner or later, have consequences interesting to them all.

The colonies had from their first settlement been governed with more ease than perhaps can be equalled by any instance in history of dominions so distant. Their affection and respect for this country, while they were treated with kindness, produced an almost implicit obedience to the instructions of the Prince, and even to acts of the British Parliament; though the right of binding them by a legislature in which they were unrepresented was never clearly understood. That respect and affection produced a partiality in favor of everything that was English; whence their preference of English modes and manufactures; their submission to restraints on the importation of foreign goods, which they had but little desire to use; and the monopoly we so long

enjoyed of their commerce, to the great enriching of our merchants and artificers.

The mistaken policy of the Stamp Act first disturbed this happy situation; but the flame thereby raised was soon extinguished by its repeal, and the old harmony restored, with all its concomitant advantage to our commerce. The subsequent act of another administration, which, not content with an established exclusion of foreign manufactures, began to make our own merchandise dearer to the consumers there, by heavy duties, revived it again; and combinations were entered into throughout the continent to stop trading with Britain till those duties should be repealed. All were accordingly repealed but one, the duty on tea. This was reserved (professedly so) as a standing claim and exercise of the right assumed by Parliament of laying such duties.

The colonies, on this repeal, retracted their agreement, so far as related to all other goods, except that on which the duty was retained. This was trumpeted here by the minister for the colonies as a triumph; there it was considered only as a decent and equitable measure, showing a willingness to meet the mother country in every advance towards a reconciliation, and a disposition to a good understanding so prevalent that possibly they might soon have relaxed in the article of tea also. But the system of commissioners of customs, officers without end, with fleets and armies for collecting and enforcing those duties, being continued, and these acting with much indiscretion and rashness (giving great and unnecessary trouble and obstruction to business, commencing unjust and vexatious suits, and harassing commerce in all its branches, while that the minister kept the people in a constant state of irritation by instructions which appeared to have no other end than the gratifying his private resentments), occasioned a persevering adherence to their resolutions in that particular; and the event should be a lesson to ministers not to risk through pique the obstructing any one branch of trade; since the course and connection of general business may be thereby disturbed to a degree impossible to be foreseen or imagined. For it appears that the colonies finding their humble petitions to have this duty repealed were rejected and treated with contempt, and that the produce of the duty was applied to the rewarding with undeserved salaries and pensions every one of their enemies, the duty itself became more odious, and their resolution to share it more vigorous and obstinate.

The Dutch, the Danes, and French took this opportunity thus offered them by our imprudence, and began to smuggle their teas into the plantation. At first this was something difficult; but at length, as all business is improved by practice, it became easy. A coast fifteen hundred miles in length could not in all parts be guarded, even by the whole navy of England; especially when their restraining authority was by all the inhabitants deemed unconstitutional, the smuggling of course considered as patriotism. The needy wretches, too, who, with small salaries, were trusted to watch the ports day and night, in all weathers, found it easier and more profitable not only to wink, but to sleep in their beds; the merchant's pay being more generous than the King's. Other India goods, also, which, by themselves, would not have made a smuggling voyage sufficiently profitable, accompanied tea to advantage; and it is feared the cheap French silks, formerly rejected, as not to the tastes of the colonies, may have found their way with the wares of India, and now established themselves in the popular use and opinion.

It is supposed that at least a million of Americans drink tea twice a day, which, at the first cost here, can scarce be reckoned at less than half a guinea a head per annum. This market, that in the five years which have run on since the act passed, would have paid two million five hundred thousand guineas for tea alone, into the coffers of the Company, we have wantonly lost to foreigners.

Meanwhile it is said the duties have so diminished that the whole remittance of the last year amounted to no more than the pitiful sum of eighty-five pounds, for the expense of some hundred thousands, in armed ships and soldiers, to support the officers. Hence the tea, and other India goods, which might have been sold in America, remain rotting in the Company's warehouses; while those of foreign ports are known to be cleared by the American demand. Hence, in some degree, the Company's inability to pay their bills; the sinking of their stock, by which millions of property have been annihilated; the lowering of their dividend, whereby so many must be distressed; the loss to government of the stipulated four hundred thousand pounds a year, which must make a proportionable reduction in our savings towards the discharge of our enormous debt; and hence, in part, the severe blow suffered by credit in general, to the ruin of many families; the stagnation of business in Spitalfields and Manchester, through want of vent for their goods; with other future evils, which, as they cannot, from the

numerous and secret connections in general commerce, easily be foreseen, can hardly be avoided.

## Virginia Resolves

### Virginia House of Burgesses (March 12, 1773)

Whereas, the minds of his Majesty's faithful Subjects in this Colony have been much disturbed, by various Rumours and Reports of proceedings tending them of their ancient, legal and constitutional Rights.

And *whereas*, the affairs of this Colony are frequently connected with those of *Great Britain*, as well as of the neighboring *Colonies*, which renders a Communication of Sentiments necessary; in Order therefore to remove the Uneasiness, and to quiet the minds of the People, as well as for the other good purposes above mentioned.

Be it *resolved*, that a standing Committee of Correspondence and inquiry be appointed to consist of eleven Persons, to wit, the Honourable *Peyton Randolph*, Esquire, *Robert Carter Nicholas*, *Richard Bland*, *Richard Henry Lee*, *Benjamin Harrison*, *Edmund Pendleton*, *Patrick Henry*, *Dudley Diggs*, *Dabney Carr*, *Archibald Cary*, and *Thomas Jefferson*, Esquires, any six of whom to be a Committee, whose business it shall be to obtain the most early and Authentic intelligence of all such Acts and *Resolutions* of the *British Parliament*, or proceedings of Administration, as may relate to or affect the British Colonies in America, and to keep up and maintain a Correspondence and Communication with our Sister Colonies, respecting these important Considerations; and the result of such their proceedings from Time to Time, to lay before this House.

*Resolved*, that it be an instruction to the said Committee, that they do, without delay, inform themselves particularly of the principles and Authority, on which was constituted a *Court of Inquiry*, said to have been lately held in *Rhode Island*, with Powers to transmit Persons, accused of Offences committed in *America*, to places beyond the Seas, to be tried

*Resolved*, that the Speaker of this House do transmit to the Speakers of the different Assemblys of the British Colonies, on the Continent, Copies of the said Resolutions, and desire that they will lay them before their respective Assemblies; and request them to appoint some Person or Persons, of their respective Bodies, to communicate, from Time to Time, with the said Committee.

## **Tea Act**

### **Parliament (May 10, 1773)**

An act to allow a drawback of the duties of customs on the exportation of tea to any of his Majesty's colonies or plantations in America; to increase the deposit on bohea tea to be sold at the India Company's sales; and to empower the commissioners of the treasury to grant licences to the East India Company to export tea duty-free.

WHEREAS by an act, made in the twelfth year of his present Majesty's reign, (intituled, An act for granting a drawback of part of the customs upon the exportation of tea to Ireland, and the British dominions in America; for altering the drawback upon foreign sugars exported from Great Britain to Ireland; for continuing the bounty on the exportation of British-made cordage; for allowing the importation of rice from the British plantations into the ports of Bristol, Liverpoole, Lancaster, and Whitehaven, for immediate exportation to foreign parts; and to empower the chief magistrate of any corporation to administer the oath, and grant the certificate required by law, upon the removal of certain goods to London, which have been sent into the country for sale;) it is amongst other things, enacted, That for and during the space of five years, to be computed from and after the fifth day of July, one thousand seven hundred and seventy-two, there shall be drawn back and allowed for all teas which shall be sold after the said fifth day of July, one thousand seven hundred and seventy-two, at the publick sale of the united company of merchants of England trading to the East Indies, or which after that time shall be imported, by licence, in pursuance of the said therein and hereinafter mentioned act, made in the eighteenth year of the reign of his late majesty King George the Second, and which shall be exported from this kingdom, as merchandise, to Ireland, or any of the British colonies or plantations in America, three-fifth parts of the several duties of customs which were



paid upon the importation of such teas; which drawback or allowance, with respect to such teas as shall be exported to Ireland, shall be made to the exporter, in such manner, and under such rules, regulations, securities, penalties, and forfeitures, as any drawback or allowance was then payable, out of the duty of customs upon the exportation of foreign goods to Ireland; and with respect to such teas as shall be exported to the British colonies and plantations in America, the said drawback or allowance shall be made in such manner, and under such rules, regulations, penalties, and forfeitures, as any drawback or allowance payable out of the duty of customs upon foreign goods exported to foreign parts, was could, or might be made, before the passing of the said act of the twelfth year of his present Majesty's reign, (except in such cases as are otherwise therein provided for:) and whereas it may tend to the benefit and advantage of the trade of the said united company of merchants of England trading to the East Indies, if the allowance of the drawback of the duties of customs upon all teas sold at the publick sales of the said united company, after the tenth day of May, one thousand seven hundred and seventy-three, and which shall be exported from this kingdom, as merchandise, to any of the British colonies or plantations in America, were to extend to the whole of the said duties of customs payable upon the importation of such teas; may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That there shall be drawn back and allowed for all teas, which, from and after the tenth day of May, one thousand seven hundred and seventy-three, shall be sold at the publick sales of the said united company, or which shall be imported by licence, in pursuance of the said act made in the eighteenth year of the reign of his late majesty King George the Second, and which shall, at any time hereafter, be exported from this kingdom, as merchandise, to any of the British colonies or plantations in America, the whole of the duties of customs payable upon the importation of such teas; which drawback or allowance shall be made to the exporter in such manner, and under such rules, regulations, and securities, and subject to the like penalties and forfeitures, as the former drawback or allowance granted by the said recited act of the twelfth year of his present Majesty's reign, upon tea exported to the said British colonies and plantations in America was, might, or could be made, and was subject to by the said recited act, or any other act of parliament now in force, in as full and ample manner, to all intents and purposes, as if the several clauses relative

thereto were again repeated and re-enacted in this present act.

II. And whereas by one other act made in the eighteenth year of the reign of his late majesty King George the Second, (intituled, An act for repealing the present inland duty of four shillings per pound weight upon all tea sold in Great Britain; and for granting to his Majesty certain other inland duties in lieu thereof; and for better securing the duty upon tea, and other duties of excise; and for pursuing offenders out of one county into another,) it is, amongst other things, enacted, That every person who shall, at any publick sale of tea made by the united company of merchants of England trading to the East Indies, be declared to be the best bidder for any lot or lots of tea, shall, within three days after being so declared the best bidder or bidders for the same, deposit with the said united company, or such clerk or officer as the said company shall appoint to receive the same, forty shillings for every tub and for every chest of tea; and in case any such person or persons shall refuse or neglect to make such deposit within the time before limited, he, she, or they, shall forfeit and lose six times the value of such deposit directed to be made as aforesaid, to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, in which no essoin, protection, or wager of law, or more than one imparlance, shall be allowed; one moiety of which forfeiture shall go to his Majesty, his heirs and successors, and the other moiety to such person as shall sue or prosecute for the same; and the sale of all teas, for which such deposit shall be neglected to be made as aforesaid, is thereby declared to be null and void, and such teas shall be again put up by the said united company to publick sale, within fourteen days after the end of the sale of teas at which such teas were sold; and all and every buyer or buyers, who shall have neglected to make such deposit as aforesaid, shall be, and is and are thereby rendered incapable of bidding for or buying any teas at any future publick sale of the said united company: and whereas it is found to be expedient and necessary to increase the deposit to be made by any bidder or bidders for any lot or lots of bohea teas, at the publick sales of teas to be made by the said united company; be it enacted by the authority aforesaid, That every person who shall, after the tenth day of May, one thousand seven hundred and seventy-three, at any publick sale of tea to be made by the said united company of merchants of England trading to the East Indies, be declared to be the best bidder or bidders for any lot or lots of bohea tea, shall, within three days after being so declared the best bidder or bidders for the same, deposit with the said united company, or such clerk or officer as the said united

company shall appoint to receive the same, four pounds of lawful money of Great Britain for every tub and for every chest of bohea tea, under the same terms and conditions, and subject to the same forfeitures, penalties, and regulations, as are mentioned and contained in the said recited act of the eighteenth year of the reign of his said late Majesty.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of his Majesty's treasury, or any three or more of them, or for the high treasurer for the time being, upon application made to them by the said united company of merchants of England trading to the East Indies for that purpose, to grant a licence or licences to the said united company, to take out of their warehouses, without the same having been put up to sale, and to export to any of the British plantations in America, or to any parts beyond the seas, such quantity or quantities of tea as the said commissioners of his Majesty's treasury, or any three or more of them, or the high treasurer for the time being, shall think proper and expedient, without incurring any penalty or forfeiture for so doing; any thing in the said in part recited act, or any other law, to the contrary notwithstanding.

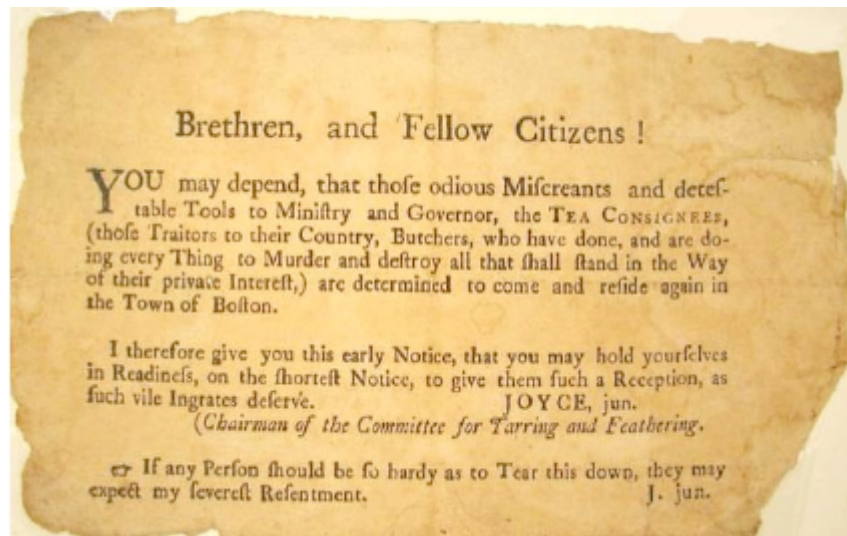
IV. And whereas by an act made in the ninth and tenth years of the reign of King William the Third, (intituled, An act for raising a sum not exceeding two millions, upon a fund, for payment of annuities, after the rate of eight pounds per centum per annum; and for settling the trade to the East Indies,) and by several other acts of parliament which are now in force, the said united company of merchants of England trading to the East Indies are obliged to give security, under their common seal, for payment of the duties of customs upon all unrated goods imported by them, so soon as the same shall be sold; and for exposing such goods to sale, openly and fairly, by way of auction, or by inch of candle, within the space of three years from the importation thereof: and whereas it is expedient that some provision should be made to permit the said company, in certain cases, to export tea, on their own account, to the British plantations in America, or to foreign parts, without exposing such tea, to sale here, or being charged with the payment of any duty for the same; be it therefore enacted by the authority aforesaid, That from and after the passing of this act, it shall and may be lawful for the commissioners of his Majesty's treasury, or any three or more of them, or the high treasurer for the time being, to grant a licence or quantity of licences to the said united

company, to take out of their warehouses such quantity or quantities of tea as the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, shall think proper, without the same having been exposed to sale in this kingdom; and to export such tea to any of the British colonies or plantations in America, or to foreign parts, discharged from the payment of any customs or duties whatsoever; any thing in the said recited act, or any other act to the contrary notwithstanding.

V. Provided always, and it is hereby further enacted by the authority aforesaid, That a due entry shall be made at the custom-house, of all such tea so exported by licence, as aforesaid, expressing the quantities thereof, at what time imported, and by what ship; and such tea shall be shipped for exportation by the proper officer for that purpose, and shall, in all other respects, not altered by this act, be liable to the same rules, regulations, restrictions, securities, penalties, and forfeitures, as tea penalties, &c. exported to the like places was liable to before the passing this act: and upon the proper officer's duty, certifying the shipping of such tea to the collector and comptroller of his Majesty's customs for the port of London, upon the back of the licence, and the exportation thereof, verified by the oath of the husband or agent for the said united company, to be wrote at the bottom of such certificate, and sworn before the said collector and comptroller of the customs, (which oath they are hereby impowered to administer,) it shall and may be lawful for such collector and comptroller to write off and discharge the quantity of tea so exported from the warrant of the respective ship in which such tea was imported.

VI. Provided nevertheless, That no such licence shall be granted, unless it shall first be made to appear to the satisfaction of the commissioners of his Majesty's treasury, or any three or more of them, or the high treasurer for the time being, that at the time of taking out such teas, for the exportation of which licence or licences shall be granted, there will be left remaining in the warehouses of the said united company, a quantity of tea not less than ten millions of pounds weight; any thing herein, or in any other act of parliament, contained to the contrary thereof notwithstanding.

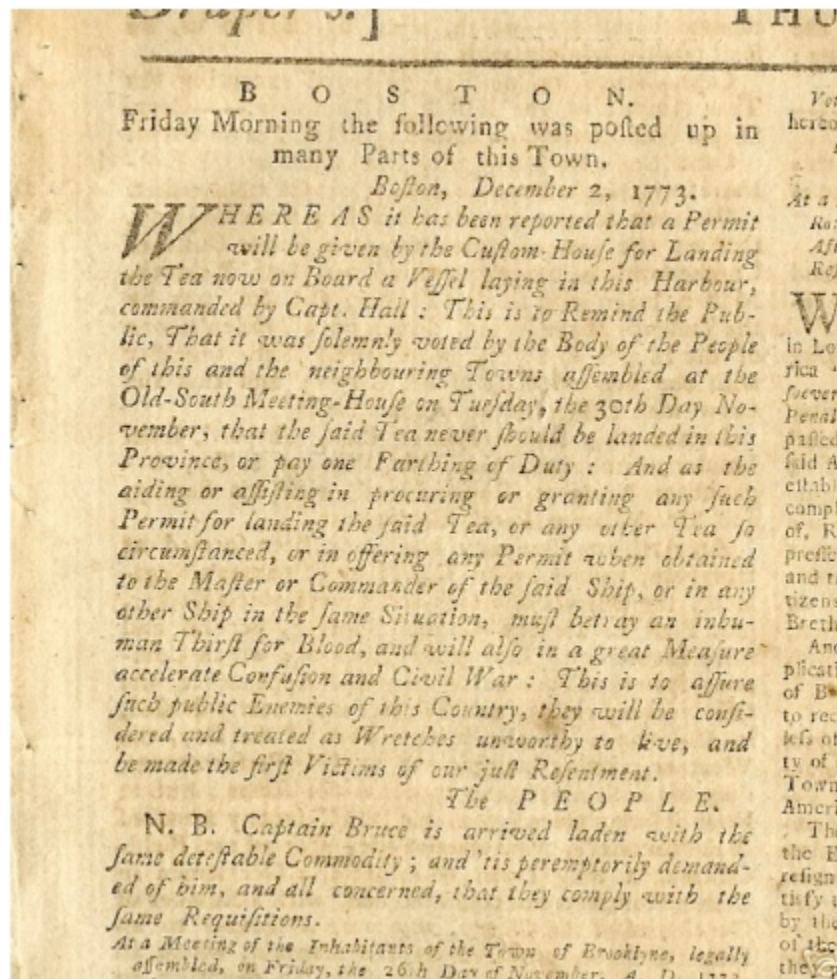
## Boston Tea Party (1773)



Anonymous Sons of Liberty leaflet to inflame public opinion in preparation for the Boston Tea Party, 1773. The rhetoric is vintage Samuel Adams. (Massachusetts Historical Society)







In this excerpt from the front page of the *Massachusetts Gazette and Boston Weekly News-Letter*, the paper quotes the entire text of an anonymous leaflet, apparently written or inspired by Samuel Adams and distributed by the Sons of Liberty.

That leaflet reminds the public that the people had voted not to permit the ships to unload East India tea, and that anyone assisting with the unloading of the tea would be guilty of accelerating "Confusion and Civil War."

(From previous page)

"This is to assure such public Enemies of this Country, they will be considered and treated as Wretches unworthy to live, and be made the first Victims of our just Resentment."

The P E O P L E.

N. B. Captain Bruce is arrived laden with the same detestable Commodity; and 'tis peremptorily demanded of him, and all concerned, that they comply with the same Requisitions.

*At a Meeting of the Inhabitants of the Town of Brooklyne, legally assembled, on Friday, the 26th Day of November, A. D. 1773, and by Adjournment to Wednesday the 1st of December following.*

**T**O consider what was proper for this Town to do relative to the large Quantities of Tea belonging to the India Company arrived and expected to arrive in this Province, subject to an American Duty, the Town came unanimously into the following Resolves, viz.

1. That the Act of the British Parliament imposing a Duty on Tea, payable in America, for the express Purpose of raising a Revenue, is unconstitutional, has a direct Tendency to bring the Americans into Slavery, and is therefore an intollerable Grievance.
2. That this Grievance, which has been so justly complained of by the Americans, so far from being redressed, is greatly aggravated by another Act passed in the last Session of Parliament for the Benefit and Relief of the India Company, permitting them to export their Teas to America, or foreign Parts, free of all Customs and Duties usually paid in Great-Britain, both subject to the Duty payable in America: Thus have the Parliament discovered the most glaring Partiality in making one and the same Act to operate for the Ease and Convenience of a few of the most opulent Subjects in Britain on the one Hand, and for the Oppression of MILLIONS of Freeborn and most loyal Inhabitants of America on the other.
3. That the last mentioned Act can be considered no otherwise than as a subtle Plan of the Ministry to ensnare and enslave the Americans, and that whoever shall be instrumental in carrying the



## **Resolves of the New York Sons of Liberty**

### **New York (December 15, 1773)**

#### **TO THE PUBLIC**

The following association is signed by a great number of the principal gentlemen of the city, merchants, lawyers, and other inhabitants of all ranks, and it is still carried about the city, to give an opportunity to those who have not yet signed to unite with their fellow-citizens, to testify their abhorrence to the diabolical project of enslaving America.

#### **The Association of the Sons of Liberty of New York**

It is essential to the freedom and security of a free people, that no taxes be imposed upon them by by their own consent, or their representatives. For "what property have they in that which another may, by right, take when he pleases to himself?" The former is the undoubted right of Englishmen, to secure which they expended millions and sacrificed the lives of thousands. And yet, to the astonishment of all the world, and the grief of America, the commons of Great Britain, after the repeal of the memorable and detestable stamp-act, reassumed the power of imposing taxes on the American colonies; and, insisting on it as a necessary badge of parliamentary supremacy, passed a bill, in the seventh year of his present majesty's reign, imposing duties on all glass, painters' colors, paper and teas, that should, after the 20th of November, 1767, be "imported from Great Britain into any colony or plantation in America."

This bill, after the concurrence of the lords, obtained the royal assent. And thus they who, from time immemorial, have exercised the right of giving to, or withholding from the crown, their aids and subsidies, according to their *own free will and pleasure*, signified by their representatives in parliament, do, by the act in question, deny us, their brethren in America, the enjoyment of the same right. As this denial, and the execution of that act, involves our slavery, and would sap the foundation of our freedom, whereby we should become slaves to our brethren and fellow subjects, born to no greater stock of freedom than the Americans- the merchants and inhabitants of this city, in conjunction with the merchants and inhabitants of the ancient American colonies, entered into an agreement to decline a part of their commerce with Great Britain, until the above mentioned act should be totally

repealed. This agreement operated so powerfully to the disadvantage of the manufacturers of England that many of them were unemployed. To appease their clamors, and to provide the subsistence for them, which the non-importation had deprived them of, the parliament, in 1770, repealed so much of the revenue act as imposed a duty on glass, painters' colors, and paper, and left the duty on tea, as *a test of the parliamentary right to tax us*. The merchants of the cities of New York and Philadelphia, having strictly adhered to the agreement, so far as it is related to the importation of articles subject to an American duty, have convinced the ministry that some other measures must be adopted to execute parliamentary supremacy over this country, and to remove the distress brought on the East India company, by the ill-policy of that act. Accordingly, to increase the temptation to the shippers of tea from England, an act of parliament passed the last session, which gives the whole duty on tea, the company were subject to pay, upon the importation of it into England, to the purchasers and exporters; and when the company have ten millions of pounds of tea, in their warehouses exclusive of the quantity they may want to ship, they are allowed to export tea, discharged from the payment of that duty, with which they were before chargeable. In hopes of aid in the execution of this project, by the influence of the owners of the American ships, application was made by the company to the captains of those ships to take the tea on freight; but they virtuously rejected it. Still determined on the scheme, they have chartered ships to bring the tea to this country, which may be hourly expected, to make an important trial of our virtue. If they succeed in the sale of that tea, we shall have no property that we can call our own, and then we may bid adieu to American liberty.

Therefore, to prevent a calamity which, of all others, is the most to be dreaded - slavery, and its terrible concomitants - we, the subscribers, being influenced from a regard to liberty, and disposed to use all lawful endeavors in our power, to defeat the pernicious project, and to transmit to our posterity, those blessings of freedom which our ancestors have handed down to us; and to contribute to the support of the common liberties of America, which are in danger to be subverted, *do*, for those important purposes, agree to associate together, under the name and style of the *sons of New York*, and engage our honor to, and with each other faithfully observe and perform the following *resolutions*, viz.

1st. *Resolved, That whoever shall aid, or abet, or in any manner assist, in the introduction of tea, from any place whatsoever, into this colony,*

*while it is subject, by a British act of parliament, to the payment of a duty, for the purpose of raising a revenue in America, he shall be deemed an enemy to the liberties of America.*

*2d. Resolved, That whoever shall be aiding, or assisting, in the landing, or carting of such tea, from any ship, or vessel, or shall hire any house, store-house, or cellar or any place whatsoever, to deposit the tea, subject to a duty as aforesaid, he shall be deemed an enemy to the liberties of America.*

*3d. Resolved, That whoever shall sell, or buy, or in any manner contribute to the sale, or purchase of tea, subject to a duty as aforesaid, or shall aid, or abet, in transporting such tea, by land or water, from this city, until the 7th George III. Chap. 46, commonly called the revenue act, shall be totally and clearly repealed, he shall be deemed an enemy to the liberties of America.*

*4th. Resolved, That whether the duties on tea, imposed by this act, be paid in Great Britain or in America, our liberties are equally affected.*

*5th. Resolved, That whoever shall transgress any of these resolutions, we will not deal with, or employ, or have any connection with him.*

## **Effects of the Boston Tea Party**

The Patriots coordinated the tea tax rebellion throughout the colonies. The British East India Company was to deliver taxed tea to Boston, Charleston (SC), New York and Philadelphia.

In October, 1773, Patriots in Philadelphia and New York forced the local consignees to resign rather than accept the tea to be unloaded, sold and taxed.

When the tea arrived in Charleston on December 2, local Patriots forced the consignees to quit.

The Sons of Liberty in Boston exerted similar pressure on local consignees, but the Massachusetts governor,

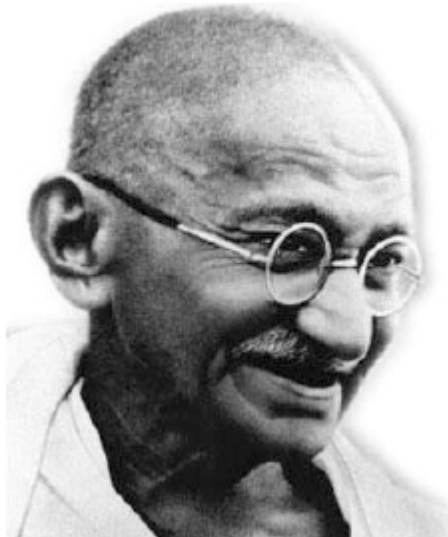
appointed by the king, was determined to unload and sell the tea. In response, Samuel Adams organized the Boston Tea Party, which took place on December 16, 1773.

Britain responds by imposing the Coercive Acts (which the colonists called the Intolerable Acts), including a blockade of Boston.

American colonists had "tea parties" to dump East India tea into harbors up and down the eastern seaboard.

- December 1773: Boston Tea Party
- April 1774: New York Tea Party
- May 1774: Chester Town (MD) Tea Party
- October 1774: Annapolis (MD) Tea Party
- December 1774: Greenwich (NJ) Tea Party

The Boston Tea Party is known around the world and has been inspirational to other rebels.



Erik H. Erikson records in his book *Gandhi's Truth: The Origins of Militant Nonviolence* (Norton, 1969) that when Mahatma Gandhi met with the British viceroy in 1930 after the Indian salt protest campaign, Gandhi took some duty-free salt from his shawl and said, with a smile, that the salt was "to remind us of the famous Boston Tea Party."

So the Tea Party comes around full-circle: The Boston tea had crossed the world from India.

## **The Coercive Acts (The Intolerable Acts)**

### **Parliament (1774)**

In response to the Boston Tea Party and other acts of rebellion from Massachusetts, Parliament enacted four laws, collectively known as the Coercive Acts, in early 1774 to bring the colonies to heel – and to ensure that unrest did not spread to newly acquired provinces in Canada. The Coercive or Intolerable Acts were: the Boston Port Act, to wage economic warfare against Boston; the Massachusetts Government Act, to place the colony under military rule; the Administration of Justice Act; and the Quartering Act that would require colonists to house the increasing number of British troops sent to control them. A fifth law, the Quebec Act, was soon passed thereafter, to grant special rights to French-speaking Catholics in the colony that just 11 years earlier had been a colony of France.

### **Boston Port Act**

#### **Parliament (March 13, 1774)**

An act to discontinue, in such manner, and for such time as are therein mentioned, the landing and discharging, lading or shipping, of goods, wares, and merchandise, at the town, and within the harbour, of Boston, in the province of Massachusetts Bay, in North America.

WHEREAS dangerous commotions and insurrections have been fomented and raised in the town of Boston, in the province of Massachusetts Bay, in New England, by divers ill-affected persons, to the subversion of his Majesty's government, and to the utter destruction of the publick peace, and good order of the said town; in which commotions and insurrections certain valuable cargoes of teas, being the property of the East India Company, and on board certain vessels lying within the bay or harbour of Boston, were seized and destroyed: And whereas, in the present condition of the said town and harbour, the commerce of his Majesty's subjects cannot be safely carried on there, nor the customs payable to his Majesty duly collected; and it is

therefore expedient that the officers of his Majesty's customs should be forthwith removed from the said town: May it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of June, one thousand seven hundred and seventy-four, it shall not be lawful for any person or persons whatsoever to lade put, or cause or procure to be laden or put, off or from any quay, wharf, or other place, within the said town of Boston, or in or upon any part of the shore of the bay, commonly called The Harbour of Boston, between a certain headland or point called Nahant Point, on the eastern side of the entrance into the said bay, and a certain other headland or point called Alderton Point, on the western side of the entrance into the said bay, or in or upon any island, creek, landing place, bank, or other place, within the said bay or headlands, into any ship, vessel, lighter, boat, or bottom, any goods, wares, or merchandise whatsoever, to be transported or carried into any other country, province or place whatsoever, or into any other part of the said province of the Massachuset's Bay, in New England; or to take up, discharge, or lay on land, or cause or procure to be taken up, discharged, or laid on land, within the said town, or in or upon any of the places aforesaid, out of any boat, lighter, ship, vessel, or bottom, any goods, wares, or merchandise whatsoever, to be brought from any other country, province, or place, or any other part of the said province of the Massachuset's Bay in New England, upon pain of the forfeiture of the said goods, wares, and merchandise, and of the said boat, lighter, ship, or vessel or other bottom into which the same shall be taken, and of the guns, ammunition, tackle, furniture, and stores, in or belonging to the same: And if any such goods, wares, or merchandise, shall, within the said town, or in any the places aforesaid, be laden or taken in from the shore into any barge, hoy, lighter, wherry, or boat, to be carried on board any ship or vessel coming in and arriving from any other country or province, or other part of the said province of the Massachuset's Bay in New England, such barge, hoy, lighter, wherry, or boat, shall be forfeited and lost.

II. And be it further enacted by the authority aforesaid, That if any wharfinger, or keeper of any wharf, crane, or quay, of their servants, or any of them, shall take up or land, or knowingly suffer to be taken up or landed, or shall ship off, or suffer to be waterborne, at or from any of their said wharfs, cranes, or quays, any such goods, wares, or merchandise; in every such case, all and every such wharfinger, and

keeper of such wharf, crane, or quay, and every person whatever who shall be assisting, or otherwise concerned in the shipping or in the loading or putting on board any boat, or other vessel for that purpose, or in the unshipping such goods, wares, and merchandise, or to whose hands the same shall knowingly come after the loading, shipping, or unshipping thereof, shall forfeit and lose treble the value thereof, to be computed at the highest price which such sort of goods, wares, and merchandise, shall bear at the place where such offence shall be committed, together with the vessels and boats, and all the horses, cattle, and carriages, whatsoever made use of in the shipping, unshipping, landing, removing, carriage, or conveyance of any of the aforesaid goods, wares, and merchandise.

III. And be it further enacted by the authority aforesaid, That if any ship or vessel shall be moored or lie at anchor, or be seen hovering within the said bay, described and bounded as aforesaid, or within one league from the said bay so described, or the said headlands, or any of the islands lying between or within the same, it shall and may be lawful for any admiral, chief commander, or commissioned officer, of his Majesty's fleet or ships of war, or for any officer of his Majesty's customs, to compel such ship or vessel to depart to some other port or harbour, or to such station as the said officer shall appoint, and to use such force for that purpose as shall be found necessary: And if such ship or vessel shall not depart accordingly, within six hours after notice for that purpose given by such person as aforesaid, such ship or vessel, together with all the goods laden on board thereon, and all the guns, ammunition, tackle, and furniture, shall be forfeited and lost, whether bulk shall have been broken or not.

IV. Provided always, That nothing in this act contained shall extend, or be construed to extend, to any military or other stores for his Majesty's use, or to the ships or vessels whereon the same shall be laden, which shall be commissioned by, and in the immediate pay of, his Majesty, his heirs or successors; nor to any fuel or victual brought coastwise from any part of the continent of America, for the necessary use and sustenance of the inhabitants of the said town of Boston, provided the vessels wherein the same are to be carried shall be duly furnished with a cocket and let-pass, after having been duly searched by the proper officers of his Majesty's customs at Marblehead, in the port of Salem, in the said province of Massachusetts Bay; and that some officer of his Majesty's customs be also there put on board the said vessel, who is hereby authorized to go on board, and proceed with the said vessel,

together with a sufficient number of persons, properly armed, for his defence, to the said town or harbour of Boston; nor to any ships or vessels which may happen to be within the said harbour of Boston on or before the first day of June, one thousand seven hundred and seventy four, and may have either laden or taken on board, or be there with intent to load or take on board, or to land or discharge any goods, wares, and merchandise, provided the said ships and vessels do depart the said harbour within fourteen days after the said first day of June, one thousand seven hundred and seventy-four.

V. And be it further enacted by the authority aforesaid, That all seizures, penalties, and forfeitures, inflicted by this act, shall be made and prosecuted by any admiral, chief commander, or commissioned officer, of his Majesty's fleet, or ships of war, or by the officers of his Majesty's customs, or some of them, or by some other person deputed or authorised, by warrant from the lord high treasurer, or the commissioners of his Majesty's treasury for the time being, and by no other person whatsoever: And if any such officer, or other person authorised as aforesaid, shall, directly or indirectly, take or receive any bribe or reward, to connive at such lading or unlading, or shall make or commence any collusive seizure, information, or agreement for that purpose, or shall do any other act whatsoever, whereby the goods, wares, or merchandise, prohibited as aforesaid, shall be suffered to pass, either inwards or outwards, or whereby the forfeitures and penalties inflicted by this act may be evaded, every such offender shall forfeit the sum of five hundred pounds for every such offence, and shall become incapable of any office or employment, civil or military; and every person who shall give, offer, or promise, any such bribe or reward, or shall contract, agree, or treat with any person, so authorised as aforesaid, to commit any such offence, shall forfeit the sum of fifty pounds.

VI. And be it further enacted by the authority aforesaid, That the forfeitures and penalties inflicted by this act shall and may be prosecuted, sued for, and recovered, and be divided, paid, and applied, in like manner as other penalties and forfeitures inflicted by any act or acts of parliament, relating to the trade or revenues of the British colonies or plantations in America, are directed to be prosecuted, sued for, or recovered, divided, paid, and applied, by two several acts of parliament, the one passed in the fourth year of his present Majesty, (intituled, An act for granting certain duties in the British colonies and plantations in America; for continuing, amending, and making



perpetual, an act passed in the sixth year of the reign of his late majesty King George the Second, intituled, An act for the better securing and encouraging the trade of his Majesty's sugar colonies in America: for applying the produce of such duties, and of the duties to arise by virtue of the said act, towards defraying the expences of defending, protecting, and securing, the said colonies and plantations; for explaining an act made in the twenty-fifth year of the reign of King Charles the Second, intituled, An act for the encouragement of the Greenland and Eastland trades, and for the better securing the plantation trade; and for altering and disallowing several drawbacks on exports from this kingdom, and more effectually preventing the clandestine conveyance of goods to and from the said colonies and plantations, and improving and securing the trade between the same and Great Britain;) the other passed in the eighth year of his present Majesty's reign, (intituled, An act for the more easy and effectual recovery of the penalties and forfeitures inflicted by the acts of parliament relating to the trade or revenues of the British colonies and plantations in America.)

VII. And be it further enacted by the authority aforesaid, That every charter party bill of loading, and other contract for consigning shipping, or carrying any goods, wares, and merchandize whatsoever, to or from the said town of Boston, or any part of the bay or harbour thereof, described as aforesaid, which have been made or entered into, or which shall be made or entered into, so long as this act shall remain in full force, relating to any ship which shall arrive at the said town or harbour, after the first day of June, one thousand seven hundred and seventy-four, shall be, and the same are hereby declared to be utterly void, to all intents and purposes whatsoever.

VIII. And be it further enacted by the authority aforesaid, That whenever it shall be made to appear to his Majesty, in his privy council, that peace and obedience to the laws shall be so far restored in the said town of Boston, that the trade of Great Britain may safely be carried on there, and his Majesty's customs duly collected, and his Majesty, in his privy council, shall adjudge the same to be true, it shall and may be lawful for his Majesty, by proclamation, or order of council, to assign and appoint the extent, bounds, and limits, of the port or harbour of Boston, and of every creek or haven within the same, or in the islands within the precincts thereof; and also to assign and appoint such and so many open places, quays, and wharfs, within the said harbour, creeks, havens, and islands, for the landing, discharging, lading, and shipping

of goods, as his Majesty, his heirs or successors, shall judge necessary and expedient; and also to appoint such and so many officers of the customs therein as his Majesty shall think fit, after which it shall be lawful for any person or persons to lade or put off from, or to discharge and land upon, such wharfs, quays, and places, so appointed within the said harbour, and none other, any goods, wares, and merchandise whatever.

IX. Provided always, That if any goods, wares, or merchandize, shall be laden or put off from, or discharged or landed upon, any other place than the quays, wharfs, or places, so to be appointed, the same, together with the ships, boats, and other vessels employed therein, and the horses, or other cattle and carriages used to convey the same, and the person or persons concerned or assisting therein, or to whose hands the same shall knowingly come, shall suffer all the forfeitures and penalties imposed by this or any other act on the illegal shipping or landing of goods.

X. Provided also, and it is hereby declared and enacted, That nothing herein contained shall extend, or be construed, to enable his Majesty to appoint such port, harbour, creeks, quays, wharfs, places, or officers in the said town of Boston, or in the said bay or islands, until it shall sufficiently appear to his Majesty that full satisfaction hath been made by or on behalf of the inhabitants of the said town of Boston to the united company of merchants of England trading to the East Indies, for the damage sustained by the said company by the destruction of their goods sent to the said town of Boston, on board certain ships or vessels as aforesaid; and until it shall be certified to his Majesty, in council, by the governor, or lieutenant governor, of the said province, that reasonable satisfaction hath been made to the officers of his Majesty's revenue, and others, who suffered by the riots and insurrections above mentioned, in the months of November and December, in the year one thousand seven hundred and seventy-three, and in the month of January, in the year one thousand seven hundred and seventy-four.

XI. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced, either in Great Britain or America, against any person or persons, for any thing done in pursuance of this act of parliament, the defendant or defendants, in such action or suit, may plead the general issue, and give the said act, and the special matter, in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act: and if it shall

appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action, after the defendant or defendants shall have appeared: or if judgment shall be given upon any verdict or demurrer, against the plaintiff, the defendant or defendants shall recover treble costs, and have the like remedy for the same, as defendants have in other cases by law.

### **Massachusetts Government Act**

Parliament (May 20, 1774)  
An act for the better regulating the government of the province of the Massachuset's Bay, in New England.

WHEREAS by letters patent under the great seal of England, made in the third year of the reign of their late majesties King William and Queen Mary, for uniting, erecting, and incorporating, the several colonies, territories, and tracts of land therein mentioned, into one real province, by the name of Their Majesties Province of the Massachuset's Bay, in New England; whereby it was, amongst other things, ordained and established, That the governor of the said province should, from thenceforth, be appointed and commissioned by their Majesties, their heirs and successors: It was, however, granted and ordained, That, from the expiration of the term for and during which the eight and twenty persons named in the said letters patent were appointed to be the first counsellors or assistants to the governor of the said province for the time being, the aforesaid number of eight and twenty counsellors or assistants should yearly, once in every year, for ever thereafter, be, by the general court or assembly, newly chosen: And whereas the said method of electing such counsellors or assistants, to be vested with the several powers, authorities, and privileges, therein mentioned, although conformable to the practice theretofore used in such of the colonies thereby united, in which the appointment of the respective governors had been vested in the general courts or assemblies of the said colonies, hath, by repeated experience, been found to be extremely ill adapted to the plan of government established in the province of the Massachuset's Bay, by the said letters patent herein-before mentioned, and hath been so far from contributing to the attainment of the good ends and purposes thereby intended, and to the promoting of the internal welfare, peace, and good government of the said province, or to the maintenance of the just subordination to, and conformity with, the laws of Great Britain, that the manner of

exercising the powers, authorities, and privileges aforesaid, by the persons so annually elected, hath, for some time past, been such as had the most manifest tendency to obstruct, and, in great measure, defeat, the execution of the laws; to weaken and, in great measure, defeat, the execution of the laws; to weaken the attachment of his Majesty's well-disposed subjects in the said province to his Majesty's government, and to encourage the ill-disposed among them to proceed even to acts of direct resistance to, and defiance of, his Majesty's authority; And it hath accordingly happened that an open resistance to the execution of the laws hath actually taken place in the town of Boston, and the neighbourhood thereof, within the said province: And whereas it is, under these circumstances, become absolutely necessary, in order to the preservation of the peace and good order of the said province, the protection of his Majesty's well-disposed subjects therein resident, the continuance of the mutual benefits arising from the commerce and correspondence between this kingdom and the said province, and the maintaining of the just dependance of the said province upon the crown and parliament of Great Britain, that the said method of annually electing the counsellors or assistants of the said province should no longer be suffered to continue but that the appointment of the said counsellors or assistants should henceforth be put upon the like footing as is established in such other of his Majesty's colonies or plantations in America, the governors whereof are appointed by his Majesty's commission, under the great seal of Great Britain: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of August, one thousand seven hundred and seventy-four, so much of the charter, granted by their majesties King William and Queen Mary to the inhabitants of the said province of the Massachuset's Bay, in New England, and all and every clause, matter, and thing, therein contained, which relates to the time and manner of electing the assistants or counsellors for the said province, be revoked, and is hereby revoked and made void and of none effect; and that the offices of all counsellors and assistants, elected and appointed in pursuance thereof, shall from thenceforth cease and determine: And that, from and after the said first day of August, one thousand seven hundred and seventy-four, the council, or court of assistants of the said province for the time being, shall be composed of such of the inhabitants or proprietors of lands within the same as shall be thereunto nominated and appointed by his Majesty, his heirs and successors, from time to time, by warrant under his or their signet or sign manual, and

with the advice of the privy council, agreeable to the practice now used in respect to the appointment of counsellors in such of his Majesty's other colonies in America, the governors whereof are appointed by commission under the great seal of Great Britain: provided, that the number of the said assistants or counsellors shall not, at any one time, exceed thirty-six, nor be less than twelve.

II. And it is hereby further enacted, That the said assistants or counsellors, so to be appointed as aforesaid, shall hold their offices respectively, for and during the pleasure of his Majesty, his heirs or successors; and shall have and enjoy all the powers, privileges, and immunities, at present held, exercised, and enjoyed, by the assistants or counsellors of the said province, constituted and elected, from time to time, under the said charter, (except as herein-after excepted); and shall also, upon their admission into the said council, and before they enter upon the execution of their offices respectively, take the oaths, and make, repeat, and subscribe, the declarations required, as well by the said charter as by any law or laws of the said province now in force, to be taken by the assistants or counsellors who have been so elected and constituted as aforesaid.

III. And be it further enacted by the authority aforesaid, That from and after the first day of July, one thousand seven hundred and seventy-four, it shall and may be lawful for his Majesty's governor for the time being of the said province, or, in his absence, for the lieutenant-governor, to nominate and appoint, under the seal of the province, from time to time, and also to remove, without the consent of the council, all judges of the inferior courts of common pleas, commissioners of Oyer and Terminer, the attorney general, provosts, marshals, justices of the peace, and other officers to the council or courts of justice belonging; and that all judges of the inferior courts of common pleas, commissioners of Oyer and Terminer, the attorney general, provosts, marshals, justices, and other officers so appointed by the governor, or, in his absence, by the lieutenant-governor alone, shall and may have, hold, and exercise, their said offices, powers, and authorities, as fully and completely, to all intents and purposes, as any judges of the inferior courts of common pleas, commissioners of Oyer and Terminer, attorney general, provosts, marshals, or other officers, have or might have done heretofore under the said letters patent, in the third year of the reign of their late majesties King William and Queen Mary; any law, statute, or usage, to the contrary notwithstanding.

IV. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to annul or make void the commission granted before the said first day of July, one thousand seven hundred and seventy-four, to any judges of the inferior courts of common pleas, commissioners of Oyer and Terminer, the attorney general, provosts, marshals, justices of the peace, or other officers; but that they may hold and exercise the same, as if this act had never been made, until the same shall be determined by death, removal by the governor, or other avoidance, as the case may happen.

V. And be it further enacted by the authority aforesaid, That, from and after the said first day of July, one thousand seven hundred and seventy-four, it shall and may be lawful for his Majesty's governor, or, in his absence, for the lieutenant-governor for the time being of the said province, from time to time, to nominate and appoint the sheriffs without the consent of the council, and to remove such sheriffs with such consent, and not otherwise.

VI. And be it further enacted by the authority aforesaid, That, upon every vacancy of the officers of chief justice and judges of the superior court of the said province, from and after the said first day of July, one thousand seven hundred and seventy-four, the governor for the time being, or, in his absence, the lieutenant-governor, without the consent of the council, shall have full power and authority to nominate and appoint the persons to succeed to the said offices; who shall hold their commissions during the pleasure of his Majesty, his heirs and successors; and that neither the chief justice or judges appointed before the said first day of July, one thousand seven hundred and seventy-four, nor those who shall hereafter be appointed pursuant to this act, shall be removed, unless by the order of his Majesty, his heirs or successors, under his or their sign manual.

VII. And whereas, by several acts of the general court, which have been from time to time enacted and passed within the said province, the freeholders and inhabitants of the several townships, districts, and precincts, qualified, as is therein expressed, are authorised to assemble together, annually, or occasional[y, upon notice given, in such manner as the said acts direct, for the choice of select men, constables, and other officers, and for the making and agreeing upon such necessary rules, orders, and bye laws, for the directing, managing, and ordering, the prudential affairs of such townships, districts, and precincts, and for other purposes: and whereas a great abuse has been made of the power

of calling such meetings, and the inhabitants have, contrary to the design of their institution, been misled to treat upon matters of the most general concern, and to pass many dangerous and unwarrantable resolves: for remedy whereof, be it enacted, That from and after the said first day of August, one thousand seven hundred and seventy-four, no meeting shall be called by the select men, or at the request of any number of freeholders of any township, district, or precinct, without the leave of the governor, or, in his absence, of the lieutenant-governor, in writing, expressing the special business of the said meeting, first had and obtained, except the annual meeting in the months of March or May, for the choice of select men, constables, and other officers, or except for the choice of persons to fill up the offices aforesaid, on the death or removal of any of the persons first elected to such offices, and also, except any meeting for the election of a representative or representatives in the general court; and that no other matter shall be treated of at such meetings, except the election of their aforesaid officers or representatives, nor at any other meeting, except the business expressed in the leave given by the governor, or, in his absence, by the lieutenant-governor.

VIII. And whereas the method at present used in the province of Massachuset's Bay in America, of electing persons to serve on grand juries, and other juries, by the freeholders and inhabitants of the several towns, affords occasion for many evil practices, and tends to pervert the free and impartial administration of justice: for remedy whereof, be it further enacted by the authority aforesaid, That, from and after the respective times appointed for the holding of the general sessions of the peace in the several counties within the said province, next after the month of September, one thousand seven hundred and seventy-four, the jurors to serve at the superior courts of judicature, courts of assize, general gaol delivery, general sessions of the peace, and inferior court of common pleas, in the several counties within the said province, shall not be elected, nominated, or appointed, by the freeholders and inhabitants of the several towns within the said respective counties nor summoned or returned by the constables of the said towns; but that, from thenceforth, the jurors to serve at the superior courts of judicature, courts of assize, general gaol delivery, general sessions of the peace, and inferior court of common pleas within the said province, shall be summoned and returned by the sheriffs of the respective counties within the said province; and all writs of Venire Facias, or other process or warrants to be issued for the return of jurors to serve at the said courts, shall be directed to the sheriffs of the said counties

respectively, any law, custom, or usage, to the contrary notwithstanding.

IX. Provided always, and be it further enacted by the authority aforesaid, That wherever the sheriff of any country shall happen to be a party, or interested or related to any party of person interested in any prosecution or suit depending in any of the said courts; that then in such case, the writ of Venire Facias, of other process or warrant for the summoning and return of a jury, for the trial of such prosecution or suit, shall be directed to, and executed by, the coroner of such county; and in case such coroner shall be also a party, or interested in, or related to, the Venire Facias, or other process or warrant, for the summoning and return of a jury for the trial of such prosecution or suit shall be directed to, and executed by, a proper and indifferent person, to be appointed for that purpose by the court wherein such prosecution or suit shall be depending.

X. And that all sheriffs may be the better informed of persons qualified to serve on juries at the superior courts of judicature, courts of assize, general gaol delivery, general sessions of the peace, and inferior court of common pleas, within the said province, be it further enacted by the authority aforesaid, That the constables of the respective towns, within the several counties of the said province, shall, at the general sessions of the peace to be holden for each county, next after the month of September in every year, upon the first day of the said sessions, return and deliver to the justices of the peace, in open court, a true life, in writing, of the names and places of abode of all persons within the respective towns for which they serve, or the districts thereof, qualified to serve upon juries, with their titles and additions, between the age of one and twenty years and the age of seventy years; which said justices or any two of them, at the said sessions in the respective counties, shall cause to be delivered a duplicate of the aforesaid lists, by the clerk of the peace of every country, to the sheriffs, or their deputies, within ten days after such session; and cause each of the said lists to be fairly entered into a book by the clerk of the peace, to be by him provided, and kept for that purpose amongst the records of the said court; and no sheriff shall impanel or return any person or persons to serve upon any grand jury, petit jury, whatsoever, in any of the said courts that shall not be named or mentioned in such list: and, to prevent a failure of justice, through the neglect of constables to make such returns of persons qualified to serve on juries, as in and by this act is directed, the clerks of the peace of the said several counties are hereby required and



commanded, twenty days at least next before the month of September, yearly, and every year, to issue forth precepts or warrants, under their respective hands and seals, to the respective constables of the several towns within the said respective counties, requiring them, and every of them, to make such return of persons qualified to serve upon juries as hereby respectively directed; and every constable failing at any time to make and deliver such return to the justices in open court, as aforesaid, shall forfeit and incur the penalty of five pounds sterling to his Majesty, and his successors: to be recovered by bill, plaint, or information, to be prosecuted in any of the courts aforesaid; and, in order that the constables may be the better enabled to make complete lists of all persons qualified to serve on juries, the constables of the several towns shall have free liberty, at all seasonable times, upon request by them made to any officer or officers, who shall have in his or their custody any book or account of rates or taxes on the freeholder or inhabitants within such respective towns, to inspect the same, and take from thence the names of such persons qualified to serve on juries, dwelling within the respective, towns for which such lists are to be given in and returned pursuant to this act; and shall, in the month of September, yearly, and every year, upon two or more Sundays, fix upon the door of the church, chapel, and every other publick place of religious worship within their respective precincts, a true and exact list of all such persons intended to be returned to the said general sessions of the peace, as qualified to serve on juries, pursuant to the directions of this act; and leave at the same time a duplicate of such list with the town clerk of the said place, perused by the freeholder and inhabitants thereof, to the end that notice may be given of persons duly qualified who are omitted, or of persons inserted by mistake who ought to be omitted out of such lists; and it shall and may be lawful to and for the justices, at the general sessions of the peace to which the said lists shall be so returned, upon due proof made before them of any person or persons duly qualified to serve on juries being omitted in such lists, or of any person or persons being inserted therein who ought to have been omitted, to order his or their name or names to be inserted or struck out, as the case may require: and in case any constable shall wilfully omit, out of such list, any person or persons, whose name or names ought to be inserted, or shall wilfully insert any person or persons who ought to be omitted, every constable so offending, shall, for every person so omitted or inserted in such list, contrary to the true intent and meaning of this act, be fined by the said justices, in the said general sessions of the peace, in the sum of forty shillings sterling.

XI. Provided always, and be it enacted by the authority aforesaid, That in case default shall at any time hereafter be made, by any constable or constables, to return lists of persons qualified to serve on juries within any of the said towns to the said court of general sessions of the peace; then, and in such case, it shall be lawful for the sheriff of the county, in which such default shall be made, to summon and return to the several courts aforesaid, or any of them, such and so many persons dwelling in such towns, or the districts thereof, qualified to serve on juries, as he shall think fit to serve on juries at such respective courts; any thing herein contained to the contrary thereof in any-wise notwithstanding.

XII. And be it further enacted by the authority aforesaid, That every summons of any person, to serve upon any of the juries at the said courts, or any of them, shall be made by the sheriff, or other person, ten days at the least before the holding of every such court; and in case any jurors, so to be summoned, be absent from the usual place of his habitation at the time of such summons, notice of such summons shall be given, by leaving a note, in writing, under the hand of such sheriff, or person, containing the contents thereof, at the dwelling-house of such juror, with some person inhabiting in the same

XIII. Provided always, and be it further enacted by the authority aforesaid, That in case a sufficient number of persons qualified to serve on juries shall not appear at the said courts, or any of them, to perform the service of grand or petit jurors; that then, and in such case, it shall be lawful for the said court to issue a writ or precept to the sheriff, requiring him to summon a sufficient number of other persons qualified to serve on juries, immediately to appear at such court, to fill up and compleat the number of jurors to serve at such court; and such persons are hereby required to appear and serve as jurors at the said courts accordingly.

XIV. And be it further enacted by the authority aforesaid, That no person who shall serve as a juror, at any of the said courts, shall be liable to serve again as a juror at the same court, or any other of the courts aforesaid, for the space of three years then next following; except upon special juries.

XV. And, in order that sheriffs may be informed of the persons who have served as jurors, it is hereby further enacted by the authority, aforesaid, that every sheriff shall prepare and keep a book, or register, wherein. the names of all such persons who have served as jurors, with

their additions and places of abode, and the times when, and the courts in which they served, shall be alphabetically entered and registered; which books or registers shall, from time to time, be delivered over to the succeeding sheriff of the said county; within ten days after he shall enter upon his office; and every juror, who shall attend and serve at any of the courts aforesaid, may at the expiration of the time of holding every such court, upon, application to the sheriff, or his deputy, have a certificate immediately, gratis, from the sheriff, or his deputy, testifying such his attendance and service; which said certificate the said sheriff, or his deputy, is required to give to every such juror.

XVI. And be it further enacted by the authority aforesaid, That if, by reason of challenges, or otherwise, there shall not be a sufficient number of jurors for the trial of any prosecution for any misdemeanour, or any action depending in any of the said courts; then, and in such case, the jury shall be filled up *de Talibus Circumstantibus*, to be returned by the sheriff, unless he be a party, or interested or related to any party or person interested in such prosecution or action; and, in any of which cases, to be returned by the coroner, unless he be a party, or interested or related to any party or person interested in such prosecution or action; and, in any of these cases, to be returned by a proper and indifferent person, to be appointed by the court for that purpose.

XVII. And be it further enacted by the authority aforesaid, That in case any person summoned to serve upon the grand or petit jury, at any of the courts aforesaid, or upon the jury in any prosecution, action, or suit, depending in any of the said courts, shall not appear and serve at the said courts, according to the said summons, (not having any reasonable excuse to be allowed by the judges or justices at such court,) he shall be fined by the judges or justices of such court in any sum not exceeding the sum of ten pounds, nor less than twenty shillings sterling.

XVIII. And be it further enacted by the authority aforesaid, That every sheriff, or other officer, to whom the *Venire Facias*, or other process or warrant, for the trial of causes, or summoning of juries, shall be directed, shall, upon his return of every such writ, or other process or warrant, (unless in cases where a special jury shall be struck by order or rule of court, pursuant to this act,) annex a pannel to the said writ, or process, or warrant, containing the christian and surnames, additions, and places of abode, of a competent number of jurors, named in such lists, which number of jurors shall not be less than twenty-four, nor

more than forty-eight, without direction of the judges or justices of such court or session, or one of them, who are hereby respectively impowered and required, if he or they see cause, by order, under his or their respective hand or hands, to direct a greater number; and then such number as shall be so directed shall be the number to be returned to serve on such jury.

XIX. And be it further enacted by the authority aforesaid, That for the trials of all actions or suits depending in any of the said courts, the name of each and every person who shall be summoned and returned as aforesaid, with his addition, and the place of his abode, shall be written in several and distinct pieces of parchment, or paper, being all as near as may be of equal size and bigness. and shall be delivered unto the officer to be appointed by the court for that purpose, by the sheriff, under sheriff, or some agent of his; and shall, by direction and care of such officer, be rolled up all as near as may be, in the same manner, and put together in a box or glass to be provided for that purpose; and when any cause shall be brought on to be tried, some indifferent person, by direction of the court, may and shall, in open court, draw out twelve of the said parchments or paper, one after another; and if any of the persons, whose names shall be so drawn, shall not appear, or shall be challenged, and such challenge allowed, then such person shall proceed to draw other parchments or papers from the said box, till twelve indifferent persons shall be drawn; which twelve indifferent persons being sworn shall be the jury to try the said cause: and the names of the persons so drawn and sworn shall be kept apart by themselves in some other box or glass, to be kept, for that purpose, till such jury shall have given in their verdict and the same is recorded, or until such jury shall, by consent of the parties, or leave of the court, be discharged; and then the same names shall be rolled up again, and returned to the former box or glass, there to be kept, with the other names remaining at that time undrawn, and so toties quoties, as long as any cause remains then to be tried.

XX. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the superior court of assize, and court of common pleas upon motion made on behalf of his Majesty, his heirs or successors, or on the motion of any prosecutor or defendant, in any indictment or information for any misdemeanor depending, or to be brought or prosecuted in the said court, or on the motion of any plaintiff or plaintiffs, defendant or defendants, in any action, cause, or suit whatsoever, depending, or to be brought and carried on in the said

court, and the said court, is hereby authorized and required, upon motion as aforesaid, in any of the cases before mentioned, to order and appoint a jury to be struck for the trial of any issue joined in any of the said cases, and triable by a jury of twelve men, by such officer of the said court as the court shall appoint; and for that purpose the sheriff, or his deputy, shall attend such officer with the duplicate of the lists of persons qualified to serve on juries; and such officer shall thereupon take down, in writing, from the said duplicate, the names of forty-eight persons qualified to serve on juries, with their additions, and places of abode, a copy whereof shall forthwith be delivered to the prosecutors or plaintiffs, their attorneys or agents, and another copy thereof to the defendants, their attorneys or agents, in such prosecutions and causes; and the said officer of the court aforesaid shall, at a time to be fixed by him for that purpose, strike out the names of twelve of the said persons, at the nomination of the prosecutors or plaintiffs, their attorneys or agents, and also the names of twelve others of the said persons, at the nomination of the said defendants in such prosecutions and suits; and the twenty-four remaining persons shall be struck and summoned, and returned to the said court as jurors, for the trial of such issues.

XXI. Provided always, That in case the prosecutors or plaintiffs, or defendants, their attorneys or agents, shall neglect or refuse to attend the officer at the time fixed for striking the names of twenty-four persons as aforesaid, or nominate the persons to struck out; then, and in such case, the said officer shall, and he is hereby required to strike out the names of such number of the said persons as such prosecutors or plaintiffs, or defendants, might have nominated to be struck out.

XXII. And be it further enacted, That the person or party who shall apply for such special jury as aforesaid, shall not only bear and pay the fees for striking such jury, but shall also pay and discharge all the expences occasioned by the trial of the cause by such special jury, and shall not have any further or other allowance for the same, upon taxation of costs, than such person or party would be intitled unto in case the cause had been tried by a common jury, unless the judge, before whom the cause is tried, shall, immediately after the trial, certify, in open court, under his hand, upon the back of the record, that the same was a cause proper to be tried by a special jury.

XXIII. And be it further enacted by the authority aforesaid, That, in all actions brought in any of the said courts, where it shall appear to the court in which such actions are depending, that it will be proper and

necessary that the jurors who are to try the issues in any such actions, should have the view of the messuages, lands, or place in question, in order to their better understanding the evidence that will be given upon the trial of such issues; in every such case the respective courts in which such actions shall be depending may order the jury to the place in question, who then and there shall have the matters in question shewn them by two persons to be appointed by the court; and the special costs of all such views as allowed by the court, shall, before the trial, be paid by the party who moved for the view, (the adverse party not consenting thereto;) and shall, at the taxation of the bill of costs, have the same allowed him, upon his recovering judgement in such trial; and upon all views with the consent of parties, ordered by the court, the costs thereof, as allowed by the court, shall, before trial, be equally paid by the said parties; and in the taxation of the bill of costs, the party recovering judgement shall have the sum by him paid allowed to him; any law, usage, or custom, to the contrary notwithstanding.

XXIV. And be it further enacted by the authority aforesaid, That if any action shall be brought against any sheriff, for what he shall do in execution, or by virtue of this act, he may plead the general issue, and give the special matter in evidence; and if a verdict shall be found for him, he shall recover treble costs.

### **Administration of Justice Act** **Parliament (May 20, 1774)**

An act for the impartial administration of justice in the cases of persons questioned for any acts done by them in the execution of the law, or for the suppression of riots and tumults, in the province of the Massachuset's Bay, in New England.

WHEREAS in his Majesty's province of Massachuset's Bay, in New England, an attempt hath lately been made to throw off the authority of the parliament of Great Britain over the said province, and an actual and avowed resistance, by open force, to the execution of certain acts of parliament, hath been suffered to take place, uncontroled and unpunished, in defiance of his Majesty's authority, and to the subversion of all lawful government whereas, in the present disordered state of the said province, it is of the utmost importance to the general

welfare thereof, and to the re-establishment of lawful authority throughout the same, that neither the magistrates acting in support of the laws, nor any of his Majesty's subjects aiding and assisting them therein, or in the suppression of riots and tumults, raised in opposition to the execution of the laws and statutes of this realm, should be discouraged from the proper discharge of their duty, by an apprehension, that in case of their being questioned for any acts done therein, they may be liable to be brought to trial for the same before persons who do not acknowledge the validity of the laws, in the execution thereof, or the authority of the magistrate in the support of whom, such acts had been done: in order therefore to remove every such discouragement from the minds of his Majesty's subjects, and to induce them, upon all proper occasions, to exert themselves in support of the public peace of the provinces, and of the authority of the King and parliament of Great Britain over the same; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any inquisition or indictment shall be found, or if any appeal shall be sued or preferred against any person, for murder, or other capital offence, in the province Of the Massachuset's Bay, and it shall appear, by information given upon oath to the governor, or, in his absence, to the lieutenant-governor of the said province, that the fact was committed by the person against whom such inquisition or indictment shall be found, or against whom such appeal shall be sued or preferred, as aforesaid, either in the execution of his duty as a magistrate, for the suppression of riots, or in the support of the laws of revenue, or in acting in his duty as an officer of revenue, or in acting under the direction and order of any magistrate, for the suppression of riots, or for the carrying into effect the laws of revenue, or in aiding and assisting in any of the cases aforesaid: and if it shall also appear, to the satisfaction of the said governor, or lieutenant-governor respectively, that an indifferent trial cannot be had within the said province, in that case, it shall and may be lawful for the governor, or lieutenant-governor, to direct, with the advice and consent of the council, that the inquisition, indictment, or appeal, shall be tried in some other of his Majesty's colonies, or in Great Britain; and for that purpose, to order. the person against whom such inquisition or indictment shall be found, or against whom such appeal shall be sued or preferred, as aforesaid, to be sent, under sufficient custody, to the place appointed for his trial, or to admit such person to bail, taking a recognizance, (which the said governor, or, in his absence, the lieutenant-governor, is hereby authorised to take),

from such person, with sufficient surerries, to be approved of by the said governor, or, in his absence, the lieutenant-governor, in such sums of money as the said governor or, in his absence, the lieutenant-governor, shall deem reasonable for the personal appearance of such person, if the trial shall be appointed to be had in any other colony, before the governor, or lieutenant-governor, or commander in chief of such colony; and if the trial shall be appointed to be had in Great Britain, then before his Majesty's court of King's Bench, at a time to be mentioned in such recognizances; and the governor, or lieutenant-governor, or commander in chief of the colony where such trial shall be appointed to be had, or court of King's Bench, where the trial is appointed to be had in Great Britain, upon the appearance of such person, according to such recognizance, or in custody, shall either commit such person, or admit him to bail, until such trial; and which the said governor, or lieutenant-governor, or commander in chief, and court of King's Bench, are hereby authorised and impowered to do.

II. And, to prevent a failure of justice, from the want of evidence on the trial of any such inquisition, indictment or appeal, be it further enacted, That the governor, or, in his absence, the lieutenant-governor, shall, and he is hereby authorised and required, to bind in recognizances to his Majesty all such witnesses as the prosecutor or person against whom such inquisition or indictment shall be found, or appeal sued or preferred, shall desire to attend the trial of the said inquisition, indictment, or appeal, for their personal appearance, at the time and place of such trial, to give evidence: and the said governor, or in his absence, the lieutenant-governor, shall thereupon appoint a reasonable sum to be allowed for the expences of every such witness, and shall thereupon give to each witness a certificate, in writing, under his hand and seal, that such witness has entered into a recognizance to give evidence, and specifying the sum allowed for his expenses and the collector and collectors of the customs, or one of them, within the said province, upon the delivery of such certificate, are, and is hereby authorised and required, forthwith to pay to such witness the sum specified therein for his expences.

III. And be it further enacted by the authority aforesaid, That all prosecutors and witnesses, who shall be under recognizances to appear in any of his Majesty's colonies in America, or in Great Britain, in pursuance of this act, shall be free from all arrests and restraints, in any action or suit to be commenced against them during their going to such colony, or coming to Great Britain, and their necessary stay and abiding



there, on occasion of such prosecution, and returning again to the said province of the Massachusset's Bay.

IV. And be it further enacted by the authority aforesaid, That all and every his Majesty's, justices of the peace, and other justices and coroners, before whom any person shall be brought, charged with murder, or other capital crime, where it shall appear by proof, on oath, to such justices or coroners, that the fact was committed by such person, either in the execution of his duty as a magistrate, for the suppression of riots, or in the support of the laws of revenue, or in acting in his duty as an officer of revenue, or in acting under the direction and order of any magistrate, for the suppression of riots, or for the carrying into effect the laws of revenue, or in aiding and assisting in any of the cases aforesaid, are hereby authorized and required to admit every such person to brought before him or them, as aforesaid, to bail; any law, custom, or usage, to the contrary thereof in any-wise notwithstanding.

V. And be it further enacted by the authority aforesaid, That where it shall be made appear to the judges or justices of any court, within the said province of Massachusset's Bay, by any person, against whom any inquisition or indictment shall be found, or appeal sued or preferred for murder, or other capital crime, that the fact was committed by such person, either in the execution of his duty as a magistrate, for the suppression of riots, or in the support of the laws of revenue, or in acting in his duty as an officer of revenue, or in acting under the direction and order of any magistrate, for the suppression of riots, or for the carrying into effect the laws of revenue, or in aiding and assisting in any of the cases aforesaid, and that he intends to make application to the governor, or lieutenant-governor of the said province, that such inquisition, indictment, or appeal, may be tried in some other of his Majesty's colonies, or in Great Britain, the said judges or justices are hereby authorised and required to adjourn or postpone the trial of such inquisition, indictment, or appeal, for a reasonable time, and admit the person to bail, in order that he may make application to the governor, or lieutenant-governor, for the purpose aforesaid.

VI. And be it further enacted, That the governor, or, in his absence, the lieutenant governor, if he shall direct the trial to be had in any other of his Majesty's colonies, shall transmit the inquisition, indictment, or appeal, together with recognizances of the witnesses, and other recognizances, under the seal of the province, to the governor, or

lieutenant-governor, or commander in chief of such other colony, who shall immediately issue a commission of Oyer and Terminer, and deliver, or cause to be delivered, the said inquisition, indictment, or appeal, with the said recognizances to the chief justice, and such other persons as have usually been commissioners of Oyer and Terminer, justices of assize, or general gaol delivery there; who shall have power to proceed upon the said inquisition, indictment, or appeal, as if the same had been returned, found, or preferred before them; and the trial shall thereupon proceed in like manner, to all intents and purposes, as if the offence had been committed in such place: and in case the governor, or, in his absence the lieutenant-governor, shall direct the trial to be had in Great Britain, he shall then transmit the inquisition, indictment or appeal; together with the recognizances, of the witnesses, and other recognizances, under the seal of the province to one of Majesty's principal secretaries of state, who shall deliver, or cause to be delivered, the same, to the master of the crown office to be filed of record in the court of King's Bench, and the inquisition, indictment, or appeal, shall be tried and proceeded upon, in the next term, or at such other time as the court shall appoint, at the bar of the court of King's Bench, in like manner to all intents and purposes, as if the offence had been committed in the county of Middlesex, or in any other county of that part of Great Britain called England, where the court of King's Bench shall fit, or else before such commissioners, and in such county, in that part of Great Britain called England, as shall be assigned by the King's majesty's commission, in like manner and form to all intents and purposes, as if such offence had been committed in the same county where such inquisition, indictment, or appeal, shall be so tried.

VII. And be it enacted by the authority aforesaid, That in case, on account of any error or defect in any indictment, which, in virtue or under the authority of this act, shall be transmitted to any other colony, or to Great Britain, the same shall be quashed, or judgement thereon arrested, or such indictment adjudged bad upon demurrer, it shall and may be lawful to prefer a new indictment or indictments against the person or persons accused in the said colony, to which such indictment, so quashed or adjudged bad shall have been transmitted, or before the grand jury of any county in Great Britain, in case such former indictment shall have been transmitted to Great Britain, in the same manner as could be done in case the party accused should return to the place where the offence was committed; and the grand jury and petty jury of such other colony or county in Great Britain shall have power to find and proceed upon such indictment or indictments, in the same

manner as if the offence, by such indictment or indictments charged, had been committed within the limits of the colony or county for which such juries shall respectively be impanelled to serve.

VIII. And be it further enacted by the authority aforesaid, That this act, and every clause, provision, regulation, and thing, herein contained, shall commence and take effect upon the first day of June, one thousand seven hundred and seventy-four; and be, and continue in force, for and during the term of three years.

## **Quartering Act**

### **Parliament (June 2, 1774)**

WHEREAS DOUBTS HAVE BEEN ENTERTAINED whether troops can be quartered otherwise than in barracks, in case barracks have been provided sufficient for the quartering of all the officers and soldiers within any town, township, city, district, or place within His Majesty's dominions in North America; and whereas it may frequently happen from the situation of such barracks that, if troops should be quartered therein they would not be stationed where their presence may be necessary and required be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords ... and Commons, in this present Parliament assembled ...

that, in such cases, it shall and may be lawful for the persons who now are, or may be hereafter, authorized by law, in any of the provinces within His Majesty's dominions in *North America*, and they are hereby respectively authorized, empowered, and directed, on the requisition of the officer who, for the time being, has the command of His Majesty's forces in *North America*, to cause any officers or soldiers in His Majesty's service to be quartered and billeted in such manner as is now directed by law where no barracks are provided by the colonies.

2. And be it further enacted by the authority aforesaid that, if it shall happen at any time that any officers or soldiers in His Majesty's service shall remain within any of the said colonies without quarters for the space of twenty four hours after such quarters shall have been demanded, it shall and may be lawful for the governor of the province to order and direct such and so many uninhabited houses, outhouses,

barns, or other buildings as he shall think necessary to be taken (making a reasonable allowance for the same) and make fit for the reception of such officers and soldiers, and to put and quarter such officers and soldiers therein for such time as he shall think proper.

3. And be it further enacted by the authority aforesaid that this act, and everything herein contained, shall continue and be in force in all His Majesty's dominions in North America, until March 24, 1776.

## **Quebec Act**

### **Parliament (June 22, 1774)**

*An act for making more effectual provisions for the government of the province of Quebec in North America*

WHEREAS *his Majesty, by his royal proclamation, bearing date the seventh day of October, in the third year of his reign, thought fit to declare the provisions which have been made in respect to certain countries, territories, and islands in America, ceded to his Majesty by the definitive treaty of peace, concluded at Paris on the tenth day of February, one thousand seven hundred and sixty-three: and whereas, by the arrangements made by the said royal proclamation, a very large extent of country, within which there were several colonies and settlements of the subjects of France, who claimed to remain therein under the faith of the said treaty, was left, without any provisions being made for the administration of civil government therein; and certain parts of the territory of Canada, where sedentary fisheries had been established and carried on by the subjects of France, inhabitants of the said province of Canada, under grants and concessions from the government thereof, were annexed to the government of Newfoundland, and thereby subjected to regulations inconsistent with the nature of such fisheries:* may it therefore please your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all the territories, islands, and countries in *North America*, belonging to the crown of *Great Britain*, bounded on the south by a line from the bay of *Chaleurs*, along the high lands

which divide the rivers that empty themselves into the river *Saint Lawrence* from those which fall into the sea, to a point in forty-five degrees of northern latitude, on the eastern bank of the river *Connecticut*, keeping the same latitude directly west, through the lake *Champlain*, until, in the same latitude, it meets the river *Saint Lawrence*; from thence up the eastern bank of the said river to the lake *Ontario*; thence through the lake *Ontario*, and the river commonly called *Niagara*; and thence along by the eastern and south-eastern bank of lake *Erie*, following the said bank, until the same shall be intersected by the northern boundary, granted by the charter of the province of *Pensylvania*, in case the same shall be so intersected; and from thence along the said northern and western boundaries of the said province, until the said western boundary strike the *Ohio*: but in case the said bank of the said lake shall not be found to be so intersected, then following the said bank until it shall arrive at that point of the said bank which shall be nearest to the north-western angle of the said province of *Pensylvania*; and thence, by a right line, to the said north-western angle of the said province; and thence along the western boundary of the said province, until it strike the river *Ohio*; and along the bank of the said river, westward, to the banks of the *Mississippi*, and northward to the southern boundary of the territory granted to the merchants adventurers of *England*, trading to *Hudson's Bay*; and also all such territories, islands, and countries, which have since the tenth of *February*, one thousand seven hundred and sixty-three, been made part of the government of *Newfoundland*, be, and they are hereby, during his Majesty's pleasure, annexed to, and made part and parcel of the province of *Quebec*, as created and established by the said royal proclamation of the seventh of *October*, one thousand seven hundred and sixty-three.

II. Provided always, That nothing herein contained, relative to the boundary of the province of *Quebec*, shall in anywise affect the boundaries of any other colony.

III. Provided always, and be it enacted, That nothing in this act contained shall extend, or be construed to extend, to make void, or to vary or alter any right, title, or possession, derived under any grant, conveyance, or otherwise howsoever, of or to any lands within the said province, or the provinces thereto adjoining; but that the same shall remain and be in force, and have effect, as if this act had never been made.

IV. *And whereas the provisions, made by the said proclamation in respect to this civil government of the said province of Quebec and the powers and authorities given to the governor and other civil officers of the said province, by the grants and commissions issued in consequence thereof, have been found, upon experience, to be inapplicable to the state and circumstances of the said province, the inhabitants whereof amounted, at the conquest, to above sixty five thousand persons professing the religion of the church of Rome, and enjoying an established form of constitution and system of laws, by which their persons and property had been protected, governed, and ordered, for a long series of years, from the first establishment of the said province of Canada; be it therefore further enacted by the authority aforesaid, That the said proclamation as it relates to the said province of Quebec, and the commission under the authority whereof the government of the said province is at present administered, and all and every the ordinance and ordinances made by the governor and council of Quebec for the time being, relative to the civil government and administration of justice in the said province, and all commissions to judges and other officers thereof, be, and the same are hereby revoked, annulled, and made void, from and after the first day of May, one thousand seven hundred and seventy-five.*

V. *And, for the more perfect security and ease of the minds of the inhabitants of the said province, it is hereby declared, That his Majesty's subjects, professing the religion of the church of Rome of and in the said province of Quebec, may have, hold, and enjoy the free exercise of the religion of the church of Rome, subject to the King's supremacy, declared and established by an act, made in the first year of the reign of Queen Elizabeth, over all the dominions and countries which then did, or thereafter should belong, to the imperial crown of this realm; and that the clergy of the said church may hold, receive, and enjoy, their accustomed dues and rights, with respect to such persons only as shall profess the said religion.*

VI. *Provided nevertheless, That it shall be lawful for his Majesty, his heirs or successors, to make such provision out of the rest of the said accustomed dues and rights, for the encouragement of the protestant religion, and for the maintenance and support of a protestant clergy within the said province, as he or they shall, from time to time, think necessary and expedient.*

VII. Provided always, and be it enacted, That no person, professing the religion of the church of *Rome*, and residing in the said province, shall be obliged to take the oath required by the said statute passed in the first year of the reign of Queen *Elizabeth*, or any other oaths substituted by any other act in the place thereof; but that every such person who, by the said statute is required to take the oath therein mentioned, shall be obliged, and is hereby required, to take and subscribe the following oath before the governor, or such other person in such court of record as his Majesty shall appoint, who are hereby authorised to administer the same; *videlicet*.

*I A. B. do sincerely promise and swear, That I will be faithful, and bear true allegiance to his majesty King George, and him will defend to the utmost of my power, against all traiterous conspiracies, and attempts whatsoever, which shall be made against his person, crown, and dignity; and I will do my utmost endeavour to disclose and make known to his majesty; his heirs and successors, all treasons, and traiterous conspiracies, and attempts, which I shall know to be against him, or any of them; and all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any power or person whomsoever to the contrary.*

So help me GOD.

And every such person, who shall neglect or refuse to take the said oath before mentioned, shall incur and be liable to the same penalties, forfeitures, disabilities, and incapacities, as he would have incurred and been liable to for neglecting or refusing to take the oath required by the said statute passed in the first year of the reign of Queen *Elizabeth*.

VIII. And be it further enacted by the authority aforesaid, That his Majesty's *Canadian* subjects, within the province of *Quebec*, the religious orders and communities only excepted, may also hold and enjoy their property and possessions, together with all customs and usages relative thereto, and all other their civil rights, in as large, ample, and beneficial manner, as if the said proclamation, commissions, ordinances, and other acts and instruments, had not been made, and as may consist with their allegiance to his Majesty, and subjection to the crown and parliament of *Great Britain*; and that in all matters of controversy, relative to property and civil rights, resort shall be had to the laws of *Canada*, as the rule for the decision of the same; and all causes that shall hereafter be instituted in any of the courts of

justice to be appointed within and for the said province, by his Majesty, his heirs and successors, shall, with respect to such property and rights, be determined agreeably to the said laws and customs of *Canada*, until they shall be varied or altered by any ordinances that shall, from time to time, be passed in the said province by the governor, lieutenant governor, or commander in chief, for the time being, by and with the advice and consent of the legislative council of the same, to be appointed in manner herein after mentioned.

IX. Provided always, That nothing in this act contained shall extend, or be construed to extend, to any lands that have been granted by his Majesty, or shall hereafter be granted by his Majesty, his heirs and successors, to be holden in free and common soccage.

X. Provided also, That it shall and may be lawful to and for every person that is owner of any lands, goods, or credits, in the said province, and that has a right to alienate the said lands, goods, or credits, in his or her life-time, by deed of sale, gift, or otherwise, to devise or bequeath the same at his or her death, by his or her last will and testament; any law, usage, or custom, heretofore or now prevailing in the province, to the contrary hereof in anywise notwithstanding; such will being executed, either according to the laws of *Canada*, or according to the forms prescribed by the laws of *England*.

XI. *And whereas the certainty and lenity of the criminal law of England, and the benefits and advantages resulting for the use of it, have been sensibly felt by the inhabitants, from an experience of more than nine years, during which it has been uniformly administered;* be it therefore further enacted by the authority aforesaid, That the same shall continue to be administered, and shall be observed as law in the province of *Quebec*, as well in the description and quality of the offence as in the method of prosecution and trial; and the punishments and forfeitures thereby inflicted to the exclusion of every other rule of criminal law, or mode of proceeding thereon, which did or might prevail in the said province before the year of our Lord one thousand seven hundred and sixty-four; any thing in this act to the contrary thereof in any respect notwithstanding; subject nevertheless to such alterations and amendments as the governor, lieutenant-governor, or commander in chief for the time being, by and with the advice and consent of the legislative council of the said province, hereafter to be appointed, shall, from time to time, cause to be made therein, in manner herein-after directed.



XII. *And whereas it may be necessary to ordain many regulations for the future welfare and good government of the province of Quebec, the occasions of which cannot now be foreseen, nor, without much delay and inconvenience, be provided for, without instructing that authority, for a certain time, and under proper restrictions, to persons resident there: and whereas it is at present inexpedient to call an assembly;* be it therefore enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs and successors, by warrant under his or their signet or sign manual, and with the advice of the privy council, to constitute and appoint a council for the affairs of the province of *Quebec*, to consist of such persons resident there, not exceeding twenty-three, nor less than seventeen, as his Majesty, his heirs and successors, shall be pleased to appoint; and, upon the death, removal, or absence of any of the members of the said council, in like manner to constitute and appoint such and so many other person or persons as shall be necessary to supply the vacancy or vacancies; which council, so appointed and nominated, or the major part thereof, shall have power and authority to make ordinances for the peace, welfare, and good government, of the said province, with the consent of his Majesty's governor, or, in his absence, of the lieutenant-governor, or commander in chief for the time being.

XIII. Provided always, That nothing in this act contained shall extend to authorise or empower the said legislative council to lay any taxes or duties within the said province, such rates and taxes only excepted as the inhabitants of any town or district within the said province may be authorised by the said council to assess, levy, and apply, within the said town or district, for the purpose of making roads, erecting and repairing the local convenience and economy of such town or district.

XIV. Provided also, and be it enacted by the authority aforesaid, That every ordinance so to be made, shall, within six months, be transmitted by the governor, or, in his absence, by the lieutenant-governor, or commander in chief for the time being, and laid before his Majesty for his royal approbation; and if his Majesty shall think fit to disallow thereof, the same shall cease and be void from the time that his Majesty's order in council thereupon shall be promulgated at *Quebec*.

XV. Provided also, That no ordinance touching religion, or by which any punishment may be inflicted greater than fine or imprisonment for three months, shall be of any force or effect, until the same shall have received his Majesty's approbation.

XVI. Provided also, That no ordinance shall be passed at any meeting of the council where less than a majority of the whole council is present, or at any time except between the first day of *January* and the first day of *May*, unless upon some urgent occasion, in which case every member thereof resident at *Quebec*, or within fifty miles thereof, shall be personally summoned by the governor, or, in his absence, by his lieutenant-governor or commander in chief for the time being, to attend the same.

XVII. And be it further enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to prevent or hinder his Majesty, his heirs and successors, by his or their letters patent under the great seal of *Great Britain*, from erecting, constituting, and appointing, such courts of criminal, civil, and ecclesiastical jurisdiction within and for the said province of *Quebec*, and appointing, from time to time, the judges and officers thereof, as his Majesty, his heirs and successors, shall think necessary and proper for the circumstances of the said province.

XVIII. Provided always, and it is hereby enacted, That nothing in this act contained shall extend, or be construed to extend, to repeal or make void, within the said province of *Quebec*, any act or acts of the parliament of *Great Britain* heretofore made, for prohibiting, restraining, or regulating, the trade or commerce of his Majesty's colonies and plantations in *America*; but that all and every the said acts, and also all acts of parliament heretofore made concerning or respecting the said colonies and plantations, shall be, and are hereby declared to be, in force, within the said province of *Quebec*, and every part thereof.

## **Association of the Virginia Convention (August 1774)**

We, his Majesty's dutiful and loyal subjects, the delegates of the freeholders of Virginia, deputed to represent them at a general meeting in the city of Williamsburg, avowing our inviolable and unshaken fidelity and attachment to our most gracious sovereign, our regard and affection for all our friends and fellow subjects in Great Britain and elsewhere, protesting against every act or thing which may have the most distant tendency to interrupt, or in any wise disturb his Majesty's peace, and the good order of government, within this his ancient colony, which we are resolved to maintain and defend at the risk of our lives and fortunes, but at the same time affected with the deepest anxiety, and most alarming apprehensions of those grievances and distresses by which his Majesty's American subjects are oppressed, and having taken under our most serious deliberation the state of the whole continent, find that the present unhappy situation of our affairs is chiefly occasioned by certain ill-advised regulations, as well of our trade as internal policy, introduced by several unconstitutional Acts of the British Parliament, and at length attempted to be enforced by the hand of power; solely influenced by these important and weighty considerations, we think it an indispensable duty which we owe to our country, ourselves, and latest posterity, to guard against such dangerous and extensive mischiefs, by every just and proper means.

If, by the measures adopted, some unhappy consequences and inconveniences should be derived to our fellow subjects, whom we wish not to injure in the smallest degree, we hope and flatter ourselves, that they will impute them to their real cause the hard necessity to which we are driven.

That the good people of this colony may, on so trying an occasion, continue steadfastly directed to their most essential interests, in hopes that they will be influenced and stimulated by our example to the greatest industry, the strictest economy, and frugality, and the execution of every public virtue, persuaded that the merchants, manufacturers, and other inhabitants of Great Britain, and above all, that the British Parliament will be convinced how much the true interest of that kingdom must depend on the restoration and continuance of that mutual friendship and cordiality which so happily subsisted between us, we have unanimously, and with one voice, entered into the

following resolutions and association, which we do oblige ourselves, by those sacred ties of honour and love to our country, strictly to observe; and further declare before God and the world, that we will religiously adhere to and keep the same inviolate in every particular, until redress of all such American grievances as may be defined and settled at the general congress of delegates from the different colonies shall be fully obtained, or until this association shall be abrogated or altered by a general meeting of the deputies of this colony, to be convened, as is hereinafter directed. And we do with the greatest earnestness recommend this our association to all gentlemen, merchants, traders, and other inhabitants of this colony, hoping that they will cheerfully and cordially accede thereto.

1st. We do hereby resolve and declare that we will not, either directly or indirectly, after the first day of November next, import from Great Britain, any goods, wares, or merchandises whatever (medicines excepted), nor will we after that day, import any British manufactures, either from the West Indies or any other place, nor any article whatever, which we shall know or have reason to believe, was brought into such countries from Great Britain, nor will we purchase any such articles so imported of any person or persons whatsoever, except such as are now in the country, or such as may arrive on or before the said first day of November, in consequence of orders already given, and which cannot now be countermanded in time.

2dly. We will neither ourselves import nor purchase any slave or slaves, imported by any person, after the first day of November next, either from Africa, the West Indies, or any other place.

3dly. Considering the article of tea as the detestable instrument which laid the foundation of the present sufferings of our distressed friends in the town of Boston, we view it with horror, and therefore resolve that we will not from this day, either import tea of any kind whatever, nor will we use or suffer, even such of it as is now at hand, to be used in any of our families.

4thly. If the inhabitants of the town of Boston, or any other colony, should by violence or dire necessity, be compelled to pay the East India Company for destroying any tea which they have lately by their agents unjustly attempted to force into the colonies, we will not, directly or indirectly, import or purchase any British East India commodity whatever till the company, or some other person on their behalf, shall

refund and fully restore to the owners all such sum or sums of money as may be so extorted.

5thly. We do resolve that unless American grievances be redressed before the 10th day of August, 1775, we will not after that day, directly or indirectly, export tobacco or any other article whatever to Great Britain; nor will we sell any such articles as we think can be exported to Great Britain with a prospect of gain, to any person or persons whatever, with a design of putting it into his or their power to export the same to Great Britain, either on our own, his or their account. And that this resolution may be the more effectually carried into execution, we do hereby recommend it to the inhabitants of this colony to refrain from the cultivation of tobacco as much as conveniently may be, and in lieu thereof that they will, as we resolve to do, apply their attention and industry to the cultivation of all such articles as may form a proper basis for manufactures of all sorts, which we will endeavour to encourage throughout this colony to the utmost of our abilities.

6thly. We will endeavour to improve our breed of sheep and increase their number to the utmost extent, and to this end we will be as sparing as we conveniently can in killing of sheep, especially those of the most profitable kind, and if we should at any time be overstocked and can conveniently spare any, we will dispose of them to our neighbours, especially the poorer sort of people, upon moderate terms.

7thly. Resolved, that the merchants and others, venders of goods and merchandises within this colony, ought not to take advantage of the scarcity of goods that may be occasioned by this association, but that they ought to sell the same at the rates they have been accustomed to for twelve months past, and if they shall sell any such goods on higher terms, or shall in any manner, or by any device whatever, violate or depart from this resolution, we will not, and are of opinion that no inhabitant of this colony ought, at any time thereafter, to deal with any such persons, their factors, or agents, for any commodity whatever; and it is recommended to the deputies of the several counties that committees be chosen in each county, by such persons as accede to this association, to take effectual care that these resolves be properly observed, and for corresponding occasionally with the general committee of correspondence in the city of Williamsburg. Provided that, if exchange should rise, such advance may be made in the prices of goods as shall be approved by the committee of each county.

8thly. In order the better to distinguish such worthy merchants and traders who are well wishers to this colony from those who may attempt, through motives of self-interest, to obstruct our views, we do hereby resolve that we will not, after the first day of November next, deal with any merchant or trader who will not sign this association, nor until he hath obtained a certificate of his having done so from the county committee, or any three members thereof. And if any merchant, trader, or other persons shall import any goods or merchandise after the first day of November, contrary to this association, we give it as our opinion that such goods and merchandise should be either forthwith reshipped, or delivered up to the county committee, to be stored at the risk of the importer, unless such importer shall give a proper assurance to the said committee that such goods or merchandises shall not be sold within this colony during the continuance of this association; and if such importer shall refuse to comply with one or the other of these terms, upon application and due caution given to him or her, by the said committee, or any three members thereof, such committee is required to publish the truth of the case in the gazettes, and in the county where he or she resides, and we will thereafter consider such person or persons as inimical to this country, and break off every connection and all dealings with them.

9thly. Resolved, that if any person or persons shall export tobacco, or any other commodity, to Great Britain, after the 10th day of August, 1775, contrary to this association, we shall hold ourselves obliged to consider such person or persons as inimical to the community, and as an approver of American grievances; and give it as our opinion that the public should be advertised of his conduct, as in the 8th article is desired.

10thly. Being fully persuaded that the united wisdom of the general congress may improve these our endeavours to preserve the rights and liberties in British America, we decline enlarging at present, but do hereby resolve that we will conform to, and strictly observe, all such alterations, or additions, assented to by the delegates for this colony, as they may judge it necessary to adopt, after the same shall be published and made known to us.

11thly. Resolved, that we think ourselves called upon by every principle of humanity and brotherly affection, to extend the utmost and speediest relief to our distressed fellow subjects in the town of Boston, and therefore most earnestly recommend it to all the inhabitants of this

colony, to make such liberal contributions as they can afford; to be collected and remitted to Boston in such manner as may best answer so desirable a purpose.

12thly. and lastly. Resolved, that the moderator of this meeting, and, in case of his death, Robert Carter Nicholas, Esquire, be empowered on any future occasion that may in his opinion require it, to convene the several delegates of this colony at such time and place as he may judge proper; and in case of the death or absence of any delegate, it is recommended that another be chosen in his place.

(Yale University)

## **Suffolk Resolves**

### **County Committees of Correspondence, Boston (1774)**

The first authoritative political document to defy British legal authority is known as the Suffolk Resolves, a series of resolutions passed by the Suffolk County Convention of the Committees of Correspondence on September 6, 1774. Boston is the seat of Suffolk County.

The Suffolk Resolves call for economic warfare on Britain by refusing to import or use British products and to limit exports to Britain; refusing to abide by the Boston Port Bill and Massachusetts Government Act of parliament; demanding the resignations of officials appointed under the Intolerable Acts; refusing to pay taxes until parliament repealed the Massachusetts Government Act; supporting an independent Massachusetts colonial government, outside the control of the crown, until parliament repealed the Intolerable Acts; and, perhaps most importantly, calling for the citizens of the colonies to arm themselves into militias to defend themselves against the British.

Paul Revere rode by express horse to Philadelphia to

deliver the Suffolk Resolves to the Continental Congress, which unanimously endorsed them on September 17.

In England, statesman Edmund Burke recognized the Suffolk Resolves as a turning point in the American colonies' relationship to the mother country. He urged the crown to be more reasonable with the colonies.

The Committees of Correspondence from the counties of Essex, Middlesex, Suffolk and Worcester met at Boston's Faneuil Hall to meet in opposition to the Massachusetts Government Act. The act repealed important sections of the Massachusetts Charter of 1691, under which the colony had been a self-governing entity.

With the courts now under the Crown's control (judges were now appointed and paid from Britain, and not from the colony), the committees at Faneuil Hall urged all counties in the colony to close down their courts. In so doing, each county officially explained to the public and the crown why it was doing so. Suffolk County's pronouncement, or "resolves," became the most famous because the Continental Congress endorsed it.

Important revolutionary political structures emerged as a result: Total solidarity of the Continental Congress behind the Massachusetts cause, creation of a Continental Association to wage economic warfare against Britain across the colonies, creation of Committees of Inspection to enforce the Continental Association's economic warfare campaign, and creation of Committees of Safety to coordinate armed resistance to the crown.

At a meeting of the delegates of every town & district in the county of Suffolk, on Tuesday the 6th of Sept<sup>r</sup> ., at the house of Mr . Richard Woodward, of Deadham, & by adjournment, at the house of Mr. [Daniel] Vose, of Milton, on Friday the 9th instant, Joseph Palmer, esq.



being chosen moderator, and William Thompson, esq. clerk, a committee was chosen to bring in a report to the convention, and the following being several times read, and put paragraph by paragraph, was unanimously voted, viz. Whereas the power but not the justice, the vengeance but not the wisdom of Great-Britain, which of old persecuted, scourged, and exiled our fugitive parents from their native shores, now pursues us, their guiltless children, with unrelenting severity: And whereas, this, then savage and uncultivated desert, was purchased by the toil and treasure, or acquired by the blood and valor of those our venerable progenitors; to us they bequeathed the dearbought inheritance, to our care and protection they consigned it, and the most sacred obligations are upon us to transmit the glorious purchase, unfettered by power, unclogged with shackles, to our innocent and beloved offspring. On the fortitude, on the wisdom and on the exertions of this important day, is suspended the fate of this new world, and of unborn millions. If a boundless extent of continent, swarming with millions, will tamely submit to live, move and have their being at the arbitrary will of a licentious minister, they basely yield to voluntary slavery, and future generations shall load their memories with incessant execrations.--On the other hand, if we arrest the hand which would ransack our pockets, if we disarm the parricide which points the dagger to our bosoms, if we nobly defeat that fatal edict which proclaims a power to frame laws for us in all cases whatsoever, thereby entailing the endless and numberless curses of slavery upon us, our heirs and their heirs forever; if we successfully resist that unparalleled usurpation of unconstitutional power, whereby our capital is robbed of the means of life; whereby the streets of Boston are thronged with military executioners; whereby our coasts are lined and harbours crouded with ships of war; whereby the charter of the colony, that sacred barrier against the encroachments of tyranny, is mutilated and, in effect, annihilated; whereby a murderous law is framed to shelter villains from the hands of justice; whereby the unalienable and inestimable inheritance, which we derived from nature, the constitution of Britain, and the privileges warranted to us in the charter of the province, is totally wrecked, annulled, and vacated, posterity will acknowledge that virtue which preserved them free and happy; and while we enjoy the rewards and blessings of the faithful, the torrent of panegyrists will roll our reputations to that latest period, when the streams of time shall be absorbed in the abyss of eternity. --

Therefore, we have resolved, and do resolve,

1. That whereas his majesty, George the Third, is the rightful successor to the throne of Great-Britain, and justly entitled to the allegiance of the British realm, and agreeable to compact, of the English colonies in America--therefore, we, the heirs and successors of the first planters of this colony, do cheerfully acknowledge the said George the Third to be our rightful sovereign, and that said covenant is the tenure and claim on which are founded our allegiance and submission.
2. That it is an indispensable duty which we owe to God, our country, ourselves and posterity, by all lawful ways and means in our power to maintain, defend and preserve those civil and religious rights and liberties, for which many of our fathers fought, bled and died, and to hand them down entire to future generations.
3. That the late acts of the British parliament for blocking up the harbour of Boston, for altering the established form of government in this colony, and for screening the most flagitious violators of the laws of the province from a legal trial, are gross infractions of those rights to which we are justly entitled by the laws of nature, the British constitution, and the charter of the province.
4. That no obedience is due from this province to either or any part of the acts above-mentioned, but that they be rejected as the attempts of a wicked administration to enslave America.
5. That so long as the justices of our superior court of judicature, court of assize, &c. and inferior court of common pleas in this county are appointed, or hold their places, by any other tenure than that which the charter and the laws of the province direct, they must be considered as under undue influence, and are therefore unconstitutional officers, and, as such, no regard ought to be paid to them by the people of this county.
6. That if the justices of the superior court of judicature, assize, &c. justices of the court of common pleas, or of the general sessions of the peace, shall sit and act during their present disqualified state, this county will support, and bear harmless, all sheriffs and their deputies, constables, jurors and other officers who shall refuse to carry into execution the orders of said courts; and, as far as possible, to prevent the many inconveniencies which must be occasioned by a suspension of the courts of justice, we do most earnestly recommend it to all creditors, that they shew all reasonable and even generous forbearance to their debtors; and to all debtors, to pay their just

- debts with all possible speed, and if any disputes relative to debts or trespasses shall arise, which cannot be settled by the parties, we recommend it to them to submit all such causes to arbitration; and it is our opinion that the contending parties or either of them, who shall refuse so to do, ought to be considered as co-operating with the enemies of this country.
7. That it be recommended to the collectors of taxes, constables and all other officers, who have public monies in their hands, to retain the same, and not to make any payment thereof to the provincial county treasurer until the civil government of the province is placed upon a constitutional foundation, or until it shall otherwise be ordered by the proposed provincial Congress.
  8. That the persons who have accepted seats at the council board, by virtue of a mandamus from the King, in conformity to the late act of the British parliament, entitled, an act for the regulating the government of the Massachusetts-Bay, have acted in direct violation of the duty they owe to their country, and have thereby given great and just offence to this people; therefore, resolved, that this county do recommend it to all persons, who have so highly offended by accepting said departments, and have not already publicly resigned their seats at the council board, to make public resignations of their places at said board, on or before the 20th day of this instant, September; and that all persons refusing so to do, shall, from and after said day, be considered by this county as obstinate and incorrigible enemies to this country.
  9. That the fortifications begun and now carrying on upon Boston Neck, are justly alarming to this county, and gives us reason to apprehend some hostile intention against that town, more especially as the commander in chief has, in a very extraordinary manner, removed the powder from the magazine at Charlestown, and has also forbidden the keeper of the magazine at Boston, to deliver out to the owners, the powder, which they had lodged in said magazine.
  10. That the late act of parliament for establishing the Roman Catholic religion and the French laws in that extensive country, now called Canada, is dangerous in an extreme degree to the Protestant religion and to the civil rights and liberties of all America; and, therefore, as men and Protestant Christians, we are indispensably obliged to take all proper measures for our security.

11. That whereas our enemies have flattered themselves that they shall make an easy prey of this numerous, brave and hardy people, from an apprehension that they are unacquainted with military discipline; we, therefore, for the honour, defence and security of this county and province, advise, as it has been recommended to take away all commissions from the officers of the militia, that those who now hold commissions, or such other persons, be elected in each town as officers in the militia, as shall be judged of sufficient capacity for that purpose, and who have evidenced themselves the inflexible friends to the rights of the people; and that the inhabitants of those towns and districts, who are qualified, do use their utmost diligence to acquaint themselves with the art of war as soon as possible, and do, for that purpose, appear under arms at least once every week.
12. That during the present hostile appearances on the part of Great-Britain, notwithstanding the many insults and oppressions which we most sensibly resent, yet, nevertheless, from our affection to his majesty, which we have at all times evidenced, we are determined to act merely upon the defensive, so long as such conduct may be vindicated by reason and the principles of self-preservation, but no longer.
13. That, as we understand it has been in contemplation to apprehend sundry persons of this county, who have rendered themselves conspicuous in contending for the violated rights and liberties of their countrymen; we do recommend, should such an audacious measure be put in practice, to seize and keep in safe custody, every servant of the present tyrannical and unconstitutional government throughout the county and province, until the persons so apprehended be liberated from the bands of our adversaries, and restored safe and uninjured to their respective friends and families.
14. That until our rights are fully restored to us, we will, to the utmost of our power, and we recommend the same to the other counties, to withhold all commercial intercourse with Great-Britain, Ireland, and the West-Indies, and abstain from the consumption of British merchandise and manufactures, and especially of East-Indies, and piece goods, with such additions, alterations, and exceptions only, as the General Congress of the colonies may agree to.
15. That under our present circumstances, it is incumbent on us to encourage arts and manufactures amongst us, by all means in

our power, and that be and are hereby appointed a committee, to consider of the best ways and means to promote and establish the same, and to report to this convention as soon as may be.

16. That the exigencies of our public affairs, demand that a provincial Congress be called to consult such measures as may be adopted, and vigorously executed by the whole people; and we do recommend it to the several towns in this county, to chuse members for such a provincial Congress, to be holden at Concord, on the second Tuesday of October, next ensuing.
17. That this county, confiding in the wisdom and integrity of the continental Congress, now sitting at Philadelphia, pay all due respect and submission to such measures as may be recommended by them to the colonies, for the restoration and establishment of our just rights, civil and religious, and for renewing that harmony and union between Great-Britain and the colonies, so earnestly wished for by all good men.
18. That whereas the universal uneasiness which prevails among all orders of men, arising from the wicked and oppressive measures of the present administration, may influence some unthinking persons to commit outrage upon private property; we would heartily recommend to all persons of this community, not to engage in any routs, riots, or licentious attacks upon the properties of any person whatsoever, as being subversive of all order and government; but, by a steady, manly, uniform, and persevering opposition, to convince our enemies, that in a contest so important, in a cause so solemn, our conduct shall be such as to merit the approbation of the wise, and the admiration of the brave and free of every age and of every country.
19. That should our enemies, by any sudden manoeuvres, render it necessary to ask the aid and assistance of our brethren in the country, some one of the committee of correspondence, or a select man of such town, or the town adjoining, where such hostilities shall commence, or shall be expected to commence, shall despatch couriers with written messages to the select men, or committees of correspondence, of the several towns in the vicinity, with a written account of such matter, who shall despatch others to committees more remote, until proper and sufficient assistance be obtained, and that the expense of said couriers be defrayed by the county, until it shall be otherwise ordered by the provincial Congress.

## **Declaration of Rights**

First Continental Congress (October 14, 1774)

Whereas, since the close of the last war, the British Parliament, claiming a power of right to bind the people of America, by statute, all cases whatsoever, hath in some acts expressly imposed taxes on them and in others, under various pretenses, but in fact for the purpose raising a revenue, hath imposed rates and duties payable in these colonies established a board of commissioners, with unconstitutional powers, and extended the jurisdiction of courts of admiralty, not only for collecting the said duties, but for the trial of causes merely arising within the body of a county.

And whereas, in consequence of other statutes, judges, who before held only estates at will in their offices, have been made dependent on the Crown alone for their salaries, and standing armies kept in time of peace:

And whereas, it has lately been resolved in Parliament, that by force of a statute, made in the thirty-fifth year of the reign of Henry the Eighth, colonists may be transported to England, and tried there upon accusations for treasons, and misprisions, or concealments of treasons committed in the colonies, and by a late statute, such trials have been directed in cases therein mentioned

And whereas, in the last session of Parliament, three statutes were made; one, entitled “An act to discontinue, in such manner and for such time as are therein mentioned, the landing and discharging, lading, or shipping of goods, wares and merchandise, at the town, and within the harbor of Boston, in the province of Massachusetts Bay, in North America”; and another, entitled “An act for the better regulating the government of the province of the Massachusetts Bay in New England”; and another, entitled “An act for the impartial administration of justice, in the cases of persons questioned for any act done by them in the execution of the law, or for the suppression of riots and tumults in the province of the Massachusetts Bay, in New England.” And another statute was then made, “for making more effectual provision for the government of the province of Quebec, etc.” All which statutes are impolitic, unjust and cruel, as well as unconstitutional, and most dangerous and destructive of American rights.

And whereas, assemblies have been frequently dissolved, contrary to the rights of the people, when they attempted to deliberate on grievances; and their dutiful, humble, loyal, and reasonable petitions to the Crown for redress, have been repeatedly treated with contempt by His Majesty's ministers of state:

The good people of the several colonies of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, New Castle, Kent and Sussex on Delaware, Maryland, Virginia, North Carolina, and South Carolina, justly alarmed at these arbitrary proceedings of Parliament and administration, have severally elected, constituted, and appointed deputies to meet and sit in general congress, in the city of Philadelphia, in order to obtain such establishment, as that their religion, laws, and liberties may not be subverted.

Whereupon the deputies so appointed being now assembled, in a full and free representation of these colonies, taking into their most serious consideration, the best means of attaining the ends aforesaid, do, in the first place, as Englishmen, their ancestors in like cases have usually done, for asserting and vindicating their rights and liberties, declare,

That the inhabitants of the English colonies in North America, by the immutable laws of nature, the principles of the English Constitution, and the several charters or compacts, have the following rights:

Resolved, N. C. D. 1. That they are entitled to life, liberty, and property, and they have never ceded to any sovereign power whatever, a right to dispose of either without their consent.

Resolved, N. C. D. 2. That our ancestors, who first settled these colonies, were at the time of their emigration from the mother country, entitled to all the rights, liberties, and immunities of free and natural-born subjects, within the realm of England.

Resolved, N. C. D. 3. That by such emigration they by no means forfeited, surrendered, or lost any of those rights, but that they were, and their descendants now are, entitled to the exercise and enjoyment of all such of them, as their local and other circumstances enable them, to exercise and enjoy.

Resolved, 4. That the foundation of English liberty, and of all free government, is a right in the people to participate in their legislative council: and as the English colonists are not represented, and from their local and other circumstances, can not properly be represented in the British Parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of taxation and internal polity, subject only to the negative of their sovereign, in such manner as has been heretofore used and accustomed. But, from the necessity of the case, and a regard to the mutual interest of both countries, we cheerfully consent to the operation of such acts of the British Parliament, as are bona fide, restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother country, and the commercial benefits of its respective members; excluding every idea of taxation, internal or external, for raising a revenue on the subjects in America, without their consent.

Resolved, N. C. D. 5. That the respective colonies are entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage, according to the course of that law.

Resolved, N. C. D. 6. That they are entitled to the benefit of such of the English statutes as existed at the time of their colonization; and which they have, by experience, respectively found to be applicable to their several local and other circumstances.

Resolved, N. C. D. 7. That these, His Majesty's colonies, are likewise entitled to all the immunities and privileges granted and confirmed to them by royal charters, or secured by their several codes of provincial laws.

Resolved, N. C. D. 8. That they have a right peaceably to assemble, consider of their grievances, and petition the King; and that all prosecutions, prohibitory proclamations, and commitment for the same, are illegal.

Resolved, N. C. D. 9. That the keeping a standing army in these colonies, in times of peace, without the consent of the legislature of that colony, in which such army is kept, is against law.



Resolved, N. C. D. 10. It is indispensably necessary to good government, and rendered essential by the English constitution, that the constituent branches of the legislature be independent of each other; that, therefore, the exercise of legislative power in several colonies, by a council appointed, during pleasure by the Crown, is unconstitutional, dangerous, and destructive to the freedom of American legislation.

All and each of which the aforesaid deputies, in behalf of themselves and their constituents, do claim, demand, and insist on, as their indubitable rights and liberties; which can not be legally taken from them, altered or abridged by any power whatever, without their own consent, by their representatives in their several provincial legislatures.

In the course of our inquiry, we find many infringements and violations of the foregoing rights, which, from an ardent desire, that harmony and mutual intercourse of affection and interest may be restored, we pass over for the present, and proceed to state such acts and measures as have been adopted since the last war, which demonstrate a system formed to enslave America.

Resolved, N. C. D. That the following acts of Parliament are infringements and violations of the rights of the colonists; and that the repeal of them is essentially necessary in order to restore harmony between Great Britain and the American colonies, viz;

The several acts of 4 Geo. 3. ch. 15, and ch. 34.—5 Geo. 3. ch. 25.—6 Geo. 3. ch. 52.—7 Geo. 3. ch. 41, and ch. 46.—8 Geo. 3. ch. 22, which impose duties for the purpose of raising a revenue in America, extend the powers of the admiralty court beyond their ancient limits, deprive the American subject of trial by jury, authorize the judges' certificate to indemnify the prosecutor from damages, that he might otherwise be liable to, requiring oppressive security from a claimant of ships and goods seized, before he shall be allowed to defend his property, and are subversive of American rights.

Also the 12 Geo. 3. ch. 24, entitled "An act for the better securing His Majesty's dock yards, magazines, ships, ammunition, and stores," which declares a new offense in America, and deprives the American subject of a constitutional trial by jury of the vicinage, by authorizing the trial of any person, charged with the committing any offense described in the said act, out of the realm, to be indicted and tried for the same in any shire or county within the realm.

Also the three acts passed in the last session of Parliament, for stopping the port and blocking up the harbor of Boston, for altering the charter and government of the Massachusetts Bay, and that which is entitled “An act for the better administration of justice,” etc.

Also the act passed in the same session for establishing the Roman Catholic religion in the province of Quebec, abolishing the equitable system of English laws, and erecting a tyranny there, to the great danger, from so total a dissimilarity of religion, law, and government of the neighboring British colonies, by the assistance of whose blood and treasure the said country was conquered from France.

Also the act passed in the same session for the better providing suitable quarters for officers and soldiers in His Majesty’s service in North America.

Also, that the keeping a standing army in several of these colonies, in time of peace, without the consent of the legislature of that colony in which such army is kept, is against law.

To these grievous acts and measures, Americans can not submit, but in hopes that their fellow subjects in Great Britain will, on a revision of them, restore us to that state in which both countries found happiness and prosperity, we have for the present only resolved to pursue the following peaceable measures:

1st. To enter into a non-importation, non-consumption, and non exportation agreement or association.

2nd. To prepare an address to the people of Great Britain, and a memorial to the inhabitants of British America, and

3rd. To prepare a loyal address to His Majesty; agreeable to resolutions already entered into.

## **Appeal to the Inhabitants of Quebec**

### **Continental Congress (1774)<sup>6</sup>**

The Quebec Act was a serious threat to American independence, as the revolutionaries had sought to create an alliance with the French-Canadians.

American colonies' relations with their fellow British subjects in the colonies of Canada were complicated, especially in Quebec. The French and Catholic population there had come under British and Protestant rule just 11 years earlier, after the bitterly fought French and Indian War (known in Europe as the Seven Years' War). New Englanders, especially the Puritans in Massachusetts, were notoriously anti-Catholic and had fought the French until 1763.

But opposition to unrepresentative and arbitrary rule from London provided a new common cause that would make Quebec a natural ally. Or so the Americans had hoped. This first open message to the people of Quebec, published in English and French, invites them to send delegates to the Continental Congress in Philadelphia.

Friends and fellow-subjects,

We, the Delegates of the Colonies of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, the Counties of Newcastle Kent and Sussex on Delaware, Maryland, Virginia, North-Carolina and South-Carolina, deputed by the inhabitants of the said Colonies, to represent them in a General Congress at Philadelphia, in the province of Pennsylvania, to consult together concerning the best methods to obtain redress of our afflicting grievances, having accordingly assembled and taken into our most serious consideration

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<sup>6</sup> *Journals of the Continental Congress, 1774-1779*, Vol. I, pp. 105-113.

Edited from the original records in the Library of Congress by Worthington Chauncey Ford; Chief, Division of Manuscripts (Washington: Government Printing Office, 1905). Courtesy of the Library of Congress.

the state of public affairs on this continent, have thought proper to address your province as a member therein deeply interested.

When the fortune of war, after a gallant and glorious resistance, had incorporated you with the body of English subjects, we rejoiced in the truly valuable addition, both on our own and your account; expecting, as courage and generosity are naturally united, our brave enemies would become our hearty friends, and that the Divine Being would bless to you the dispensations of his over-ruling providence, by securing to you and your latest posterity the inestimable advantages of a free English constitution of government, which it is the privilege of all English subjects to enjoy.

These hopes were confirmed by the King's proclamation, issued in the year 1763, plighting the public faith for your full enjoyment of those advantages.

Little did we imagine that any succeeding Ministers would so audaciously and cruelly abuse the royal authority, as to with-hold from you the fruition of the irrevocable rights to which you were thus justly entitled.

But since we have lived to see the unexpected time when Ministers of this flagitious temper have dared to violate the most sacred compacts and obligations, and as you, educated under another form of government, have artfully been kept from discovering the unspeakable worth of *that* form you are now undoubtedly entitled to, we esteem it our duty, for the weighty reasons herein after mentioned, to explain to you some of its most important branches.

"In every human society," says the celebrated Marquis *Beccaria*, "there is an *effort, continually tending* to confer on one part the height of power and happiness, and to reduce the other to the extreme of weakness and misery. The intent of good laws is to *oppose this effort*, and to diffuse their influence *universally* and *equally*."

Rulers stimulated by this pernicious "effort," and subjects animated by the just "intent of opposing good laws against it," have occasioned that vast variety of events that fill the histories of so many nations. All these histories demonstrate the truth of this simple position, that to live by the will of one man, or set of men, is the production of misery to all men.

On the solid foundation of this principle, Englishmen reared up the fabrick of their constitution with such a strength as for ages to defy time, tyranny, treachery, internal and foreign wars: And, as an illustrious author of your nation, hereafter mentioned [Montesquieu] observes, – "They gave the people of their Colonies, the form of their own government, and this government carrying prosperity along with

it, they have grown great nations in the forests they were sent to inhabit.”

In this form, the first grand right is that of the people having a share in their own government by their representatives chosen by themselves, and, in consequence of being ruled by *laws* which they themselves approve, not by *edicts* of *men* over whom they have no controul. This is a bulwark surrounding and defending their property, which by their honest cares and labours they have acquired so that no portions of it can legally be taken from them, but with their own full and free consent, when they in their judgment deem it just and necessary to give them for public service, and precisely direct the easiest, cheapest, and most equal methods, in which they shall be collected.

The influence of this right extends still farther. If money is wanted by Rulers who have in any manner oppressed the people, they may retain it until their grievances are redressed; and thus peaceably procure relief, without trusting to despised petitions or disturbing the public tranquility.

The next great right is that of trial by jury. This provides that neither life, liberty nor property can be taken from the possessor until twelve of his unexceptionable countrymen and peers of his vicinage, who from that neighbourhood may reasonably be supposed to be acquainted with his character and the characters of the witnesses, upon a fair trial, and full enquiry, face to face in open Court before as many people as chuse to attend, shall pass their sentence upon oath against him; a sentence that cannot injure him without injuring their own reputation and probably their interest also, as the question may turn on points that in some degree concern the general welfare; and if it does not, their verdict may form a precedent that on a similar trial of their own may militate against themselves.

Another right relates merely to the liberty of the person. If a subject is seized and imprisoned, tho’ by order of Government, he may by virtue of this right immediately obtain a writ termed a Habeas Corpus, from a Judge whose sworn duty it is to grant it, and thereupon procure any illegal restraint to be quickly enquired into and redressed.

A fourth right is that of holding lands by the tenure of easy rents and not by rigorous and oppressive services, frequently forcing the possessors from their families and their business to perform what ought to be done in all well regulated states by men hired for the purpose.

The last right we shall mention regards the freedom of the press. The importance of this consists, besides the advancement of truth, science, morality, and arts in general, in its diffusion of liberal sentiments on the administration of Government, its ready communication of thoughts

between subjects, and its consequential promotion of union among them, whereby oppressive officers are shamed or intimidated into more honourable and just modes of conducting affairs.

These are the invaluable rights that form a considerable part of our mild system of government; that, sending its equitable energy through all ranks and classes of men, defends the poor from the rich, the weak from the powerful, the industrious from the rapacious, the peaceable from the violent, the tenants from the lords, and all from their superiors.

These are the rights without which a people cannot be free and happy, and under the protecting and encouraging influence of which these colonies have hitherto so amazingly flourished and increased. These are the rights a profligate Ministry are now striving by force of arms to ravish from us, and which we are with one mind resolved never to resign but with our lives.

These are the rights *you* are entitled to and ought at this moment in perfection to exercise. And what is offered to you by the late Act of Parliament in their place? Liberty of conscience in your religion? No. God gave it to you; and the temporal powers with which you have been and are connected, firmly stipulated for your enjoyment of it. If laws, divine and human, could secure it against the despotic caprices of wicked men, it was secured before. Are the French laws in *civil* cases restored? *It seems so*. But observe the cautious kindness of the Ministers, who pretend to be your benefactors. The words of the statute are—that those “laws shall be the rule, until they shall be *varied* or *altered* by any ordinances of the Governor and Council.” Is the “certainty and lenity of the *criminal* law of England, and its benefits and advantages,” commended in the said statute, and said to “have been sensibly felt by you,” secured to you and your descendants? No. They too are subjected to arbitrary “*alterations*” by the Governor and Council; and a power is expressly reserved of appointing “such courts of *criminal, civil* and *ecclesiastical* jurisdiction, as shall be thought proper.” Such is the precarious tenure of mere *will* by which you hold your lives and religion. The Crown and its Ministers are impowered, as far as they could be by Parliament, to establish even the *Inquisition* itself among you. Have you an Assembly composed of worthy men, elected by yourselves and in whom you can confide, to make laws for you, to watch over your welfare, and to direct in what quantity and in what manner your money shall be taken from you? No. The Power of making laws for you is lodged in the governor and council, all of them dependent upon and removeable at the *pleasure* of a Minister. Besides, another late statute, made without your consent, has subjected you to the impositions of *Excise*, the horror of all free states, thus wresting

your property from you by the most odious of taxes and laying open to insolent tax-gatherers, houses, the scenes of domestic peace and comfort and called the castles of English subjects in the books of their law. And in the very act for altering your government, and intended to flatter you, you are not authorized to “assess levy, or apply any *rates* and *taxes*, but for the inferior purposes of *making roads*, and erecting and repairing *public buildings*, or for other *local* conveniences, within your respective towns and districts.” Why this degrading distinction? Ought not the property, honestly acquired by *Canadians*, to be held as sacred as that of *Englishmen*? Have not Canadians sense enough to attend to any other public affairs than gathering stones from one place and piling them up in another? Unhappy people! who are not only injured, but insulted. Nay more! With such a superlative contempt of your understanding and spirit has an insolent Ministry presumed to think of you, our respectable fellow-subjects, according to the information we have received, as firmly to persuade themselves that your gratitude for the injuries and insults they have recently offered to you will engage you to take up arms and render yourselves the ridicule and detestation of the world, by becoming tools in their hands, to assist them in taking that freedom from *us* which they have treacherously denied to *you*; the unavoidable consequence of which attempt, if successful, would be the extinction of all hopes of you or your posterity being ever restored to freedom. For idiocy itself cannot believe that, when their drudgery is performed, they will treat you with less cruelty than they have us who are of the same blood with themselves.

What would your countryman, the immortal *Montesquieu*, have said to such a plan of domination as has been framed for you? Hear his words, with an intenseness of thought suited to the importance of the subject. – “In a free state, every man, who is supposed a free agent, *ought to be concerned in his own government*: Therefore the *legislative* should reside in the whole body of the *people*, or their *representatives*.” – “The political liberty of the subject is a *tranquillity of mind*, arising from the opinion each person has of his *safety*. In order to have this liberty, it is requisite the government be so constituted, as that one man need not be *afraid* of another. When the power of *making* laws, and the power of *executing* them, are *united* in the same person, or in the same body of Magistrates, *there can be no liberty*; because apprehensions may arise, lest the same *Monarch* or *Senate*, should *enact* tyrannical laws, to *execute* them in a tyrannical manner.”

“The power of *judging* should be exercised by persons taken from the *body of the people*, at certain times of the year, and pursuant to a form

and manner prescribed by law. *There is no liberty*, if the power of *judging* be not *separated* from the *legislative* and *executive* powers.”

“Military men belong to a profession, which *may be* useful, but *is often* dangerous.” – “The enjoyment of liberty, and even its support and preservation, consists in every man’s being allowed to speak his thoughts, and lay open his sentiments.”

Apply these decisive maxims, sanctified by the authority of a name which all Europe reveres, to your own state. You have a Governor, it may be urged, vested with the *executive* powers or the powers of *administration*. In him and in your Council is lodged the power of *making laws*. You have *Judges* who are to *decide* every cause affecting your lives, liberty or property. Here is, indeed, an appearance of the several powers being *separated* and *distributed* into *different* hands for checks one upon another, the only effectual mode ever invented by the wit of men to promote their freedom and prosperity. But scorning to be illuded by a tinsel’d outside, and exerting the natural sagacity of Frenchmen, *examine* the specious device and you will find it, to use an expression of holy writ, “a whited sepulchre” for burying your lives, liberty and property.

*Your Judges* and your *Legislative Council*, as it is called, are *dependant* on your Governor, and he is *dependant* on the servant of the Crown in Great-Britain. The *legislative*, *executive* and *judging* powers are *all* moved by the nods of a Minister. Privileges and immunities last no longer than his smiles. When he frowns, their feeble forms dissolve. Such a treacherous ingenuity has been exerted in drawing up the code lately offered you, that every sentence, beginning with a benevolent pretension, concludes with a destructive power; and the substance of the whole, divested of its smooth words, is—that the Crown and its Ministers shall be as absolute throughout your extended province as the despots of Asia or Africa. What can protect your property from taxing edicts and the rapacity of necessitous and cruel masters, your persons from Letters de Cachet, goals, dungeons, and oppressive services, your lives and general liberty from arbitrary and unfeeling rulers? We defy you, casting your view upon every side, to discover a single circumstance promising from any quarter the faintest hope of liberty to you or your posterity, but from an entire adoption into the union of these Colonies.

What advice would the truly great man before-mentioned, that advocate of freedom and humanity, give you, was he now living and knew that we, your numerous and powerful neighbours, animated by a just love of our invaded rights and united by the indissoluble bands of affection and interest, called upon you by every obligation of regard for



yourselves and your children, as we now do, to join us in our righteous contest, to make common cause with us therein and take a noble chance for emerging from a humiliating subjection under Governor's, Intendants, and Military Tyrants, into the firm rank and condition of English freemen, whose custom it is, derived from their ancestors, to make those tremble who dare to think of making them miserable?

Would not this be the purport of his address? "Seize the opportunity presented to you by Providence itself. You have been conquered into liberty, if you act as you ought. This work is not of man. You are a small people, compared to those who with open arms invite you into a fellowship. A moment's reflection should convince you which will be most for your interest and happiness, to have all the rest of North-America your unalterable friends, or your inveterate enemies. The injuries of Boston have roused and associated every colony, from Nova-Scotia to Georgia. Your province is the only link wanting, to compleat the bright and strong chain of union. Nature has joined your country to theirs. Do you join your political interests? For their own sakes, they never will desert or betray you. Be assured, that the happiness of a people inevitably depends on their liberty, and their spirit to assert it. The value and extent of the advantages tendered to you are immense. Heaven grant you may not discover them to be blessings after they have bid you an eternal adieu."

We are too well acquainted with the liberality of sentiment distinguishing your nation to imagine, that difference of religion will prejudice you against a hearty amity with us. You know that the transcendant nature of freedom elevates those who unite in her cause above all such low-minded infirmities. The Swiss Cantons furnish a memorable proof of this truth. Their union is composed of Roman Catholic and Protestant States, living in the utmost concord and peace with one another and thereby enabled, ever since they bravely vindicated their freedom, to defy and defeat every tyrant that has invaded them.

Should there be any among you, as there generally are in all societies, who prefer the favours of Ministers and their own private interests to the welfare of their country, the temper of such selfish persons will render them incredibly active in opposing all public-spirited measures from an expectation of being well rewarded for their sordid industry, by their superiors; but we doubt not you will be upon your guard against such men, and not sacrifice the liberty and happiness of the whole Canadian people and their posterity to gratify the avarice and ambition of individuals.

We do not ask you, by this address, to commence acts of hostility against the government of our common Sovereign. We only invite you to consult your own glory and welfare, and not to suffer yourselves to be inveigled or intimidated by infamous ministers so far as to become the instruments of their cruelty and despotism, but to unite with us in one social compact, formed on the generous principles of equal liberty and cemented by such an exchange of beneficial and endearing offices as to render it perpetual. In order to complete this highly desirable union, we submit it to your consideration whether it may not be expedient for you to meet together in your several towns and districts and elect Deputies, who afterwards meeting in a provincial Congress, may chuse Delegates to represent your province in the continental Congress to be held at Philadelphia on the tenth day of May, 1775.

In this present Congress, beginning on the fifth of the last month and continued to this day, it has been with universal pleasure and an unanimous vote resolved: That we should consider the violation of your rights, by the act for altering the government of your province, as a violation of our own, and that you should be invited to accede to our confederation, which has no other objects than the perfect security of the natural and civil rights of all the constituent members according to their respective circumstances, and the preservation of a happy and lasting connection with Great-Britain on the salutary and constitutional principles herein before mentioned. For effecting these purposes, we have addressed an humble and loyal petition to his Majesty praying relief of our and your grievances; and have associated to stop all importations from Great-Britain and Ireland, after the first day of December, and all exportations to those Kingdoms and the West-Indies after the tenth day of next September, unless the said grievances are redressed.

That Almighty God may incline your minds to approve our equitable and necessary measures, to add yourselves to us, to put your fate whenever you suffer injuries which you are determined to oppose not on the small influence of your single province but on the consolidated powers of North-America, and may grant to our joint exertions an event as happy as our cause is just, is the fervent prayer of us, your sincere and affectionate friends and fellow-subjects.

## The New England Restraining Act Parliament (March 30, 1775)

*An act to restrain the trade and commerce of the provinces of Massachusetts's Bay and New Hampshire, and colonies of Connecticut and Rhode Island, and Providence Plantation, in North America, to Great Britain, Ireland, and the British islands in the West Indies; and to prohibit such provinces and colonies from carrying on any fishery on the banks of Newfoundland, or other places therein mentioned, under certain conditions and limitations.*

[The section begins with a statement of the purport of certain of the acts of trade, and continues:] and whereas, during the continuance of the combinations and disorders, which at this time prevail within the provinces of Massachusetts's Bay and New Hampshire, and the colonies of Connecticut and Rhode Island, to the obstruction of the commerce of these kingdoms, and other his Majesty's dominions, and in breach and violation of the laws of this realm, it is highly unfit that the inhabitants of the said provinces and colonies should enjoy the same privileges of trade, and the same benefits and advantages to which his Majesty's faithful and obedient subjects are intitled; be it therefore enacted . . . That from and after . . . [July 1, 1775,] . . . and during the continuance of this act, no goods, wares, or merchandises, which are particularly enumerated in, and by the said act made in the twelfth year of king Charles the Second, or any other act, being the growth, product, or manufacture of the provinces of Massachusetts's Bay, or New Hampshire, or colonies of Connecticut, Rhode Island, or Providence Plantation, in North America, or any or either of them, are to be brought to some other British colony, or to Great Britain; or any such enumerated goods, wares, or merchandise, which shall at any time or times have been imported or brought into the said provinces or colonies, or any or either of them, shall be shipped, carried, conveyed, or transported, from any of the said provinces or colonies respectively, to any land, island, territory, dominion, port, or place whatsoever, other than to Great Britain, or some of the British islands in the West Indies, to be laid on shore there; and that no other goods, wares, or merchandises whatsoever, of the growth, product, or manufacture of the provinces or colonies herein-before mentioned, or which shall at any time or times have been imported or brought into the same, shall, from and after the said first day of July, and during the continuance of this act, be shipped, carried, conveyed, or transported, from any of the

said provinces or colonies respectively. to any other land, island, territory, dominion, port, or place whatsoever, except to the kingdoms of Great Britain or Ireland, or to some of the British islands in the West Indies, to be laid on shore there; any law, custom, or usage, to the contrary notwithstanding.

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IV. And it is hereby further enacted . . . , That from and after . . . [September I, 1775] . . . and during the continuance of this act, no sort of wines, salt, or any goods or commodities whatsoever, (except horses, victual, and linen cloth, the produce and manufacture of Ireland, imported directly from thence), shall be imported into any of the said colonies or provinces hereinbefore respectively mentioned, upon any pretense whatsoever, unless such goods shall be bona fide and without fraud laden and shipped in Great Britain, and carried directly from thence, upon forfeiture thereof, and of the ship or vessel on board which such goods shall be laden . . .

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VI. [Goods from the British West Indies may continue to be imported. ]  
VII. And it is hereby further enacted . . . , That if any ship or vessel, being the property of the subjects of Great Britain, not belonging to and fitted out from Great Britain or Ireland, or the islands of Guernsey, Jersey, Sark, Alderney, or Man, shall be found, after . . . [July 20, 1775,] . . . carrying on any fishery, of what nature or kind soever, upon the banks of Newfoundland, the coast of Labrador, or within the river or gulf of Saint Lawrence, or upon the coast of Cape Breton, or Nova Scotia, or any other part of the coast of North America, or having on board materials for carrying on any such fishery, every such ship or vessel, with her guns, ammunition, tackle, apparel, and furniture, together with the fish, if any shall be found on board, shall be forfeited, unless the master, or other person, having the charge of such ship Or vessel, do produce to the commander of any of his Majesty's ships of war, stationed for the protection and superintendence of the British fisheries in America, a certificate, under the hand and seal of the governor or commander in chief, of any of the colonies or plantations of Quebec, Newfoundland, Saint John, Nova Scotia, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, East Florida, West Florida, Bahamas, and Bermudas, setting forth, that such ship or vessel, expressing her name,

and the name of her master, and describing her built and burthen, hath fitted and cleared out, from someone of the said colonies or plantations, in order to proceed upon the said fishery, and that she actually and bona fide belongs to and is the whole and entire property of his Majesty's subjects, inhabitants of the said colony or plantation. . .

[Section VIII subjects vessels engaged in the fisheries to search. Sections IX., X., and XI. provide that this act shall not extend to ships clearing from the colonies before June 1, for the whale fishery only; nor to ships belonging to the island of Nantucket, cleared for the whale fishery, and having a proper certificate; nor to fishing vessels fitted out by the towns of Marshfield and Scituate. By Sec. XII., the St. Croix river is declared to be, for the purposes of this act, the boundary between Massachusetts and Nova Scotia.]

XIII. And whereas it is the intent and meaning of the fact, that the several prohibitions and restraints herein imposed upon the trade and commerce, and fisheries, of the said provinces and colonies should be discontinued and cease, so soon as the trade and commerce of his Majesty's subjects may be carried on without interruption; be it therefore enacted . . . , That whenever it shall be made appear to the satisfaction of his Majesty's governor or commander in chief, and the majority of the council, in the provinces of New Hampshire and Massachusetts's Bay respectively, that peace and obedience to the laws shall be so far restored within the said provinces, or either of them, that the trade and commerce of his Majesty's subjects may be carried on without interruption within the same; and that goods, wares, and merchandise, have been freely imported into the said provinces, or either of them, from Great Britain, and exposed to sale, without any let, hindrance, or molestation, from or by reason of any unlawful combinations to prevent or obstruct the same; and that goods, wares, and merchandise, have in like manner been exported from the said provinces, or either of them respectively, to Great Britain, for and during the term of one calendar month preceeding; that then, and in such case, it shall and may be lawful for the governor or commander in chief, with the advice of the council of such provinces respectively, by proclamation, under the seal of such respective province, to notify the same to the several officers of the customs, and all others; and after such proclamation, this act with respect to such province, within which such proclamation or proclamations have been issued as aforesaid, shall be discontinued and cease, (except as herein-after provided) . . .  
[By Sections XIV. and XV., like proclamation may be made for

Connecticut and Rhode Island, on proof that lawful trade has been resumed; but proceedings upon previous seizures are not to be thereby discharged.]

(Haldimand Collection)

### **Olive Branch Petition**

Second Continental Congress (July 8, 1775)

After the outbreak of fighting at Lexington and Concord in April, 1775, the Second Continental Congress met in Philadelphia. A majority of delegates wanted to appeal to Britain for reconciliation. A radical minority under John Adams of Massachusetts saw that war had begun but bided their time, allowing the reconciliation faction led by John Dickinson to try to reconcile with the king.

Thomas Jefferson wrote the first draft of the Olive Branch Petition, but Dickinson thought the language too inflammatory; Dickinson insisted that the colonies did not seek independence and appealed to George III to author a plan to resolve trade and tax disputes. Even the Massachusetts radicals – John Hancock, Samuel Adams and John Adams – signed the Olive Branch Petition.

The British sensed that the Petition was false after intercepting a letter from John Adams who expressed the view that he saw war was inevitable and that the colonies should have already raised their own armed forces and captured officials of the Crown. The letter's arrival in London coincided with the arrival of the Olive Branch Petition, leading officials to dismiss the petition as a ploy.

George III rejected the petition, playing into the hands of the Adamses and other radicals who used the rejection to confirm that the British wanted to crush the

colonies by force. Had the king accepted the petition, he could have taken advantage of the splits in the Continental Congress, marginalized the pro-independence radicals from New England and Virginia, and even prevented the Congress from raising the newly established Continental Army under George Washington's command.

To the King's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN: We, your Majesty's faithful subjects of the Colonies of New-Hampshire, Massachusetts-Bay, Rhode-Island, New-Jersey, Pennsylvania, the Counties of Newcastle, Kent, and Sussex, on Delaware, Maryland, Virginia, North Carolina, and South Carolina, in behalf of ourselves and the inhabitants of these Colonies, who have deputed us to represent them in General Congress, entreat your Majesty's gracious attention to this our humble petition. The union between our Mother Country and these Colonies, and the energy of mild and just Government, produce benefits so remarkably important, and afforded such an assurance of their permanency and increase, that the wonder and envy of other nations were excited, while they beheld Great Britain rising to a power the most extra-ordinary the world had ever known.

Her rivals, observing that there was no probability of this happy connexion being broken by civil dissensions, and apprehending its future effects if left any longer undisturbed, resolved to prevent her receiving such continual and formidable accessions of wealth and strength, by checking the growth of those settlements from which they were to be derived.

In the prosecution of this attempt, events so unfavourable to the design took place, that every friend to the interests of Great Britain and these Colonies, entertained pleasing and reasonable expectations of seeing an additional force and exertion immediately given to the operations of the union hitherto experienced, by an enlargement of the dominions of the Crown, and the removal of ancient and warlike enemies to a greater distance.

At the conclusion, therefore, of the late war, the most glorious and advantageous that ever had been carried on by British arms, your loyal

Colonists having contributed to its success by such repeated and strenuous exertions as frequently procured them the distinguished approbation of your Majesty, of the late King, and of Parliament, doubted not but that they should be permitted, with the rest of the Empire, to share in the blessings of peace, and the emoluments of victory and conquest.

While these recent and honourable acknowledgements of their merits remained on record in the Journals and acts of that august Legislature, the Parliament, undefaced by the imputation or even the suspicion of any offence, they were alarmed by a new system of statutes and regulations adopted for the administration of the Colonies, that filled their minds with the most painful fears and jealousies; and, to their inexpressible astonishment, perceived the danger of a foreign quarrel quickly succeeded by domestick danger, in their judgment of a more dreadful kind.

Nor were these anxieties alleviated by any tendency in this system to promote the welfare of their Mother Country. For though its effects were more immediately felt by them, yet its influence appeared to be injurious to the commerce and prosperity of Great Britain.

We shall decline the ungrateful task of describing the irksome variety of artifices practised by many of your Majesty's Ministers, the delusive pretences, fruitless terrors, and unavailing severities, that have, from time to time, been dealt out by them, in their attempts to execute this impolitick plan, or of tracing through a series of years past the progress of the unhappy differences between Great Britain and these Colonies, that have flowed from this fatal source.

Your Majesty's Ministers, persevering in their measures, and proceeding to open hostilities for enforcing them, have compelled us to arm in our own defence, and have engaged us in a controversy so peculiarly abhorrent to the affections of your still faithful Colonists, that when we consider whom we must oppose in this contest, and if it continues, what may be the consequences, our own particular misfortunes are accounted by us only as parts of our distress.

Knowing to what violent resentments and incurable animosities civil discords are apt to exasperate and inflame the contending parties, we think ourselves required by indispensable obligations to Almighty God, to your Majesty, to our fellow-subjects, and to ourselves, immediately



to use all the means in our power, not incompatible with our safety, for stopping the further effusion of blood, and for averting the impending calamities that threaten the British Empire.

Thus called upon to address your Majesty on affairs of such moment to America, and probably to all your Dominions, we are earnestly desirous of performing this office with the utmost deference for your Majesty; and we therefore pray, that your Majesty's royal magnanimity and benevolence may make the most favourable constructions of our expressions on so uncommon an occasion. Could we represent in their full force the sentiments that agitate the minds of us your dutiful subjects, we are persuaded your Majesty would ascribe any seeming deviation from reverence in our language, and even in our conduct, not to any reprehensible intention, but to the impossibility of reconciling the usual appearance of respect with a just attention to our own preservation against those artful and cruel enemies who abuse your royal confidence and authority, for the purpose of effecting our destruction.

Attached to your Majesty's person, family, and Government, with all devotion that principle and affection can inspire; connected with Great Britain by the strongest ties that can unite societies, and deploring every event that tends in any degree to weaken them, we solemnly assure your Majesty, that we not only most ardently desire the former harmony between her and these Colonies may be restored, but that a concord may be established between them upon so firm a basis as to perpetuate its blessings, uninterrupted by any future dissensions, to succeeding generations in both countries, and to transmit your Majesty's name to posterity, adorned with that signal and lasting glory that has attended the memory of those illustrious personages, whose virtues and abilities have extricated states from dangerous convulsions, and by securing the happiness to others, have erected the most noble and durable monuments to their own fame.

We beg further leave to assure your Majesty, that notwithstanding the sufferings of your loyal Colonists during the course of this present controversy, our breasts retain too tender a regard for the kingdom from which we derive our origin, to request such a reconciliation as might, in any manner, be inconsistent with her dignity or welfare. These, related as we are to her, honour and duty, as well as inclination, induce us to support and advance; and the apprehensions that now oppress our hearts with unspeakable grief, being once removed, your Majesty will

find our faithful subject on this Continent ready and willing at all times, as they have ever been with their lives and fortunes, to assert and maintain the rights and interests of your Majesty, and of our Mother Country.

We therefore beseech your Majesty, that your royal authority and influence may be graciously interposed to procure us relief from our afflicting fears and jealousies, occasioned by the system before-mentioned, and to settle peace through every part of our Dominions, with all humility submitting to your Majesty's wise consideration, whether it may not be expedient, for facilitating those important purposes, that your Majesty be pleased to direct some mode, by which the united applications of your faithful Colonists to the Throne, in pursuance of their common counsels, may be improved into a happy and permanent reconciliation; and that, in the mean time, measures may be taken for preventing the further destruction of the lives of your Majesty's subjects; and that such statutes as more immediately distress any of your Majesty's Colonies may be repealed.

For such arrangements as your Majesty's wisdom can form for collecting the united sense of your American people, we are convinced your Majesty would receive such satisfactory proofs of the disposition of the Colonists towards their Sovereign and Parent State, that the wished for opportunity would soon be restored to them, of evincing the sincerity of their professions, by every testimony of devotion becoming the most dutiful subjects, and the most affectionate Colonists.

That your Majesty may enjoy long and prosperous reign, and that your descendants may govern your Dominions with honour to themselves and happiness to their subjects, is our sincere prayer.

JOHN HANCOCK,

JOHN LANGDON,  
THOMAS CUSHING, New-Hampshire

SAMUEL ADAMS,  
JOHN ADAMS,  
ROBERT TREAT PAINE, Massachusetts

STEPHEN HOPKINS,  
SAMUEL WARD,  
ELIPHALET DYER, Rhode-Island

ROGER SHERMAN,  
SILAS DEANE, Connecticut

PHILIP LIVINGSTON,  
JAMES DUANE,  
JOHN ALSOP,  
FRANCIS LEWIS,  
JOHN JAY,  
ROBERT LIVINGSTON, JR.,  
LEWIS MORRIS,  
WILLIAM FLOYD,  
HENRY WISNER, New-York

WILLIAM LIVINGSTON,  
JOHN DE HART,  
RICHARD SMITH, New-Jersey

JOHN DICKINSON,  
BENJAMIN FRANKLIN,  
GEORGE ROSS,  
JAMES WILSON,  
CHARLES HUMPHREYS,  
EDWARD BIDDLE, Pennsylvania

CAESAR RODNEY,  
THOMAS McKEAN,  
GEORGE READ, Delaware Counties

MATTHEW TILGHMAN,  
THOMAS JOHNSON, JR.,  
WILLIAM PACA,  
SAMUEL CHASE,  
THOMAS STONE, Maryland

PATRICK HENRY, JR.,  
RICHARD HENRY LEE,  
EDMUND PENDLETON,

BENJAMIN HARRISON,  
THOMAS JEFFERSON, Virginia

WILLIAM HOOPER,  
JOSEPH HEWES, North-Carolina

HENRY MIDDLETON,  
THOMAS LYNCH,  
CHRISTOPHER GADSDEN,  
JOHN RUTLEDGE,  
EDWARD RUTLEDGE, South-Carolina

## Reason and Rhetoric

### Rules by Which a Great Empire May Be Reduced to a Small One

Benjamin Franklin (1773)<sup>7</sup>

*Like almost all Americans in 1773, Benjamin Franklin considered himself an Englishman who was born in North America. At the time he served in London as an agent for the colonies of Philadelphia and Massachusetts. He was concerned that the British government's policies toward its American colonies would cause alienation and the ultimate weakening of the empire. This list of twenty rules appeared in various American and British newspapers in the autumn of 1773.*

An ancient Sage valued himself upon this, that tho' he could not fiddle, he knew how to make a great City of a little one. The Science that I, a modern Simpleton, am about to communicate is the very reverse.

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<sup>7</sup> *The Public Advertiser*, September 11, 1773. Reprinted by Carl Van Doren, ed., *Benjamin Franklin and Jonathan Edwards: Selections from their Writings* (Charles Scribner's, 1920), pp. 112-119.

I address myself to all Ministers who have the Management of extensive Dominions, which from their very Greatness are become troublesome to govern, because the Multiplicity of their Affairs leaves no Time for fiddling.

- I. In the first Place, Gentlemen, you are to consider, that a great Empire, like a great Cake, is most easily diminished at the Edges. Turn your Attention therefore first to your remotest Provinces; that as you get rid of them, the next may follow in Order.
- II. That the Possibility of this Separation may always exist, take special Care the Provinces are never incorporated with the Mother Country, that they do not enjoy the same common Rights, the same Privileges in Commerce, and that they are governed by severer Laws, all of your enacting, without allowing them any Share in the Choice of the Legislators. By carefully making and preserving such Distinctions, you will (to keep to my Simile of the Cake) act like a wise Gingerbread Baker, who, to facilitate a Division, cuts his Dough half through in those Places, where, when bak'd, he would have it broken to Pieces.
- III. These remote Provinces have perhaps been acquired, purchas'd, or conquer'd, at the sole Expence of the Settlers or their Ancestors, without the Aid of the Mother Country. If this should happen to increase her Strength by their growing Numbers ready to join in her Wars, her Commerce by their growing Demand for her Manufactures, or her Naval Power by greater Employment for her Ships and Seamen, they may probably suppose some Merit in this, and that it entitles them to some Favour; you are therefore to forget it all, or resent it as if they had done you Injury. If they happen to be zealous Whigs, Friends of Liberty, nurtur'd in Revolution Principles, remember all that to their Prejudice, and contrive to punish it: For such Principles, after a Revolution is thoroughly established, are of no more Use, they are even odious and abominable.
- IV. However peaceably your Colonies have submitted to your Government, shewn their Affection to your Interest, and patiently borne their Grievances, you are to suppose them always inclined to revolt, and treat them accordingly. Quarter Troops among them, who by their Insolence may provoke the rising of Mobs, and by their Bullets and Bayonets suppress them. By this Means, like the Husband who uses his Wife ill from Suspicion, you may in Time convert your Suspicions into Realities.

- V. Remote Provinces must have Governors, and Judges, to represent the Royal Person, and execute every where the delegated Parts of his Office and Authority. You Ministers know, that much of the Strength of Government depends on the Opinion of the People; and much of that Opinion on the Choice of Rulers placed immediately over them. If you send them wise and good Men for Governors, who study the Interest of the Colonists, and advance their Prosperity, they will think their King wise and good, and that he wishes the Welfare of his Subjects. If you send them learned and upright Men for Judges, they will think him a Lover of Justice. This may attach your Provinces more to his Government. You are therefore to be careful who you recommend for those Offices. – If you can find Prodigals who have ruined their Fortunes, broken Gamesters or Stock-Jobbers, these may do well as Governors; for they will probably be rapacious, and provoke the People by their Extortions. Wrangling Proctors and petty-fogging Lawyers too are not amiss, for they will be for ever disputing and quarrelling with their little Parliaments. If withal they should be ignorant, wrong-headed and insolent, so much the better. Attorneys Clerks and Newgate Solicitors will do for Chief-Justices, especially if they hold their Places during your Pleasure: - And all will contribute to impress those ideas of your Government that are proper for a People you would wish to renounce it.
- VI. To confirm these Impressions, and strike them deeper, whenever the Injured come to the Capital with Complaints of Mal-administration, Oppression, or Injustice, punish such Suitors with long Delay, enormous Expence, and a final Judgment in Favour of the Oppressor. This will have an admirable Effect every Way. The Trouble of future Complaints will be prevented, and Governors and Judges will be encouraged to farther Acts of Oppression and Injustice; and thence the People may become more disaffected, and at length desperate.
- VII. When such Governors have crammed their Coffers, and made themselves so odious to the People that they can no longer remain among them with Safety to their Persons, recall and reward them with Pensions. You may make them Baronets too, if that respectable Order should not think fit to resent it. All will contribute to encourage new Governors in the same Practices, and make the supreme Government detestable.
- VIII. If when you are engaged in War, your Colonies should vie in liberal Aids of Men and Money against the common Enemy,

upon your simple Requisition, and give far beyond their Abilities, reflect, that a Penny taken from them by your Power is more honourable to you than a Pound presented by their Benevolence. Despise therefore their voluntary Grants, and resolve to harrass them with novel Taxes. They will probably complain to your Parliaments that they are taxed by a Body in which they have no Representative, and that this is contrary to common Right. They will petition for Redress. Let the Parliaments flout their Claims, reject their Petitions, refuse even to suffer the reading of them, and treat the Petitioners with the utmost Contempt. Nothing can have a better Effect, in producing the Alienation proposed; for though many can forgive Injuries, none ever forgave Contempt.

- IX. In laying these Taxes, never regard the heavy Burthens those remote People already undergo, in defending their own Frontiers, supporting their own provincial Governments, making new Roads, building Bridges, Churches and other public Edifices, which in old Countries have been done to your Hands by your Ancestors, but which occasion constant Calls and Demands on the Purses of a new People. Forget the Restraints you lay on their Trade for your own Benefit, and the Advantage a Monopoly of this Trade gives your exacting Merchants. Think nothing of the Wealth those Merchants and your Manufacturers acquire by the Colony Commerce; their encreased Ability thereby to pay Taxes at home; their accumulating, in the Price of their Commodities, most of those Taxes, and so levying them from their consuming Customers: All this, and the Employment and Support of Thousands of your Poor by the Colonists, you are intirely to forget. But remember to make your arbitrary Tax more grievous to your Provinces, by public Declarations importing that your Power of taxing them has no Limits, so that when you take from them without their Consent a Shilling in the Pound, you have a clear Right to the other nineteen. This will probably weaken every Idea of Security in their Property, and convince them that under such a Government they have nothing they can call their own; which can scarce fail of producing the happiest Consequences!
- X. Possibly indeed some of them might still comfort themselves, and say, 'Though we have no Property, we have yet something left that is valuable; we have constitutional Liberty both of Person and of Conscience. This King, these Lords, and these Commons, who it seems are too remote from us to know us and

feel for us, cannot take from us our Habeas Corpus Right, or our Right of Trial by a Jury of our Neighbours: They cannot deprive us of the Exercise of our Religion, alter our ecclesiastical Constitutions, and compel us to be Papists if they please, or Mahometans.' To annihilate this Comfort, begin by Laws to perplex their Commerce with infinite Regulations impossible to be remembered and observed; ordain Seizures of their Property for every Failure; take away the Trial of such Property by Jury, and give it to arbitrary Judges of your own appointing, and of the lowest Characters in the Country, whose Salaries and Emoluments are to arise out of the Duties or Condemnations, and whose Appointments are during Pleasure. Then let there be a formal Declaration of both Houses, that Opposition to your Edicts is Treason, and that Persons suspected of Treason in the Provinces may, according to some obsolete Law, be seized and sent to the Metropolis of the Empire for Trial; and pass an Act that those there charged with certain other Offences shall be sent away in Chains from their Friends and Country to be tried in the same Manner for Felony. Then erect a new Court of Inquisition among them, accompanied by an armed Force, with Instructions to transport all such suspected Persons, to be ruined by the Expence if they bring over Evidences to prove their Innocence, or be found guilty and hanged if they can't afford it. And lest the People should think you cannot possibly go any farther, pass another solemn declaratory Act, that 'King, Lords, and Commons had, hath, and of Right ought to have, full Power and Authority to make Statutes of sufficient Force and Validity to bind the unrepresented Provinces IN ALL CASES WHATSOEVER.' This will include spiritual with temporal; and taken together, must operate wonderfully to your Purpose, by convincing them, that they are at present under a Power something like that spoken of in the Scriptures, which can not only kill their Bodies, but damn their Souls to all Eternity, by compelling them, if it pleases, to worship the Devil.

- XI. To make your Taxes more odious, and more likely to procure Resistance, send from the Capital a Board of Officers to superintend the Collection, composed of the most indiscreet, ill-bred and insolent you can find. Let these have large Salaries out of the extorted Revenue, and live in open grating Luxury upon the Sweat and Blood of the Industrious, whom they are to worry continually with groundless and expensive Prosecutions before the above-mentioned arbitrary Revenue-Judges, all at the Cost of



the Party prosecuted tho' acquitted, because the King is to pay no Costs. – Let these Men by your Order be exempted from all the common Taxes and Burthens of the Province, though they and their Property are protected by its Laws. If any Revenue Officers are suspected of the least Tenderness for the People, discard them. If others are justly complained of, protect and reward them. If any of the Under-officers behave so as to provoke the People to drub them, promote those to better Offices: This will encourage others to procure for themselves such profitable Drubbings, by multiplying and enlarging such Provocations, and all with work towards the End you aim at.

- XII. Another Way to make your Tax odious, is to misapply the Produce of it. If it was originally appropriated for the Defence of the Provinces and the better Support of Government, and the Administration of Justice where it may be necessary, then apply none of it to that Defence, but bestow it where it is not necessary, in augmented Salaries or Pensions to every Governor who has distinguished himself by his Enmity to the People, and by calumniating them to their Sovereign. This will make them pay it more unwillingly, and be more apt to quarrel with those that collect it, and those that imposed it, who will quarrel again with them, and all shall contribute to your main Purpose of making them weary of your Government.
- XIII. If the People of any Province have been accustomed to support their own Governors and Judges to Satisfaction, you are to apprehend that such Governors and Judges may be thereby influenced to treat the People kindly, and to do them Justice. This is another Reason for applying Part of that Revenue in larger Salaries to such Governors and Judges, given, as their Commissions are, during your Pleasure only, forbidding them to take any Salaries from their Provinces; that thus the People may no longer hope any Kindness from their Governors, or (in Crown Cases) any Justice from their Judges. And as the Money thus mis-applied in one Province is extorted from all, probably all will resent the Mis-application.
- XIV. If the Parliaments of your Provinces should dare to claim Rights or complain of your Administration, order them to be harass'd with repeated Dissolutions. If the same Men are continually return'd by new Elections, adjourn their Meetings to some Country Village where they cannot be accommodated, and there keep them during Pleasure; for this, you know, is your PREROGATIVE; and an excellent one it is, as you may manage

it, to promote Discontents among the People, diminish their Respect, and increase their Dis-affection.

- XV. Convert the brave honest Officers of your Navy into pimping Tide-waiters and Colony Officers of the Customs. Let those who in Time of War fought gallantly in Defence of the Commerce of their Countrymen, in Peace be taught to prey upon it. Let them learn to be corrupted by great and real Smugglers, but (to shew their Diligence) scour with armed Boats every Bay, Harbour, River, Creek, Cove or Nook throughout the Coast of your Colonies, stop and detain every Coaster, every Wood-boat, every Fisherman, tumble their Cargoes, and even their Ballast, inside out and upside down; and if a Penn'orth of Pins is found un-entered, let the Whole be seized and confiscated. Thus shall the Trade of your Colonists suffer more from their Friends in Time of Peace, than it did from their Enemies in War. Then let these Boats Crews land upon every Farm in their Way, rob the Orchards, steal the Pigs and Poultry, and insult the Inhabitants. If the injured and exasperated Farmers, unable to procure other Justice, should attack the Agressors, drub them and burn their Boats, you are to call this High Treason and Rebellion, order Fleets and Armies into their Country, and threaten to carry all the Offenders three thousand Miles to be hang'd, drawn and quartered. O! this will work admirably!
- XVI. If you are told of Discontents in your Colonies, never believe that they are general, or that you have given Occasion for them; therefore do not think of applying any Remedy, or of changing any offensive Measure. Redress no Grievance, lest they should be encouraged to demand the Redress of some other Grievance. Grant no Request that is just and reasonable, lest they should make another that is unreasonable. Take all your Informations of the State of the Colonies from your Governors and Officers in Enmity with them. Encourage and reward these Leasing-makers; secrete their lying Accusations lest they should be confuted; but act upon them as the clearest Evidence, and believe nothing you hear from the Friends of the People. Suppose all their Complaints to be invented and promoted by a few factious Demagogues, whom if you could catch and hang, all would be quiet. Catch and hang a few of them accordingly; and the Blood of the Martyrs shall work Miracles in favour of your Purpose.
- XVII. If you see rival Nations rejoicing at the Prospect of your Disunion with your Provinces, and endeavouring to promote it: If they translate, publish and applaud all the Complaints of your

discontented Colonists, at the same Time privately stimulating you to severer Measures; let not that alarm or offend you. Why should it? since you all mean the same Thing.

- XVIII. If any Colony should at their own Charge erect a Fortress to secure their Port against the Fleets of a foreign Enemy, get your Governor to betray that Fortress into your Hands. Never think of paying what it cost the Country, for that would look, at least, like some Regard for Justice; but turn it into a Citadel to awe the Inhabitants and curb their Commerce. If they should have lodged in such Fortress the very Arms they bought and used to aid you in your Conquests, seize them all, 'twill provoke like Ingratitude added to Robbery. One admirable Effect of these Operations will be, to discourage every other Colony from erecting such Defences, and so their and your Enemies may more easily invade them, to the great Disgrace of your Government, and of course the Furtherance of your Project.
- XIX. Send Armies into their Country under Pretence of protecting the Inhabitants; but instead of garrisoning the Forts on their Frontiers with those Troops, to prevent Incursions, demolish those Forts, and order the Troops into the Heart of the Country, that the Savages may be encouraged to attack the Frontiers, and that the Troops may be protected by the Inhabitants: This will seem to proceed from your Ill will or your Ignorance, and contribute farther to produce and strengthen an Opinion among them, that you are no longer fit to govern them.

Lastly, Invest the General of your Army in the Provinces with great and unconstitutional Powers, and free him from the Controul of even your own Civil Governors. Let him have Troops now under his Command, with all the Fortresses in his Possession; and who knows but (like some provincial Generals in the Roman Empire, and encouraged by the universal Discontent you have produced) he may take it into his Head to set up for himself. If he should, and you have carefully practised these few excellent Rules of mine, take my Word for it, all the Provinces will immediately join him, and you will that Day (if you have not done it sooner) get rid of the Trouble of governing them, and all the Plagues attending their Commerce and Connection from thenceforth and for ever. Q.E.D.

## The Intolerable Acts

In March, 1774, Parliament passed the Coercive Acts in response to the Boston Tea Party. The Patriots called the package of laws the "Intolerable Acts." The four laws did the following:

- Enforced the 1765 Quartering Act to house British troops in private Massachusetts homes and businesses.
- Shielded royal officials accused of capital crimes from the colonial courts, allowing them to be tried in England; and enabled the crown to remove British subjects in America to England for trial, rather than a trial of their peers (Administration of Justice Act);
- Allowed the royally appointed governor of Massachusetts to shut down town meetings and the colonial legislature (Massachusetts Government Act);
- Destroyed the Massachusetts economy by blockading Boston Harbor until the city paid reparations to the British East India Company for the destroyed tea.

A related law, the Quebec Act, was aimed at appeasing the French Catholic population and neutralizing the New Englanders' attempts to unite Quebec with their political movement.

The texts of the Intolerable Acts appear in this book on pages 169-198. On the following pages, contemporary political cartoons graphically display the political rhetoric on both sides of the Atlantic.

## Rape of Boston

*London Magazine* (May 1, 1774)

In this British cartoon, Prime Minister Lord North – labeled “the able Doctor” – force-feeds a teapotful of “Intolerable Acts” down the throat of America, who is portrayed as a victimized Indian woman. America spits the hot tea back into the prime minister’s face. In North’s pocket is the Boston Port Bill, one of the Intolerable Acts that North authored. Lord Chief Justice Mansfield holds back America’s arms and bears her breasts. Lord Sandwich, renowned as a notorious womanizer and pervert, holds America by the feet and looks up her dress. A “Boston Petition” lays torn on the ground. Standing at left is a British officer brandishing a sword labeled, “Military Law.” Behind Mother Britannia is in the background, inconsolable.

Paul Revere copied and printed the cartoon, and the Sons of Liberty circulated it widely. (*British Cartoon Collection, Prints and Photographs Division, LC-USZC4-5289*)

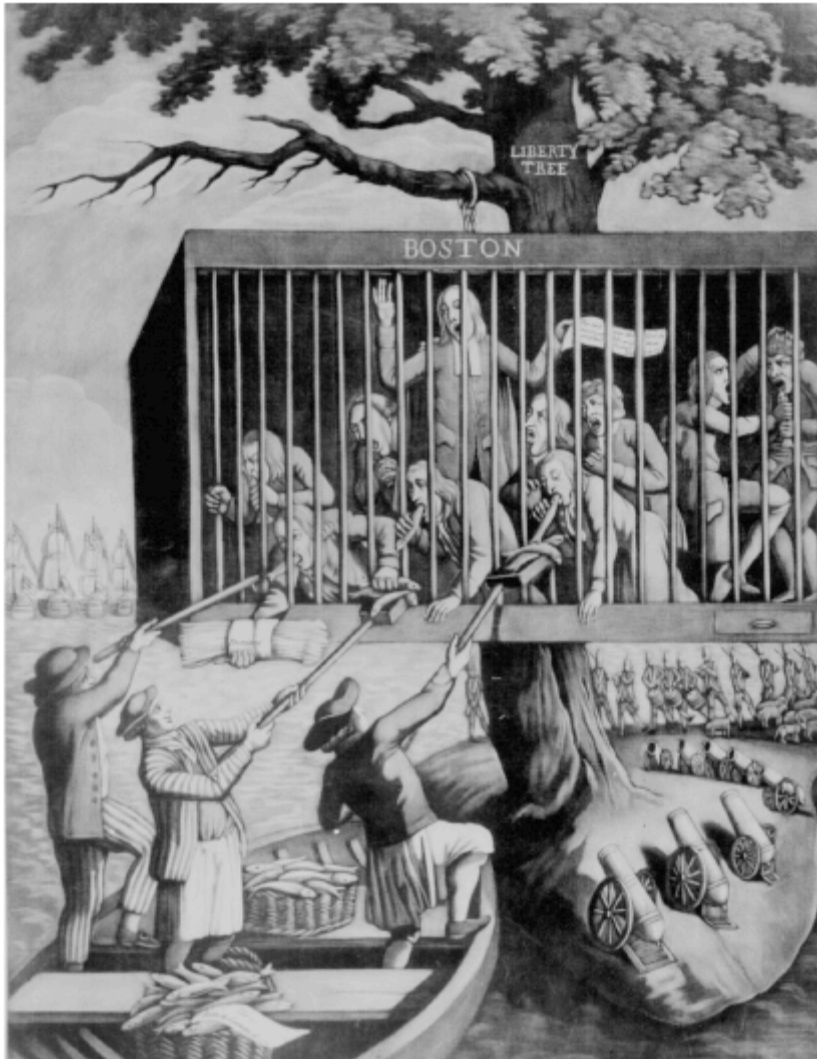


## Tarring and Feathering (1774)



This English cartoon from 1774 shows Bostonians force-feeding hot tea to a local tax collector, whom they have tarred and feathered. The Americans are shown standing under a Liberty Tree, depicted as a gallows, with a copy of the 1765 Stamp Act affixed upside-down, while Samuel Adams' men in the background dump British East India Company tea into the harbor. (The patriots hanged effigies of British officials from liberty trees, and occasionally tarred and feathered officials.) (*Library of Congress*)

## Bostonians in Distress (1774)



Besieged by British warships, troops and artillery, humiliated Bostonians in this English Tory cartoon are caged and hanging by a chain from their own Liberty Tree. They plead and wail, greedily devouring raw fish passed to them on poles. Two Bostonians on the right struggle over a fish. On the left, a Bostonian receives a fish in his mouth, takes another fish in his left hand, and with his right hand offers a bundle of straw marked "promises." (*Library of Congress*)



**America in Flames**

London (1774)





In this 1774 British cartoon on the previous page, America is a woman being burned alive as men from above (accompanied by a demon) fan the flames with bellows that symbolize the Quebec Act and the Coercive (Intolerable) Acts.

On the right, Lord North peers at America through a glass, holding one of the Coercive Acts in his hand.

To the left and below, four men representing the English opposition make weak attempts to put out the flames.

On the step, an overturned teapot spills its contents.

*From Town and Country magazine, London, vol. 6, December 1, 1774, p. 659.*

## **American Political Warfare versus Great Britain**

### **Petition to the King**

Continental Congress (1774)<sup>8</sup>

King George III was loath to treat the thirteen colonies as a single entity, and viewed the Continental Congress as an illegal body.

In this first official petition to the king, the members of the Continental Congress deferentially addressed their sovereign as any loyal subject would, politely stating their grievances often in the passive voice and blaming the problems on the king's officers and parliament. They sought the king's intercession to correct those problems. They took pains to state that they were writing as individuals and as elected representatives of the people of their respective colonies, and not as an inter-colonial organization.

George III reportedly refused to read the petition, and the letter went unanswered – another sign of royal intransigence that worked to the advantage of the independence movement.

To the Kings Most Excellent Majesty. Most Gracious Sovereign, We your majestys faithful subjects of the colonies of Newhampshire, Massachusetts-bay, Rhode-island and Provi-dence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, the counties of New-Castle Kent and Sussex on Delaware, Maryland, Virginia, North Carolina, and South Carolina, in behalf of ourselves and the inhabitants of these colonies who have deputed us to represent them in General

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<sup>8</sup> Issued October 25, 1774. Courtesy of the Library of Congress.

Congress, by this our humble petition, beg leave to lay our grievances before the throne.

A standing army has been kept in these colonies, ever since the conclusion of the late war, without the consent of our assemblies; and this army with a considerable naval armament has been employed to enforce the collection of taxes.

The Authority of the commander in chief, and, under him, of the brigadiers general has in time of peace, been rendered supreme in all the civil governments in America.

The commander in chief of all your majesty's forces in North-America has, in time of peace, been appointed governor of a colony.

The charges of usual offices have been greatly increased; and, new, expensive and oppressive offices have been multiplied.

The judges of admiralty and vice-admiralty courts are empowered to receive their salaries and fees from the effects condemned by themselves. The officers of the customs are empowered to break open and enter houses without the authority of any civil magistrate founded on legal information.

The judges of courts of common law have been made entirely dependent on one part of the legislature for their salaries, as well as for the duration of their commissions.

Councillors holding their commissions, during pleasure, exercise legislative authority.

Humble and reasonable petitions from the representatives of the people have been fruitless.

The agents of the people have been discountenanced and governors have been instructed to prevent the payment of their salaries.

Assemblies have been repeatedly and injuriously dissolved.

Commerce has been burthened with many useless and oppressive restrictions.

By several acts of parliament made in the fourth, fifth, sixth, seventh, and eighth years of your majesty's reign, duties are imposed on us, for the purpose of raising a revenue, and the powers of admiralty and vice-admiralty courts are extended beyond their ancient limits, whereby our property is taken from us without our consent, the trial by jury in many civil cases is abolished, enormous forfeitures are incurred for slight offences, vexatious informers are exempted from paying damages, to which they are justly liable, and oppressive security is required from owners before they are allowed to defend their right.

Both houses of parliament have resolved that colonists may be tried in England, for offences alleged to have been committed in America, by virtue of a statute passed in the thirty fifth year of Henry the eighth;

and in consequence thereof, attempts have been made to enforce that statute. A statute was passed in the twelfth year of your majesty's reign, directing, that persons charged with committing any offence therein described, in any place out of the realm, may be indicted and tried for the same, in any shire or county within the realm, whereby inhabitants of these colonies may, in sundry cases by that statute made capital, be deprived of a trial by their peers of the vicinage.

In the last sessions of the parliament, an act was passed for blocking up the harbour of Boston; another, empowering the governor of the Massachussets-bay to send persons indicted for murder in that province to another colony or even to Great Britain for trial whereby such offenders may escape legal punishment; a third, for altering the chartered constitution of government in that province; and a fourth for extending the limits of Quebec, abolishing the English and restoring the French laws, whereby great numbers of British freemen are subjected to the latter, and establishing an absolute government and the Roman Catholick religion throughout those vast regions, that border on the westerly and northerly boundaries of the free protestant English settlements; and a fifth for the better providing suitable quarters for officers and soldiers in his majesty's service in North-America.

To a sovereign, who "glories in the name of Briton" the bare recital of these acts must we presume, justify the loyal subjects, who fly to the foot of his throne and implore his clemency for protection against them.

From this destructive system of colony administration adopted since the conclusion of the last war, have flowed those distresses, dangers, fears and jealousies, that overwhelm your majesty's dutiful colonists with affliction; and we defy our most subtle and inveterate enemies, to trace the unhappy differences between Great-Britain and these colonies, from an earlier period or from other causes than we have assigned. Had they proceeded on our part from a restless levity of temper, unjust impulses of ambition, or artful suggestions of seditious persons, we should merit the opprobrious terms frequently bestowed upon us, by those we revere. But so far from promoting innovations, we have only opposed them; and can be charged with no offence, unless it be one, to receive injuries and be sensible of them.

Had our creator been pleased to give us existence in a land of slavery, the sense of our condition might have been mitigated by ignorance and habit. But thanks be to his adoreable goodness, we were born the heirs of freedom, and ever enjoyed our right under the auspices of your royal ancestors, whose family was seated on the British throne, to rescue and secure a pious and gallant nation from the popery and despotism of a superstitious and inexorable tyrant. Your majesty, we are confident,

justly rejoices, that your title to the crown is thus founded on the title of your people to liberty; and therefore we doubt not, but your royal wisdom must approve the sensibility, that teaches your subjects anxiously to guard the blessings, they received from divine providence, and thereby to prove the performance of that compact, which elevated the illustrious house of Brunswick to the imperial dignity it now possesses.

The apprehension of being degraded into a state of servitude from the pre-eminent rank of English free-men, while our minds retain the strongest love of liberty, and clearly foresee the miseries preparing for us and our posterity, excites emotions in our breasts, which though we cannot describe, we should not wish to conceal. Feeling as men, and thinking as subjects, in the manner we do, silence would be disloyalty. By giving this faithful information, we do all in our power, to promote the great objects of your royal cares, the tranquility of your government, and the welfare of your people.

Duty to your majesty and regard for the preservation of ourselves and our posterity, the primary obligations of nature and society command us to entreat your royal attention; and as your majesty enjoys the signal distinction of reigning over freemen, we apprehend the language of freemen can not be displeasing. Your royal indignation, we hope, will rather fall on those designing and dangerous men, who daringly interposing themselves between your royal person and your faithful subjects, and for several years past incessantly employed to dissolve the bonds of society, by abusing your majesty's authority, misrepresenting your American subjects and prosecuting the most desperate and irritating projects of oppression, have at length compelled us, by the force of accumulated injuries too severe to be any longer tolerable, to disturb your majesty's repose by our complaints.

These sentiments are extorted from hearts, that much more willingly would bleed in your majesty's service. Yet so greatly have we been misrepresented, that a necessity has been alledged of taking our property from us without our consent "to defray the charge of the administration of justice, the support of civil government, and the defence protection and security of the colonies." But we beg leave to assure your majesty, that such provision has been and will be made for defraying the two first articles, as has been and shall be judged, by the legislatures of the several colonies, just and suitable to their respective circumstances: And for the defence protection and security of the colonies, their militias, if properly regulated, as they earnestly desire may immediately be done, would be fully sufficient, at least in times of peace; and in case of war, your faithful colonists will be ready and

willing, as they ever have been when constitutionally required, to demonstrate their loyalty to your majesty, by exerting their most strenuous efforts in granting supplies and raising forces. Yielding to no British subjects, in affectionate attachment to your majesty's person, family and government, we too dearly prize the privilege of expressing that attachment by those proofs, that are honourable to the prince who receives them, and to the people who give them, ever to resign it to any body of men upon earth.

Had we been permitted to enjoy in quiet the inheritance left us by our forefathers, we should at this time have been peaceably, cheerfully and usefully employed in recommending ourselves by every testimony of devotion to your majesty, and of veneration to the state, from which we derive our origin. But though now exposed to unexpected and unnatural scenes of distress by a contention with that nation, in whose parental guidance on all important affairs we have hitherto with filial reverence constantly trusted, and therefore can derive no instruction in our present unhappy and perplexing circumstances from any former experience, yet we doubt not, the purity of our intention and the integrity of our conduct will justify us at the grand tribunal, before which all mankind must submit to judgment.

We ask but for peace, liberty, and safety. We wish not a diminution of the prerogative, nor do we solicit the grant of any new right in our favour. Your royal authority over us and our connexion with Great-Britain, we shall always carefully and zealously endeavor to support and maintain.

Filled with sentiments of duty to your majesty, and of affection to our parent state, deeply impressed by our education and strongly confirmed by our reason, and anxious to evince the sincerity of these dispositions, we present this petition only to obtain redress of grievances and relief from fears and jealousies occasioned by the system of statutes and regulations adopted since the close of the late war, for raising a revenue in America – extending the powers of courts of admiralty and vice-admiralty – trying persons in Great Britain for offences alledged to be committed in America – affecting the province of Massachusetts-bay, and altering the government and extending the limits of Quebec; by the abolition of which system, the harmony between Great-Britain and these colonies so necessary to the happiness of both and so ardently desired by the latter, and the usual intercourses will be immediately restored. In the magnanimity and justice of your majesty and parliament we confide, for a redress of our other grievances, trusting, that when the causes of our apprehensions are removed, our future conduct will prove us not unworthy of the regard, we have been

accustomed, in our happier days, to enjoy. For appealing to that being who searches thoroughly the hearts of his creatures, we solemnly profess, that our councils have been influenced by no other motive, than a dread of impending destruction.

Permit us then, most gracious sovereign, in the name of all your faithful people in America, with the utmost humility to implore you, for the honour of Almighty God, whose pure religion our enemies are undermining; for your glory, which can be advanced only by rendering your subjects happy and keeping them united; for the interests of your family depending on an adherence to the principles that enthroned it; for the safety and welfare of your kingdoms and dominions threatened with almost unavoidable dangers and distresses; that your majesty, as the loving father of your whole people, connected by the same bands of law, loyalty, faith and blood, though dwelling in various countries, will not suffer the transcendent relation formed by these ties to be farther violated, in uncertain expectation of effects, that, if attained, never can compensate for the calamities, through which they must be gained.

We therefore most earnestly beseech your majesty, that your royal authority and interposition may be used for our relief; and that a gracious answer may be given to this petition.

That your majesty may enjoy every felicity through a long and glorious reign over loyal and happy subjects, and that your descendants may inherit your prosperity and dominions 'til time shall be no more, is and always will be our sincere and fervent prayer.

### **Address to the People of Great Britain** Continental Congress (1774)<sup>9</sup>

To pressure the British government, and to inform and energize the opposition Whig party in Parliament, the Continental Congress issued a statement for publication in Britain that coincided with the petition to the king. The lively British press could be relied upon to publish the address in its entirety and serve as platforms for public debate across the Atlantic. John Jay was the principal author. The language differs markedly from that of the petition.

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<sup>9</sup> Courtesy of the Library of Congress.

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 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, 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 greater 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 offenses without having an opportunity of making his defense.

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 3,000 miles from the royal palace should enjoy less liberty than those who are 300 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 scepters 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 our 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 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 changes 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 defense. 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 life and property. It was ordained that whenever offenses 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

judiciary 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, offenses 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 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 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 a 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 maneuver, 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.

Diverse 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 30 or 40, to bring poverty, distress, and calamity on 30,000 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 pretense 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 the 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, modeled, 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 state of facts, let us beseech you to consider to what end they 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 placement. 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 what 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 independence. 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 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 affords us all the necessities 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 numbers 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.

### **To the Inhabitants of Canada** Continental Congress (1775)

Failing to convince Catholic and French-speaking Quebec to join the American colonies to assert their rights as British subjects, the Continental Congress took another tack and tried to appeal to all Canadians. By this time, in late May, 1775, hostilities had already erupted in the battles of Lexington and Concord. British military violence in one colony was seen as a threat to all.

As with the address to the people of Great Britain from the year before, John Jay wrote the "Letter to the Inhabitants of Canada." Congress ordered a translation into French and distribution of 1,000 copies in Quebec. The Continental Congress recognized the challenge of persuading the Canadians, repeating rather defensively that the Americans are friends and not enemies.

To the oppressed Inhabitants of Canada.

FRIENDS AND COUNTRYMEN,

Alarmed by the designs of an arbitrary Ministry, to extirpate the Rights and liberties of all America, a sense of common danger conspired with the dictates of humanity, in urging us to call your attention, by our late address, to this very important object.

Since the conclusion of the late war, we have been happy in considering you as fellow-subjects, and from the commencement of the present plan for subjugating the continent, we have viewed you as fellow-sufferers with us. As we were both entitled by the bounty of an indulgent creator to freedom, and being both devoted by the cruel edicts of a despotic administration, to common ruin, we perceived the fate of the protestant and catholic colonies to be strongly linked together, and therefore invited you to join with us in resolving to be free, and in rejecting, with disdain, the fetters of slavery, however artfully polished.

We most sincerely condole with you on the arrival of that day, in the course of which, the sun could not shine on a single freeman in all your extensive dominion. Be assured, that your unmerited degradation has engaged the most unfeigned pity of your sister colonies; and we flatter ourselves you will not, by tamely bearing the yoke, suffer that pity to be supplanted by contempt.

When hardy attempts are made to deprive men of rights, bestowed by the almighty, when avenues are cut thro' the most solemn compacts for the admission of despotism, when the plighted faith of government ceases to give security to loyal and dutiful subjects, and when the insidious stratagems and manoeuvres of peace become more terrible than the sanguinary operations of war, it is high time for them to assert those rights, and, with honest indignation, oppose the torrent of oppression rushing in upon them.

By the introduction of your present form of government, or rather present form of tyranny, you and your wives and your children are made slaves. You have nothing that you can call your own, and all the fruits of your labour and industry may be taken from you, whenever an avaritious governor and a rapacious council may incline to demand them. You are liable by their edicts to be transported into foreign countries to fight Battles in which you have no interest, and to spill your blood in conflicts from which neither honor nor emolument can be derived: Nay, the enjoyment of your very religion, on the present system, depends on a legislature in which you have no share, and over which you have no controul, and your priests are exposed to expulsion, banishment, and ruin, whenever their wealth and possessions furnish sufficient temptation. They cannot be sure that a virtuous prince will always fill the throne, and should a wicked or a careless king concur



with a wicked ministry in extracting the treasure and strength of your country, it is impossible to conceive to what variety and to what extremes of wretchedness you may, under the present establishment, be reduced.

We are informed you have already been called upon to waste your lives in a contest with us. Should you, by complying in this instance, assent to your new establishment, and a war break out with France, your wealth and your sons may be sent to perish in expeditions against their islands in the West Indies.

It cannot be presumed that these considerations will have no weight with you, or that you are so lost to all sense of honor. We can never believe that the present race of Canadians are so degenerated as to possess neither the spirit, the gallantry, nor the courage of their ancestors. You certainly will not permit the infamy and disgrace of such pusillanimity to rest on your own heads, and the consequences of it on your children forever.

We, for our parts, are determined to live free, or not at all; and are resolved, that posterity shall never reproach us with having brought slaves into the world.

Permit us again to repeat that we are your friends, not your enemies, and be not imposed upon by those who may endeavour to create animosities. The taking the fort and military stores at Ticonderoga and Crown-Point, and the armed vessels on the lake, was dictated by the great law of self-preservation. They were intended to annoy us, and to cut off that friendly intercourse and communication, which has hitherto subsisted between you and us. We hope it has given you no uneasiness, and you may rely on our assurances, that these colonies will pursue no measures whatever, but such as friendship and a regard for our mutual safety and interest may suggest.

As our concern for your welfare entitles us to your friendship, we presume you will not, by doing us injury, reduce us to the disagreeable necessity of treating you as enemies.

We yet entertain hopes of your uniting with us in the defence of our common liberty, and there is yet reason to believe, that should we join in imploring the attention of our sovereign, to the unmerited and unparalleled oppressions of his American subjects, he will at length be undeceived, and forbid a licentious Ministry any longer to riot in the ruins of the rights of Mankind.

## Declaration of the Causes and Necessity of Taking Up Arms

Continental Congress (1775)<sup>10</sup>



Within three months of the battles of Lexington and Concord and just three weeks after Bunker Hill and George Washington's commission as Commander of the Continental Army, the Continental Congress issued a declaration on July 6, 1775 to explain to the colonial public and the world why the American colonies had to use armed force against the British government. This pronouncement shows how the Congress fundamentally viewed itself as a representative body of British subjects

<sup>10</sup> *Documents Illustrative of the Formation of the Union of the American States* (Washington: Government Printing Office, 1927), House Document No. 328. Selected, Arranged and Indexed by Charles C. Tansill. Courtesy of the Library of Congress.

seeking to avoid civil war. Thomas Jefferson and John Dickinson were the primary drafters.

Knowing how the strongly competitive British newspapers operated at the time, the Continental Congress was confident that the declarations would quickly be published in London, as indeed was the case. Here again we see a thematic pattern: a reasonable-sounding list of grievances balancing with positive statements of principle. The language is polite, respectful, reluctant and conciliatory, deferential to the king and seeking to avert a transatlantic civil war – sincere language, as only two or three delegates (among them Samuel and John Adams of Massachusetts) were open advocates of independence at the time.

If it was possible for men, who exercise their reason to believe, that the divine Author of our existence intended a part of the human race to hold an absolute property in, and an unbounded power over others, marked out by his infinite goodness and wisdom, as the objects of a legal domination never rightfully resistible, however severe and oppressive, the inhabitants of these colonies might at least require from the parliament of Great-Britain some evidence, that this dreadful authority over them, has been granted to that body. But a reverence for our Creator, principles of humanity, and the dictates of common sense, must convince all those who reflect upon the subject, that government was instituted to promote the welfare of mankind, and ought to be administered for the attainment of that end. The legislature of Great-Britain, however, stimulated by an inordinate passion for a power not only unjustifiable, but which they know to be peculiarly reprobated by the very constitution of that kingdom, and desperate of success in any mode of contest, where regard should be had to truth, law, or right, have at length, deserting those, attempted to effect their cruel and impolitic purpose of enslaving these colonies by violence, and have thereby rendered it necessary for us to close with their last appeal from reason to arms. – Yet, however blinded that assembly may be, by their intemperate rage for unlimited domination, so to sight justice and the opinion of mankind, we esteem ourselves bound by obligations of respect to the rest of the world, to make known the justice of our cause.

Our forefathers, inhabitants of the island of Great-Britain, left their native land, to seek on these shores a residence for civil and religious freedom. At the expense of their blood, at the hazard of their fortunes, without the least charge to the country from which they removed, by unceasing labour, and an unconquerable spirit, they effected settlements in the distant and inhospitable wilds of America, then filled with numerous and warlike barbarians. – Societies or governments, vested with perfect legislatures, were formed under charters from the crown, and an harmonious intercourse was established between the colonies and the kingdom from which they derived their origin. The mutual benefits of this union became in a short time so extraordinary, as to excite astonishment. It is universally confessed, that the amazing increase of the wealth, strength, and navigation of the realm, arose from this source; and the minister, who so wisely and successfully directed the measures of Great-Britain in the late war, publicly declared, that these colonies enabled her to triumph over her enemies. – Towards the conclusion of that war, it pleased our sovereign to make a change in his counsels. – From that fatal movement, the affairs of the British empire began to fall into confusion, and gradually sliding from the summit of glorious prosperity, to which they had been advanced by the virtues and abilities of one man, are at length distracted by the convulsions, that now shake it to its deepest foundations. – The new ministry finding the brave foes of Britain, though frequently defeated, yet still contending, took up the unfortunate idea of granting them a hasty peace, and then subduing her faithful friends.

These devoted colonies were judged to be in such a state, as to present victories without bloodshed, and all the easy emoluments of statuteable plunder. – The uninterrupted tenor of their peaceable and respectful behaviour from the beginning of colonization, their dutiful, zealous, and useful services during the war, though so recently and amply acknowledged in the most honourable manner by his majesty, by the late king, and by parliament, could not save them from the meditated innovations. – Parliament was influenced to adopt the pernicious project, and assuming a new power over them, have in the course of eleven years, given such decisive specimens of the spirit and consequences attending this power, as to leave no doubt concerning the effects of acquiescence under it. They have undertaken to give and grant our money without our consent, though we have ever exercised an exclusive right to dispose of our own property; statutes have been passed for extending the jurisdiction of courts of admiralty and vice-admiralty beyond their ancient limits; for depriving us of the

accustomed and inestimable privilege of trial by jury, in cases affecting both life and property; for suspending the legislature of one of the colonies; for interdicting all commerce to the capital of another; and for altering fundamentally the form of government established by charter, and secured by acts of its own legislature solemnly confirmed by the crown; for exempting the “murderers” of colonists from legal trial, and in effect, from punishment; for erecting in a neighbouring province, acquired by the joint arms of Great-Britain and America, a despotism dangerous to our very existence; and for quartering soldiers upon the colonists in time of profound peace. It has also been resolved in parliament, that colonists charged with committing certain offences, shall be transported to England to be tried.

But why should we enumerate our injuries in detail? By one statute it is declared, that parliament can “*of right make laws to bind us in all cases whatsoever.*” What is to defend us against so enormous, so unlimited a power? Not a single man of those who assume it, is chosen by us; or is subject to our control or influence; but, on the contrary, they are all of them exempt from the operation of such laws, and an American revenue, if not diverted from the ostensible purposes for which it is raised, would actually lighten their own burdens in proportion, as they increase ours. We saw the misery to which such despotism would reduce us. We for ten years incessantly and ineffectually besieged the throne as supplicants; we reasoned, we remonstrated with parliament, in the most mild and decent language.

Administration sensible that we should regard these oppressive measures as freemen ought to do, sent over fleets and armies to enforce them. The indignation of the Americans was roused, it is true; but it was the indignation of a virtuous, loyal, and affectionate people. A Congress of delegates from the United Colonies was assembled at Philadelphia, on the fifth day of last September. We resolved again to offer an humble and dutiful petition to the King, and also addressed our fellow-subjects of Great-Britain. We have pursued every temperate, every respectful measure; we have even proceeded to break off our commercial intercourse with our fellow-subjects, as the last peaceable admonition, that our attachment to no nation upon earth should supplant our attachment to liberty. – This, we flattered ourselves, was the ultimate step of the controversy: but subsequent events have shewn, how vain was this hope of finding moderation in our enemies.

Several threatening expressions against the colonies were inserted in his majesty’s speech; our petition, tho’ we were told it was a decent one, and that his majesty had been pleased to receive it graciously, and

to promise laying it before his parliament, was huddled into both houses among a bundle of American papers, and there neglected. The lords and commons in their address, in the month of February, said, that *“a rebellion at that time actually existed within the province of Massachusetts-Bay; and that those concerned with it, had been countenanced and encouraged by unlawful combinations and engagements, entered into by his majesty’s subjects in several of the other colonies; and therefore they besought his majesty, that he would take the most effectual measures to inforce due obedience to the laws and authority of the supreme legislature.”* – Soon after, the commercial intercourse of whole colonies, with foreign countries, and with each other, was cut off by an act of parliament; by another several of them were intirely prohibited from the fisheries in the seas near their coasts, on which they always depended for their sustenance; and large reinforcements of ships and troops were immediately sent over to general Gage.

Fruitless were all the entreaties, arguments, and eloquence of an illustrious band of the most distinguished peers, and commoners, who nobly and strenuously asserted the justice of our cause, to stay, or even to mitigate the heedless fury with which these accumulated and unexampled outrages were hurried on. – equally fruitless was the interference of the city of London, of Bristol, and many other respectable towns in our favor. Parliament adopted an insidious manoeuvre calculated to divide us, to establish a perpetual auction of taxations where colony should bid against colony, all of them uninformed what ransom would redeem their lives; and thus to extort from us, at the point of the bayonet, the unknown sums that should be sufficient to gratify, if possible to gratify, ministerial rapacity, with the miserable indulgence left to us of raising, in our own mode, the prescribed tribute. What terms more rigid and humiliating could have been dictated by remorseless victors to conquered enemies? In our circumstances to accept them, would be to deserve them.

Soon after the intelligence of these proceedings arrived on this continent, general Gage, who in the course of the last year had taken possession of the town of Boston, in the province of Massachusetts-Bay, and still occupied it a garrison, on the 19th day of April, sent out from that place a large detachment of his army, who made an unprovoked assault on the inhabitants of the said province, at the town of Lexington, as appears by the affidavits of a great number of persons, some of whom were officers and soldiers of that detachment, murdered

eight of the inhabitants, and wounded many others. From thence the troops proceeded in warlike array to the town of Concord, where they set upon another party of the inhabitants of the same province, killing several and wounding more, until compelled to retreat by the country people suddenly assembled to repel this cruel aggression. Hostilities, thus commenced by the British troops, have been since prosecuted by them without regard to faith or reputation. – The inhabitants of Boston being confined within that town by the general their governor, and having, in order to procure their dismissal, entered into a treaty with him, it was stipulated that the said inhabitants having deposited their arms with their own magistrate, should have liberty to depart, taking with them their other effects. They accordingly delivered up their arms, but in open violation of honour, in defiance of the obligation of treaties, which even savage nations esteemed sacred, the governor ordered the arms deposited as aforesaid, that they might be preserved for their owners, to be seized by a body of soldiers; detained the greatest part of the inhabitants in the town, and compelled the few who were permitted to retire, to leave their most valuable effects behind.

By this perfidy wives are separated from their husbands, children from their parents, the aged and the sick from their relations and friends, who wish to attend and comfort them; and those who have been used to live in plenty and even elegance, are reduced to deplorable distress.

The general, further emulating his ministerial masters, by a proclamation bearing date on the 12th day of June, after venting the grossest falsehoods and calumnies against the good people of these colonies, proceeds to *“declare them all, either by name or description, to be rebels and traitors, to supersede the course of the common law, and instead thereof to publish and order the use and exercise of the law martial.”* – His troops have butchered our countrymen, have wantonly burnt Charlestown, besides a considerable number of houses in other places; our ships and vessels are seized; the necessary supplies of provisions are intercepted, and he is exerting his utmost power to spread destruction and devastation around him.

We have received certain intelligence, that general Carelton [sic], the governor of Canada, is instigating the people of that province and the Indians to fall upon us; and we have but too much reason to apprehend, that schemes have been formed to excite domestic enemies against us. In brief, a part of these colonies now feel, and all of them are sure of feeling, as far as the vengeance of administration can inflict them, the

complicated calamities of fire, sword and famine. We are reduced to the alternative of chusing an unconditional submission to the tyranny of irritated ministers, or resistance by force. – The latter is our choice. – We have counted the cost of this contest, and find nothing so dreadful as voluntary slavery. – Honour, justice, and humanity, forbid us tamely to surrender that freedom which we received from our gallant ancestors, and which our innocent posterity have a right to receive from us. We cannot endure the infamy and guilt of resigning succeeding generations to that wretchedness which inevitably awaits them, if we basely entail hereditary bondage upon them.

Our cause is just. Our union is perfect. Our internal resources are great, and, if necessary, foreign assistance is undoubtedly attainable. – We gratefully acknowledge, as signal instances of the Divine favour towards us, that his Providence would not permit us to be called into this severe controversy, until we were grown up to our present strength, had been previously exercised in warlike operation, and possessed of the means of defending ourselves. With hearts fortified with these animating reflections, we most solemnly, before God and the world, declare, that, exerting the utmost energy of those powers, which our beneficent Creator hath graciously bestowed upon us, the arms we have been compelled by our enemies to assume, we will, in defiance of every hazard, with unabating firmness and perseverance, employ for the preservation of our liberties; being with one mind resolved to die freemen rather than to live slaves.

Lest this declaration should disquiet the minds of our friends and fellow-subjects in any part of the empire, we assure them that we mean not to dissolve that union which has so long and so happily subsisted between us, and which we sincerely wish to see restored. – Necessity has not yet driven us into that desperate measure, or induced us to excite any other nation to war against them. – We have not raised armies with ambitious designs of separating from Great-Britain, and establishing independent states. We fight not for glory or for conquest. We exhibit to mankind the remarkable spectacle of a people attacked by unprovoked enemies, without any imputation or even suspicion of offence. They boast of their privileges and civilization, and yet proffer no milder conditions than servitude or death.

In our own native land, in defence of the freedom that is our birthright, and which we ever enjoyed till the late violation of it – for the protection of our property, acquired solely by the honest industry of



our fore-fathers and ourselves, against violence actually offered, we have taken up arms. We shall lay them down when hostilities shall cease on the part of the aggressors, and all danger of their being renewed shall be removed, and not before.

With an humble confidence in the mercies of the supreme and impartial Judge and Ruler of the Universe, we most devoutly implore his divine goodness to protect us happily through this great conflict, to dispose our adversaries to reconciliation on reasonable terms, and thereby to relieve the empire from the calamities of civil war.

### **Petition to the King** Continental Congress (1775)<sup>11</sup>

The reverent and deferential tone of this petition, signed by Continental Congress President John Hancock, to King George III, shows how all but a handful of the elected representatives of the colonists in mid-1775 still viewed themselves as British subjects, not as Americans. As with the 1774 petition, the delegates signed as individuals representing the people of their colonies, and not as members of the Continental Congress.

Richard Penn, a descendant of Quaker leader William Penn with a trusted name in England, carried this message and other declarations to London on behalf of the Continental Congress. The lively London press could be relied on to publish the documents. As before, George III refused to receive the petition. This time, he called for “loyal subjects” in America to punish the ringleaders for their foul treason.

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<sup>11</sup> *Journals of the Continental Congress, 1774-1779*, Vol. II, Pages 158-161. Edited from the original records in the Library of Congress by Worthington Chauncey Ford; Chief, Division of Manuscripts (Washington: Government Printing Office, 1905). Courtesy of the Library of Congress.

To the King's most excellent Majesty:

MOST GRACIOUS SOVEREIGN,

We, your Majesty's faithful subjects of the colonies new Hampshire, Massachusetts bay, Rhode island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, the counties of New Castle, Kent, and Sussex, on Delaware, Maryland, Virginia, North Carolina, and South Carolina, in behalf of ourselves, and the inhabitants of these colonies, who have deputed us to represent them in general Congress, entreat your Majesty's gracious attention to this our humble petition.

The union between our Mother country and these colonies, and the energy of mild and just government, produced benefits so remarkably important, and afforded such an assurance of their permanency and increase, that the wonder and envy of other Nations were excited, while they beheld Great Britain rising to a power the most extraordinary the world had ever known.

Her rivals, observing that there was no probability of this happy connexion being broken by civil dissensions, and apprehending its future effects, if left any longer undisturbed, resolved to prevent her receiving such continual and formidable accessions of wealth and strength, by checking the growth of these settlements from which they were to be derived.

In the prosecution of this attempt, events so unfavourable to the design took place, that every friend to the interests of Great Britain and these colonies, entertained pleasing and reasonable expectations of seeing an additional force and extension immediately given to the operations of the union hitherto experienced, by an enlargement of the dominions of the Crown, and the removal of ancient and warlike enemies to a greater distance.

At the conclusion, therefore, of the late war, the most glorious and advantageous that ever had been carried on by British arms, your loyal colonists having contributed to its success, by such repeated and strenuous exertions, as frequently procured them the distinguished approbation of your Majesty, of the late king, and of parliament, doubted not but that they should be permitted, with the rest of the empire, to share in the blessings of peace, and the emoluments of victory and conquest. While these recent and honorable acknowledgments of their merits remained on record in the journals and acts of that august legislature, the Parliament, undefaced by the imputation or even the suspicion of any offense, they were alarmed by

a new system of statutes and regulations adopted for the administration of the colonies, that filled their minds with the most painful fears and jealousies; and, to their inexpressible astonishment, perceived the dangers of a foreign quarrel quickly succeeded by domestic dangers, in their judgment, of a more dreadful kind.

Nor were their anxieties alleviated by any tendency in this system to promote the welfare of the Mother country. For tho' its effects were more immediately felt by them, yet its influence appeared to be injurious to the commerce and prosperity of Great Britain.

We shall decline the ungrateful task of describing the irksome variety of artifices, practiced by many of your Majesty's Ministers, the delusive presences, fruitless terrors, and unavailing severities, that have, from time to time, been dealt out by them, in their attempts to execute this impolitic plan, or of tracing, thro' a series of years past, the progress of the unhappy differences between Great Britain and these colonies, which have flowed from this fatal source.

Your Majesty's Ministers, persevering in their measures, and proceeding to open hostilities for enforcing them, have compelled us to arm in our own defence, and have engaged us in a controversy so peculiarly abhorrent to the affections of your still faithful colonists, that when we consider whom we must oppose in this contest, and if it continues, what may be the consequences, our own particular misfortunes are accounted by us only as parts of our distress.

Knowing to what violent resentments and incurable animosities, civil discords are apt to exasperate and inflame the contending parties, we think ourselves required by indispensable obligations to Almighty God, to your Majesty, to our fellow subjects, and to ourselves, immediately to use all the means in our power, not incompatible with our safety, for stopping the further effusion of blood, and for averting the impending calamities that threaten the British Empire.

Thus called upon to address your Majesty on affairs of such moment to America, and probably to all your dominions, we are earnestly desirous of performing this office, with the utmost deference for your Majesty; and we therefore pray, that your royal magnanimity and benevolence may make the most favourable construction of our expressions on so uncommon an occasion. Could represent in their full force, the sentiments that agitate the minds of us your dutiful subjects, we are persuaded your Majesty would ascribe any seeming deviation from reverence in our language, and even in our conduct, not to any reprehensible intention, but to the impossibility of reconciling the usual appearances of respect, with a just attention to our own preservation

against those artful and cruel enemies, who abuse your royal confidence and authority, for the purpose of effecting our destruction.

Attached to your Majesty's person, family, and government, with all devotion that principle and affection can inspire, connected with Great Britain by the strongest ties that can unite societies, and deploring every event that tends in any degree to weaken them, we solemnly assure your Majesty, that we not only most ardently desire the former harmony between her and these colonies may be restored, but that a concord may be established between them upon so firm a basis as to perpetuate its blessings, uninterrupted by any future dissensions, to succeeding generations in both countries, and to transmit your Majesty's Name to posterity, adorned with that signal and lasting glory, that has attended the memory of those illustrious personages, whose virtues and abilities have extricated states from dangerous convulsions, and, by securing happiness to others, have erected the most noble and durable monuments to their own fame.

We beg leave further to assure your Majesty, that notwithstanding the sufferings of your loyal colonists, during the course of the present controversy, our breasts retain too tender a regard for the kingdom from which we derive our origin, to request such a reconciliation as might in any manner be inconsistent with her dignity or her welfare. These, related as we are to her, honor and duty, as well as inclination, induce us to support and advance; and the apprehensions that now oppress our hearts with unspeakable grief, being once removed, your Majesty will find your faithful subjects on this continent ready and willing at all times, as they ever have been, with their lives and fortunes, to assert and maintain the rights and interests of your Majesty, and of our Mother country.

We, therefore, beseech your Majesty, that your royal authority and influence may be graciously interposed to procure us relief from our afflicting fears and jealousies, occasioned by the system before mentioned, and to settle peace through every part of your dominions, with all humility submitting to your Majesty's wise consideration whether it may not be expedient for facilitating those important purposes, that your Majesty be pleased to direct some mode, by which the united applications of your faithful colonists to the throne, in pursuance of their common councils, may be improved into a happy and permanent reconciliation; and that, in the mean time, measures may be taken for preventing the further destruction of the lives of your Majesty's subjects; and that such statutes as more immediately distress any of your Majesty's colonies may be repealed.

For by such arrangements as your Majesty's wisdom can form, for collecting the united sense of your American people, we are convinced your Majesty would receive such satisfactory proofs of the disposition of the colonists towards their sovereign and parent state, that the wished for opportunity would soon be restored to them, of evincing the sincerity of their professions, by every testimony of devotion becoming the most dutiful subjects, and the most affectionate colonists.

That your Majesty may enjoy a long and prosperous reign, and that your descendants may govern your dominions with honor to themselves and happiness to their subjects, is our sincere and fervent prayer.

## **Letter to the inhabitants of Great Britain**

### **Continental Congress (1775)<sup>12</sup>**

As with the 1774 petition to the king, the Continental Congress on July 8, 1775 issued a companion declaration for the British public. Unlike the petition, the letter uses graphic language designed to inflame the people's sensibilities and win their sympathy. Still, the letter shows not a hint of sentiment for secession from the crown. Richard Penn brought the letter to London for distribution.

FRIENDS, COUNTRYMEN, AND BRETHREN!

By these, and by every other Appellation that may designate the Ties, which bind us to each other, we entreat your serious Attention to this our second Attempt to prevent their Dissolution. Remembrance of former Friendships, Pride in the glorious Atchievements of our common Ancestors, and Affection for the Heirs of their Virtues, have hitherto preserved our mutual Connexion; but when that Friendship is violated by the grossest Injuries; when the Pride of Ancestry becomes our Reproach, and we are no otherwise allied than as Tyrants and Slaves; when reduced to the melancholy Alternative of renouncing your

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<sup>12</sup> *Journals of the Continental Congress, 1774-1789*, Vol. II, pp. 163-171.  
Courtesy of the Library of Congress.

Favour or our Freedom; can we hesitate about the Choices Let the Spirit of Britons determine.

In a former Address we asserted our Rights, and stated the Injuries we had then received. We hoped, that the mention of our Wrongs would have roused that honest Indignation which has slept too long for your Honor, or the Welfare of the Empire. But we have not been permitted to entertain this pleasing expectation. Every Day brought an accumulation of Injuries, and the Invention of the Ministry has been constantly exercised, in adding to the Calamities of your American Brethren.

After the most valuable Right of Legislation was infringed; when the Powers assumed by your Parliament, in which we are not represented, and from our local and other Circumstances cannot properly be represented, rendered our Property precarious; after being denied that mode of Trial, to which we have long been indebted for the safety of our Persons, and the preservation of our Liberties; after being in many instances divested of those Laws, which were transmitted to us by our common Ancestors, and subjected to an arbitrary Code, compiled under the auspices of Roman Tyrants; after those Charters, which encouraged our Predecessors to brave Death and Danger in every Shape, on unknown Seas, in Deserts unexplored, amidst barbarous and inhospitable Nations, were annulled; when, without the form of Trial, without a public Accusation, whole Colonies were condemned, their Trade destroyed, their inhabitants impoverished; when Soldiers were encouraged to embrue their Hands in the Blood of Americans, by offers of Impunity; when new modes of Trial were instituted for the ruin of the accused, where the charge carried with it the horrors of conviction; when a despotic Government was established in a neighbouring Province, and its Limits extended to every of our Frontiers; we little imagined that any thing could be added to this black Catalogue of unprovoked Injuries: but we have unhappily been deceived, and the late Measures of the Brash Ministry fully convince us, that their object is the reduction of these Colonies to Slavery and Ruin.

To confirm this Assertion, let us recal your attention to the Affairs of America, since our last Address. Let us combat the Calumnies of our Enemies; and let us warn you of the hangers that threaten you in our destruction. Many of your Fellow-Subjects, whose situation deprived them of other Support, drew their Maintenance from the Sea; but the deprivation of our Liberty being insufficient to satisfy the resentment of our Enemies, the horrors of Famine were super-added, and a British Parliament, who, in better times, were the Protectors of Innocence and the Patrons of Humanity, have, without distinction of Age or Sex,

robbed thousands of the Food which they were accustomed to draw from that inexhaustible Source, placed in their neighbourhood by the benevolent Creator.

Another Act of your Legislature shuts our Ports, and prohibits our Trade with any but those States from whom the great Law of self-preservation renders it absolutely necessary we should at present withhold our Commerce. But this Act (whatever may have been its design) we consider rather as injurious to your Opulence than our Interest. All our Commerce terminates with you; and the Wealth we procure from other Nations, is soon exchanged for your Superfluities. Our remittances must then cease with our trade; and our refinements with our Affluence. We trust, however, that Laws which deprive us of every Blessing but a Soil that teems with the necessities of Life, and that Liberty which renders the enjoyment of them secure, will not relax our Vigour in their Defence.

We: might here observe on the Cruelty and Inconsistency of those, who, while they publicly Brand us with reproachful and unworthy Epithets, endeavour to deprive us of the means of defence, by their Interposition with foreign Powers, and to deliver us to the lawless Ravages of a merciless Soldiery. But happily we are not without Resources; and though the timid and humiliating Applications of a Brash Ministry should prevail with foreign Nations, yet Industry, prompted by necessity, will not leave us without the necessary Supplies.

We could wish to go no further, and, not to wound the Ear of Humanity, leave untold those rigorous Acts of Oppression, which are daily exercised in the Town of Boston, did we not hope, that by disclaiming their Deeds and punishing the Perpetrators, you would shortly vindicate the Honour of the British Name, and re-establish the violated Laws of Justice.

That once populous, nourishing and commercial Town is now garrisoned by an Army sent not to protect, but to enslave its Inhabitants. The civil government is overturned, and a military Despotism erected upon its Ruins. Without Law, without Right, Powers are assumed unknown to the Constitution. Private Property is unjustly invaded. The Inhabitants, daily subjected to the Licentiousness of the Soldiery, are forbid to remove in Defiance of their natural Rights, in Violation of the most solemn Compacts. Or if, after long and wearisome Solicitation, a Pass is procured, their Edicts are detained, and even those who are most favoured, have no Alternative but Poverty or Slavery. The Distress of many thousand People, wantonly deprived

of the Necessaries of Life, is a Subject, on which we would not wish to enlarge.

Yet, we cannot but observe, that a British Fleet (unjustified even by Acts of your Legislature) are daily employed in ruining our Commerce, seizing our Ships, and depriving whole Communities of their daily Bread. Nor will a Regard for your Honour permit us to be silent, while British Troops sully your Glory, by Actions, which the most inveterate Enmity will not palliate among civilized Nations, the wanton and unnecessary Destruction of Charlestown, a large, ancient, and once populous Town, just before deserted by its Inhabitants, who had fled to avoid the Fury of your Soldiery.

If you still retain those Sentiments of Compassion, by which Britons have ever been distinguished, if the Humanity, which tempered the Valour of our common Ancestors, has not degenerated into Cruelty, you will lament the Miseries of their Descendants.

To what are we to attribute this Treatment? If to any secret Principle of the Constitution, let it be mentioned; let us learn, that the Government, we have long revered, is not without its Defects, and that while it gives Freedom to a Part, it necessarily enslaves the Remainder of the Empire. If such a Principle exists, why for Ages has it ceased to operate? Why at this Time is it called into Action? Can no Reason be assigned for this Conducts Or must it be resolved into the wanton Exercise of arbitrary Power? And shall the Descendants of Britons tamely submit to this? – No, Sirs! We never will, while we revere the Memory of our gallant and virtuous Ancestors, we never can surrender those glorious Privileges, for which they fought, bled, and conquered. Admit that your Fleets could destroy our Towns, and ravage our Sea-Coasts; these are inconsiderable Objects, Things of no Moment to Men, whose Bosoms glow with the Ardor of Liberty. We can retire beyond the Reach of your Navy, and, without any sensible Diminution of the Necessaries of Life, enjoy a Luxury, which from that Period you will want-the Luxury of being Free.

We know the Force of your Arms, and was it called forth in the Cause of Justice and your Country, we might dread the Exertion: but will Britons fight under the Banners of Tyranny? Will they counteract the Labours, and disgrace the Victories of their Ancestors? Will they forge Chains for their Posterity? If they descend to this unworthy Task, will their Swords retain their Edge, their Arms their accustomed Vigour? Britons can never become the Instruments of Oppression, till they lose the Spirit of Freedom, by which alone they are invincible.

Our Enemies charge us with Sedition. In what does it consist? In our Refusal to submit to unwarrantable Acts of injustice and Cruelty? If so,



shew us a Period in your History, in which you have not been equally Seditious.

We are accused of aiming at Independence; but how is this Accusation supported? By the Allegations of your Ministers, not by our Actions. Abused, insulted, and contemned, what Steps have we pursued to obtain Redress? We have carried our dutiful Petitions to the Throne. We have applied to your Justice for Relief. We have retrenched our Luxury, and withheld our Trade.

The Advantages of our Commerce were designed as a Compensation for your Protection: When you ceased to protect, for what were we to compensate?

What has been the Success of our Endeavours? The Clemency of our Sovereign is unhappily diverted; our Petitions are treated with Indignity; our Prayers answered by Insults. Our Application to you remains unnoticed, and leaves us the melancholy Apprehension of your wanting either the Will, or the Power, to assist us.

Even under these Circumstances, what Measures have we taken that betray a Desire of Independence? Have we called in the Aid of those foreign Powers, who are the Rivals of your Grandeur? When your Troops were few and defenseless, did we take Advantage of their Distress and expel them our Towns? Or have we permitted them to fortify, to receive new Aid, and to acquire additional Strength?

Let not your Enemies and ours persuade you, that in this we were influenced by Fear or any other unworthy Motive. The Lives of Britons are still dear to us. They are the Children of our Parents, and an uninterrupted Intercourse of mutual Benefits had knit the Bonds of Friendship. When Hostilities were commenced, when on a late Occasion we were wantonly attacked by your Troops, though we repelled their Assaults and returned their Blows, yet we lamented the Wounds they obliged us to give; nor have we yet learned to rejoice at a Victory over Englishmen.

As we wish not to color our Actions, or disguise our Thoughts, we shall, in the simple Language of Truth, avow the Measures we have pursued, the Motives upon which we have acted, and our future Designs.

When our late Petition to the Throne produced no other Effect than fresh Injuries, and Votes of your Legislature, calculated to justify every Severity; when your Fleets and your Armies were prepared to wrest from us our Property, to rob us of our Liberties or our Lives; when the hostile Attempts of General Gage evinced his Designs, we levied Armies for our Security and Defence. When the Powers vested in the Governor of Canada, gave us Reason to apprehend Danger from that

Quarter; and we had frequent Intimations, that a cruel and savage Enemy was to be let loose upon the defenseless Inhabitants of our Frontiers; we took such Measures as Prudence dictated, as Necessity will justify. We possessed ourselves of Crown Point and Ticonderoga. Yet give us leave most solemnly to assure you, that we have not yet lost Sight of the Object we have ever had in View, a Reconciliation with you on constitutional Principles, and a Restoration of that friendly Intercourse, which, to the Advantage of both, we till lately maintained.

The Inhabitants of this Country apply themselves chiefly to Agriculture and Commerce. As their Fashions and Manners are similar to yours, your Markets must afford them the Conveniences and Luxuries, for which they exchange the Produce of their Labours. The Wealth of this extended Continent centres with you; and our Trade is so regulated as to be subservient only to your Interest. You are too reasonable to expect, that by Taxes (in Addition to this) we should contribute to your Expence; to believe, after diverting the Fountain, that the Streams can flow with unabated Force.

It has been said, that we refuse to submit to the Restrictions on our Commerce. From whence is this Inference drawn? Not from our Words, we have repeatedly declared the Contrary; and we again profess our Submission to the several Acts of Trade and Navigation, passed before the Year 1763, trusting, nevertheless, in the Equity and Justice of Parliament, that such of them as, upon cool and impartial Consideration, shall appear to have imposed unnecessary or grievous Restrictions, will, at some happier Period, be repealed or altered. And we cheerfully consent to the Operation of such Acts of the British Parliament, as shall be restrained to the Regulation of our external Commerce, for the Purpose of securing the commercial Advantages of the whole Empire to the Mother Country, and the commercial Benefits of its respective Members; excluding every Idea of taxation internal or external, for raising a Revenue on the Subjects in America, without their Consent.

It is alledged that we contribute nothing to the common Defence. To this we answer, that the Advantages which Great Britain receives from the Monopoly of our Trade, far exceed our Proportion of the Expence necessary for that Purpose. But should these Advantages be inadequate thereto, let the Restrictions on our Trade be removed, and we will cheerfully contribute such Proportion when constitutionally required.

It is a fundamental Principle of the British Constitution, that every Man should have at least a Representative Share in the Formation of those Laws, by which he is bound. Were it otherwise, the Regulation of our internal Police by a British Parliament, who are and ever will be

unacquainted with our local Circumstances, must be always inconvenient, and frequently oppressive, working our wrong, without yielding any possible Advantage to you.

A Plan of Accommodation (as it has been absurdly called) has been proposed by your Ministers to our respective Assemblies. Were this Proposal free from every other Objection, but that which arises from the Time of the Offer, it would not be unexceptionable. Can Men deliberate with the Bayonet at their Breast, Can they treat with Freedom, while their Towns are sacked; when daily instances of Injustice and Oppression disturb the slower Operations of Reason?

If this Proposal is really such as you would offer and we accept, why was it delayed till the Nation was put to useless expence, and we were reduced to our present melancholy Situation? If it holds forth nothing, why was it proposed Unless indeed to deceive you into a Belief, that we were unwilling to listen to any Terms of Accommodation. But what is submitted to our Considerations We contend for the Disposal of our Property. We are told that our Demand is unreasonable, that our Assemblies may indeed collect our Money, but that they must at the same Time offer, not what your Exigencies or ours may require, but so much as shall be deemed sufficient to satisfy the Desires of a Minister and enable him to provide for Favourites and Dependants. A Recurrence to your own Treasury will convince you how little of the Money already extorted from us has been applied to the Relief of your Burthens. To suppose that we would thus grasp the Shadow and give up the Substance, is adding Insult to Injuries.

We have nevertheless again presented an humble and dutiful Petition to our Sovereign, and to remove every imputation of Obstinacy, have requested his Majesty to direct some Mode, by which the united Applications of his faithful Colonists may be improved into a happy and permanent Reconciliation. We are willing to treat on such Terms as can alone render an accommodation lasting, and we flatter ourselves that our pacific Endeavours will be attended with a removal of ministerial Troops, and a repeal of those Laws, of the Operation of which we complain, on the one part, and a disbanding of our Army, and a dissolution of our commercial Associations, on the other.

Yet conclude not from this that we propose to surrender our Property into the Hands of your Ministry, or vest your Parliament with a Power which may terminate in our Destruction. The great Bulwarks of our Constitution we have desired to maintain by every temperate, by every peaceable Means; but your Ministers (equal Foes to British and American freedom) have added to their former Oppressions an Attempt to reduce us by the Sword to a base and abject submission. On the

Sword, therefore, we are compelled to rely for Protection. Should Victory declare in your Favour, yet Men trained to Arms from their Infancy, and animated by the Love of Liberty, will afford neither a cheap or easy Conquest. Of this at least we are assured, that our Struggle will be glorious, our Success certain; since even in Death we shall find that Freedom which in Life you forbid us to enjoy.

Let us now ask what Advantages are to attend our Reduction? the Trade of a ruined and desolate Country is always inconsiderable, its Revenue trifling; the Expence of subjecting and retaining it in subjection certain and inevitable. What then remains but the gratification of an ill-judged Pride, or the hope of rendering us subservient to designs on your Liberty.

Soldiers who have sheathed their Swords in the Bowels of their American Brethren, will not draw them with more reluctance against you. When too late you may lament the loss of that freedom, which we exhort you, while still in your Power, to preserve.

On the other hand, should you prove unsuccessful; should that Connexion, which we most ardently wish to maintain, be dissolved; should your Ministers exhaust your Treasures and waste the Blood of your Countrymen in vain Attempts on our Liberty; do they not deliver you, weak and defenseless, to your natural Enemies?

Since then your Liberty must be the price of your Victories; your Ruin, of your Defeat: What blind fatality can urge you to a pursuit destructive of all that Britons hold dear?

If you have no regard to the Connexion that has for Ages subsisted between us; if you have forgot the Wounds we have received fighting by your Side for the extension of the Empire; if our Commerce is not an object below your consideration; if Justice and Humanity have lost their influence on your Hearts; still Motives are not wanting to excite your Indignation at the Measures now pursued; Your Wealth, your Honour, your Liberty are at Stake.

Notwithstanding the Distress to which we are reduced, we sometimes forget our own Afflictions, to anticipate and sympathize in yours. We grieve that rash and inconsiderate Councils should precipitate the destruction of an Empire, which has been the envy and admiration of Ages, and call God to witness! that we would part with our Property, endanger our Lives, and sacrifice every thing but Liberty, to redeem you from ruin.

A Cloud hangs over your Heads and ours; 'ere this reaches you, it may probably burst upon us; let us then (before the remembrance of former Kindness is obliterated) once more repeat those Appellations which are ever grateful in our Ears; let us entreat Heaven to avert our

Ruin, and the Destruction that threatens our Friends, Brethren and Countrymen, on the other side of the Atlantic.

## **Letter to the Lord Mayor of London**

John Hancock (1775)<sup>13</sup>

With the approval of the delegates of the twelve colonies in the Continental Congress (Georgia at the time was not represented), Congress President John Hancock wrote a brief message on July 8, 1775 to the Lord Mayor of London, who openly sympathized with the colonies. Richard Penn delivered the letter along with the petition to the king and the letter to the people of Great Britain.

MY LORD, Permitt the Delegates of the people of twelve ancient colonies, to pay ye Lordship, and the very respectable body of which you are head, the just tribute of gratitude and thanks, for the virtuous and unsolicited resentment you have strewn to the violated rights of a free people. The city of London, my Lord, having in all ages, approved itself the patron of liberty, and the support of just government, against lawless tyranny and oppression, cannot fail to make us deeply sensible of the powerful aid, our cause must receive from such advocates. A cause, my Lord, worthy the support of the first city in the world, as it involves the fate of a great continent, and threatens to shake the foundations of a nourishing, and, until lately, a happy empire.

North America, my Lord, wishes most ardently for a lasting connection with Great Britain on terms of just and equal liberty; less than which generous minds will not offer, nor brave and free ones be willing to receive.

A cruel war has at length been opened age us, and whilst we prepare to defend ourselves like the descendants of Britons, we still hope that the mediation of wise and good citizens, will at length prevail over despotism, and restore harmony and peace, on permanent principles, to an oppressed and divided empire.

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<sup>13</sup> Ibid.

## **Address to the Assembly of Jamaica**

### **Continental Congress (1775)<sup>14</sup>**

In an effort to reassure Britain's important Caribbean colony of Jamaica, the Continental Congress explained why it had had no choice but to include the island in its embargo of British goods, and thanked the Jamaicans for their unsuccessful attempt to intervene with the Crown on the American colonies' behalf. The Congress knew it could win no more from Jamaica, given the powerful British presence there.

This July 25, 1775 address reassures Jamaican lawmakers that the Continental Congress expects no further help from the island, but does not blame the islanders for the situation and, indeed, considers Jamaica a friend in mutual peril.

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY OF JAMAICA,

We would think ourselves deficient in our duty, if we suffered this Congress to pass over, without expressing our esteem for the assembly of Jamaica.

Whoever attends to the conduct of those who have been entrusted with the administration of the British affairs, during these last twelve years, will discover in it, a deliberate plan to destroy, in every part of the empire, the free constitution, for which Britain has been so long and so justly famed. With a dexterity, artful and wicked, they have varied the modes of attack, according to the different characters and circumstances of those whom they meant to reduce. In the East Indies, where the effeminacy of the inhabitants promised an easy conquest, they thought it unnecessary to veil their tyrannic principles under the thinnest disguise. Without deigning even to pretend a justification of their conduct, they sacrificed the lives of millions to the gratification of their insatiable avarice and lust of power. In Britain, where the maxims of freedom were still known, but where luxury and dissipation had diminished the wonted reverence for them, the attack has been carried on in a more secret and indirect manner: Corruption has been employed to undermine them. The Americans are not enervated by effeminacy,

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<sup>14</sup> *Ibid*, pp. 204-206.

like the inhabitants of India; nor debauched by luxury, like those of Great Britain: It was, therefore, judged improper to assail them by bribery, or by undisguised force. Plausible systems were formed; specious presences were made: All the arts of sophistry were tried to shew that the British ministry had by law a right to enslave us. The first and best maxims of the constitution, venerable to Britons and to Americans, were perverted and profaned. The power of parliament, derived from the people, to bind the people, was extended over those from whom it was never derived. It is asserted that a standing army may be constitutionally kept among us, without our consent. Those principles, dishonorable to those who adopted them, and destructive to those to whom they were applied, were nevertheless carried into execution by the foes of liberty and of mankind. Acts of parliament, ruinous to America, and unserviceable to Britain, were made to bind us; armies, maintained by the parliament, were sent over to secure their operation. The power, however, and the cunning of our adversaries, were alike unsuccessful. We refused to their parliaments an obedience, which our judgments disapproved of: We refused to their armies a submission, which spirits unaccustomed to slavery, could not brook.

But while we spurned a disgraceful subjection, we were far from running into rash or seditious measures of opposition. Filled with sentiments of loyalty to our sovereign, and of affection and respect for our fellow subjects in Britain, we petitioned, we supplicated, we expostulated: Our prayers were rejected; – our remonstrances were disregarded; – our grievances were accumulated. All this did not provoke us to violence.

An appeal to the justice and humanity of those who had injured us, and who were bound to redress our injuries, was ineffectual: we next resolved to make an appeal to their interests, though by doing so, we knew we must sacrifice our own, and (which gave us equal uneasiness) that of our friends, who had never offended us, and who were connected with us by a sympathy of feelings, under oppressions similar to our own. We resolved to give up our commerce that we might preserve our liberty. We flattered ourselves, that when, by withdrawing our commercial intercourse with Britain, which we had an undoubted right either to withdraw or continue, her trade should be diminished, her revenues impaired, and her manufactures unemployed, our ministerial foes would be induced by interest, or compelled by necessity, to depart from the plan of tyranny which they had so long pursued, and to substitute in its place, a system more compatible with the freedom of America, and justice of Britain. That this scheme of non-importation and non-exportation might be productive of the

desired effects, we were obliged to include the islands in it. From this necessity, and from this necessity alone, has our conduct towards them proceeded. By converting your sugar plantations into fields of grain, you can supply yourselves with the necessities of life: While the present unhappy struggle shall continue, we cannot do more.

But why should we make any apology to the patriotic assembly of Jamaica, who knows so well the value of liberty; who are so sensible of the extreme danger to which ours is exposed; and who foresee how certainly the destruction of ours must be followed by the destruction of their own?

We receive uncommon pleasure from observing the principles of our righteous opposition distinguished by your approbation: We feel the warmest gratitude for your pathetic mediation in our behalf with the crown. It was indeed unavailing – but are you to blame? Mournful experience tells us that petitions are often rejected, while the sentiments and conduct of the petitioners entitle what they offer to a happier fate.

That our petitions have been treated with disdain, is now become the smallest part of our complaint: Ministerial insolence is lost in ministerial barbarity. It has, by an exertion peculiarly ingenious, procured those very measures, which it laid us under the hard necessity of pursuing, to be stigmatized in parliament as rebellious: It has employed additional fleets and armies for the infamous purpose of compelling us to abandon them: It has plunged us in all the horrors and calamities of civil war: It has caused the treasure and blood of Britons (formerly shed and expended for far other ends) to be spilt and wasted in the execrable design of spreading slavery over British America: It will not, however, accomplish its aim: In the worst of contingencies, a choice will still be left, which it never can prevent us from making.

The peculiar situation of your island forbids your assistance. But we have your good wishes. From the good wishes of the friends of liberty and mankind, we shall always derive consolation.



## To the Inhabitants of the Island of Bermuda

George Washington (1775)<sup>15</sup>

The Americans found some popular sympathy for their cause in Bermuda, a strategically located British colony off the North Carolina coast. Bermuda had been part of the Virginia colony and had extensive relations with the mainland colonies. Unlike Jamaica, Bermuda refused London's order to embargo trade with the colonies, and the Continental Congress exempted the Bermuda from its reciprocal boycott of British goods.

Bermuda housed an important but lightly guarded British fortress and supply of gunpowder, shot and other weapons. The governor of Bermuda sympathized with the American colonists.

In a July, 1775, meeting in Philadelphia, the Continental Congress approved a plan by Benjamin Franklin to trade food for the powder and arms, and the operation succeeded the following month.

Gen. George Washington, who was in Massachusetts and had heard about the arsenal separately but did not know about the official operation, authorized a mission on his own and on September 6 wrote a personal letter to the public of Bermuda to seek their support.

As with other pre-1776 writings, Washington does not argue for independence from Britain, but for avoiding a civil war among British subjects.

In the great conflict, which agitates this continent, I cannot doubt but the assertors of freedom and the rights of the constitution are possessed of your most favorable regards and wishes for success. As descendents

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<sup>15</sup> George Washington, "To the Inhabitants of the Island of Bermuda," September 6, 1775, in John C. Fitzpatrick, ed., *George Washington: A Collection*, Vol. 3 (Government Printing Office, 1931), p. 475. Courtesy of the Library of Congress.

of freemen, and heirs with us of the same glorious inheritance, we flatter ourselves, that, though divided by our situation, we are firmly united in sentiment. The cause of virtue and liberty is confined to no continent or climate. It comprehends, within its capacious limits, the wise and good, however dispersed and separated in space or distance.

You need not be informed that the violence and rapacity of a tyrannic ministry have forced the citizens of America, your brother colonist, into arms. We equally detest and lament the prevalence of those counsels, which have led to the effusion of so much human blood, and left us no alternative but a civil war, or a base submission. The wise Disposer of all events has hitherto smiled upon our virtuous efforts. Those mercenary troops, a few of whom lately boasted of subjugating this vast continent, have been checked in their earliest ravages, and now actually encircled within a small space their arms disgraced, and themselves suffering all the calamities of a siege. The virtue, spirit, and union of the provinces leave them nothing to fear, but the want of ammunition. The application of our enemies to foreign states, and their vigilance upon our coasts, are the only efforts they have made against us with success.

Under these circumstances, and with these sentiments, we have turned our eyes to you, Gentlemen, for relief. We are informed, that there is a very large magazine in your island under a very feeble guard. We would not wish to involve you in an opposition, in which, from your situation, we should be unable to support you; we knew not, therefore, to what extent to solicit your assistance, in availing ourselves of this supply; but, if your favor and friendship to North America and its liberties have not been misrepresented, I persuade myself you may, consistently with your own safety, promote and further this scheme, so as to give it the fairest prospect of success. Be assured that, in this case, the whole power and exertion of my influence will be made with the honorable Continental Congress, that your island may not only be supplied with provisions, but experience every other mark of affection and friendship, which the grateful citizens of a free country can bestow on its brethren and benefactors. I am, Gentlemen,

With much esteem,  
Your humble servant,  
G. Washington

## To the Inhabitants of Canada

George Washington (1775)<sup>16</sup>

On September 6, 1775, the same day he wrote to the people of Bermuda, General Washington penned a similar letter to the citizens of Canada. The declaration coincided with a Continental Congress-approved plan to invade Canada to split British forces there, prevent Britain from invading the colonies from the north and potentially cutting off New England, prevent crown authorities from raising local armies, expand the new American Continental Army, capture British weaponry, and drive out the redcoats.

The officers named in the letter, Maj. Gen. Philip John Schuyler and Col. Benedict Arnold, led the Continental Army forces into Canada: Schuyler in Ticonderoga, New York, to take Montreal (he would fall ill and be replaced) and later Quebec City; and Arnold to take Quebec City via Maine. After a mighty effort in which the Americans occupied Montreal, the gambit failed.

Friends and Brethren: The unnatural Contest between the English Colonies, and Great Britain has now risen to such a Height, that Arms alone must decide it.

The Colonies, confiding in the Justice of their Cause and the purity of their intentions, have reluctantly appealed to that Being, in whose hands are all Human Events: He has hitherto smiled upon their virtuous Efforts: The Hand of Tyranny has been arrested in its Ravages, and the British Arms, which have shone with so much Splendor in every part of the Globe, are now tarnished with disgrace and disappointment. Generals of approved experience, who boasted of subduing this great Continent, find themselves circumscribed within the limits of a single City and its Suburbs, suffering all the shame and distress of a Siege. While the Freeborn Sons of America, animated by the genuine

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<sup>16</sup> George Washington, "To the Inhabitants of Canada," handwritten letter in *George Washington Papers at the Library of Congress, 1741-1799: Series 3d Varick Transcripts*. Courtesy of the Library of Congress.

principles of Liberty and Love of their Country, with increasing Union, Firmness and discipline, repel every attack and despise every Danger.

Above all we rejoice that our Enemies have been deceived with Regard to you: They have persuaded themselves, they have even dared to say, that the Canadians were not capable of distinguishing between the Blessings of Liberty and the Wretchedness of Slavery; that gratifying the Vanity of a little Circle of Nobility would blind the Eyes of the people of Canada. By such Artifices they hoped to bend you to their Views; but they have been deceived: Instead of finding in you that poverty of Soul, and baseness of Spirit, they see with a Chagrin equal to our Joy, that you are enlightened, generous, and Virtuous; that you will not renounce your own Rights, or serve as Instruments to deprive your Fellow subjects of theirs. Come then, my Brethern, Unite with us in an indissoluble Union. Let us run together to the same Goal. We have taken up Arms in Defence of our Liberty, our Property; our Wives and our Children: We are determined to preserve them or die. We look forward with pleasure to that day not far remote (we hope) when the Inhabitants of America shall have one Sentiment and the full Enjoyment of the blessings of a Free Government.

Incited by these Motives and encouraged by the advice of many Friends of Liberty among you, the Great American Congress have sent an Army into your Province, under the command of General Schuyler; not to plunder but to protect you; to animate and bring forth into Action those sentiments of Freedom you have declared, and which the Tools of dispositism would extinguish through the whole Creation. To co-operate with this design and to frustrate those cruel and perfidious Schemes, which would deluge our Frontier with the Blood of Women and Children, I have detached Colonel Arnold into your Country, with a part of the Army under my Command. I have enjoined upon him, and I am certain that he will consider himself, and act as in the Country of his Patrons and best Friends. Necessaries and Accommodations of every kind which you may furnish, he will thankfully receive, and render the full Value. I invite you therefore as Friends and Brethren, to provide him with such supplies as your Country affords; and I pledge myself not only for your safety and security, but for ample Compensation. Let no Man desert his habitation. Let no Man flee as before an Enemy.

The cause of America and of liberty is the cause of every virtuous American Citizen Whatever may be his Religion or his descent, the United Colonies know no distinction, but such as Slavery, Corruption and Arbitrary Domination may create. Come then ye generous Citizens, range yourselves under the Standard of general Liberty, against which

all the force and Artifice of Tyranny will never be able to prevail. I am, etc.

G. Washington

## The Final Break

### *Common Sense*

Thomas Paine (1776)

With the colonies at war with their mother country, they still were plagued by geographic, economic and social differences, and often a sense of fear and lack of commitment to the war effort. Colonists still tended to identify themselves as Virginians or South Carolinians or New Yorkers, and not as common members of a larger nation. They also lacked a theoretical base from which to make an intellectual break with the idea of monarchy and to build a new republic.

Scottish immigrant Thomas Paine helped solve those problems with a series of essays, published as a bestselling pamphlet called *Common Sense*. He took a very low royalty in order to make the publication as inexpensive and therefore as widely available as possible; even then, he donated most of his profits to the Continental Army to supply the troops with gear that the Continental Congress and individual colonies couldn't – or wouldn't – provide.

A copy of the title page of an original *Common Sense* pamphlet is reproduced on the following page. The full text of *Common Sense* appears as the last section of this book.

# COMMON SENSE;

ADDRESSED TO THE

## INHABITANTS

OF

## A M E R I C A,

On the following interesting

### S U B J E C T S.

- I. Of the Origin and Design of Government in general,  
with concise Remarks on the English Constitution.
- II. Of Monarchy and Hereditary Succession.
- III. Thoughts on the present State of American Affairs.
- IV. Of the present Ability of America, with some miscellaneous Reflections.

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Man knows no Matter save creating HEAVEN,  
Or those whom choice and common good ordain.

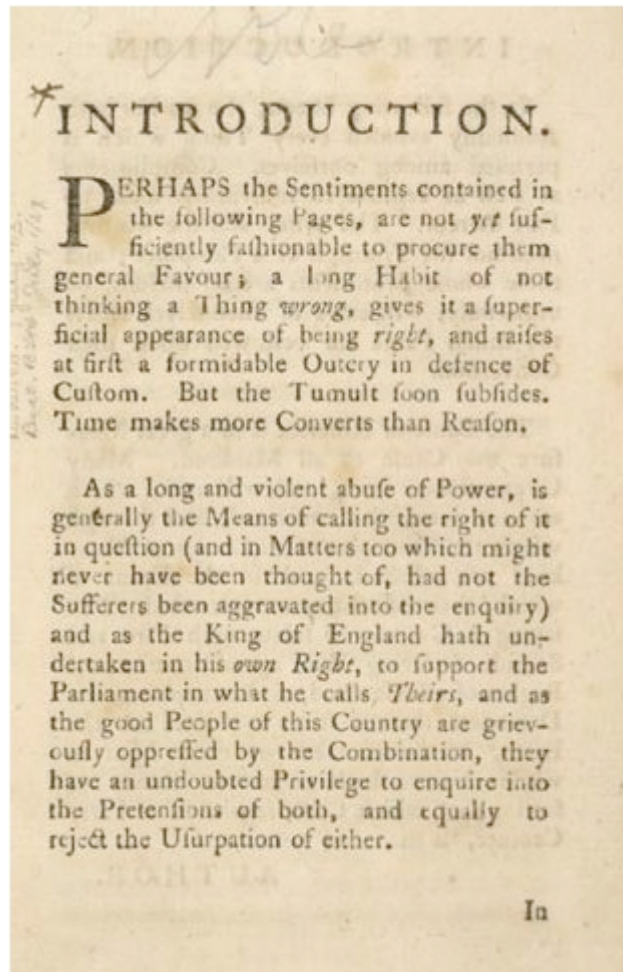
THOMSON.

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PHILADELPHIA;

Printed, and Sold, by R. BELL, in Third-Street.

MDCCCLXXVI.



"In January 1776, little more than a year after emigrating from England, Thomas Paine penned his famous radical pamphlet *Common Sense*, in which he urged the American Colonies to declare independence and immediately sever all ties with the British monarchy. Published just as colonists learned of George III's speech proclaiming the American Colonies in rebellion against the Crown, *Common Sense* became an instant best seller with several thousand copies sold within days." (Library of Congress)

## **The Declaration of Independence**

### **Continental Congress (1776)**

The actual founding document of American independence was fundamentally intended, in part, as an instrument of what we now call public diplomacy. It was a manifesto to educate the world as much as the American public. Twice in the declaration, the Continental Congress made references to international opinion. The first part of the document is a statement of high principle, based heavily on the writings of 17<sup>th</sup> century British republican philosopher John Locke.

No longer does the Congress deflect blame from George III and lay it only on his ministers and Parliament. The second main part reads like a criminal indictment of the king of the British – in stark contrast to the deferential petitions and comments over the previous two years – showing why the American colonies had no alternative but to declare total independence from Britain.

IN CONGRESS, July 4, 1776

The unanimous Declaration of the thirteen united States of America,

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. – That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, – That whenever any Form of Government becomes destructive of these ends, it is the Right of



the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their

exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For Quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our Brittish brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United

Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

## Military PSYOP

### **Yankees taunt the retreating Redcoats**

Massachusetts song (circa 1775)<sup>17</sup>

Massachusetts fighters kept firing on the well-armed, professionally trained and magnificently dressed British forces who retreated from Concord back to Boston on the first day of the American Revolution. The country farmers heaped indignity on the proud Redcoats by shooting at them from behind – a story that the locals quickly put into song:

How brave you went out with muskets all bright,  
And thought to befrighten the folks with the sight;  
But when you got there how they powder'd your pums,  
And all the way home how they pepper'd your bums,  
And is it not, honies, a comical farce,  
To be proud in the face, and be shot in the arse.

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<sup>17</sup> Philip M. Taylor, *Munitions of the Mind: A History of Propaganda from the Ancient World to the Present Day* (Manchester University Press, 1990, 2003), p. 135.

## The earliest known American PSYOP leaflet Continental Army (1775)



This simple military PSYOP leaflet, distributed among British troops occupying Boston in 1775, contains many of the traits of successful PSYOP of today.

In this instance, the American leaflet compares life of a free rebel colonist to the difficult life of a British soldier. As metaphors, the leaflet compares Prospect Hill (in Somerville, a town just outside Boston where Continental Troops were based) with life on – and as a result of – Bunker Hill just across the river in Charlestown. Britain suffered horrific casualties in a Pyrrhic victory at Bunker Hill (most of the battle actually took place on Breed's Hill) that proved that the colonials could successfully take on the world's mightiest army.

British troops could see the Americans encamped on Prospect Hill, out of effective cannon range.

Royal troops were mainly conscripts with low prestige and social standing, were poorly paid, were issued low-quality food, and often had to remain quartered aboard ships in the harbor in unsanitary and generally unhealthy conditions.

Gen. George Washington and the Continental Congress used leaflets against British and Hessian troops with varying degrees of success. The Continental Congress

instructed that leaflets be directed at the Hessians with offers of good treatment as free citizens and free land. Word spread through German-speaking Americans, and the Americans made good on their claims.

One in six of the 30,000 Hessian troops deserted to the American side.

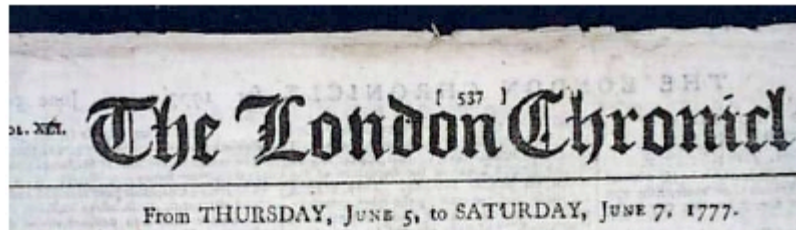
The British side also effectively employed leaflets against the American forces, and George Washington commented that he thought some of the leaflet campaigns had “considerable effect” to promote desertions from the Continental Army.

Leaflet image from Paul Linebarger’s *Psychological Warfare* (1948)



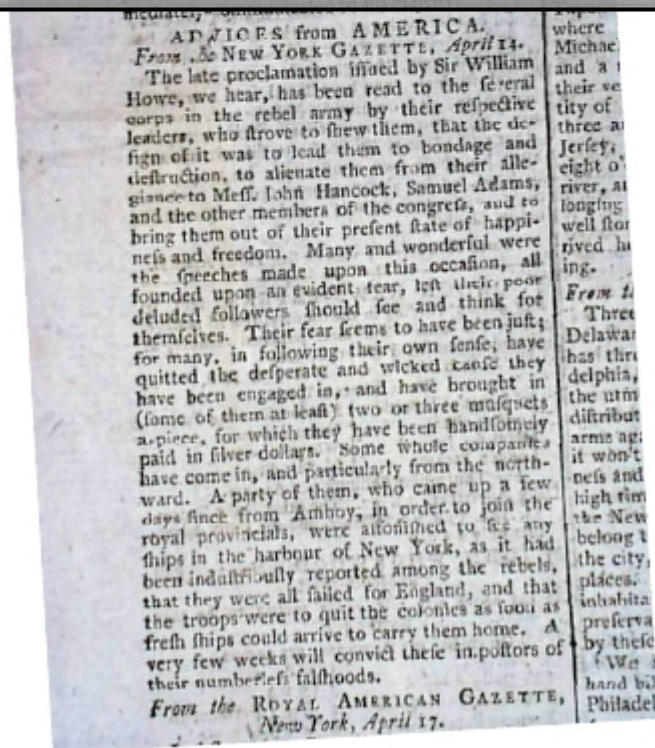


## Further PSYOP against Adams and Hancock *London Chronicle* (1777)



Samuel Adams and John Hancock were almost as well known in London as they were in America.

This 1777 issue of the *London Chronicle* describes a British PSYOP against Adams and Hancock in a New York newspaper to undermine support for them at home. See the article below.



**“The Sale of the Hessians”****Benjamin Franklin (1777)<sup>18</sup>**

In an apparent attempt to drive wedges between German troops and their commanders serving the British in America, Benjamin Franklin perpetrated a hoax that he planted in the European press. He authored a phony letter, in French, purporting to be from the Count de Schaumbergh, the Prince of Hesse-Cassel, to the supposed commander of Hessian troops in America, Baron Höhendorf. Both names are fictitious.

In the letter, the purported Hessian prince says he is vacationing in Naples with his lavish lifestyle, and needs more money. The count cautions his commander that he is not paid as much when his soldiers are wounded as he is when they die, so would the commander please ensure that the wounded do not survive. Dead soldiers add value according to the laws of supply and demand as well, the letter notes.

The letter is dated February 18, 1777, in supposed response to news of the major Hessian defeat at the Battle of Trenton. The letter appeared while the Continental Congress and Gen. Washington were running aggressive and successful PSYOP against the Hessians to invite them to desert. Franklin had been behind that original effort in mid-1776 when he was in Philadelphia as a member of the Continental Congress and its Committee of Secret Correspondence, and as a signer of the Declaration of Independence.

MONSIEUR LE BARON: — On my return from Naples, I received at Rome your letter of the 27th December of last year. I have learned with unspeakable pleasure the courage our troops

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<sup>18</sup> Albert Henry Smith, ed., *The Writings of Benjamin Franklin*, Vol. VII (Macmillan, 1906), pp. 27-29.

exhibited at Trenton, and you cannot imagine my joy on being told that of the 1,950 Hessians engaged in the fight, but 345 escaped. There were just 1,605 men killed, and I cannot sufficiently commend your prudence in sending an exact list of the dead to my minister in London. This precaution was the more necessary, as the report sent to the English ministry does not give but 1,455 dead. This would make 483,450 florins instead of 643,500 which I am entitled to demand under our convention. You will comprehend the prejudice which such an error would work in my finances, and I do not doubt you will take the necessary pains to prove that Lord North's list is false and yours correct.

The court of London objects that there were a hundred wounded who ought not to be included in the list, nor paid for as dead; but I trust you will not overlook my instructions to you on quitting Cassel, and that you will not have tried by human succor to recall the life of the unfortunates whose days could not be lengthened but by the loss of a leg or an arm. That would be making them a pernicious present, and I am sure they would rather die than live in a condition no longer fit for my service. I do not mean by this that you should assassinate them; we should be humane, my dear Baron, but you may insinuate to the surgeons with entire propriety that a crippled man is a reproach to their profession, and that there is no wiser course than to let every one of them die when he ceases to be fit to fight.

I am about to send to you some new recruits. Don't economize them. Remember glory before all things. Glory is true wealth. There is nothing degrades the soldier like the love of money. He must care only for honour and reputation, but this reputation must be acquired in the midst of dangers. A battle gained without costing the conqueror any blood is an inglorious success, while the conquered cover themselves with glory by perishing with their arms in their hands. Do you remember that of the 300 Lacedaemonians who defended the defile of Thermopylae, not one returned? How happy should I be could I say the same of my brave Hessians!

It is true that their king, Leónidas, perished with them: but things have changed, and it is no longer the custom for princes of the empire to go and fight in America for a cause with which they

have no concern. And besides, to whom should they pay the thirty guineas per man if I did not stay in Europe to receive them? Then, it is necessary also that I be ready to send recruits to replace the men you lose. For this purpose I must return to Hesse. It is true, grown men are becoming scarce there, but I will send you boys.

Besides, the scarcer the commodity the higher the price. I am assured that the women and little girls have begun to till our lands, and they get on not badly. You did right to send back to Europe that Dr. Crumerus who was so successful in curing dysentery. Don't bother with a man who is subject to looseness of the bowels. That disease makes bad soldiers. One coward will do more mischief in an engagement than ten brave men will do good. Better that they burst in their barracks than fly in a battle, and tarnish the glory of our arms. Besides, you know that they pay me as killed for all who die from disease, and I don't get a farthing for runaways.

My trip to Italy, which has cost me enormously, makes it desirable that there should be a great mortality among them. You will therefore promise promotion to all who expose themselves; you will exhort them to seek glory in the midst of dangers; you will say to Major Maundorff that I am not at all content with his saving the 345 men who escaped the massacre of Trenton. Through the whole campaign he has not had ten men killed in consequence of his orders. Finally, let it be your principal object to prolong the war and avoid a decisive engagement on either side, for I have made arrangements for a grand Italian opera, and I do not wish to be obliged to give it up. Meantime I pray God, my dear Baron de Hohendorf, to have you in his holy and gracious keeping.

**Miss Jane M'Crea**  
American message (1777)



In order to keep the loyalty of certain Indian tribes, the British failed to prosecute Indians for atrocities against civilians.

Jane (or Jenny) M'Crea was a young New York Tory whose love was a soldier in the army of British Gen. John Burgoyne. Iroquois Indians attacked and scalped

her in August 1777. American propagandists used the incident to show the savagery of the Indians allied with the crown, and the apparent indifference the British army showed to its own loyal citizens. The brutality against an innocent woman filled people with fear.

This painting post-dates the war but shows the horrors people felt at the time. (John Vanderlyn, 1775-1852/Smithsonian Institution.)

A writer with the pseudonym Anti-Britannus wrote the following account that appeared in colonial newspapers in Pennsylvania, New York and Massachusetts: "She [Jenny M'Crea] and an old woman were taken by the savages, who generally serve as an advance buard or flanking parties to the regulars . . . and then, with a barbarity unheard of before, they butchered the poor innocent girl, and scalped her in the sight of those very men who are continually preaching up their tender mercies, and the forbearance of their more than Christian King. Is not this sufficient to congeal the heart of humanity with horror, and even oblige a Tory of liberal sentiments to curse the cause which approves or winks at such worse than hell-like cruelties?

". . . What renders this affair more remarkable is, that Miss M'Crea has a brother an officer in the British service . . . and she herself leaned to that side of the question; but thus they treat their friends as well as their enemies."<sup>19</sup>

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<sup>19</sup> Philip Davidson, *Propaganda and the American Revolution 1763-1783* (Chapel Hill: University of North Carolina Press, 1941), p. 372, citing the *Pennsylvania Evening Post*, August 12, 1777; *Boston Gazette*, January 20, 1778; *Continental Journal*, August 6, 1778; and *New York Journal*, May 31, 1779. The editor of this volume credits Davidson with providing the original 1770s-era sourcing for other entries used in these pages.

## Sophisticated satire

### Dialogue between Britain, France, Spain, Holland, Saxony and America

Benjamin Franklin (1777)<sup>20</sup>

Now that the United States of America had declared its independence, the new country needed help from Britain's European foes. Gaining European support for the American war effort was the principal reason for the Continental Congress to post Benjamin Franklin to Paris to lead the small diplomatic outpost there in late 1776. Chief among Franklin's assignments was to secure military support and cash loans from non-British powers.

Franklin wrote this "dialogue" shortly after his arrival in France, and had it translated into French, Spanish, Dutch and German as part of his diplomatic campaign to persuade the European powers to provide the United States with military support. Written with Franklin's typical sense of wit, the dialogue caricaturizes Britain as an isolated, cold, double-dealing bully, bereft of friends and undeserving of the same until it changed its ways.

**Britain.** Sister of Spain, I have a favor to ask of you. My subjects in America are disobedient, and I am about to chastise them; I beg you will not furnish them with any arms or ammunition.

**Spain.** Have you forgotten, then, that when my subjects in the Low Countries rebelled against me, you not only furnished them with military stores, but joined them with an army and a fleet? I wonder how

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<sup>20</sup> Albert Henry Smyth, ed., *The Writings of Benjamin Franklin*, Vol. VII, 1777-1779 (Macmillan, 1906), pp. 82-86. The actual date of the dialogue is unknown.

you can have the impudence to ask such a favor of me, or the folly to expect it!

**Britain.** You, my dear sister France, will surely not refuse me this favor.

**France.** Did you not assist my rebel Huguenots with a fleet and an army at Rochelle? And have you not lately aided privately and sneakingly my rebel subjects in Corsica? And do you not at this instant keep their chief, pensioned, and ready to head a fresh revolt there, whenever you can find or make an opportunity? Dear sister, you must be a little silly!

**Britain.** Honest Holland! You see it is remembered I was once your friend; you will therefore be mine on this occasion. I know, indeed, you are accustomed to smuggle with these rebels of mine. I will wink at that; sell them as much tea as you please, to enervate the rascals, since they will not take it of me; but for God's sake don't supply them with any arms!

**Holland.** 'Tis true you assisted me against Philip, my tyrant of Spain, but have I not assisted you against one of your tyrants [James 2nd]; and enabled you to expel him? Surely that account, as we merchants say, is *balanced*, and I am nothing in your debt. I have indeed some complaints against *you*, for endeavouring to starve me by your *Navigation Acts*; but, being peaceably disposed, I do not quarrel with you for that. I shall only go on quietly with my own business. Trade is my profession; 'tis all I have to subsist on. And, let me tell you, I shall make no scruple (on the prospect of a good market for that commodity) even to send my ships to Hell and supply the Devil with brimstone. For you must know, I can insure in London against the burning of my sails.

**America to Britain.** Why, you old bloodthirsty bully! You, who have been everywhere vaunting your own prowess, and defaming the Americans as poltroons! You, who have boasted of being able to march over all their bellies with a single regiment! You, who by fraud have possessed yourself of their strongest fortress, and all the arms they had stored up in it! You, who have a disciplined army in their country, intrenched to the teeth, and provided with every thing! Do *you* run about begging all Europe not to supply those poor people with a little powder and shot? Do you mean, then, to fall upon them naked and unarmed, and butcher them in cold blood? Is this your courage? Is this your magnanimity?

**Britain.** Oh! you wicked – Whig – Presbyterian – Serpent! Have you the impudence to appear before me after all your disobedience? Surrender immediately all your liberties and properties into my hands, or I will cut you to pieces. Was it for this that I planted your country at



so great an expense? That I protected you in your infancy, and defended you against all your enemies?

**America.** I shall not surrender my liberty and property, but with my life. It is not true, that my country was planted at your expense. Your own records [Journal of the House of Commons, 1640-1642] refute that falsehood to your face. Nor did you ever afford me a man or a shilling to defend me against the Indians, the only enemies I had upon my own account. But, when you have quarrelled with all Europe, and drawn me with you into all your broils, then you value yourself upon protecting me from the enemies you have made for me. I have no natural cause of difference with Spain, France, or Holland, and yet by turns I have joined with you in wars against them all. You would not suffer me to make or keep a separate peace with any of them, though I might easily have done it to great advantage. Does your protecting me in those wars give you a right to fleece me? If so, as I fought for you, as well as you for me, it gives me a proportionable right to fleece you. What think you of an American law to make a monopoly of you and your commerce, as you have done by your laws of me and mine? Content yourself with that monopoly if you are wise, and learn justice if you would be respected!

**Britain.** You impudent b—h! Am not I your mother country? Is not that a sufficient title to your respect and obedience?

**Saxony.** *Mother country!* Ha! ha! ha! What respect have *you* the front to claim as a mother country? You know that I am *your* mother country, and yet you pay me none. Nay, it is but the other day, that you hired ruffians [Prussians] to rob me on the highway [they enter'd and rais'd contributions in Saxony], and burn my house [and they burnt the fine suburbs of Dresden the capital of Saxony]! For shame! Hide your face and hold your tongue. If you continue this conduct, you will make yourself the contempt of Europe!

**Britain.** O Lord! Where are my friends?

**France, Spain, Holland, and Saxony, all together.** Friends! Believe us, you have none, nor ever will have any, till you mend your manners. How can we, who are your neighbours, have any regard for you, or expect any equity from you, should your power increase, when we see how basely and unjustly you have used both your *own mother and your own children?*

## Wicked wayward children

Matthew Darly, London (April 1777)



"Poor old England endeavouring to reclaim his wicked American Children." England is the decrepit peg-legged man brandishing a whip as he tries to rein in his wayward American children. Rings in the noses of the grown boys allow old England to pull at them.

The naughty American boys taunt the old man across the ocean, make rude gestures, and fire spitballs. The cartoonist captions with a quote attributed to Shakespeare: "And therefore is England maimed & forc'd to go with a staff."

## Qualifying for a Campaign: British ridicule of British officers

Robert Sayer & John Bennett (June 1777)



The British press often ridiculed the king's own army in addition to putting down the enemy. In this print, British officers in a military academy classroom "qualify" to receive a command to fight in America by acting like children.

## Britain's fears London (1780)



### BRITANIA And Her DAUGHTER.

#### A Song

*My America North, as News-paper records:  
With her Mother-Britania one day had some words.  
When behold Monsieur Louis advanced a new whim,  
That she should leave her Mother for to live with him.  
Derry Down.*

*The Diamond consented but quickly found out:  
That her Paramour was not sufficiently stout;  
Besides he was poor, and she wanted fine things:  
So he sent to Don Carlos for Cash and Gold-rings:  
Derry Down.*

*Says Monsieur to the Dem, if you take my advice,  
Then you of young Nelly may come in for a slice:  
The Dem being amorous was nary brought ere,  
And he cuddled and Kiss'd as Monsieur did before.  
Derry Down.*

*Britania behold her with tears in her eyes,  
O Daughter return to your duty she cries,  
But she replies no I'm a Woman full grown,  
And long for to keep a good house of my own.  
Derry Down.*

*If you'd used me kind when I was in your power,  
I then had lived with you at this very hour.  
But now on my Lovers so much do I doat,  
That we'll fight and I'll help 'em to cut your old throat.  
Derry Down.*

*Dem with Blotchet and Scolding-knife Nelly did advise,  
On one side of her Spain on the other side France:  
Britania thus threatened dear all three ciphers,  
And how it will end the Lord above knows:  
Derry Down.*

*Britania of late sent out one of her sons,  
Who has given Don Carlos a thrump with Mous:  
Knock'd out Kne of his Teeth all double mas too,  
And says 'ere to help Old Britania to cheer.  
Derry Down.*

*Now for the Old Lady let all of us pray,  
May Monsieur and the Dem for their perfidy pay,  
May young Nelly return to her duty again,  
And may Britania be Free in despite of Basa-Mon.  
Derry Down.*

*\*Refrain*

*Printed at the At direct March 8, 1780, by J. Mills No. 1. Ratcliff Row near the French Hospital Old Street.*

Facing page: Britannia, alone, fights to rescue her daughter, America, from the clutches of Spain and France.

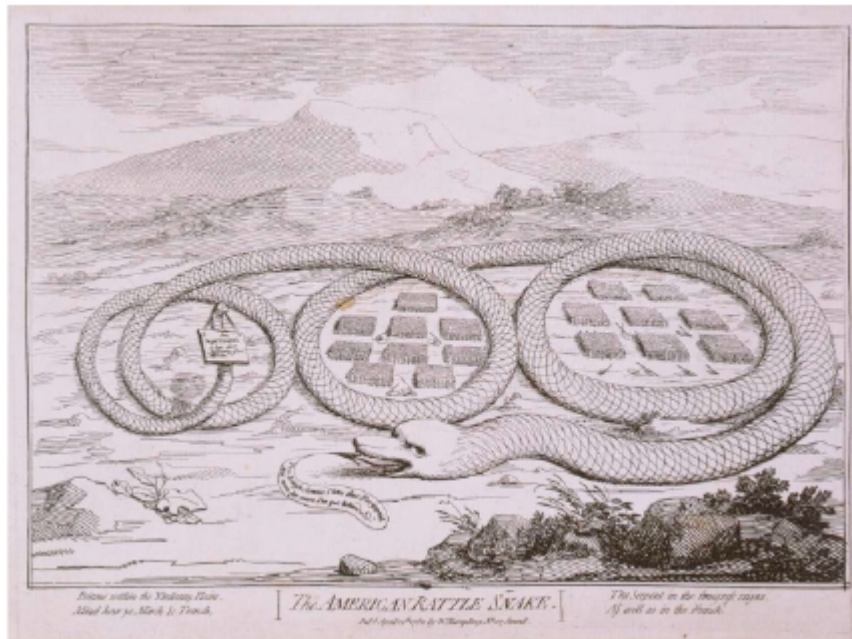
America is dressed as an Indian woman with headdress.

She joins the Spaniard and Frenchman with weapon drawn at England.

Engraving by I. Mills, London, March, 1780

## Lampooning the War Effort from home

James Gillray, London (1782)



This London cartoon lampoons the British government's war effort. The Americans, portrayed as a rattlesnake, encircle the armies of Generals Burgoyne and Cornwallis. Slogans at the tail and mouth say the snake is ready to squeeze another army. The verse reflects widespread British sentiment for the American cause: "Britons within the Yankee's Plains, Mind how ye March & Train; The Serpent in the Congress reigns, As well as in the French."

## Denouncing the peace treaty

William Humphrey, London (1783)



This cartoon denounces the 1783 peace treaty between Great Britain and the United States. The treaty is a "bloody piece of work indeed" that, in the eyes of the cartoonist, cast Loyalist American Englishmen to cruel fates at the hands of the Americans. The Indian "savages" represent the Americans who are shown killing the helpless Tories by hanging, scalping and tomahawk.

## More Satirical Poetry and Songs

### The mother country?

Boston (1765)

Spurn the Relation – She's no more a Mother,  
Than Lewis [Louis] to George, a most Christian Brother,  
In French Wars and Scotch, grown generous and rich  
She gives her dear Children Pox, Slavery and Itch.<sup>21</sup>

### The King's Own Regulars, and their Triumph over the Irregulars

Benjamin Franklin (1775)

*Refers to 1745 Battle of Prestonpans, Scotland, in which the Jacobites defeated British regulars; Falkirk refers to a 1746 battle in which the Jacobites again defeated British troops.*

At Prestonpans we met with some rebels one day,  
We marshalled ourselves all in comely array;  
Our hearts were all stout, and bid our legs stay,  
But our feet were wrongheaded and took us away.

At Falkirk we resolved to be braver,  
And recover some credit by better behavior;  
We wouldn't acknowledge feet had done us a favour,  
So feet swore they would stand, but – legs ran however. . . .

As they could not get before us, how could they look us in the face?  
We took care they shouldn't, by scampering away apace.  
That they had not much to brag of, is a very plain case;  
For if they beat us in the fight, we beat them in the race.<sup>22</sup>

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<sup>21</sup> *Boston Gazette*, December 2, 1765. (161)

## **Satirizing British pretensions** **Attributed to Benjamin Franklin (1777)**

But my Lords do not fear,  
 Before the next year,  
 (Altho' a small Island could fret us)  
 The Continent whole  
 We shall take by my soul –  
 If the cowardly Yankees will let us.<sup>23</sup>

## **A parody of Gen. Burgoyne's amnesty proclamation** **Continental Army (1777)**

This parody was written on personal orders of Gen. George Washington. The following stanza focuses on British General John Burgoyne's use of Indians to terrorize American soldiers and civilians.

If any should so hardened be,  
 As to expect impunity,  
 Because procul a fulmine,  
 I will let loose the dogs of hell,  
 Ten thousand Indians, who shall yell,  
 And foam and tear, and grin and roar,  
 And drench their maukeskins in gore;  
 To these I'll give full scope and play  
 From Ticonderog to Florida;  
 They'll scalp your heads, and kick your shins,  
 And rip your guts, and flay your skins,  
 And of your ears be nimble croppers,  
 And make your thumbs tobacco stoppers.<sup>24</sup>

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<sup>22</sup> Attributed to Benjamin Franklin; *Boston Gazette*, November 27, 1775; and *Philadelphia Evening Post*, March 30, 1776.

<sup>23</sup> *Massachusetts Spy*, May 27, 1777.

<sup>24</sup> *New York Journal*, September 8, 1777.



## **George the Fool** Boston (1778)

O George! thou tyrant of the earth!  
I curse the day that gave thee birth:  
Thoul't be the laughing-stock and scorn  
Of millions who are yet unborn.  
From your destruction may we all  
Learn this good lesson by your fall;  
Never to raise to public rule  
So great a dunce as George the Fool.<sup>25</sup>

## **To the tune of "Smile Britannia"** (1778)

We laugh at war's alarms,  
Its' toils and arts we know,  
And how to wield our arms,  
And when to charge the foe:  
Fam'd Boston (in the trade compleat)  
Excell us only in – retreat.<sup>26</sup>

## **"A Merry Song About Murder"** On British barbarism (1778)

Swords, hatchets and knives be prepared,  
To slaughter his people like sheep;  
Man woman or child, he ne'er spared  
Which makes even Savages weep.  
Then, like a great lubberly calf,  
On his marrow bones down he did fall;  
I have killed of my people but half,  
Lord, help me to murder them all!<sup>27</sup>

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<sup>25</sup> *Boston Gazette*, August 17, 1778.

<sup>26</sup> *Cont. Journal*, February 12, 1778.

## Variation of “God Save the King” Sympathizer in Holland (1780)

God save the Thirteen States!  
Long rule the United States!  
God save our States!  
Make us victorious;  
Happy and glorious;  
No Tyrants over us;  
God save our States!<sup>28</sup>

### Three Tory songs

British and Tory songs portrayed the Americans, among other things, as stooges of the French and tools of Catholics in general. Sometimes they commented on the inconsistency between the rebels’ democratic ideals and the absolute power of their French monarch ally. Some of the anti-French humor remains stereotypical today.

#### Tory Song No. 1

Tho’ Knaves do combine,  
With Belzebub join,  
To aim our Downfall and undo us;  
By George’s fam’d shield,  
We never will yield,  
To the pimps or the Armies of Louis.  
True Souls drink and sing,  
Remember the King,  
With Loyalty, good Will and fervour;  
So while we can stand,  
The Flaggon command,  
To George and his Empire for ever.<sup>29</sup>

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<sup>27</sup> *Boston Gazette*, May 22, 1780.

<sup>28</sup> *Pennsylvania Packet*, January 1, 1780. Written in Holland.

## Tory Song No. 2

Let Washington now from his mountains descend  
 Who knows but in George he may still find a friend  
 A Briton although he loves bottle and wench,  
 Is an honester fellow than *parle vous* French.<sup>30</sup>

## Tory Song No. 3

Say, *Yankees*, don't you feel compunction,  
 At your unnat'ral, rash conjunction?  
 Can love for you in him take root,  
 Who's Catholic, and absolute?  
 I'll tell these croakers how he'll treat 'em;  
*Frenchmen*, like *Storks*, love *frogs* – to eat 'em.<sup>31</sup>

## Yankee Doodle

"Yankee Doodle" was "originally a British army tune to deride the disorganized enemy," as Philip N. Taylor writes, but "was adopted by the colonial troops as a means of taunting the redcoats in retreat and defeat, and it became an American rallying song."

A British soldier commented on the unsettling blowback effect: "After our rapid successes, we held the Yankees in great contempt, but it was not a little mortifying to hear them play this tune."<sup>32</sup>

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<sup>29</sup> New York Historical Society, *Broadsides*, April 23, 1779. (315)

<sup>30</sup> *Royal Gazette*, October 24, 1778. (318)

<sup>31</sup> *Royal Gazette*, December 5, 1778 (320)

<sup>32</sup> Taylor, p. 136.

Citing a 1775 New York newspaper, Revolutionary War propaganda researcher Philip Davidson writes, "Yankee Doodle, the only one that has held its place as a war song, appears to have been unintentionally popularized by some British troops in Boston. The air was an old one, dating from Cromwellian England, and the words, satirizing the Americans, may have been written at the time of the French and Indian War and adapted to the later period. However that may be, in March, 1775, some troops in Boston tarred and feathered a man for buying a gun from a soldier. They pinned a label on his back, 'AMERICAN LIBERTY, OR A SPECIMEN OF DEMOCRACY,' and then played 'Yankee Doodle' as they rode through the streets.

"The Whigs took it up after some British troops (who had gone to the aid of their compatriots just after the first engagement at Lexington) had played Yankee Doodle, which, said the account, 'had become their favorite tune ever since that notable exploit, which did so much honor to the troops of Britain's king, of tarring and feathering a poor countryman in Boston.' In November, [community organizer Isaac] Sears and his mob marched out of New York playing the tune after destroying [Tory publisher James] Rivington's press, and thereafter it became almost the national war song."<sup>33</sup>

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<sup>33</sup> Philip Davidson, *Propaganda and the American Revolution, 1763-1783* (Chapel Hill: University of North Carolina Press, 1941), pp. 390-391, citing the *New York Journal*, March 30, 1775, and the *Pennsylvania Journal*, May 24 and December 6, 1775.

## The Pamphlet that United the States of America

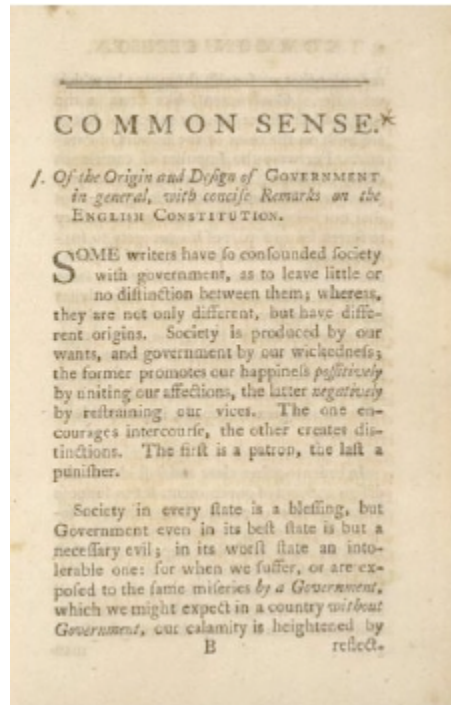
### *Common Sense* (Full Text)

Thomas Paine (1776)

Courtesy Library of Congress

Perhaps the sentiments contained in the following pages, are not YET sufficiently fashionable to procure them general favour; a long habit of not thinking a thing WRONG, gives it a superficial appearance of being RIGHT, and raises at first a formidable outcry in defense of custom. But the tumult soon subsides. Time makes more converts than reason. As a long and violent abuse of power, is generally the Means of calling the right of it in question (and in

Matters too which might never have been thought of, had not the Sufferers been aggravated into the inquiry) and as the King of England hath undertaken in his OWN RIGHT, to support the Parliament in what he calls THEIRS, and as the good people of this country are grievously oppressed by the combination, they have an undoubted privilege to inquire into the pretensions of both, and equally to reject the usurpation of either. In the following sheets, the author hath studiously avoided every thing which is personal among ourselves. Compliments as well as censure to individuals make no part thereof. The wise, and the worthy, need not the triumph of a pamphlet; and those whose sentiments are injudicious, or unfriendly, will cease of themselves unless too much pains are bestowed upon their conversion. The cause



of America is in a great measure the cause of all mankind. Many circumstances hath, and will arise, which are not local, but universal, and through which the principles of all Lovers of Mankind are affected, and in the Event of which, their Affections are interested. The laying a Country desolate with Fire and Sword, declaring War against the natural rights of all Mankind, and extirpating the Defenders thereof from the Face of the Earth, is the Concern of every Man to whom Nature hath given the Power of feeling; of which Class, regardless of Party Censure, is the AUTHOR.

P. S. The Publication of this new Edition hath been delayed, with a View of taking notice (had it been necessary) of any Attempt to refute the Doctrine of Independence: As no Answer hath yet appeared, it is now presumed that none will, the Time needful for getting such a Performance ready for the Public being considerably past. Who the Author of this Production is, is wholly unnecessary to the Public, as the Object for Attention is the DOCTRINE ITSELF, not the MAN. Yet it may not be unnecessary to say, That he is unconnected with any Party, and under no sort of Influence public or private, but the influence of reason and principle.

Philadelphia, February 14, 1776

***Of the Origin and Design of Government in General, with Concise Remarks on the English Constitution***

SOME writers have so confounded society with government, as to leave little or no distinction between them; whereas they are not only different, but have different origins. Society is produced by our wants, and government by our wickedness; the former promotes our happiness POSITIVELY by uniting our affections, the latter NEGATIVELY by restraining our vices. The one encourages intercourse, the other creates distinctions. The first is a patron, the last a punisher.

Society in every state is a blessing, but Government, even in its best state, is but a necessary evil; in its worst state an intolerable one: for when we suffer, or are exposed to the same miseries BY A GOVERNMENT, which we might expect in a country WITHOUT GOVERNMENT, our calamity is heightened by reflecting that we furnish the means by which we suffer. Government, like dress, is the badge of lost innocence; the palaces of kings are built upon the ruins of the bowers of paradise. For were the impulses of conscience clear,

uniform and irresistibly obeyed, man would need no other lawgiver; but that not being the case, he finds it necessary to surrender up a part of his property to furnish means for the protection of the rest; and this he is induced to do by the same prudence which in every other case advises him, out of two evils to choose the least. Wherefore, security being the true design and end of government, it unanswerably follows that whatever form thereof appears most likely to ensure it to us, with the least expense and greatest benefit, is preferable to all others.

In order to gain a clear and just idea of the design and end of government, let us suppose a small number of persons settled in some sequestered part of the earth, unconnected with the rest; they will then represent the first peopling of any country, or of the world. In this state of natural liberty, society will be their first thought. A thousand motives will excite them thereto; the strength of one man is so unequal to his wants, and his mind so unfitted for perpetual solitude, that he is soon obliged to seek assistance and relief of another, who in his turn requires the same. Four or five united would be able to raise a tolerable dwelling in the midst of a wilderness, but one man might labour out the common period of life without accomplishing any thing; when he had felled his timber he could not remove it, nor erect it after it was removed; hunger in the mean time would urge him to quit his work, and every different want would call him a different way. Disease, nay even misfortune, would be death; for, though neither might be mortal, yet either would disable him from living, and reduce him to a state in which he might rather be said to perish than to die.

Thus necessity, like a gravitating power, would soon form our newly arrived emigrants into society, the reciprocal blessings of which would supersede, and render the obligations of law and government unnecessary while they remained perfectly just to each other; but as nothing but Heaven is impregnable to vice, it will unavoidably happen that in proportion as they surmount the first difficulties of emigration, which bound them together in a common cause, they will begin to relax in their duty and attachment to each other: and this remissness will point out the necessity of establishing some form of government to supply the defect of moral virtue.

Some convenient tree will afford them a State House, under the branches of which the whole Colony may assemble to deliberate on public matters. It is more than probable that their first laws will have the title only of Regulations and be enforced by no other penalty than

public disesteem. In this first parliament every man by natural right will have a seat.

But as the Colony encreases, the public concerns will encrease likewise, and the distance at which the members may be separated, will render it too inconvenient for all of them to meet on every occasion as at first, when their number was small, their habitations near, and the public concerns few and trifling. This will point out the convenience of their consenting to leave the legislative part to be managed by a select number chosen from the whole body, who are supposed to have the same concerns at stake which those have who appointed them, and who will act in the same manner as the whole body would act were they present. If the colony continue encreasing, it will become necessary to augment the number of representatives, and that the interest of every part of the colony may be attended to, it will be found best to divide the whole into convenient parts, each part sending its proper number: and that the ELECTED might never form to themselves an interest separate from the ELECTORS, prudence will point out the propriety of having elections often: because as the ELECTED might by that means return and mix again with the general body of the ELECTORS in a few months, their fidelity to the public will be secured by the prudent reflection of not making a rod for themselves. And as this frequent interchange will establish a common interest with every part of the community, they will mutually and naturally support each other, and on this, (not on the unmeaning name of king,) depends the STRENGTH OF GOVERNMENT, AND THE HAPPINESS OF THE GOVERNED.

Here then is the origin and rise of government; namely, a mode rendered necessary by the inability of moral virtue to govern the world; here too is the design and end of government, viz. Freedom and security. And however our eyes may be dazzled with show, or our ears deceived by sound; however prejudice may warp our wills, or interest darken our understanding, the simple voice of nature and reason will say, 'tis right.

I draw my idea of the form of government from a principle in nature which no art can overturn, viz. that the more simple any thing is, the less liable it is to be disordered, and the easier repaired when disordered; and with this maxim in view I offer a few remarks on the so much boasted constitution of England. That it was noble for the dark and slavish times in which it was erected, is granted. When the world was overrun with tyranny the least remove therefrom was a glorious



rescue. But that it is imperfect, subject to convulsions, and incapable of producing what it seems to promise is easily demonstrated.

Absolute governments, (tho' the disgrace of human nature) have this advantage with them, they are simple; if the people suffer, they know the head from which their suffering springs; know likewise the remedy; and are not bewildered by a variety of causes and cures. But the constitution of England is so exceedingly complex, that the nation may suffer for years together without being able to discover in which part the fault lies; some will say in one and some in another, and every political physician will advise a different medicine.

I know it is difficult to get over local or long standing prejudices, yet if we will suffer ourselves to examine the component parts of the English Constitution, we shall find them to be the base remains of two ancient tyrannies, compounded with some new Republican materials.

First. — The remains of Monarchical tyranny in the person of the King.

Secondly. — The remains of Aristocratical tyranny in the persons of the Peers.

Thirdly. — The new Republican materials, in the persons of the Commons, on whose virtue depends the freedom of England.

The two first, by being hereditary, are independent of the People; wherefore in a CONSTITUTIONAL SENSE they contribute nothing towards the freedom of the State.

To say that the constitution of England is an UNION of three powers, reciprocally CHECKING each other, is farcical; either the words have no meaning, or they are flat contradictions.

First. — That the King it not to be trusted without being looked after; or in other words, that a thirst for absolute power is the natural disease of monarchy.

Secondly. — That the Commons, by being appointed for that purpose, are either wiser or more worthy of confidence than the Crown.

But as the same constitution which gives the Commons a power to check the King by withholding the supplies, gives afterwards the King

a power to check the Commons, by empowering him to reject their other bills; it again supposes that the King is wiser than those whom it has already supposed to be wiser than him. A mere absurdity!

There is something exceedingly ridiculous in the composition of Monarchy; it first excludes a man from the means of information, yet empowers him to act in cases where the highest judgment is required. The state of a king shuts him from the World, yet the business of a king requires him to know it thoroughly; wherefore the different parts, by unnaturally opposing and destroying each other, prove the whole character to be absurd and useless.

Some writers have explained the English constitution thus: the King, say they, is one, the people another; the Peers are a house in behalf of the King, the commons in behalf of the people; but this hath all the distinctions of a house divided against itself; and though the expressions be pleasantly arranged, yet when examined they appear idle and ambiguous; and it will always happen, that the nicest construction that words are capable of, when applied to the description of something which either cannot exist, or is too incomprehensible to be within the compass of description, will be words of sound only, and though they may amuse the ear, they cannot inform the mind: for this explanation includes a previous question, viz. HOW CAME THE KING BY A POWER WHICH THE PEOPLE ARE AFRAID TO TRUST, AND ALWAYS OBLIGED TO CHECK? Such a power could not be the gift of a wise people, neither can any power, WHICH NEEDS CHECKING, be from God; yet the provision which the constitution makes supposes such a power to exist.

But the provision is unequal to the task; the means either cannot or will not accomplish the end, and the whole affair is a *Felo de se*: for as the greater weight will always carry up the less, and as all the wheels of a machine are put in motion by one, it only remains to know which power in the constitution has the most weight, for that will govern: and tho' the others, or a part of them, may clog, or, as the phrase is, check the rapidity of its motion, yet so long as they cannot stop it, their endeavours will be ineffectual: The first moving power will at last have its way, and what it wants in speed is supplied by time.

That the crown is this overbearing part in the English constitution needs not be mentioned, and that it derives its whole consequence merely from being the giver of places and pensions is self-evident; wherefore,

though we have been wise enough to shut and lock a door against absolute Monarchy, we at the same time have been foolish enough to put the Crown in possession of the key.

The prejudice of Englishmen, in favour of their own government, by King, Lords and Commons, arises as much or more from national pride than reason. Individuals are undoubtedly safer in England than in some other countries: but the will of the king is as much the law of the land in Britain as in France, with this difference, that instead of proceeding directly from his mouth, it is handed to the people under the formidable shape of an act of parliament. For the fate of Charles the First hath only made kings more subtle — not more just.

Wherefore, laying aside all national pride and prejudice in favour of modes and forms, the plain truth is that IT IS WHOLLY OWING TO THE CONSTITUTION OF THE PEOPLE, AND NOT TO THE CONSTITUTION OF THE GOVERNMENT that the crown is not as oppressive in England as in Turkey.

An inquiry into the CONSTITUTIONAL ERRORS in the English form of government, is at this time highly necessary; for as we are never in a proper condition of doing justice to others, while we continue under the influence of some leading partiality, so neither are we capable of doing it to ourselves while we remain fettered by any obstinate prejudice.

And as a man who is attached to a prostitute is unfitted to choose or judge of a wife, so any prepossession in favour of a rotten constitution of government will disable us from discerning a good one.

### ***Of Monarchy and Hereditary Succession***

MANKIND being originally equals in the order of creation, the equality could only be destroyed by some subsequent circumstance: the distinctions of rich and poor may in a great measure be accounted for, and that without having recourse to the harsh ill-sounding names of oppression and avarice. Oppression is often the CONSEQUENCE, but seldom or never the MEANS of riches; and tho' avarice will preserve a man from being necessitously poor, it generally makes him too timorous to be wealthy.

But there is another and great distinction for which no truly natural or religious reason can be assigned, and that is the distinction of men into KINGS and SUBJECTS. Male and female are the distinctions of

nature, good and bad the distinctions of Heaven; but how a race of men came into the world so exalted above the rest, and distinguished like some new species, is worth inquiring into, and whether they are the means of happiness or of misery to mankind.

In the early ages of the world, according to the scripture chronology there were no kings; the consequence of which was, there were no wars; it is the pride of kings which throws mankind into confusion. Holland, without a king hath enjoyed more peace for this last century than any of the monarchical governments in Europe. Antiquity favours the same remark; for the quiet and rural lives of the first Patriarchs have a snappy something in them, which vanishes when we come to the history of Jewish royalty.

Government by kings was first introduced into the world by the Heathens, from whom the children of Israel copied the custom. It was the most prosperous invention the Devil ever set on foot for the promotion of idolatry. The Heathens paid divine honours to their deceased kings, and the Christian World hath improved on the plan by doing the same to their living ones. How impious is the title of sacred Majesty applied to a worm, who in the midst of his splendor is crumbling into dust!

As the exalting one man so greatly above the rest cannot be justified on the equal rights of nature, so neither can it be defended on the authority of scripture; for the will of the Almighty as declared by Gideon, and the prophet Samuel, expressly disapproves of government by Kings.

All anti-monarchical parts of scripture have been very smoothly glossed over in monarchical governments, but they undoubtedly merit the attention of countries which have their governments yet to form. "Render unto Cesar the things which are Cesar's" is the scripture doctrine of courts, yet it is no support of monarchical government, for the Jews at that time were without a king, and in a state of vassalage to the Romans.

Near three thousand years passed away, from the Mosaic account of the creation, till the Jews under a national delusion requested a king. Till then their form of government (except in extraordinary cases where the Almighty interposed) was a kind of Republic, administered by a judge and the elders of the tribes. Kings they had none, and it was held sinful to acknowledge any being under that title but the Lord of Hosts. And

when a man seriously reflects on the idolatrous homage which is paid to the persons of kings, he need not wonder that the Almighty, ever jealous of his honour, should disapprove a form of government which so impiously invades the prerogative of Heaven.

Monarchy is ranked in scripture as one of the sins of the Jews, for which a curse in reserve is denounced against them. The history of that transaction is worth attending to.

The children of Israel being oppressed by the Midianites, Gideon marched against them with a small army, and victory thro' the divine interposition decided in his favour. The Jews, elate with success, and attributing it to the generalship of Gideon, proposed making him a king, saying, "Rule thou over us, thou and thy son, and thy son's son." Here was temptation in its fullest extent; not a kingdom only, but an hereditary one; but Gideon in the piety of his soul replied, "I will not rule over you, neither shall my son rule over you. THE LORD SHALL RULE OVER YOU." Words need not be more explicit: Gideon doth not decline the honour, but denieth their right to give it; neither doth he compliment them with invented declarations of his thanks, but in the positive style of a prophet charges them with disaffection to their proper Sovereign, the King of Heaven.

About one hundred and thirty years after this, they fell again into the same error. The hankering which the Jews had for the idolatrous customs of the Heathens, is something exceedingly unaccountable; but so it was, that laying hold of the misconduct of Samuel's two sons, who were intrusted with some secular concerns, they came in an abrupt and clamorous manner to Samuel, saying, "Behold thou art old, and they sons walk not in thy ways, now make us a king to judge us like all the other nations." And here we cannot observe but that their motives were bad, viz. that they might be LIKE unto other nations, i. e. the Heathens, whereas their true glory lay in being as much UNLIKE them as possible. "But the thing displeased Samuel when they said, give us a King to judge us; and Samuel prayed unto the Lord, and the Lord said unto Samuel, hearken unto the voice of the people in all that they say unto thee, for they have not rejected thee, but they have rejected me, THAT I SHOULD NOT REIGN OVER THEM. According to all the works which they have done since the day that I brought them up out of Egypt even unto this day, wherewith they have forsaken me, and served other Gods: so do they also unto thee. Now therefore hearken unto their voice, howbeit, protest solemnly unto them and show them the manner

of the King that shall reign over them," i.e. not of any particular King, but the general manner of the Kings of the earth whom Israel was so eagerly copying after. And notwithstanding the great distance of time and difference of manners, the character is still in fashion. "And Samuel told all the words of the Lord unto the people, that asked of him a King. And he said, This shall be the manner of the King that shall reign over you. He will take your sons and appoint them for himself for his chariots and to be his horsemen, and some shall run before his chariots" (this description agrees with the present mode of impressing men) "and he will appoint him captains over thousands and captains over fifties, will set them to clear his ground and to reap his harvest, and to make his instruments of war, and instruments of his chariots, And he will take your daughters to be confectionaries, and to be cooks, and to be bakers" (this describes the expense and luxury as well as the oppression of Kings) "and he will take your fields and your vineyards, and your olive yards, even the best of them, and give them to his servants. And he will take the tenth of your seed, and of your vineyards, and give them to his officers and to his servants" (by which we see that bribery, corruption, and favouritism, are the standing vices of Kings) "and he will take the tenth of your men servants, and your maid servants, and your goodliest young men, and your asses, and put them to his work: and he will take the tenth of your sheep, and ye shall be his servants, and ye shall cry out in that day because of your king which ye shall have chosen, AND THE LORD WILL NOT HEAR YOU IN THAT DAY." This accounts for the continuation of Monarchy; neither do the characters of the few good kings which have lived since, either sanctify the title, or blot out the sinfulness of the origin; the high encomium of David takes no notice of him OFFICIALLY AS A KING, but only as a MAN after God's own heart. "Nevertheless the people refused to obey the voice of Samuel, and they said, Nay, but we will have a king over us, that we may be like all the nations, and that our king may judge us, and go out before us and fight our battles." Samuel continued to reason with them but to no purpose; he set before them their ingratitude, but all would not avail; and seeing them fully bent on their folly, he cried out, "I will call unto the Lord, and he shall send thunder and rain" (which was then a punishment, being in the time of wheat harvest) "that ye may perceive and see that your wickedness is great which ye have done in the sight of the Lord, IN ASKING YOU A KING. So Samuel called unto the Lord, and the Lord sent thunder and rain that day, and all the people greatly feared the Lord and Samuel. And all the people said unto Samuel, Pray for thy servants unto the Lord thy God that we die not, for WE HAVE ADDED UNTO OUR SINS THIS EVIL, TO ASK A KING." These

portions of scripture are direct and positive. They admit of no equivocal construction. That the Almighty hath here entered his protest against monarchical government is true, or the scripture is false. And a man hath good reason to believe that there is as much of kingcraft as priestcraft in withholding the scripture from the public in popish countries. For monarchy in every instance is the popery of government.

To the evil of monarchy we have added that of hereditary succession; and as the first is a degradation and lessening of ourselves, so the second, claimed as a matter of right, is an insult and imposition on posterity. For all men being originally equals, no one by birth could have a right to set up his own family in perpetual preference to all others for ever, and tho' himself might deserve some decent degree of honours of his contemporaries, yet his descendants might be far too unworthy to inherit them. One of the strongest natural proofs of the folly of hereditary right in Kings, is that nature disapproves it, otherwise she would not so frequently turn it into ridicule, by giving mankind an ASS FOR A LION.

Secondly, as no man at first could possess any other public honors than were bestowed upon him, so the givers of those honors could have no power to give away the right of posterity, and though they might say "We choose you for our head," they could not without manifest injustice to their children say "that your children and your children's children shall reign over ours forever." Because such an unwise, unjust, unnatural compact might (perhaps) in the next succession put them under the government of a rogue or a fool. Most wise men in their private sentiments have ever treated hereditary right with contempt; yet it is one of those evils which when once established is not easily removed: many submit from fear, others from superstition, and the more powerful part shares with the king the plunder of the rest.

This is supposing the present race of kings in the world to have had an honorable origin: whereas it is more than probable, that, could we take off the dark covering of antiquity and trace them to their first rise, we should find the first of them nothing better than the principal ruffian of some restless gang, whose savage manners of pre-eminence in subtilty obtained him the title of chief among plunderers; and who by increasing in power and extending his depredations, overawed the quiet and defenseless to purchase their safety by frequent contributions. Yet his electors could have no idea of giving hereditary right to his descendants, because such a perpetual exclusion of themselves was

incompatible with the free and restrained principles they professed to live by. Wherefore, hereditary succession in the early ages of monarchy could not take place as a matter of claim, but as something casual or complemental; but as few or no records were extant in those days, the traditionary history stuff'd with fables, it was very easy, after the lapse of a few generations, to trump up some superstitious tale conveniently timed, Mahomet-like, to cram hereditary right down the throats of the vulgar. Perhaps the disorders which threatened, or seemed to threaten, on the decease of a leader and the choice of a new one (for elections among ruffians could not be very orderly) induced many at first to favour hereditary pretensions; by which means it happened, as it hath happened since, that what at first was submitted to as a convenience was afterwards claimed as a right.

England since the conquest hath known some few good monarchs, but groaned beneath a much larger number of bad ones: yet no man in his senses can say that their claim under William the Conqueror is a very honourable one. A French bastard landing with an armed Banditti and establishing himself king of England against the consent of the natives, is in plain terms a very paltry rascally original. It certainly hath no divinity in it. However it is needless to spend much time in exposing the folly of hereditary right; if there are any so weak as to believe it, let them promiscuously worship the Ass and the Lion, and welcome. I shall neither copy their humility, nor disturb their devotion.

Yet I should be glad to ask how they suppose kings came at first? The question admits but of three answers, viz. either by lot, by election, or by usurpation. If the first king was taken by lot, it establishes a precedent for the next, which excludes hereditary succession. Saul was by lot, yet the succession was not hereditary, neither does it appear from that transaction that there was any intention it ever should. If the first king of any country was by election, that likewise establishes a precedent for the next; for to say, that the right of all future generations is taken away, by the act of the first electors, in their choice not only of a king but of a family of kings for ever, hath no parallel in or out of scripture but the doctrine of original sin, which supposes the free will of all men lost in Adam; and from such comparison, and it will admit of no other, hereditary succession can derive no glory. for as in Adam all sinned, and as in the first electors all men obeyed; as in the one all mankind were subjected to Satan, and in the other to sovereignty; as our innocence was lost in the first, and our authority in the last; and as both disable us from re-assuming some former state and privilege, it



unanswerably follows that original sin and hereditary succession are parallels. Dishonourable rank! inglorious connection! yet the most subtle sophist cannot produce a juster simile.

As to usurpation, no man will be so hardy as to defend it; and that William the Conqueror was an usurper is a fact not to be contradicted. The plain truth is, that the antiquity of English monarchy will not bear looking into.

But it is not so much the absurdity as the evil of hereditary succession which concerns mankind. Did it ensure a race of good and wise men it would have the seal of divine authority, but as it opens a door to the FOOLISH, the WICKED, and the IMPROPER, it hath in it the nature of oppression. Men who look upon themselves born to reign, and others to obey, soon grow insolent. Selected from the rest of mankind, their minds are early poisoned by importance; and the world they act in differs so materially from the world at large, that they have but little opportunity of knowing its true interests, and when they succeed in the government are frequently the most ignorant and unfit of any throughout the dominions.

Another evil which attends hereditary succession is, that the throne is subject to be possessed by a minor at any age; all which time the regency acting under the cover of a king have every opportunity and inducement to betray their trust. The same national misfortune happens when a king worn out with age and infirmity enters the last stage of human weakness. In both these cases the public becomes a prey to every miscreant who can tamper successfully with the follies either of age or infancy.

The most plausible plea which hath ever been offered in favor of hereditary succession is, that it preserves a nation from civil wars; and were this true, it would be weighty; whereas it is the most bare-faced falsity ever imposed upon mankind. The whole history of England disowns the fact. Thirty kings and two minors have reigned in that distracted kingdom since the conquest, in which time there has been (including the revolution) no less than eight civil wars and nineteen Rebellions. Wherefore instead of making for peace, it makes against it, and destroys the very foundation it seems to stand upon.

The contest for monarchy and succession, between the houses of York and Lancaster, laid England in a scene of blood for many years. Twelve

pitched battles besides skirmishes and sieges were fought between Henry and Edward. Twice was Henry prisoner to Edward, who in his turn was prisoner to Henry. And so uncertain is the fate of war and the temper of a nation, when nothing but personal matters are the ground of a quarrel, that Henry was taken in triumph from a prison to a palace, and Edward obliged to fly from a palace to a foreign land; yet, as sudden transitions of temper are seldom lasting, Henry in his turn was driven from the throne, and Edward re-called to succeed him. The parliament always following the strongest side.

This contest began in the reign of Henry the Sixth, and was not entirely extinguished till Henry the Seventh, in whom the families were united. Including a period of 67 years, viz. from 1422 to 1489.

In short, monarchy and succession have laid (not this or that kingdom only) but the world in blood and ashes. 'Tis a form of government which the word of God bears testimony against, and blood will attend it.

If we enquire into the business of a King, we shall find that in some countries they may have none; and after sauntering away their lives without pleasure to themselves or advantage to the nation, withdraw from the scene, and leave their successors to tread the same idle round. In absolute monarchies the whole weight of business civil and military lies on the King; the children of Israel in their request for a king urged this plea, "that he may judge us, and go out before us and fight our battles." But in countries where he is neither a Judge nor a General, as in England, a man would be puzzled to know what IS his business.

The nearer any government approaches to a Republic, the less business there is for a King. It is somewhat difficult to find a proper name for the government of England. Sir William Meredith calls it a Republic; but in its present state it is unworthy of the name, because the corrupt influence of the Crown, by having all the places in its disposal, hath so effectually swallowed up the power, and eaten out the virtue of the House of Commons (the Republican part in the constitution) that the government of England is nearly as monarchical as that of France or Spain. Men fall out with names without understanding them. For 'tis the Republican and not the Monarchical part of the Constitution of England which Englishmen glory in, viz. the liberty of choosing an House of Commons from out of their own body — and it is easy to see that when Republican virtues fail, slavery ensues. Why is the constitution of

England sickly, but because monarchy hath poisoned the Republic; the Crown hath engrossed the Commons.

In England a King hath little more to do than to make war and give away places; which, in plain terms, is to impoverish the nation and set it together by the ears. A pretty business indeed for a man to be allowed eight hundred thousand sterling a year for, and worshipped into the bargain! Of more worth is one honest man to society, and in the sight of God, than all the crowned ruffians that ever lived.

### ***Thoughts on the Present State of American Affairs***

IN the following pages I offer nothing more than simple facts, plain arguments, and common sense: and have no other preliminaries to settle with the reader, than that he will divest himself of prejudice and prepossession, and suffer his reason and his feelings to determine for themselves that he will put on, or rather that he will not put off, the true character of a man, and generously enlarge his views beyond the present day.

Volumes have been written on the subject of the struggle between England and America. Men of all ranks have embarked in the controversy, from different motives, and with various designs; but all have been ineffectual, and the period of debate is closed. Arms as the last resource decide the contest; the appeal was the choice of the King, and the Continent has accepted the challenge.

It hath been reported of the late Mr. Pelham (who tho' an able minister was not without his faults) that on his being attacked in the House of Commons on the score that his measures were only of a temporary kind, replied, "THEY WILL LAST MY TIME." Should a thought so fatal and unmanly possess the Colonies in the present contest, the name of ancestors will be remembered by future generations with detestation.

The Sun never shined on a cause of greater worth. 'Tis not the affair of a City, a County, a Province, or a Kingdom; but of a Continent — of at least one-eighth part of the habitable Globe. 'Tis not the concern of a day, a year, or an age; posterity are virtually involved in the contest, and will be more or less affected even to the end of time, by the proceedings now. Now is the seed-time of Continental union, faith and honour. The least fracture now will be like a name engraved with the

point of a pin on the tender rind of a young oak; the wound would enlarge with the tree, and posterity read in it full grown characters.

By referring the matter from argument to arms, a new era for politics is struck — a new method of thinking hath arisen. All plans, proposals, &c. prior to the nineteenth of April, i.e. to the commencement of hostilities, are like the almanacks of the last year; which tho' proper then, are superseded and useless now. Whatever was advanced by the advocates on either side of the question then, terminated in one and the same point, viz. a union with Great Britain; the only difference between the parties was the method of effecting it; the one proposing force, the other friendship; but it hath so far happened that the first hath failed, and the second hath withdrawn her influence.

As much hath been said of the advantages of reconciliation, which, like an agreeable dream, hath passed away and left us as we were, it is but right that we should examine the contrary side of the argument, and enquire into some of the many material injuries which these Colonies sustain, and always will sustain, by being connected with and dependent on Great Britain. To examine that connection and dependence, on the principles of nature and common sense, to see what we have to trust to, if separated, and what we are to expect, if dependent.

I have heard it asserted by some, that as America has flourished under her former connection with Great Britain, the same connection is necessary towards her future happiness, and will always have the same effect. Nothing can be more fallacious than this kind of argument. We may as well assert that because a child has thrived upon milk, that it is never to have meat, or that the first twenty years of our lives is to become a precedent for the next twenty. But even this is admitting more than is true; for I answer roundly that America would have flourished as much, and probably much more, had no European power taken any notice of her. The commerce by which she hath enriched herself are the necessities of life, and will always have a market while eating is the custom of Europe.

But she has protected us, say some. That she hath engrossed us is true, and defended the Continent at our expense as well as her own, is admitted; and she would have defended Turkey from the same motive, viz. — for the sake of trade and dominion.

Alas! we have been long led away by ancient prejudices and made large sacrifices to superstition. We have boasted the protection of Great Britain, without considering, that her motive was INTEREST not ATTACHMENT; and that she did not protect us from OUR ENEMIES on OUR ACCOUNT; but from HER ENEMIES on HER OWN ACCOUNT, from those who had no quarrel with us on any OTHER ACCOUNT, and who will always be our enemies on the SAME ACCOUNT. Let Britain waive her pretensions to the Continent, or the Continent throw off the dependence, and we should be at peace with France and Spain, were they at war with Britain. The miseries of Hanover last war ought to warn us against connections.

It hath lately been asserted in parliament, that the Colonies have no relation to each other but through the Parent Country, i.e. that Pennsylvania and the Jerseys and so on for the rest, are sister Colonies by the way of England; this is certainly a very roundabout way of proving relationship, but it is the nearest and only true way of proving enmity (or enemyship, if I may so call it.) France and Spain never were, nor perhaps ever will be, our enemies as AMERICANS, but as our being the SUBJECTS OF GREAT BRITAIN.

But Britain is the parent country, say some. Then the more shame upon her conduct. Even brutes do not devour their young, nor savages make war upon their families. Wherefore, the assertion, if true, turns to her reproach; but it happens not to be true, or only partly so, and the phrase PARENT OR MOTHER COUNTRY hath been jesuitically adopted by the King and his parasites, with a low papistical design of gaining an unfair bias on the credulous weakness of our minds. Europe, and not England, is the parent country of America. This new World hath been the asylum for the persecuted lovers of civil and religious liberty from EVERY PART of Europe. Hither have they fled, not from the tender embraces of the mother, but from the cruelty of the monster; and it is so far true of England, that the same tyranny which drove the first emigrants from home, pursues their descendants still.

In this extensive quarter of the globe, we forget the narrow limits of three hundred and sixty miles (the extent of England) and carry our friendship on a larger scale; we claim brotherhood with every European Christian, and triumph in the generosity of the sentiment.

It is pleasant to observe by what regular gradations we surmount the force of local prejudices, as we enlarge our acquaintance with the

World. A man born in any town in England divided into parishes, will naturally associate most with his fellow parishioners (because their interests in many cases will be common) and distinguish him by the name of NEIGHBOR; if he meet him but a few miles from home, he drops the narrow idea of a street, and salutes him by the name of TOWNSMAN; if he travel out of the county and meet him in any other, he forgets the minor divisions of street and town, and calls him COUNTRYMAN, i.e. COUNTYMAN; but if in their foreign excursions they should associate in France, or any other part of EUROPE, their local remembrance would be enlarged into that of ENGLISHMEN. And by a just parity of reasoning, all Europeans meeting in America, or any other quarter of the globe, are COUNTRYMEN; for England, Holland, Germany, or Sweden, when compared with the whole, stand in the same places on the larger scale, which the divisions of street, town, and county do on the smaller ones; Distinctions too limited for Continental minds. Not one third of the inhabitants, even of this province, [Pennsylvania], are of English descent. Wherefore, I reprobate the phrase of Parent or Mother Country applied to England only, as being false, selfish, narrow and ungenerous.

But, admitting that we were all of English descent, what does it amount to? Nothing. Britain, being now an open enemy, extinguishes every other name and title: and to say that reconciliation is our duty, is truly farcical. The first king of England, of the present line (William the Conqueror) was a Frenchman, and half the peers of England are descendants from the same country; wherefore, by the same method of reasoning, England ought to be governed by France.

Much hath been said of the united strength of Britain and the Colonies, that in conjunction they might bid defiance to the world. But this is mere presumption; the fate of war is uncertain, neither do the expressions mean anything; for this continent would never suffer itself to be drained of inhabitants, to support the British arms in either Asia, Africa, or Europe.

Besides, what have we to do with setting the world at defiance? Our plan is commerce, and that, well attended to, will secure us the peace and friendship of all Europe; because it is the interest of all Europe to have America a free port. Her trade will always be a protection, and her barrenness of gold and silver secure her from invaders.

I challenge the warmest advocate for reconciliation to show a single advantage that this continent can reap by being connected with Great Britain. I repeat the challenge; not a single advantage is derived. Our corn will fetch its price in any market in Europe, and our imported goods must be paid for buy them where we will.

But the injuries and disadvantages which we sustain by that connection, are without number; and our duty to mankind at large, as well as to ourselves, instruct us to renounce the alliance: because, any submission to, or dependence on, Great Britain, tends directly to involve this Continent in European wars and quarrels, and set us at variance with nations who would otherwise seek our friendship, and against whom we have neither anger nor complaint. As Europe is our market for trade, we ought to form no partial connection with any part of it. It is the true interest of America to steer clear of European contentions, which she never can do, while, by her dependence on Britain, she is made the makeweight in the scale of British politics.

Europe is too thickly planted with Kingdoms to be long at peace, and whenever a war breaks out between England and any foreign power, the trade of America goes to ruin, BECAUSE OF HER CONNECTION WITH BRITAIN. The next war may not turn out like the last, and should it not, the advocates for reconciliation now will be wishing for separation then, because neutrality in that case would be a safer convoy than a man of war. Every thing that is right or reasonable pleads for separation. The blood of the slain, the weeping voice of nature cries, 'TIS TIME TO PART. Even the distance at which the Almighty hath placed England and America is a strong and natural proof that the authority of the one over the other, was never the design of Heaven. The time likewise at which the Continent was discovered, adds weight to the argument, and the manner in which it was peopled, encreases the force of it. The Reformation was preceded by the discovery of America: As if the Almighty graciously meant to open a sanctuary to the persecuted in future years, when home should afford neither friendship nor safety.

The authority of Great Britain over this continent, is a form of government, which sooner or later must have an end: And a serious mind can draw no true pleasure by looking forward, under the painful and positive conviction that what he calls "the present constitution" is merely temporary. As parents, we can have no joy, knowing that this government is not sufficiently lasting to ensure any thing which we

may bequeath to posterity: And by a plain method of argument, as we are running the next generation into debt, we ought to do the work of it, otherwise we use them meanly and pitifully. In order to discover the line of our duty rightly, we should take our children in our hand, and fix our station a few years farther into life; that eminence will present a prospect which a few present fears and prejudices conceal from our sight.

Though I would carefully avoid giving unnecessary offence, yet I am inclined to believe, that all those who espouse the doctrine of reconciliation, may be included within the following descriptions. Interested men, who are not to be trusted, weak men who CANNOT see, prejudiced men who will not see, and a certain set of moderate men who think better of the European world than it deserves; and this last class, by an ill-judged deliberation, will be the cause of more calamities to this Continent than all the other three.

It is the good fortune of many to live distant from the scene of present sorrow; the evil is not sufficiently brought to their doors to make them feel the precariousness with which all American property is possessed. But let our imaginations transport us a few moments to Boston; that seat of wretchedness will teach us wisdom, and instruct us for ever to renounce a power in whom we can have no trust. The inhabitants of that unfortunate city who but a few months ago were in ease and affluence, have now no other alternative than to stay and starve, or turn out to beg. Endangered by the fire of their friends if they continue within the city and plundered by the soldiery if they leave it, in their present situation they are prisoners without the hope of redemption, and in a general attack for their relief they would be exposed to the fury of both armies.

Men of passive tempers look somewhat lightly over the offences of Great Britain, and, still hoping for the best, are apt to call out, "Come, come, we shall be friends again for all this." But examine the passions and feelings of mankind: bring the doctrine of reconciliation to the touchstone of nature, and then tell me whether you can hereafter love, honour, and faithfully serve the power that hath carried fire and sword into your land? If you cannot do all these, then are you only deceiving yourselves, and by your delay bringing ruin upon posterity. Your future connection with Britain, whom you can neither love nor honour, will be forced and unnatural, and being formed only on the plan of present convenience, will in a little time fall into a relapse more wretched than



the first. But if you say, you can still pass the violations over, then I ask, hath your house been burnt? Hath your property been destroyed before your face? Are your wife and children destitute of a bed to lie on, or bread to live on? Have you lost a parent or a child by their hands, and yourself the ruined and wretched survivor? If you have not, then are you not a judge of those who have. But if you have, and can still shake hands with the murderers, then are you unworthy the name of husband, father, friend or lover, and whatever may be your rank or title in life, you have the heart of a coward, and the spirit of a sycophant.

This is not inflaming or exaggerating matters, but trying them by those feelings and affections which nature justifies, and without which, we should be incapable of discharging the social duties of life, or enjoying the felicities of it. I mean not to exhibit horror for the purpose of provoking revenge, but to awaken us from fatal and unmanly slumbers, that we may pursue determinately some fixed object. It is not in the power of Britain or of Europe to conquer America, if she do not conquer herself by *delay* and *timidity*. The present winter is worth an age if rightly employed, but if lost or neglected, the whole continent will partake of the misfortune; and there is no punishment which that man will not deserve, be he who, or what, or where he will, that may be the means of sacrificing a season so precious and useful.

It is repugnant to reason, to the universal order of things to all examples from former ages, to suppose, that this continent can longer remain subject to any external power. The most sanguine in Britain does not think so. The utmost stretch of human wisdom cannot, at this time, compass a plan short of separation, which can promise the continent even a year's security. Reconciliation is *now* a falacious dream. Nature hath deserted the connexion, and Art cannot supply her place. For, as Milton wisely expresses, "never can true reconcilment grow where wounds of deadly hate have pierced so deep."

Every quiet method for peace hath been ineffectual. Our prayers have been rejected with disdain; and only tended to convince us, that nothing flatters vanity, or confirms obstinacy in Kings more than repeated petitioning — and nothing hath contributed more than that very measure to make the Kings of Europe absolute: Witness Denmark and Sweden. Wherefore, since nothing but blows will do, for God's sake, let us come to a final separation, and not leave the next generation to be cutting throats, under the violated unmeaning names of parent and child.

To say, they will never attempt it again is idle and visionary, we thought so at the repeal of the stamp act, yet a year or two undeceived us; as well may we suppose that nations, which have been once defeated, will never renew the quarrel.

As to government matters, it is not in the power of Britain to do this continent justice: The business of it will soon be too weighty, and intricate, to be managed with any tolerable degree of convenience, by a power, so distant from us, and so very ignorant of us; for if they cannot conquer us, they cannot govern us. To be always running three or four thousand miles with a tale or a petition, waiting four or five months for an answer, which when obtained requires five or six more to explain it in, will in a few years be looked upon as folly and childishness — There was a time when it was proper, and there is a proper time for it to cease.

Small islands not capable of protecting themselves, are the proper objects for kingdoms to take under their care; but there is something very absurd, in supposing a continent to be perpetually governed by an island. In no instance hath nature made the satellite larger than its primary planet, and as England and America, with respect to each other, reverses the common order of nature, it is evident they belong to different systems: England to Europe, America to itself.

I am not induced by motives of pride, party, or resentment to espouse the doctrine of separation and independence; I am clearly, positively, and conscientiously persuaded that it is the true interest of this continent to be so; that every thing short of *that* is mere patchwork, that it can afford no lasting felicity, — that it is leaving the sword to our children, and shrinking back at a time, when, a little more, a little farther, would have rendered this continent the glory of the earth.

As Britain hath not manifested the least inclination towards a compromise, we may be assured that no terms can be obtained worthy the acceptance of the continent, or any ways equal to the expense of blood and treasure we have been already put to.

The object, contended for, ought always to bear some just proportion to the expense. The removal of North, or the whole detestable junto, is a matter unworthy the millions we have expended. A temporary stoppage of trade, was an inconvenience, which would have sufficiently balanced the repeal of all the acts complained of, had such repeals been obtained;

but if the whole continent must take up arms, if every man must be a soldier, it is scarcely worth our while to fight against a contemptible ministry only. Dearly, dearly, do we pay for the repeal of the acts, if that is all we fight for; for in a just estimation, it is as great a folly to pay a Bunker-hill price for law, as for land. As I have always considered the independency of this continent, as an event, which sooner or later must arrive, so from the late rapid progress of the continent to maturity, the event could not be far off. Wherefore, on the breaking out of hostilities, it was not worth the while to have disputed a matter, which time would have finally redressed, unless we meant to be in earnest; otherwise, it is like wasting an estate on a suit at law, to regulate the trespasses of a tenant, whose lease is just expiring. No man was a warmer wisher for reconciliation than myself, before the fatal nineteenth of April 1775, but the moment the event of that day was made known, I rejected the hardened, sullen tempered Pharaoh of England for ever; and disdain the wretch, that with the pretended title of FATHER OF HIS PEOPLE, can unfeelingly hear of their slaughter, and composedly sleep with their blood upon his soul.

But admitting that matters were now made up, what would be the event? I answer, the ruin of the continent. And that for several reasons.

*First.* The powers of governing still remaining in the hands of the king, he will have a negative over the whole legislation of this continent. And as he hath shewn himself such an inveterate enemy to liberty, and discovered such a thirst for arbitrary power; is he, or is he not, a proper man to say to these colonies, "*You shall make no laws but what I please.*" And is there any inhabitant in America so ignorant, as not to know, that according to what is called the *present constitution*, that this continent can make no laws but what the king gives it leave to; and is there any man so unwise, as not to see, that (considering what has happened) he will suffer no law to be made here, but such as suit *his* purpose. We may be as effectually enslaved by the want of laws in America, as by submitting to laws made for us in England. After matters are made up (as it is called) can there be any doubt, but the whole power of the crown will be exerted, to keep this continent as low and humble as possible? Instead of going forward we shall go backward, or be perpetually quarrelling or ridiculously petitioning. — We are already greater than the king wishes us to be, and will he not hereafter endeavour to make us less? To bring the matter to one point. Is the power who is jealous of our prosperity, a proper power to govern us? Whoever says *No* to this question is an *independent*, for independency means no more, than, whether we shall make our own

laws, or, whether the king, the greatest enemy this continent hath, or can have, shall tell us, "*there shall be no laws but such as I like.*"

But the king you will say has a negative in England; the people there can make no laws without his consent. In point of right and good order, there is something very ridiculous, that a youth of twenty-one (which hath often happened) shall say to several millions of people, older and wiser than himself, I forbid this or that act of yours to be law. But in this place I decline this sort of reply, though I will never cease to expose the absurdity of it, and only answer, that England being the King's residence, and America not so, make quite another case. The king's negative *here* is ten times more dangerous and fatal than it can be in England, for *there* he will scarcely refuse his consent to a bill for putting England into as strong a state of defence as possible, and in America he would never suffer such a bill to be passed.

America is only a secondary object in the system of British politics, England consults the good of *this* country, no farther than it answers her *own* purpose. Wherefore, her own interest leads her to suppress the growth of *ours* in every case which doth not promote her advantage, or in the least interferes with it. A pretty state we should soon be in under such a second-hand government, considering what has happened! Men do not change from enemies to friends by the alteration of a name: And in order to shew that reconciliation *now* is a dangerous doctrine, I affirm, *that it would be policy in the king at this time, to repeal the acts for the sake of reinstating himself in the government of the provinces;* in order that HE MAY ACCOMPLISH BY CRAFT AND SUBTILITY, IN THE LONG RUN, WHAT HE CANNOT DO BY FORCE AND VIOLENCE IN THE SHORT ONE. Reconciliation and ruin are nearly related.

*Secondly.* That as even the best terms, which we can expect to obtain, can amount to no more than a temporary expedient, or a kind of government by guardianship, which can last no longer than till the colonies come of age, so the general face and state of things, in the interim, will be unsettled and unpromising. Emigrants of property will not choose to come to a country whose form of government hangs but by a thread, and who is every day tottering on the brink of commotion and disturbance; and numbers of the present inhabitants would lay hold of the interval, to dispose of their effects, and quit the continent.

But the most powerful of all arguments, is, that nothing but independence, i. e. a continental form of government, can keep the peace of the continent and preserve it inviolate from civil wars. I dread the event of a reconciliation with Britain now, as it is more than probable, that it will followed by a revolt somewhere or other, the consequences of which may be far more fatal than all the malice of Britain.

Thousands are already ruined by British barbarity; (thousands more will probably suffer the same fate.) Those men have other feelings than us who have nothing suffered. All they *now* possess is liberty, what they before enjoyed is sacrificed to its service, and having nothing more to lose, they disdain submission. Besides, the general temper of the colonies, towards a British government, will be like that of a youth, who is nearly out of his time; they will care very little about her. And a government which cannot preserve the peace, is no government at all, and in that case we pay our money for nothing; and pray what is it that Britain can do, whose power will be wholly on paper, should a civil tumult break out the very day after reconciliation? I have heard some men say, many of whom I believe spoke without thinking, that they dreaded an independence, fearing that it would produce civil wars. It is but seldom that our first thoughts are truly correct, and that is the case here; for there are ten times more to dread from a patched up connexion than from independence. I make the sufferers case my own, and I protest, that were I driven from house and home, my property destroyed, and my circumstances ruined, that as a man, sensible of injuries, I could never relish the doctrine of reconciliation, or consider myself bound thereby.

The colonies have manifested such a spirit of good order and obedience to continental government, as is sufficient to make every reasonable person easy and happy on that head. No man can assign the least pretence for his fears, on any other grounds, that such as are truly childish and ridiculous, viz. that one colony will be striving for superiority over another.

Where there are no distinctions there can be no superiority, perfect equality affords no temptation. The republics of Europe are all (and we may say always) in peace. Holland and Swisserland are without wars, foreign or domestic: Monarchical governments, it is true, are never long at rest; the crown itself is a temptation to enterprizing ruffians at *home*; and that degree of pride and insolence ever attendant on regal

authority, swells into a rupture with foreign powers, in instances, where a republican government, by being formed on more natural principles, would negotiate the mistake.

If there is any true cause of fear respecting independence, it is because no plan is yet laid down. Men do not see their way out — Wherefore, as an opening into that business, I offer the following hints; at the same time modestly affirming, that I have no other opinion of them myself, than that they may be the means of giving rise to something better. Could the straggling thoughts of individuals be collected, they would frequently form materials for wise and able men to improve into useful matter.

Let the assemblies be annual, with a President only. The representation more equal. Their business wholly domestic, and subject to the authority of a Continental Congress.

Let each colony be divided into six, eight, or ten, convenient districts, each district to send a proper number of delegates to Congress, so that each colony send at least thirty. The whole number in Congress will be least 390. Each Congress to sit and to choose a president by the following method. When the delegates are met, let a colony be taken from the whole thirteen colonies by lot, after which, let the whole Congress choose (by ballot) a president from out of the delegates of *that* province. In the next Congress, let a colony be taken by lot from twelve only, omitting that colony from which the president was taken in the former Congress, and so proceeding on till the whole thirteen shall have had their proper rotation. And in order that nothing may pass into a law but what is satisfactorily just, not less than three fifths of the Congress to be called a majority. — He that will promote discord, under a government so equally formed as this, would have joined Lucifer in his revolt.

But as there is a peculiar delicacy, from whom, or in what manner, this business must first arise, and as it seems most agreeable and consistent that it should come from some intermediate body between the governed and the governors, that is, between the Congress and the people, let a CONTINENTAL CONFERENCE be held, in the following manner, and for the following purpose.

A committee of twenty-six members of Congress, viz. two for each colony. Two members for each House of Assembly, or Provincial

Convention; and five representatives of the people at large, to be chosen in the capital city or town of each province, for, and in behalf of the whole province, by as many qualified voters as shall think proper to attend from all parts of the province for that purpose; or, if more convenient, the representatives may be chosen in two or three of the most populous parts thereof. In this conference, thus assembled, will be united, the two grand principles of business, *knowledge* and *power*. The members of Congress, Assemblies, or Conventions, by having had experience in national concerns, will be able and useful counsellors, and the whole, being empowered by the people, will have a truly legal authority.

The conferring members being met, let their business be to frame a CONTINENTAL CHARTER, or Charter of the United Colonies; (answering to what is called the Magna Charta of England) fixing the number and manner of choosing members of Congress, members of Assembly, with their date of sitting, and drawing the line of business and jurisdiction between them: (Always remembering, that our strength is continental, not provincial:) Securing freedom and property to all men, and above all things, the free exercise of religion, according to the dictates of conscience; with such other matter as is necessary for a charter to contain. Immediately after which, the said Conference to dissolve, and the bodies which shall be chosen conformable to the said charter, to be the legislators and governors of this continent for the time being: Whose peace and happiness, may God preserve, Amen.

Should any body of men be hereafter delegated for this or some similar purpose, I offer them the following extracts from that wise observer on governments *Dragonetti*. "The science" says he "of the politician consists in fixing the true point of happiness and freedom. Those men would deserve the gratitude of ages, who should discover a mode of government that contained the greatest sum of individual happiness, with the least national expense."

*"Dragonetti on virtue and rewards."*

But where says some is the King of America? I'll tell you Friend, he reigns above, and doth not make havoc of mankind like the Royal Brute of Britain. Yet that we may not appear to be defective even in earthly honors, let a day be solemnly set apart for proclaiming the charter; let it be brought forth placed on the divine law, the word of God; let a crown be placed thereon, by which the world may know, that so far as we

approve as monarchy, that in America THE LAW IS KING. For as in absolute governments the King is law, so in free countries the law *ought* to be King; and there ought to be no other. But lest any ill use should afterwards arise, let the crown at the conclusion of the ceremony be demolished, and scattered among the people whose right it is.

A government of our own is our natural right: And when a man seriously reflects on the precariousness of human affairs, he will become convinced, that it is infinitely wiser and safer, to form a constitution of our own in a cool deliberate manner, while we have it in our power, than to trust such an interesting event to time and chance. If we omit it now, some, Massanello may hereafter arise, who laying hold of popular disquietudes, may collect together the desperate and discontented, and by assuming to themselves the powers of government, may sweep away the liberties of the continent like a deluge. Should the government of America return again into the hands of Britain, the tottering situation of things, will be a temptation for some desperate adventurer to try his fortune; and in such a case, what relief can Britain give? Ere she could hear the news, the fatal business might be done; and ourselves suffering like the wretched Britons under the oppression of the Conqueror. Ye that oppose independence now, ye know not what ye do; ye are opening a door to eternal tyranny, by keeping vacant the seat of government. There are thousands, and tens of thousands, who would think it glorious to expel from the continent, that barbarous and hellish power, which hath stirred up the Indians and Negroes to destroy us, the cruelty hath a double guilt, it is dealing brutally by us, and treacherously by them.

To talk of friendship with those in whom our reason forbids us to have faith, and our affections wounded through a thousand pores instruct us to detest, is madness and folly. Every day wears out the little remains of kindred between us and them, and can there be any reason to hope, that as the relationship expires, the affection will increase, or that we shall agree better, when we have ten times more and greater concerns to quarrel over than ever?

Ye that tell us of harmony and reconciliation, can ye restore to us the time that is past? Can ye give to prostitution its former innocence? Neither can ye reconcile Britain and America. The last cord now is broken, the people of England are presenting addresses against us. There are injuries which nature cannot forgive; she would cease to be nature if she did. As well can the lover forgive the ravisher of his



mistress, as the continent forgive the murders of Britain. The Almighty hath implanted in us these unextinguishable feelings for good and wise purposes. They are the guardians of his image in our hearts. They distinguish us from the herd of common animals. The social compact would dissolve, and justice be extirpated from the earth, or have only a casual existence were we callous to the touches of affection. The robber, and the murderer, would often escape unpunished, did not the injuries which our tempers sustain, provoke us into justice.

O ye that love mankind! Ye that dare oppose, not only the tyranny, but the tyrant, stand forth! Every spot of the old world is overrun with oppression. Freedom hath been hunted round the globe. Asia, and Africa, have long expelled her. — Europe regards her like a stranger, and England hath given her warning to depart. O! receive the fugitive, and prepare in time an asylum for mankind.

***Of the Present Ability of America: with some Miscellaneous Reflections***

I HAVE never met with a man, either in England or America, who hath not confessed his opinion, that a separation between the countries would take place one time or other: And there is no instance in which we have shown less judgment, than in endeavoring to describe, what we call, the ripeness or fitness of the continent for independence.

As all men allow the measure, and vary only in their opinion of the time, let us, in order to remove mistakes, take a general survey of things, and endeavor if possible to find out the VERY time. But I need not go far, the inquiry ceases at once, for the TIME HATH FOUND US. The general concurrence, the glorious union of all things, proves the fact.

'Tis not in numbers but in unity that our great strength lies: yet our present numbers are sufficient to repel the force of all the world. The Continent hath at this time the largest body of armed and disciplined men of any power under Heaven: and is just arrived at that pitch of strength, in which no single colony is able to support itself, and the whole, when united, is able to do any thing. Our land force is more than sufficient, and as to Naval affairs, we cannot be insensible that Britain would never suffer an American man of war to be built, while the Continent remained in her hands. Wherefore, we should be no forwarder an hundred years hence in that branch than we are now; but

the truth is, we should be less so, because the timber of the Country is every day diminishing, and that which will remain at last, will be far off or difficult to procure.

Were the Continent crowded with inhabitants, her sufferings under the present circumstances would be intolerable. The more seaport-towns we had, the more should we have both to defend and to lose. Our present numbers are so happily proportioned to our wants, that no man need be idle. The diminution of trade affords an army, and the necessities of an army create a new trade.

Debts we have none: and whatever we may contract on this account will serve as a glorious memento of our virtue. Can we but leave posterity with a settled form of government, an independent constitution of its own, the purchase at any price will be cheap. But to expend millions for the sake of getting a few vile acts repealed, and routing the present ministry only, is unworthy the charge, and is using posterity with the utmost cruelty; because it is leaving them the great work to do, and a debt upon their backs from which they derive no advantage. Such a thought's unworthy a man of honour, and is the true characteristic of a narrow heart and a piddling politician.

The debt we may contract doth not deserve our regard if the work be but accomplished. No nation ought to be without a debt. A national debt is a national bond; and when it bears no interest, is in no case a grievance. Britain is oppressed with a debt of upwards of one hundred and forty millions sterling, for which she pays upwards of four millions interest. And as a compensation for her debt, she has a large navy; America is without a debt, and without a navy; yet for the twentieth part of the English national debt, could have a navy as large again. The navy of England is not worth at this time more than three millions and a half sterling.

The first and second editions of this pamphlet were published without the following calculations, which are now given as a proof that the above estimation of the navy is a just one. See Entic's "Naval History," Intro., p. 56.

The charge of building a ship of each rate, and furnishing her with masts, yards, sails, and rigging, together with a proportion of eight months boatswain's and carpenter's sea-stores, as calculated by Mr. Burchett, Secretary to the navy.

|                               |          |
|-------------------------------|----------|
| For a ship of 100 guns, ..... | 35,553 £ |
| 90 " .....                    | 29,886   |
| 80 " .....                    | 23,638   |
| 70 " .....                    | 17,785   |
| 60 " .....                    | 14,197   |
| 50 " .....                    | 10,606   |
| 40 " .....                    | 7,558    |
| 30 " .....                    | 5,846    |
| 20 " .....                    | 3,710    |

And hence it is easy to sum up the value, or cost, rather, of the whole British navy, which, in the year 1757, when it was at its greatest glory, consisted of the following ships and guns.

| Ships           | Guns | Cost of One   | Cost of All |
|-----------------|------|---------------|-------------|
| 6 ... 100 ....  |      | 35,553 £ .... | 213,318 £   |
| 12 ... 90 ..... |      | 29,886 .....  | 358,632     |
| 12 ... 80 ..... |      | 23,638 .....  | 283,656     |
| 43 ... 70 ..... |      | 17,785 .....  | 764,755     |
| 35 ... 60 ..... |      | 14,197 .....  | 496,895     |
| 40 ... 50 ..... |      | 10,605 .....  | 424,240     |
| 45 ... 40 ..... |      | 7,558 .....   | 340,110     |
| 58 ... 20 ..... |      | 3,710 .....   | 215,180     |

85 sloops, bombs, and fireships,  
 one with another at 2,000 ... 170,000  
 Cost, ..... 3,266,786 £  
 Remains for guns, ...233,214  
 Total, ..... 3,500,000 £

No country on the globe is so happily situated, or so internally capable of raising a fleet as America. Tar, timber, iron, and cordage are her natural produce. We need go abroad for nothing. Whereas the Dutch, who make large profits by hiring out their ships of war to the Spaniards and Portuguese, are obliged to import most of the materials they use. We ought to view the building a fleet as an article of commerce, it being the natural manufactory of this country. 'Tis the best money we can lay out. A navy when finished is worth more than it cost: And is that nice point in national policy, in which commerce and protection are united. Let us build; if we want them not, we can sell; and by that means replace our paper currency with ready gold and silver.

In point of manning a fleet, people in general run into great errors; it is not necessary that one-fourth part should be sailors. The Terrible privateer, captain Death, stood the hottest engagement of any ship last war, yet had not twenty sailors on board, though her complement of men was upwards of two hundred. A few able and social sailors will soon instruct a sufficient number of active landsmen in the common work of a ship. Wherefore we never can be more capable of beginning on maritime matters than now, while our timber is standing, our fisheries blocked up, and our sailors and shipwrights out of employ. Men of war, of seventy and eighty guns, were built forty years ago in New England, and why not the same now? Ship building is America's greatest pride, and in which she will, in time, excel the whole world. The great empires of the east are mainly inland, and consequently excluded from the possibility of rivalling her. Africa is in a state of barbarism; and no power in Europe hath either such an extent of coast, or such an internal supply of materials. Where nature hath given the one, she hath withheld the other; to America only hath she been liberal to both. The vast empire of Russia is almost shut out from the sea; wherefore her boundless forests, her tar, iron and cordage are only articles of commerce.

In point of safety, ought we to be without a fleet? We are not the little people now which we were sixty years ago; at that time we might have trusted our property in the streets, or fields rather, and slept securely without locks or bolts to our doors and windows. The case is now altered, and our methods of defence ought to improve with our increase of property. A common pirate, twelve months ago, might have come up the Delaware, and laid the city of Philadelphia under contribution for what sum he pleased; and the same might have happened to other places. Nay, any daring fellow, in a brig of fourteen or sixteen guns, might have robbed the whole Continent, and carried off half a million of money. These are circumstances which demand our attention, and point out the necessity of naval protection.

Some perhaps will say, that after we have made it up with Britain, she will protect us. Can they be so unwise as to mean that she will keep a navy in our harbors for that purpose? Common sense will tell us that the power which hath endeavoured to subdue us, is of all others the most improper to defend us. Conquest may be effected under the pretence of friendship; and ourselves, after a long and brave resistance, be at last cheated into slavery. And if her ships are not to be admitted into our harbours, I would ask, how is she going to protect us? A navy

three or four thousand miles off can be of little use, and on sudden emergencies, none at all. Wherefore if we must hereafter protect ourselves, why not do it for ourselves? Why do it for another?

The English list of ships of war is long and formidable, but not a tenth part of them are at any time fit for service, numbers of them are not in being; yet their names are pompously continued in the list; if only a plank be left of the ship; and not a fifth part of such as are fit for service can be spared on any one station at one time. The East and West Indies, Mediterranean, Africa, and other parts, over which Britain extends her claim, make large demands upon her navy. From a mixture of prejudice and inattention we have contracted a false notion respecting the navy of England, and have talked as if we should have the whole of it to encounter at once, and for that reason supposed that we must have one as large; which not being instantly practicable, has been made use of by a set of disguised Tories to discourage our beginning thereon. Nothing can be further from truth than this; for if America had only a twentieth part of the naval force of Britain, she would be by far an over-match for her; because, as we neither have, nor claim any foreign dominion, our whole force would be employed on our own coast, where we should, in the long run, have two to one the advantage of those who had three or four thousand miles to sail over before they could attack us, and the same distance to return in order to refit and recruit. And although Britain, by her fleet, hath a check over our trade to Europe, we have as large a one over her trade to the West Indies, which, by laying in the neighborhood of the Continent, lies entirely at its mercy.

Some method might be fallen on to keep up a naval force in time of peace, if we should judge it necessary to support a constant navy. If premiums were to be given to merchants to build and employ in their service ships mounted with twenty, thirty, forty, or fifty guns (the premiums to be in proportion to the loss of bulk to the merchant), fifty or sixty of those ships, with a few guardships on constant duty, would keep up a sufficient navy, and that without burdening ourselves with the evil so loudly complained of in England, of suffering their fleet in time of peace to lie rotting in the docks. To unite the sinews of commerce and defence is sound policy; for when our strength and our riches play into each other's hand, we need fear no external enemy.

In almost every article of defence we abound. Hemp flourishes even to rankness so that we need not want cordage. Our iron is superior to that of other countries. Our small arms equal to any in the world. Cannon

we can cast at pleasure. Saltpetre and gunpowder we are every day producing. Our knowledge is hourly improving. Resolution is our inherent character, and courage hath never yet forsaken us. Wherefore, what is it that we want? Why is it that we hesitate? From Britain we can expect nothing but ruin. If she is once admitted to the government of America again, this Continent will not be worth living in. Jealousies will be always arising; insurrections will be constantly happening; and who will go forth to quell them? Who will venture his life to reduce his own countrymen to a foreign obedience? The difference between Pennsylvania and Connecticut, respecting some unlocated lands, shows the insignificance of a British government, and fully proves that nothing but Continental authority can regulate Continental matters.

Another reason why the present time is preferable to all others is, that the fewer our numbers are, the more land there is yet unoccupied, which, instead of being lavished by the king on his worthless dependents, may be hereafter applied, not only to the discharge of the present debt, but to the constant support of government. No nation under Heaven hath such an advantage as this.

The infant state of the Colonies, as it is called, so far from being against, is an argument in favour of independence. We are sufficiently numerous, and were we more so we might be less united. 'Tis a matter worthy of observation that the more a country is peopled, the smaller their armies are. In military numbers, the ancients far exceeded the moderns; and the reason is evident, for trade being the consequence of population, men became too much absorbed thereby to attend to anything else. Commerce diminishes the spirit both of patriotism and military defence. And history sufficiently informs us that the bravest achievements were always accomplished in the non-age of a nation. With the increase of commerce England hath lost its spirit. The city of London, notwithstanding its numbers, submits to continued insults with the patience of a coward. The more men have to lose, the less willing are they to venture. The rich are in general slaves to fear, and submit to courtly power with the trembling duplicity of a spaniel.

Youth is the seed-time of good habits as well in nations as in individuals. It might be difficult, if not impossible, to form the Continent into one government half a century hence. The vast variety of interests, occasioned by an increase of trade and population, would create confusion. Colony would be against colony. Each being able would scorn each other's assistance; and while the proud and foolish

gloried in their little distinctions the wise would lament that the union had not been formed before. Wherefore the present time is the true time for establishing it. The intimacy which is contracted in infancy, and the friendship which is formed in misfortune, are of all others the most lasting and unalterable. Our present union is marked with both these characters; we are young, and we have been distressed; but our concord hath withstood our troubles, and fixes a memorable era for posterity to glory in.

The present time, likewise, is that peculiar time which never happens to a nation but once, viz., the time of forming itself into a government. Most nations have let slip the opportunity, and by that means have been compelled to receive laws from their conquerors, instead of making laws for themselves. First, they had a king, and then a form of government; whereas the articles or charter of government should be formed first, and men delegated to execute them afterwards; but from the errors of other nations let us learn wisdom, and lay hold of the present opportunity — TO BEGIN GOVERNMENT AT THE RIGHT END.

When William the Conqueror subdued England, he gave them law at the point of the sword; and, until we consent that the seat of government in America be legally and authoritatively occupied, we shall be in danger of having it filled by some fortunate ruffian, who may treat us in the same manner, and then, where will be our freedom? Where our property?

As to religion, I hold it to be the indispensable duty of government to protect all conscientious professors thereof, and I know of no other business which government hath to do therewith. Let a man throw aside that narrowness of soul, that selfishness of principle, which the niggards of all professions are so unwilling to part with, and he will be at once delivered of his fears on that head. Suspicion is the companion of mean souls, and the bane of all good society. For myself, I fully and conscientiously believe that it is the will of the Almighty that there should be a diversity of religious opinions among us. It affords a larger field for our Christian kindness; were we all of one way of thinking, our religious dispositions would want matter for probation; and on this liberal principle I look on the various denominations among us to be like children of the same family, differing only in what is called their Christian names.

In page I threw out a few thoughts on the propriety of a Continental Charter (for I only presume to offer hints, not plans) and in this place I take the liberty of re-mentioning the subject, by observing that a charter is to be understood as a bond of solemn obligation, which the whole enters into, to support the right of every separate part, whether of religion, professional freedom, or property. A firm bargain and a right reckoning make long friends.

I have heretofore likewise mentioned the necessity of a large and equal representation; and there is no political matter which more deserves our attention. A small number of electors, or a small number of representatives, are equally dangerous. But if the number of the representatives be not only small, but unequal, the danger is increased. As an instance of this, I mention the following: when the petition of the associators was before the House of Assembly of Pennsylvania, twenty-eight members only were present; all the Bucks county members, being eight, voted against it, and had seven of the Chester members done the same, this whole province had been governed by two counties only; and this danger it is always exposed to. The unwarrantable stretch likewise, which that house made in their last sitting, to gain an undue authority over the delegates of that province, ought to warn the people at large how they trust power out of their own hands. A set of instructions for their delegates were put together, which in point of sense and business would have dishonoured a school-boy, and after being approved by a few, a very few, without doors, were carried into the house, and there passed IN BEHALF OF THE WHOLE COLONY; whereas, did the whole colony know with what ill will that house had entered on some necessary public measures, they would not hesitate a moment to think them unworthy of such a trust.

Immediate necessity makes many things convenient, which if continued would grow into oppressions. Expedience and right are different things. When the calamities of America required a consultation, there was no method so ready, or at that time so proper, as to appoint persons from the several houses of assembly for that purpose; and the wisdom with which they have proceeded hath preserved this Continent from ruin. But as it is more than probable that we shall never be without a CONGRESS, every well wisher to good order must own that the mode for choosing members of that body deserves consideration. And I put it as a question to those who make a study of mankind, whether representation and election is not too great a power for one and the



same body of men to possess? When we are planning for posterity, we ought to remember that virtue is not hereditary.

It is from our enemies that we often gain excellent maxims, and are frequently surprised into reason by their mistakes. Mr. Cornwall (one of the Lords of the Treasury) treated the petition of the New York Assembly with contempt, because THAT house, he said, consisted but of twenty-six members, which trifling number, he argued, could not with decency be put for the whole. We thank him for his involuntary honesty.

To CONCLUDE, however strange it may appear to some, or however unwilling they may be to think so, matters not, but many strong and striking reasons may be given to show that nothing can settle our affairs so expeditiously as an open and determined declaration for independence. Some of which are,

First. — It is the custom of Nations, when any two are at war, for some other powers, not engaged in the quarrel, to step in as mediators, and bring about the preliminaries of a peace; But while America calls herself the subject of Great Britain, no power, however well disposed she may be, can offer her mediation. Wherefore, in our present state we may quarrel on for ever.

Secondly. — It is unreasonable to suppose that France or Spain will give us any kind of assistance, if we mean only to make use of that assistance for the purpose of repairing the breach, and strengthening the connection between Britain and America; because, those powers would be sufferers by the consequences.

Thirdly. — While we profess ourselves the subjects of Britain, we must, in the eyes of foreign nations, be considered as Rebels. The precedent is somewhat dangerous to their peace, for men to be in arms under the name of subjects; we, on the spot, can solve the paradox; but to unite resistance and subjection requires an idea much too refined for common understanding.

Fourthly. — Were a manifesto to be published, and despatched to foreign Courts, setting forth the miseries we have endured, and the peaceful methods which we have ineffectually used for redress; declaring at the same time that not being able longer to live happily or safely under the cruel disposition of the British Court, we had been

driven to the necessity of breaking off all connections with her; at the same time, assuring all such Courts of our peaceable disposition towards them, and of our desire of entering into trade with them; such a memorial would produce more good effects to this Continent than if a ship were freighted with petitions to Britain.

Under our present denomination of British subjects, we can neither be received nor heard abroad; the custom of all Courts is against us, and will be so, until by an independence we take rank with other nations.

These proceedings may at first seem strange and difficult, but like all other steps which we have already passed over, will in a little time become familiar and agreeable; and until an independence is declared, the Continent will feel itself like a man who continues putting off some unpleasant business from day to day, yet knows it must be done, hates to set about it, wishes it over, and is continually haunted with the thoughts of its necessity.

### *Appendix to the Third Edition*

SINCE the publication of the first edition of this pamphlet, or rather, on the same day on which it came out, the king's speech made its appearance in this city. Had the spirit of prophecy directed the birth of this production, it could not have brought it forth at a more seasonable juncture, or at a more necessary time. The bloody-mindedness of the one, shows the necessity of pursuing the doctrine of the other. Men read by way of revenge. And the speech, instead of terrifying, prepared a way for the manly principles of independence.

Ceremony, and even silence, from whatever motives they may arise, have a hurtful tendency when they give the least degree of countenance to base and wicked performances, wherefore, if this maxim be admitted, it naturally follows, that the king's speech, IS being a piece of finished villany, deserved and still deserves, a general execration, both by the Congress and the people.

Yet, as the domestic tranquillity of a nation, depends greatly on the chastity of what might properly be called NATIONAL MANNERS, it is often better to pass some things over in silent disdain, than to make use of such new methods of dislike, as might introduce the least innovation on that guardian of our peace and safety. And, perhaps, it is chiefly owing to this prudent delicacy, that the king's speech hath not

before now suffered a public execution. The speech, if it may be called one, is nothing better than a wilful audacious libel against the truth, the common good, and the existence of mankind; and is a formal and pompous method of offering up human sacrifices to the pride of tyrants.

But this general massacre of mankind, is one of the privileges and the certain consequences of kings, for as nature knows them not, they know not her, and although they are beings of our own creating, they know not us, and are become the gods of their creators. The speech hath one good quality, which is, that it is not calculated to deceive, neither can we, even if we would, be deceived by it. Brutality and tyranny appear on the face of it. It leaves us at no loss: And every line convinces, even in the moment of reading, that he who hunts the woods for prey, the naked and untutored Indian, is less savage than the king of Britain. Sir John Dalrymple, the putative father of a whining jesuitical piece, fallaciously called, "The address of the people of England to the inhabitants of America," hath perhaps from a vain supposition that the people here were to be frightened at the pomp and description of a king, given (though very unwisely on his part) the real character of the present one: "But," says this writer, "if you are inclined to pay compliments to an administration, which we do not complain of (meaning the Marquis of Rockingham's at the repeal of the Stamp Act) it is very unfair in you to withhold them from that prince, by whose NOD ALONE they were permitted to do any thing." This is toryism with a witness! Here is idolatry even without a mask: And he who can calmly hear and digest such doctrine, hath forfeited his claim to rationality an apostate from the order of manhood and ought to be considered as one who hath not only given up the proper dignity of man, but sunk himself beneath the rank of animals, and contemptibly crawls through the world like a worm.

However, it matters very little now what the king of England either says or does; he hath wickedly broken through every moral and human obligation, trampled nature and conscience beneath his feet, and by a steady and constitutional spirit of insolence and cruelty procured for himself an universal hatred. It is now the interest of America to provide for herself. She hath already a large and young family, whom it is more her duty to take care of, than to be granting away her property to support a power who is become a reproach to the names of men and christians, whose office it is to watch the morals of a nation, of whatsoever sect or denomination ye are of, as well as ye who are more immediately the guardians of the public liberty, if ye wish to preserve

your native country uncontaminated by European corruption, ye must in secret wish a separation. But leaving the moral part to private reflection, I shall chiefly confine my further remarks to the following heads:

First, That it is the interest of America to be separated from Britain.

Secondly, Which is the easiest and most practicable plan, RECONCILIATION or INDEPENDENCE? with some occasional remarks.

In support of the first, I could, if I judged it proper, produce the opinion of some of the ablest and most experienced men on this continent: and whose sentiments on that head, are not yet publicly known. It is in reality a self-evident position: for no nation in a state of foreign dependence, limited in its commerce, and cramped and fettered in its legislative powers, can ever arrive at any material eminence. America doth not yet know what opulence is; and although the progress which she hath made stands unparalleled in the history of other nations, it is but childhood compared with what she would be capable of arriving at, had she, as she ought to have, the legislative powers in her own hands. England is at this time proudly coveting what would do her no good were she to accomplish it; and the continent hesitating on a matter which will be her final ruin if neglected. It is the commerce and not the conquest of America by which England is to be benefited, and that would in a great measure continue, were the countries as independent of each other as France and Spain; because the specious errors of those who speak without reflecting. And among the many which I have heard, the following seems the most general, viz. that had this rupture happened forty or fifty years hence, instead of now, the continent would have been more able to have shaken off the dependence. To which I reply, that our military ability, at this time, arises from the experience gained in the last war, and which in forty or fifty years' time, would be totally extinct. The continent would not, by that time, have a quitrent reserved thereon will always lessen, and in time will wholly support, the yearly expense of government. It matters not how long the debt is in paying, so that the lands when sold be applied to the discharge of it, and for the execution of which the Congress for the time being will be the continental trustees.

I proceed now to the second head, viz. Which is the easiest and most practicable plan, reconciliation or independence; with some occasional remarks.

He who takes nature for his guide, is not easily beaten out of his argument, and on that ground, I answer generally that independence being a single simple line, contained within ourselves; and reconciliation, a matter exceedingly perplexed and complicated, and in which a treacherous capricious court is to interfere, gives the answer without a doubt.

The present state of America is truly alarming to every man who is capable of reflection. Without law, without government, without any other mode of power than what is founded on, and granted by, courtesy. Held together by an unexampled occurrence of sentiment, which is nevertheless subject to change, and which every secret enemy is endeavoring to dissolve. Our present condition is, Legislation without law; wisdom without a plan; a constitution without a name; and, what is strangely astonishing, perfect independence contending for dependence. The instance is without a precedent, the case never existed before, and who can tell what may be the event? The property of no man is secure in the present un-braced system of things. The mind of the multitude is left at random, and seeing no fixed object before them, they pursue such as fancy or opinion presents. Nothing is criminal; there is no such thing as treason, wherefore, every one thinks himself at liberty to act as he pleases. The Tories would not have dared to assemble offensively, had they known that their lives, by that act, were forfeited to the laws of the state. A line of distinction should be drawn between English soldiers taken in battle, and inhabitants of America taken in arms. The first are prisoners, but the latter traitors. The one forfeits his liberty, the other his head.

Notwithstanding our wisdom, there is a visible feebleness in some of our proceedings which gives encouragement to dissensions. The continental belt is too loosely buckled: And if something is not done in time, it will be too late to do any thing, and we shall fall into a state, in which neither reconciliation nor independence will be practicable. The king and his worthless adherents are got at their old game of dividing the continent, and there are not wanting among us printers who will be busy in spreading specious falsehoods. The artful and hypocritical letter which appeared a few months ago in two of the New York papers, and

likewise in two others, is an evidence that there are men who want both judgment and honesty.

It is easy getting into holes and corners, and talking of reconciliation: But do such men seriously consider how difficult the task is, and how dangerous it may prove, should the continent divide thereon? Do they take within their view all the various orders of men whose situation and circumstances, as well as their own, are to be considered therein? Do they put themselves in the place of the sufferer whose all is already gone, and of the soldier, who hath quitted all for the defence of his country? If their ill-judged moderation be suited to their own private situations only, regardless of others, the event will convince them that "they are reckoning without their host."

Put us, say some, on the footing we were in the year 1763: To which I answer, the request is not now in the power of Britain to comply with, neither will she propose it; but if it were, and even should be granted, I ask, as a reasonable question, By what means is such a corrupt and faithless court to be kept to its engagements? Another parliament, nay, even the present, may hereafter repeal the obligation, on the pretence of its being violently obtained, or not wisely granted; and, in that case, Where is our redress? No going to law with nations; cannon are the barristers of crowns; and the sword, not of justice, but of war, decides the suit. To be on the footing of 1763, it is not sufficient, that the laws only be put in the same state, but, that our circumstances likewise be put in the same state; our burnt and destroyed towns repaired or built up, our private losses made good, our public debts (contracted for defence) discharged; otherwise we shall be millions worse than we were at that enviable period. Such a request, had it been complied with a year ago, would have won the heart and soul of the continent, but now it is too late. "The Rubicon is passed." Besides, the taking up arms, merely to enforce the repeal of a pecuniary law, seems as unwarrantable by the divine law, and as repugnant to human feelings, as the taking up arms to enforce obedience thereto. The object, on either side, doth not justify the means; for the lives of men are too valuable to be cast away on such trifles. It is the violence which is done and threatened to our persons; the destruction of our property by an armed force; the invasion of our country by fire and sword, which conscientiously qualifies the use of arms: and the instant in which such mode of defence became necessary, all subjection to Britain ought to have ceased; and the independence of America should have been considered as dating its era from, and published by, the first musket

that was fired against her. This line is a line of consistency; neither drawn by caprice, nor extended by ambition; but produced by a chain of events, of which the colonies were not the authors.

I shall conclude these remarks, with the following timely and well-intended hints. We ought to reflect, that there are three different ways by which an independency may hereafter be effected, and that one of those three, will, one day or other, be the fate of America, viz. By the legal voice of the people in Congress; by a military power, or by a mob: It may not always happen that our soldiers are citizens, and the multitude a body of reasonable men; virtue, as I have already remarked, is not hereditary, neither is it perpetual. Should an independency be brought about by the first of those means, we have every opportunity and every encouragement before us, to form the noblest, purest constitution on the face of the earth. We have it in our power to begin the world over again. A situation, similar to the present, hath not happened since the days of Noah until now.

The birthday of a new world is at hand, and a race of men, perhaps as numerous as all Europe contains, are to receive their portion of freedom from the events of a few months. The reflection is awful, and in this point of view, how trifling, how ridiculous, do the little paltry cavilings of a few weak or interested men appear, when weighed against the business of a world.

Should we neglect the present favorable and inviting period, and independence be hereafter effected by any other means, we must charge the consequence to ourselves, or to those rather whose narrow and prejudiced souls are habitually opposing the measure, without either inquiring or reflecting. There are reasons to be given in support of independence which men should rather privately think of, than be publicly told of. We ought not now to be debating whether we shall be independent or not, but anxious to accomplish it on a firm, secure, and honorable basis, and uneasy rather that it is not yet begun upon. Every day convinces us of its necessity. Even the Tories (if such beings yet remain among us) should, of all men, be the most solicitous to promote it; for as the appointment of committees at first protected them from popular rage, so, a wise and well established form of government will be the only certain means of continuing it securely to them. Wherefore, if they have not virtue enough to be WHIGS, they ought to have prudence enough to wish for independence.

In short, independence is the only bond that tie and keep us together. We shall then see our object, and our ears will be legally shut against the schemes of an intriguing, as well as cruel, enemy. We shall then, too, be on a proper footing to treat with Britain; for there is reason to conclude, that the pride of that court will be less hurt by treating with the American States for terms of peace, than with those, whom she denominates "rebellious subjects," for terms of accommodation. It is our delaying in that, encourages her to hope for conquest, and our backwardness tends only to prolong the war. As we have, without any good effect therefrom, withheld our trade to obtain a redress of our grievances, let us now try the alternative, by independently redressing them ourselves, and then offering to open the trade. The mercantile and reasonable part of England, will be still with us; because, peace, with trade, is preferable to war without it. And if this offer be not accepted, other courts may be applied to.

On these grounds I rest the matter. And as no offer hath yet been made to refute the doctrine contained in the former editions of this pamphlet, it is a negative proof, that either the doctrine cannot be refuted, or, that the party in favor of it are too numerous to be opposed. WHEREFORE, instead of gazing at each other with suspicious or doubtful curiosity, let each of us hold out to his neighbor the hearty hand of friendship, and unite in drawing a line, which, like an act of oblivion, shall bury in forgetfulness every former dissension. Let the names of Whig and Tory be extinct; and let none other be heard among us, than those of a good citizen, an open and resolute friend, and a virtuous supporter of the RIGHTS of MANKIND, and of the FREE AND INDEPENDENT STATES OF AMERICA.