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T H E
VOTES and PROCEEDINGS
OF THE
FREEHOLDERS and other INHABITANTS
OF THE
Town of BOSTON,
In Town Meeting assembled,
ACCORDING TO LAW.

[*Published by Order of the Town.*]

To which is prefixed, as Introductory,
An attested Copy of a Vote of the Town,
at a preceding Meeting.

B O S T O N :
PRINTED BY EDES AND GILL, IN QUEEN-STREET,
AND T. AND J. FLEET, IN CORNHILL.

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

1951

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CHICAGO, ILL.

UNIVERSITY OF CHICAGO



PHYSICS DEPARTMENT

CHICAGO, ILL.

At a Meeting of the Freeholders and other Inhabitants of the Town of Boston, duly warned, and legally assembled, in Faneuil-Hall, on Wednesday the 28th of October, 1772; and from thence continued by Adjournments to Monday the 2d of November following.

It was moved,

THAT a Committee of Correspondence be appointed, to consist of Twenty-one Persons, "to state the Rights of the Colonists, and of this Province in particular, as Men, as Christians, and as Subjects, ; to Communicate and Publish the same to the several Towns in this Province, and to the World, as the Sense of this Town, with the Infringements and Violations thereof that have been, or from Time to Time may be made ; also requesting of each Town a free Communication of their Sentiments on this Subject."

Whereupon

Whereupon the following Gentlemen were nominated and appointed for the Purposes aforesaid, to make Report to the Town as soon as may be, viz. The Hon. *James Otis*, Esq; *Mr. Samuel Adams*, *Dr. Joseph Warren*, *Dr. Benjamin Church*, *Mr. William Dennie*, *Mr. William Greenleaf*, *Joseph Greenleaf*, Esq; *Dr. Thomas Young*, *Mr. William Powell*, *Mr. Nathaniel Appleton*, *Mr. Oliver Wendell*, *Mr. John Sweetser*, *Josiah Quincy*, Esq; *Capt. John Bradford*, *Richard Boynton*, Esq; *Captain William Mackay*, *Major Nathaniel Barber*, *Deacon Caleb Davis*, *Mr. Alexander Hill*, *Mr. William Molineux*, and *Mr. Robert Pierpont*.

A true Copy,

Attest.

WILLIAM COOPER, *Town-Clerk.*

At a Meeting of the Freeholders and other Inhabitants of the Town of BOSTON, duly warned and assembled in Faneuil-Hall according to Law, on Friday the 20th of November, 1772; then and there to receive and act upon the Report of a Committee appointed at a former Meeting on the 2d of the same Month, and such other Things as might properly come under the Consideration of the Town.

The Honorable JOHN HANCOCK, Esq;

Being unanimously chosen Moderator,

The Chairman of said Committee acquainted him that he was ready to make Report, and read the same as follows.

THE Committee appointed by the Town the second Instant “ to state the Rights of the Colonists and of this Province in particular, as Men, as Christians, and as Subjects ; to communicate and publish the same

B

to

to the several Towns in this Province and to the World, as the Sense of this Town, with the Infringements and Violations thereof that have been, or from Time to Time may be made. Also requesting of each Town a free Communication of their Sentiments on this Subject,"——beg Leave to report.

First, A State of the Rights of the Colonists and of this Province in particular.

Secondly, A List of the Infringements and Violations of those Rights.

Thirdly, A Letter of Correspondence with the other Towns.

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 intollerable Oppression, civil or religious, to leave the Society they belong to, and enter into another.

When

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 practiced ; 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 characteristical Mark of the true Church.”* In-
 somuch that Mr. Lock 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 sub-
 versive 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 Go-
 vernment under which they live. The Roman Catholicks or Papists are excluded, by Reason of such Doctrines as these, “ that Princes ex-
 communicated may be deposed, and those they call *Hereticks* may be destroyed without Mer-
 cy; besides their recognizing the Pope in so ab-
 solute 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 Politicks, *Impe-
 rium 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 abridg'd or restrain'd so far
 only

* See Lock's Letters on Toleration.

† A Government within a Government.

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 Neighbours ; 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

* Locke on Government.

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 Labourer 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 publick Affairs. And in both Cases, more are ready generally 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

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.

H. *The Rights of the Colonists as Christians.*

These may be best understood by reading and carefully studying the Institutes of the great Lawgiver 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, ordain'd and establish'd (that is declared as an original Right) that there shall be Liberty of Conscience allow'd in the Worship of GOD, to all Christians except Papists, inhabiting, or which shall inhabit or be resident within said Province or Territory.*
Magna Charta itself is in Substance but a constrain'd

* See 1 Wm. and Mary, St. 2. C. 18. and Massachusetts Charter.

strain'd Declaration, or Proclamation and Promulgation, in the Name of King, Lords and Commons, of the Sense the latter had, of their original, inherent, indefeazible 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 obtain'd of King John Sword in Hand : And peradventure it must be one Day Sword in Hand again rescued and preserv'd from total Destruction and Oblivion.

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

A Commonwealth or State is a Body politick 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

† Lord Coke's Inst. *Blackstone's Commentaries*, V. 1. pa. 122. the Bill of Rights and the Act of Settlement.

‡ See Locke and Vattel.

and by Acts of the British Parliament are declared to be entitled, to all the natural, essential, inherent and inseperable 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 Commonwealths 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 reserv'd 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
C Laws,

* Locke on Government. Salus Populi suprema Lex esto.

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 Favourite 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 these 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

* Locke.

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 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 Colour 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 Decisions of the British Parliament? Have they, all together, any more Right 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 chuse 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,

* See the Act of the last Session relating to the King's Dock-Yards.

tion and Circumstances, it is impossible they should be ever 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 gain'd 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 born, is submitted.

A

*A List of Infringements and Violations
of Rights.*

WE cannot help thinking, that an Enumeration of some of the most open Infringements of our Rights, will by every candid Person be judged sufficient to justify whatever Measures have been already taken, or may be thought proper to be taken, in order to obtain a Redress of the Grievances under which we labour. Among many others, we humbly conceive, that the following will not fail to excite the Attention of all who consider themselves interested in the Happiness and Freedom of Mankind in general, and of this Continent and Province in particular.

1st. The British Parliament have assumed the Powers of Legislation for the Colonists in all Cases whatsoever, without obtaining the Consent of the Inhabitants, which is ever essentially necessary to the rightful Establishment of such a Legislative.

2dly. They have exerted that assumed Power, in raising a Revenue in the Colonies without their Consent; thereby depriving them of that Right which every Man has to keep his own Earnings

Earnings in his own Hands until he shall, in Person, or by his Representative, think fit to part with the Whole or any Portion of it. This Infringement is the more extraordinary, when we consider the laudable Care which the British House of Commons have taken, to reserve intirely and absolutely to themselves the Powers of giving and granting Money. They not only insist on originating every Money Bill in their own House, but will not even allow the House of Lords to make an Amendment in these Bills. So tenacious are they of this Privilege, so jealous of any Infringement of the sole and absolute Right the People have to dispose of their own Money. And what renders this Infringement the more grievous is, that what of our Earnings still remains in our Hands is in a great measure deprived of it's Value, so long as the British Parliament continue to claim and exercise this Power of taxing us; for we cannot justly call that *our* Property, which *others* may, when they please take away from us against our Will.

In this respect we are treated with less Decency and Regard than the Romans shewed even to the Provinces which they had conquered. *They* only determined upon the Sum which each should furnish, and left every Province to raise it in the Manner most easy and convenient to themselves.

3dly. A

3dly. A Number of new Officers, unknown in the Charter of this Province, have been appointed to Superintend this Revenue; whereas by our Charter, the Great and General Court or Assembly of this Province, has the sole Right of appointing all Civil Officers, excepting only such Officers, the election and constitution of whom is, in said Charter, expressly excepted; among whom these Officers are not included.

4thly. These Officers are by their Commissions invested with Powers altogether unconstitutional, and entirely destructive to that Security which we have a right to enjoy; and to the last degree dangerous, not only to our property, but to our lives: For the Commissioners of his Majesty's Customs in America; or any three of them, are by their Commission impowered, "by writing under their hands and seals to constitute and appoint inferior Officers in all and singular the Port within the Limits of their Commissions." Each of these petty officers so made is intrusted with Power more absolute and arbitrary than ought to be lodged in the hands of any Man or Body of Men whatsoever; for in the Commission aforementioned, his Majesty gives and grants unto his said Commissioners, or any three of them, and to all and every the Collectors, Deputy-Collectors, Ministers, Servants, and all other Officers serving & attending in all and every the
Ports

Ports & other Places within the Limits of their Commission, full Power and Authority, from time to time, at their or any of their Wills and Pleasures, as well by Night as by Day, to enter and go on board any Ship, Boat, or other Vessel, riding, lying, or being within, or coming into, any Port, Harbour, Creek or Haven, within the limits of their Commission; and also in the day-time to go into any House, Shop, Cellar, or any other Place, where any Goods, Wares or Merchandizes lie concealed, or are *suspected* to lie concealed, whereof the customs and other duties, have not been, or shall not be, duly paid and truly satisfied; answered or paid unto the Collectors, Deputy-Collectors, Ministers, Servants, and other Officers respectively, or otherwise agreed for; and the said House, Shop, Warehouse, Cellar, and other Place to search and survey, and all and every the Boxes, Trunks, Chests and Packs then and there found to break open."

Thus our Houses, and even our Bed-Chambers, are exposed to be ransacked, our Boxes, Trunks and Chests broke open, ravaged and plundered, by Wretches, whom no prudent Man would venture to employ even as menial Servants; whenever they are pleased to say they *suspect* there are in the House, Wares, &c. for which the Duties have not been paid. Flagrant instances of the wanton exercise of this Power, have

have frequently happened in this and other seaport Towns. By this we are cut off from that domestic security which renders the Lives of the most unhappy in some measure agreeable. These Officers may under color of Law and the cloak of a general warrant, break through the sacred Rights of the *Domicil*, ransack Mens Houses, destroy their Securities, carry off their Property, and with little Danger to themselves commit the most horrid Murders.

And we complain of it as a further Grievance, that notwithstanding by the Charter of this Province, the Governor and the Great and General Court or Assembly of this province or Territory, for the time being, shall have full power and authority, from time to time, to make, ordain and establish all manner of wholesome and reasonable Laws, Orders, Statutes, and Ordinances, Directions and Instructions, and that if the same shall not within the term of three years after presenting the same to his Majesty in Privy Council be disallowed, they shall be and continue in full force and effect, until the same shall be repealed by the Great and General Assembly of this province: Yet the Parliament of Great-Britain have rendered, or attempted to render, null and void, a Law of this province, made and passed in the Reign of his late Majesty George the First, intituled,

“ An Act stating the Fees of the Custom-House

D

Officers

Officers within this province, and by meer dint of power, in violation of the Charter aforesaid, established other and exorbitant Fees, for the same Officers ; any Law, of the province, to the contrary notwithstanding.

5thly. Fleets and Armies have been introduced to support these unconstitutional Officers in collecting and managing this unconstitutional Revenue ; and Troops have been quartered in this Metropolis for that purpose. Introducing and quartering Standing Armies in a free Country in times of Peace, without the consent of the People either by themselves or by their Representatives, is, and always has been deemed, a violation of their Rights as Freemen ; and of the Charter or Compact made between the King of Great Britain and the People of this Province, whereby all the Rights of British Subjects are confirmed to us.

6thly. The Reventue arising from this Tax unconstitutionally laid, and committed to the management of Persons arbitrarily appointed and supported by an armed Force quartered in a free City, has been in part applied to the most destructive purposes. It is absolutely necessary in a mixt Government, like that of this Province, that a due proportion or balance of Power should be established among the several Branches of the Legislative. Our Ancestors
received

received from King William and Queen Mary a Charter, by which it was understood by both Parties in the contract, that such a proportion or balance was fixed ; and therefore every thing which renders any one Branch of the Legislative more independent of the other two than it was originally designed, is an alteration of the Constitution as settled by the Charter; and as it has been, until the establishment of this Revenue, the constant practice of the general Assembly to provide for the support of Government; so it is an essential part of our Constitution, as it is a necessary means of preserving an *Equilibrium*, without which we cannot continue a free State.

In particular it has always been held, that the dependence of the Governor of this Province upon the General Assembly for his support, was necessary for the preservation of this *Equilibrium*; nevertheless his Majesty has been pleased to apply Fifteen Hundred Pounds Sterling annually, out of the American Revenue, for the support of the Governor of this Province independent of the Assembly; whereby the ancient connection between him and this People is weakened, the Confidence in the Governor lessened, the *Equilibrium* destroyed, and the Constitution essentially altered.

And we look upon it highly probable, from the best intelligence we have been able to obtain, that not only our Governor and Lieutenant

Governor, but the Judges of the Superior Court of Judicature, as also the King's Attorney and Solicitor General are to receive their Support from this grievous tribute. This will, if accomplish'd, complet our Slavery: For if Taxes are to be raised from us by the Parliament of Great Britain without our consent, and the Men on whose opinions and decisions our Properties, Liberties, and Lives, in a great measure depend, receive their Support from the Revenues arising from these Taxes, we cannot, when we think on the depravity of mankind, avoid looking with horror on the danger to which we are exposed! The British Parliament have shewn their wisdom in making the Judges there as independent as possible both on the Prince and People, both for place and support: But our Judges hold their commissions only during pleasure; the granting them Salaries out of this Revenue is rendering them dependent on the Crown for their support. The King, upon his first accession to the Throne, for giving the last Hand to the independency of the Judges in England, not only upon himself but his successors, by recommending and consenting to an Act of Parliament, by which the Judges are continued in office, notwithstanding the demise of the King, which vacates all other Commission, was applauded by the whole Nation. How alarming therefore must it be to the inhabitants of this province, to find so wide a difference made
between

between the Subjects in Britain and America, as the rendering the Judges here altogether dependent on the Crown for their Support.

7thly. We find ourselves greatly oppressed by Instructions sent to our Governor from the Court of Great Britain; whereby the first branch of our legislature is made merely a ministerial Engine. And the Province has already felt such effects from these instructions, as we think, justly intitle us to say, that they threaten an entire destruction of our Liberties; and must soon, if not check'd, render every branch of our government a useless burthen upon the people. We shall point out some of the alarming effects of these instructions which, have already taken place.

In consequence of instructions, the Governor has called and adjourned our General Assemblies to a place highly inconvenient to the Members and greatly disadvantageous to the Interest of the province, even against his own declared Intention.

In consequence of instructions, the Assembly has been prorogued from time to time, when the important concerns of the Province required their meeting.

In obedience to instructions the General Assembly was Anno 1768 dissolved by Governor Bernard, because they would not consent to rescind the Resolution of a former House, and thereby sacrifice the Rights of their Constituents.

By

By an Instruction, the honorable his Majesty's Council are forbid to meet and transact matters of publick concern as a council of advice to the Governor, unless called by the Governor; and if they should from a zealous regard to the Interest of the province so meet at any time, the Governor is ordered to negative them at the next Election of Councillors. And although by the Charter of this province the Great and General Court have full power and authority to impose Taxes upon the Estates and persons of all and every the proprietors and inhabitants of this province, yet the Governor has been forbidden to give his consent to an act imposing a Tax for the necessary support of government, unless such persons as were pointed out in the said instruction, were exempted from paying their just proportion of said Tax.

His Excellency has also pleaded instructions for giving up the provincial Fortress, Castle William, into the hands of Troops, over whom he had declared he had no controul (and that at a time when they were menacing the slaughter of the inhabitants of the town, and our streets were stain'd with the blood which they had barbarously shed.) Thus our Governor, appointed and paid from Great-Britain with Money forced from us, is made an instrument of totally preventing, or at least of rendering futile, every attempt of the other

two

two branches of our Legislative in favour of a distressed and wronged people : And lest the complaints naturally occasioned by such oppression should excite compassion in the royal Breast, and induce his Majesty seriously to set about relieving us from the cruel Bondage and Insults which we, his loyal Subjects, have so long suffered, the Governor is forbidden to consent to the payment of an Agent to represent our grievances at the Court of Great Britain, unless he, the Governor, consent to his Election ; and we very well know what *the Man must be* to whose appointment a Governor, in such circumstances, will consent.

While we are mentioning the Infringements of the Rights of this Colony in particular by means of Instructions, we cannot help calling to remembrance the late unexampled Suspension of the Legislative of a Sister Colony, *New-York*, by force of an Instruction, until they should comply with an arbitrary act of the British Parliament, for quartering Troops, designed, by military execution, to enforce the raising of a tribute.

8thly. The extending the power of the Courts of Vice-Admiralty to so enormous a degree, as deprives the people in the colonies, in a great measure, of their inestimable right to trials by
Juries ;

Juries; which has ever been justly considered as the grand Bulwark and Security of English property.

This alone is sufficient to rouse our jealousy: And we are again obliged to take notice of the remarkable contrast, which the British parliament have been pleased to exhibit between the Subjects in Great-Britain and the Colonies. In the same Statute, by which they give up to the decision of one dependent interested Judge of Admiralty the estates and properties of the Colonists, they expressly guard the estates and properties of the People of Great-Britain; For all forfeitures and penalties inflicted by the statute of the fourth of George the third, or any other Act of Parliament relative to the Trade of the Colonies, may be sued for in any Court of Admiralty in the Colonies; but all penalties and forfeitures which shall be incurred in Great-Britain, may be sued for in any of his Majesty's Courts of Record in Westminster, or in the Court of Exchequer in Scotland, respectively. Thus our Birthrights are taken from us; and that too with every mark of indignity, insult and contempt. We may be harassed and dragged from one part of the Continent to the other (which some of our Brethren here and in the country towns already have been) and finally be deprived of our whole property, by the arbitrary determination of one biassed; capricious Judge of the Admiralty.

9thly.

9thly. The restraining us from erecting Slitting-Mills for manufacturing out Iron the natural produce of this Country, is an Infringement of that Right with which God and Nature have invested us, to make use of our skill and industry in procuring the necessaries and conveniencies of Life. And we look upon the Restraint laid upon the Manufacture and Transportation of Hats to be altogether unreasonable and grievous. Although by the Charter all Havens, Rivers, Ports, Waters, &c. are expressly granted the Inhabitants of the Province and their Successors, to their only proper use and behoof forever, yet the British Parliament passed an act, whereby they restrain us from carrying our Wool, the produce of our own Farms, even over a Ferry; whereby the Inhabitants have often been put to the expence of carrying a Bag of Wool near an hundred miles by land, when passing over a River or Water of one quarter of a mile, of which the province are the absolute proprietors, would have prevented all that trouble.

10thly. The Act passed in the last Session of the British Parliament, intituled, *An Act for the better preserving his Majesty's Dock-Yards, Magazines, Ships, Ammunition and Stores*, is, as we apprehend, a violent Infringement of our Rights. By this Act, any one of us may be taken from his Family, and carried to

E

any

any part of Great-Britain, there to be tried, whenever it shall be pretended that he has been concerned in burning or otherwise destroying any Boat or Vessel, or any Materials for building, &c. any naval or victualling Store, &c. belonging to his Majesty. For by this Act all Persons in the Realm, or in any of the Places thereto belonging (under which Denomination we know the Colonies are meant to be included) may be indicted or tried either in any County or Shire within this Realm, in like manner and form as if the Offence had been committed in said County, as his Majesty and his Successors may deem most expedient. Thus we are not only deprived of our grand Right to *Trial by our Peers in the Vicinity*, but any person suspected, or pretended to be suspected, may be hurried to Great-Britain, to take his Trial in any County the King or his Successors shall please to direct; where, innocent or guilty, he is in great danger of being condemned; and whether condemned or acquitted, he will probably be ruined by the Expence attending the Trial, and his long Absence from his Family and Business; and we have the strongest reason to apprehend that we shall soon experience the fatal Effects of this Act, as about the Year 1769; the British Parliament passed Resolves for taking up a number of persons in the Colonies and carrying them to Great-Britain for trial, pretending that

that they were authorised so to do, by a Statute passed in the Reign of Henry the Eighth, in which they say the Colonies were included, although the Act was passed long before any Colonies were settled, or even in contemplation.

11thly, As our Ancestors came over to this Country that they might not only enjoy their civil but their religious Rights, and particularly desired to be freed from the Prelates, who in those times cruelly persecuted all who differed in sentiment from the established Church ; we cannot see without concern, the various attempts which have been made, and are now making, to establish an American Episcopate. Our Episcopal brethren of the Colonies do enjoy, and rightfully ought ever to enjoy, the free exercise of their Religion ; but as an American Episcopate is by no means essential to that free exercise of their Religion, we cannot help fearing that they who are so warmly contending for such an Establishment, have Views altogether inconsistent with the universal and peaceful enjoyment of our Christian privileges ; And doing or attempting to do any thing which has even the remotest tendency to endanger this Enjoyment, is justly looked upon a great Grievance, and also an Infringement of our Rights ; which is not barely to exercise, but peaceably and securely to enjoy, that Liberty with which CHRIST hath made us free.

And we are further of Opinion, that no Power on Earth can justly give either temporal or spiritual Jurisdiction within this Province, except the Great & General Court. We think therefore that every design for establishing the Jurisdiction of a Bishop in this Province, is a design both against our civil and religious Rights : And we are well informed, that the more candid & judicious of our Brethren of the Church of England in this and the other Colonies, both Clergy and Laity, conceive of the establishing an American Episcopate both unnecessary and unreasonable.

12thly. Another Grievance under which we labour is, The frequent Alteration of the Bounds of the Colonies by Decisions before the King and Council, explanatory of former Grants and Charters. This not only subjects Men to live under a Constitution to which they have not consented, which in itself is a great Grievance ; but moreover under Color, that the *Right of Soil* is affected by such Declarations, some Governors, or Ministers, or both in Conjunction, have pretended to grant in Consequence of a Mandamus many Thousands of Acres of vacant and appropriated Lands near a Century past, and rendered valuable by the Labors of the present Cultivators and their Ancestors. There are very notable Instances of Settlers, who having first purchased the

the Soil of the Natives, have at considerable Expence obtained Confirmations of Title from this Province; and, on being transfer'd to the Jurisdiction of the Province of *New-Hampshire*, have been put to the Trouble and Cost of a new Grant or Confirmation from thence; and after all this, there has been a third Declaration of the Royal Will, that they shou'd thenceforth be considered as pertaining to the Province of *New-York*. The Troubles, Expences and Dangers which Hundreds have been put to on such Occasions, cannot here be recited; but so much may be said, that they have been most cruelly harrassed, and even threatened with a military Force, to dragoon them into a Compliance with the most unreasonable Demands.

A LETTER of Correspondence, to the
other Towns.

BOSTON, *November 20, 1772.*

GENTLEMEN,

WE, the Freeholders and other Inhabitants of *Boston*, in Town-Meeting duly assembled, according to Law, apprehending there is abundant Reason to be alarmed that the Plan of *Despotism*, which the Enemies of our invaluable Rights have concerted, is rapidly hastening to a completion, can no longer conceal our impatience under a constant, unremitted, uniform Aim to enslave us, or confide in an Administration which threatens us with certain and inevitable destruction. But, when in Addition to the repeated Inroads made upon the Rights and Liberties of the Colonists, and of those in this Province in particular, we reflect on the late extraordinary Measure in affixing Stipends, or Salaries from the Crown to the Offices of the Judges

Judges of the Superior Court of Judicature, making them not only intirely independent of the People, whose Lives and Fortunes are so much in their Power; but absolutely dependent on the Crown, (which may hereafter be worn by a *Tyrant*) both for their Appointment and Support, we cannot but be extremely alarm'd at the mischievous Tendency of this Innovation; which, in our Opinion is directly contrary to the Spirit of the British Constitution, pregnant with innumerable Evils, & hath a direct Tendency to deprive us of every thing valuable as Men, as Christians, and as Subjects, entitled, by the Royal Charter, to all the Rights, Liberties and Privileges of native Britons. Such being the critical State of this Province, we think it our Duty on this truly distressing Occasion, to ask you, What can withstand the Attacks of mere Power? What can preserve the Liberties of the Subject, when the Barriers of the Constitution are taken away? The Town of *Boston*, consulting on the Matter abovementioned, thought proper to make Application to the Governor by a Committee; requesting his Excellency to communicate such Intelligence as he might have received, relative to the Report of the Judges having their Support independent of the Grants of this Province, a Copy of which you have herewith in Paper No. 1. * To which we received as Answer the Paper No. 2. † The
Town

* See Appendix, No. 1.

† See Appendix, No. 2.

Town on further Deliberation, thought it advisable to refer the Matter to the Great and General Assembly; and accordingly in a second Address, as No. 3. † they requested his Excellency that the General Court might convene at the Time to which they then stood prorogued; to which the Town received the Reply as in N^o. 4. § in which we are acquainted with his Intentions further to prorogue the General Assembly, which has since taken Place. Thus, Gentlemen, it is evident his Excellency declines giving the least Satisfaction as to the Matter in Request. The Affair being of public Concernment, the Town of *Boston* thought it necessary to consult with their Brethren throughout the Province; and for this Purpose appointed a Committee, to communicate with our Fellow Sufferers, respecting this recent Instance of Oppression, as well as the many other Violations of our Rights under which we have groaned for several Years past—This Committee have briefly recapitulated the sense we have of our invaluable Rights, as Men, as Christians, and as Subjects; and wherein we conceive those Rights to have been violated, which we are desirous may be laid before your Town, that the Subject may be weighed as its Importance requires, and the collected wisdom of the whole People, as far as possible, be obtained, on a deliberation of such great and lasting moment

† See Appendix, No. 3.

§ See Appendix, No. 4.

ment as to Involve in it the Fate of all our Posterity.—Great Pains has been taken to persuade the British Administration to think, that the good People of this Province in general are quiet and undisturbed at the late Measures; and that any Uneasiness that appears, arises only from a few factious designing and disaffected Men. This renders it the more necessary, that the sense of the People should be explicitly declared.—A free Communication of your Sentiments to this Town, of our common Danger, is earnestly solicited and will be gratefully received. If you concur with us in Opinion, that our Rights are properly stated, and that the several Acts of Parliament, and Measures of Administration, pointed out by us, are subversive of these Rights, you will doubtless think it of the utmost Importance that we stand firm as one Man, to recover and support them; and to take such Measures, by directing our Representatives, or otherwise, as your Wisdom and Fortitude shall dictate, to rescue from impending Ruin our happy and glorious Constitution. But if it should be the general Voice of this Province, that the Rights, as we have stated them, do not belong to us; or, that the several Measures of Administration in the British Court, are no Violations of these Rights; or, that if they are thus violated or infringed, they are not worth contending for, or resolutely maintaining; ————should this be the general

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Voice

Voice of the Province, we must be resigned to our wretched Fate ; but shall forever lament the Extinction of that generous Ardor for Civil and Religious Liberty, which in the Face of every Danger, and even Death itself, induced our Fathers, to forsake the Bosom of their Native Country, and begin a Settlement on bare Creation.—But we trust this cannot be the Case : We are sure your Wisdom, your Regard to Yourselfes and the rising Generation, cannot suffer you to doze, or set supinely indifferent, on the brink of Destruction, while the Iron Hand of Oppression is daily tearing the the choicest Fruit from the fair Tree of Liberty, planted by our worthy Predecessors, at the Expence of their Treasure, and abundantly water'd with their Blood.—It is an observation of an eminent Patriot, that a People long inured to Hardships, loose by Degrees the very notions of Liberty ; they look upon themselves, as Creatures *at Mercy*, and that all, Impositions laid on, by Superior Hands, are legal and obligatory.—But thank Heaven this is not yet verified in *America* ! We have yet some Share of public Virtue remaining : We are not afraid of Poverty, but disdain Slavery.—The Fate of Nations is so precarious, and Revolutions in States so often take Place at an unexpected Moment, when the Hand of Power, by Fraud or Flattery, has secured every Avenue of Retreat, and the Minds of the Subject

ject debased to its Purpose, that it becomes every Well-Wisher to his Country, while it has any Remains of Freedom, to keep an Eagle Eye upon every Inovation and Stretch of Power, in those that have the Rule over us. A recent Instance of this we have in the late Revolutions in *Sweden* ; by which the Prince, once subject to the Laws of the State, has been able of a sudden, to declare himself an absolute Monarch. The Sweeds were once a free, martial and valiant People : Their Minds are now so debased, that they even rejoice at being subject to the Caprice and arbitrary Power of a Tyrant, and kiss their Chains. It makes us shudder to think, the late Measures of Administration may be productive of the like Catastrophe ; which Heaven forbid !—Let us consider Brethren, we are struggling for our best Birth Rights and Inheritance ; which being infringed, renders all our Blessings precarious in their Enjoyments, and consequently trifling in their Value. Let us disappoint the Men, who are raising themselves on the Ruin of this Country. Let us convince every Invader of our Freedom, that we will be as free as the Constitution our Fathers recognized, will justify.

The foregoing Report was twice read distinctly, and amended in the Meeting. And then the Question was put, Whether the same be accepted ? And passed in the Affirmative, Nem. Con.

A true Copy,
Attest.

WILLIAM COOPER, Town-Clerk.

Upon a Motion made, *Voted*, That the foregoing Proceedings be attested by the Town-Clerk, and printed in a Pamphlet ; and that the Committee be desired to dispose of *Six Hundred* Copies thereof to the Selectmen of the Towns in the Province, and such other Gentlemen as they shall think fit.

Voted, That the Town-Clerk be directed to sign the foregoing Letter, and forward as many of the same to the Selectmen of each Town in this Province, as the Committee shall judge proper, and direct.

A true Copy,

Attest.

WILLIAM COOPER, *Town-Clerk.*

APPENDIX.

A P P E N D I X.

(No. I.)

The MESSAGE of the Town of BOSTON
to the GOVERNOR.

May it please your Excellency,

THE Freeholders and other Inhabitants of the Town of *Boston*, legally assembled in *Faneuil-Hall*, beg Leave to acquaint your Excellency, that a Report has prevailed, which they have reason to apprehend is well grounded, that Stipends are affixed to the Offices of the Judges of the Superior Court of Judicature, &c. of this Province, whereby they are become Independent of the Grants of the General Assembly for their Support; contrary to ancient and invariable Usage. This Report has spread an Alarm among all considerate persons who have heard of it in Town and Country; being viewed, as tending rapidly to compleat the System of their Slavery; which originated in the House of Commons of Great-Britain, assuming a Power and Authority, to give and grant the Monies of the Colonists without their Consent, and against their repeated Remonstrances. And, as the Judges hold their
Places

Places during Pleasure, this Establishment appears big with fatal Evils, so obvious that it is needless to trespass on your Excellency's Time in mentioning them.

It is therefore the humble and earnest Request of the Town, that your Excellency would be pleased to inform them, Whether you have received any such Advice, relating to a Matter so deeply interesting to the Inhabitants of this Province, which gives you Assurance that such an Establishment has been, or is likely, to be made.

(No. II.)

The GOVERNOR'S ANSWER to the foregoing MESSAGE.

GENTLEMEN,

IT is by no Means proper for me to lay before the Inhabitants of any Town whatsoever, in Consequence of their Votes and Proceedings in a Town-Meeting, any Part of my Correspondence as Governor of the Province, or to acquaint them whether I have or have not received any Advices relating to the public Affairs of the Government. This Reason alone, if your Address to me had been in other Respects unexceptionable, would have been sufficient to restrain me from complying with your Desire.

I

I shall always be ready to gratify the Inhabitants of the Town of Boston, upon every regular Application to me on Business of public Concernment to the Town, as far as I shall have it in my Power consistent with Fidelity to the Trust which his Majesty has reposed in me.

T. HUTCHINSON.

Province-House, 30 Oct. 1772.

To the Inhabitants of the Town of Boston in Town-Meeting assembled at Faneuil-Hall.

(No. III.)

The PETITION of the TOWN to the GOVERNOR.

The PETITION of the Freeholders and other Inhabitants of the Town of *Boston*, legally assembled by Adjournment in *Faneuil-Hall*, on Friday October 30, 1772.

Humbly sheweth,

THAT your Petitioners are still greatly alarmed at the Report which has been prevalent of late, viz. That Stipends are affixed to the Offices of the Judges of the Superior Court of Judicature of this Province, by Order of the Crown, for their Support.

Such an Establishment is contrary, not only to the plain and obvious Sense of the Charter of this Province, but also to some of the fundamental

amental Principles of the Common Law; to the Benefit of which, all British Subjects, wherever dispersed throughout the British Empire, are indubitably intitled.

Such a Jealousy have the Subjects of England for their Rights, Liberties and Privileges, and so tender a Regard has been shown to them by his Majesty, that notwithstanding the Provision made at the Revolution, that the Judges of the King's Superior Courts of Law there, should hold their Commissions, not at Pleasure, but during good Behaviour, and since that Time for their Support, His Majesty, among other the first Acts of his Reign, was graciously pleased to recommend it to Parliament, and an Act passed, that their Commissions should not cease at the Demise of the King; whereby every thing possible in human Wisdom seems to have been done, to establish an Impartiality in their Decisions, not only between Subject and Subject, but between the Crown and the Subject.—Of how much greater Importance must it be to preserve from the least supposable Bias, the Judges of a Court, invested by the Laws of this Province, which have been approved of by Majesty, with Powers as fully and amply to all Intents and Purposes whatsoever, as the Courts of King's-Bench, Common Pleas and Exchequer, within his Majesty's Kingdom of England have, or ought to have?

Your

Your Excellency will allow your Petitioners, with due Submission to repeat, that this Establishment appears to them pregnant with such fatal Evils, as that the most distant thought of its taking Effect, fills their Minds with Dread and Horror.

These Sir, are the Sentiments and Apprehensions of this Metropolis: Expressed however, with due Deference to the Sentiments of the Province, with which your Petitioners are anxiously solicitous of being made acquainted.

It is therefore their earnest and humble Request, that your Excellency would be pleased to allow the General Assembly to meet at the Time to which it now stands prorogued; in order, that in that *Constitutional* Body, with whom it is to inquire into Grievances and Redress them, the joint Wisdom of the Province may be employed, in deliberating and determining on a Matter so important and alarming.

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(No. IV.)

(No. IV.)

The GOVERNOR's ANSWER to the foregoing PETITION.

GENTLEMEN,

THE Royal Charter reserves to the Governor full Power and Authority, from time to time, as he shall judge necessary, to adjourn, prorogue and dissolve the General Assembly.

In the Exercise of this Power, both as to Time and Place, I have always been governed by a Regard to his Majesty's Service and to the Interest of the Province.

It did not appear to me necessary for those Purposes that the Assembly should meet at the Time to which it now stands prorogued, and, before I was informed of your Address, I had determined to prorogue it to a further Time.

The Reasons which you have advanced have not altered my Opinion.

If, notwithstanding, in Compliance with your Petition, I should alter my Determination and meet the Assembly, contrary to my own Judgment, at such Time as you judge necessary, I should, in Effect, yield to you the Exercise of that Part of the Prerogative, and should be unable to justify my Conduct to the King.

There

There would, moreover, be danger of encouraging the Inhabitants of the other Towns in the Province to assemble, from time to time, in order to consider of the Necessity or Expediency of a Session of the General Assembly, or to debate and transact other Matters which the Law that authorizes Towns to assemble does not make the Business of a Town-Meeting.

T. HUTCHINSON.

Province-House, Nov. 2. 1772.

*To the Inhabitants of the Town
of Boston in Town-Meeting
assembled at Faneuil-Hall.*

This Reply having been read several Times and duly considered ; it was moved, and the Question accordingly put—Whether the same be Satisfactory to the Town, which passed in the Negative, *Nem. Con.*

And thereupon RESOLVED as the Opinion of the Inhabitants of this Town, That they have, ever had, and ought to have, a Right to Petition the King or his Representative for the Redress of such Grievances as they feel, or for preventing of such as they have Reason to apprehend ; and to Communicate their Sentiments to other Towns.

Attest.

WILLIAM COOPER, *Town-Clerk.*

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