

“These English Liberties” -  
The New England Perception  
of English Rights and  
Liberties from the  
Mayflower Compact to  
Lexington and Concord.

ALEXANDER CAIN



# Introduction

- Historian Rebecca Fraser wrote in her book *The Mayflower: The Families, the Voyage and the Founding of America*: “Plymouth Colony was the first experiment in consensual government in Western history between individuals with one another, and not with a monarch.”
- Essential to the foundation of the colony was the Mayflower Compact, which represents an early codification of “English liberties” in the New World.
- In 1802, John Quincy Adams highlighted the lasting importance of the agreement calling it “perhaps the only instance, in human history, of that positive, original social compact, which speculative philosophers have imagined as the only legitimate source of government.”



# Introduction

- However, the Mayflower Compact was more than a governing document. The compact represented a codification of the foundation of the colonists' understanding of civil liberties and rights as Englishmen.
  - As the colonists inched closer towards the American Revolution, the rights implied in the compact evolved into a rallying cry against Crown economic, legal, political and military policies.
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# What We'll Discuss Today

- Introduction to the concept of English liberties
- An overview of the Mayflower Compact and the codification of English liberties in New England
- The Body of Liberty: The evolution and expansion of English liberties in 17<sup>th</sup> Century Massachusetts
- The impact of the 1691 Massachusetts Charter on English Liberties
- “Unrighteous and unconstitutional”: Invocation of charter and compact rights during the 1760s Revolutionary Crisis
- Faithful to the Crown: loyalists and the deprivation of English liberties
- The defense of English liberties on the eve of Lexington and Concord

# Inspirational Quote



# *Inspirational Quote*

*How to Speak Boston*

*A Free Translation Service*



# The Concept of English Liberties

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# The Origins of English Liberties

- In 1556, John Ponet (1516-1556), an English writer, pointedly warned Mary, Queen of Scots, that she ruled over “a bodie of free men and not of bondemen” and that she could not “give or sell them as slaves.”
  - The idea that the English, unlike their counterparts on the European continent, had more rights, greater security of property, and a higher standard of living than those who wore “wooden shoes” was already a common viewpoint by the sixteenth century.
  - The English concept of “liberty” can *allegedly* be traced back to the 13<sup>th</sup> Century when the Magna Carta was signed by King John.
  - Early interpretation of the document correctly argued that the Magna Carta granted enumerated and implied rights solely to the English aristocracy to rally support in their struggle against the autocratic rule of kings.
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# The Origins of English Liberties

- Regardless, the document quickly became the cornerstone of a constitutional check on royal power.
  - Between 1215 and 1800, the English aristocracy and members of Parliament quite often cited the document in legal support of their argument that there could be no laws or taxation without the consent of Parliament.
  - Members of Parliament also used the charter as a springboard to expand upon the rights of Englishmen, including:
    - The right to due process
    - The right to a jury trial of peers
    - The right to not be punished for crimes beyond the degree of the crime committed
    - The right not to have specific property, including horses, wagons, wood, grain, tools of production, fabric or personal sundries seized without payment or without just compensation
    - The principles of the Magna Carta even guaranteed the right to protest government actions and engage in uncivil disobedience so long as there was evidence that the king defied his constitutional obligations.
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# The Gradual Evolution of English Liberties

- The evolution of the concept of English liberties was gradual and slow process that took centuries to develop.
  - During the reign of the Tudor monarchs (1485 -1603), the concept started to fade away.
  - Specifically, the principles of English liberties became secondary to far more demanding problems and challenges: social disorder, economic depressions, increased litigation, threats of invasion and pressure to demonstrate complete obedience to the crown.
  - During the 1530s, Richard Morrison, a propaganda writer for crown loyalist Thomas Cromwell, drew up a set of proposals for reforming the laws of England. One part of the scheme suggested that Englishmen demonstrate “obedience that yo[u]r subiectes ... owe unto yo[u]r ma[jes]tie.”
  - Similarly, a 1538 manuscript entitled *A Book of Things Inquirable at Inferior Courts* suggested that the king had been appointed by God to rule over the country and that any disobedience to the monarch was a violation of holy ordinances.
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# English Liberties on the Eve of the Compact

- Between 1600 and 1630, England witnessed a growing movement that called for the codification and further expansion of English liberties.
  - During this time, two significant events occurred which had a direct impact on the Mayflower Compact:
    - *The legal writings and public statements of Sir Edward Coke*. Among his most notable arguments was the belief that the evolving principles of the Magna Carta served as the central legal safeguard of individual liberties against arbitrary action by the king or government.
    - Similarly, Coke argued that a “civil body politic” of concerned citizens was vital and perhaps necessary to support the common good of the people and ensure they were treated justly and fairly. If the populace perceived the law as uncertain or oppressive, they would lose confidence in its workings.
    - *Calvin’s Case*. *Calvin’s Case* involved a Scotsman who was embroiled in a land dispute in England. The decision, however, had far reaching effects on colonial settlers in New England. Specifically, the Court ruled that a resident of Scotland was subjected to the same laws and privileges as if he was born in England. This case served as the primary justification of transferring the concept of “English Rights” to the New World.
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name of god Amen. We whose names are under  
yal subjects of our said sovereign Lord  
grace of god, of great Britaine, franc, & Irele  
dor of y<sup>e</sup> faith, &c.

## The Mayflower Compact

ng undertakn, for y<sup>e</sup> glorio of god, and aduan  
Christian <sup>faith</sup> and honou<sup>r</sup> of our king & countrie, a  
y<sup>e</sup> first<sup>st</sup> colonie in y<sup>e</sup> Northern parts of Virginia  
se presents solemnly & mutually in y<sup>e</sup> presence of  
another, covenant, & combine our selues together  
in a civil<sup>l</sup> society. for <sup>our</sup> better ordering & preservati

# The Text of the Mayflower Compact

*In the name of God, Amen. We whose names are underwritten, the loyal subjects of our dread Sovereign Lord King James, by the Grace of God of Great Britain, France, and Ireland King, Defender of the Faith, etc. Having undertaken for the Glory of God and advancement of the Christian Faith and Honour of our King and Country, a Voyage to plant the First Colony in the Northern Parts of Virginia, do by these presents solemnly and mutually in the presence of God and one of another, Covenant and Combine ourselves together in a Civil Body Politic, for our better ordering and preservation and furtherance of the ends aforesaid; and by virtue hereof to enact, constitute and frame such just and equal Laws, Ordinances, Acts, Constitutions and Offices from time to time, as shall be thought most meet and convenient for the general good of the Colony, unto which we promise all due submission and obedience. In witness whereof we have hereunder subscribed our names at Cape Cod, the 11th of November, in the year of the reign of our Sovereign Lord King James, of England, France and Ireland the eighteenth, and of Scotland the fifty-fourth. Anno Domini 1620.*

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# The Mayflower Compact – Initial Comments

- When signed on November 21, 1620 (November 11, 1620 Old Style), the Compact represented the first instance in which a group of English colonists founded a new community organized by along lines they themselves defined, rather than by a company charter (as was the case in Jamestown).
  - The Compact was intended to be a temporary, legally-binding form of self-government until such time as the Company could get formal recognition via a patent from the Council of New England. This formal permission came in the form of the Pierce Patent of 1621.
  - Making things more urgent, some of the people on the ship began to fear that operating without official sanction would lead some of their number to behave lawlessly once on land, or even abandon the community – and thereby endanger those left behind.
    - As William Bradford noted in 1622, there was a general fear of mutiny amongst some of the crew.
    - “When they came ashore they would use their own liberty, for none had power to command them, the patent they had being for Virginia and not for New England”
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# The Compact and English Liberties

- Although the Mayflower Compact is a brief (less than two hundred words) and vague document regarding governance, political structure and rights, the document clearly was drafted and implemented with an eye towards the protection of English liberties.
  - During the drafting stage, Bradford recalled “This day before we came to harbor, observing some not well affected to unity and concord, but gave some appearance of faction, it was thought good there should be an association and an agreement that we should combine together in one body, and to submit to such government and governors as we should by common consent agree to make and choose.”
    - Bradford’s description of the passengers coming together as “**one body, and to submit to such government and governors as we should by common consent agree to make and choose**” highlights two bedrock principles of English liberties.
    - First, the drafters were attempting to create a government that was just and fair. To achieve this required the creation of a government and governors that the passengers – not the King or a corporation - envisioned.
    - Consent also served as a safeguard against government abuse or overreach. By hoping to secure the consent of the passengers, a government could be limited as to what it could or could not lawfully do.
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# The Compact and English Liberties

- Once drafted, the Compact served the immediate political purpose of uniting the signatories in recognition of the legal and civil authority of the government that the colonists would choose.
  - More importantly, it implicitly embraced the concepts and protections of English liberty.
  - *“In the name of God, Amen. We whose names are underwritten, the loyal subjects of our dread Sovereign Lord King James, by the Grace of God of Great Britain, France, and Ireland King, Defender of the Faith, etc. Having undertaken for the Glory of God and advancement of the Christian Faith and Honour of our King and Country.”*
    - There is no denying that this segment of the Mayflower Compact has religious overtones to it. The clause explicitly states the purpose of the future colony is to advance the Christian faith. The clause also contains a loyalty oath to the ruler who oppressed them.
    - Why have such a clause? By including an oath to the king, the authors of the Mayflower Compact were invoking the protections outlined of *Calvin’s Case*. The participants were declaring themselves English and under the jurisdiction of His Majesty’s government. By doing so, the settlers could assert they enjoyed the benefits of English Liberties.
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# The Compact and English Liberties

- *“Covenant and Combine ourselves together in a Civil Body Politic, for our better ordering and preservation and furtherance of the ends aforesaid; and by virtue hereof to enact, constitute and frame such just and equal Laws, Ordinances, Acts, Constitutions and Offices from time to time, as shall be thought most meet and convenient for the general good of the Colony.”*
    - This clause embraced the popular 17<sup>th</sup> century legal concept espoused by Coke and others, the creation of a body politic whose purpose was to craft a government that carefully guarded the liberties and rights of its people.
    - The phrase **“enact, constitute and frame just and equal Laws, Ordinances, Acts, Constitutions and Offices from time to time”** is also significant. The inclusion of this sentence suggests that the Compact government would operate within the confines of English liberty. Those who held political office would be limited by the traditional protections against government overreach and were not above the law.
    - Finally, the reference to “Constitutions” is noteworthy. At the time of the founding of Plymouth Colony, there was a growing political movement to formally codify the rights of Englishmen through legislative or constitutional action. The settlers' reference to a “constitution” suggests that they were either prepared to adopt any act of Parliament or act on their own.
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# The Compact and English Liberties

- *“unto which we promise all due submission and obedience.”*
    - This final clause has two implications. First, it is an express statement of legal and political submission to the Compact and any government that was formed in its aftermath. But more importantly, this clause acknowledges the voluntary formation and authority of a social contract.
    - The theory of social contracts was a developing concept in the 17<sup>th</sup> Century and was seen by some scholars as vital to the protections of individual rights and liberties.
    - Social contract theory asserts that individuals’ moral and/or political obligations are dependent upon a contract or agreement among them to form the society in which they live.
    - At its core, social contract theory proposed that individuals give up the right to engage in lawless behavior in return for protection provided by government. This “protection” would include the preservation of individual rights and liberties not in conflict with the general good of society.
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# The Aftermath of the Mayflower Compact

- As discussed earlier, the Compact was replaced by the Pierce Patent of 1621. Curiously, the new document referenced the term “libertie” six times, “right” or “rights” four times and “pryviledges” three times.
- The Compact was not simply discarded. It was still viewed as an important founding document. Plymouth’s colonial legislature would often refer to the Compact in the passing of laws and implementing legislative policies.
- Eventually, many Plymouth and Massachusetts colonists would see documents like the Compact as a codification of their rights and Englishmen. As such, they began to refer to their civil rights as “Charter Rights”

# The Body of Liberty: The Expansion of English Liberties

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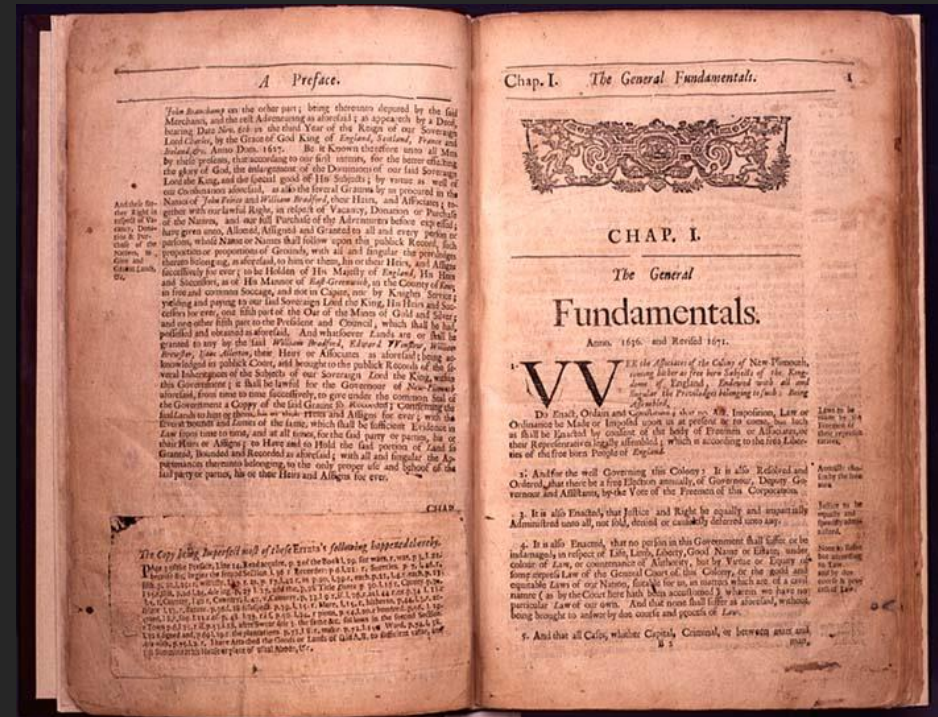


# The Body of Liberties

- In the aftermath of the settlement of Plymouth Colony, there was an increased push to codify the concept of English liberties through legislation in Plymouth and Massachusetts Bay Colonies and England.
  - In 1628, the first step was taken. In response to royal overreach of Charles I, Parliament declared that Englishmen had various “rights and liberties” and passed the *Petition of Right*.
  - This document codified three core concepts of liberty and recommended the implementation of a fourth right.
    - The *Petition* declared that no person should be forced to provide a gift, loan or tax without an Act of Parliament.
    - It also codified that no free individual would be imprisoned or detained unless probable cause had been demonstrated.
    - Soldiers and sailors of His Majesty’s forces could not be billeted or quartered in private houses without the free consent of the owner.
    - Parliament also recommended, but did not implement, that the King’s authority to declare martial law should be repealed under the Magna Carta’s due process chapter.
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# The Body of Liberties

- Massachusetts and Plymouth Colonies also moved to codify the principles of English Liberties.
- In 1636, Plymouth Colony passed a code, entitled *The General Fundamentals*, which outlined the rules, procedures and structure of its government. Contained within *The General Fundamentals* was a first of its kind document for the New World: a bill of rights.
- The rights included in this document included:
  - The right of due process
  - The right of a trial by jury for “freemen”
  - The right of a speedy trial
  - The right of freemen to participate in elected government
  - The requirement that all laws were to be created with the consent of colony’s freemen.



# The Body of Liberties

- Five years later, Massachusetts followed Plymouth's actions and drafted a document that was modeled after *The General Fundamentals*.
  - Entitled *The Massachusetts Body of Liberties*, this document was initially drafted to provide guidance to the Massachusetts General Court. However, it also codified the individual liberties and protections of freemen in Massachusetts Bay Colony.
  - *The Massachusetts Body of Liberties* guaranteed:
    - The right of due process for freemen accused of a crime
    - A right to bail
    - A limited right of free speech
    - A right against uncompensated takings by a governmental authority
    - A prohibition against "excessive punishment"
    - "No man shall exercise any Tirranny or Crueltie towards any brute Creature which are usuallie kept for man's use."
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# The Body of Liberties

- *The Massachusetts Body of Liberties* was not without its criticism.
  - “Passage 91” of the document legalized slavery in the colony.
  - “There shall never be any bond slaverie, villinage or Captivitie amongst us unles it be lawfull Captives taken in just warres, and such strangers as willingly selle themselves or are sold to us. And these shall have all the liberties and Christian usages which the law of god established in Israel concerning such persons doeth morally require. This exempts none from servitude who shall be Judged thereto by Authoritie.”
  - The *Body of Liberties* also limited who would enjoy the benefits of liberty: only white men who had been approved as members of their local church.
  - Some historians argue that *The Massachusetts Body of Liberties* was only an advisory document. However, even if it was, the core principles of the writings were formally adopted seven years later by the Massachusetts Bay colonial legislature when it released *The Book of the General Lawes and Libertyes Concerning the Inhabitants of Massachusetts*.
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# THE BILL OF RIGHTS,

The Further Expansion and Codification of the Rights of Englishmen

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THE FIRST YEAR OF WILLIAM AND MARY.

*An Act declaring the Rights and Liberties of the Subject,  
and settling the Succession of the Crown.*

**W**HEREAS the Lords Spiritual and Temporal, and Commons, assembled at Westminster, lawfully, fully, and freely representing all the estates of the people of this realm, did upon the thirteenth day of February, in the year of our Lord one thousand six hundred eighty-

# Civil War

Shortly after the “codification movement” gained traction in Plymouth and Massachusetts Bay Colonies, tensions between the Crown and Parliament reached the boiling point. In 1642, a bloody civil war broke out, lasting for nine years and ending with Parliament firmly in control of the English government.





# Impact of the Civil War

- In the aftermath of the English Civil War, Plymouth Colony took measures to restrict or strip the liberties of those who supported the crown or questioned the authority of Parliament or the colony.
- In 1658, freeman status was denied to those males who were identified as “opposers of the good and [wholesome] lawes of the Collonie or manifest opposers of the true worship of God or such as refuse to doe the Countrey seruice.”
- That same year, restrictions were placed on Quakers: “No Quaker could be a freemen, and a freemen who became a Quaker would lose his status, as would any freemen who aided Quakers.”

# The Road to a Bill of Rights

- Despite the setbacks of English liberties in the 1650s and 1660s, significant progress was achieved between 1670 and 1691.
  - In 1679, Parliament passed the Habeas Corpus Act, which forbade detentions lacking sufficient cause or evidence.
  - In 1672, a second edition of *The General Fundamentals* was released by the Plymouth General Court. In this edition, the legislature further codified protections against government overreach. These protections included:
    - The right of legal notice - no freeman was to be punished “but by virtue or equity of some express Law of the General Court of this Colony, the known law of God, or the good and equitable laws of our Nation.”
    - An enumeration of what criminal charges entitled a freeman to a right of trial by jury.
    - The right to challenge the makeup of a jury (peremptory challenges)
    - The right of freemen twenty-one years of age or older to draft wills and dispose of their property without government interference.
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...and *Spiritual* and *temporal* and *dominion* as *abled* of *Commons*.  
...all the *years*. ... *Execution* ... *matter* ...  
...of *February* ... *one* ...  
... *present* ...  
... *by* ...  
... *William* and *Mary* ...  
... *present* in ...  
... *Declaration* in ...  
... *and* ...  
... *Whereas* ...  
... *the* ...  
... *Judges* and *Ministers* ...  
... *and* ...  
... *By* ...  
... *without* ...  
... *By* ...  
... *and* ...  
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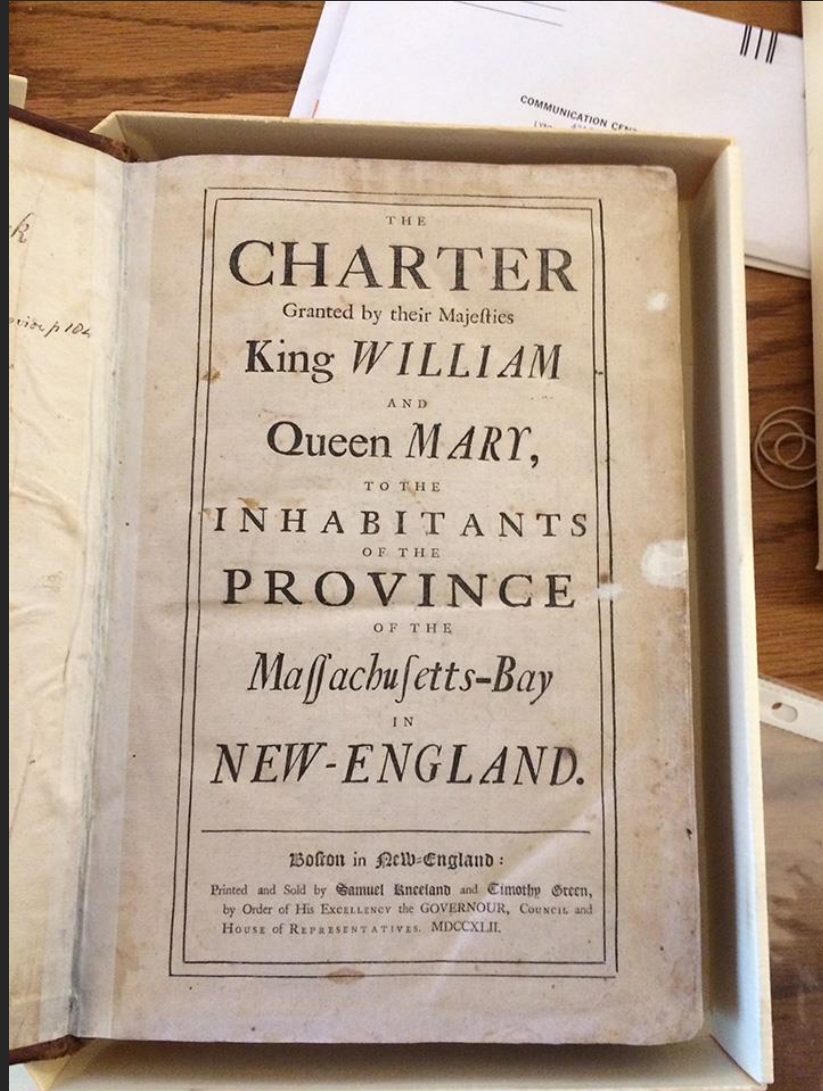
# The English Bill of Rights of 1689

# English Liberties Are Fully Codified

- In 1688, James II was deposed as part of the Glorious Revolution. In December of that same year, William III assumed the throne in his place.
  - The next month, January 1689, Parliament organized a constitutional convention to identify the abuses of James II and determine what were the full rights of Englishmen.
  - *The Declaration of Right of 1689*, also known as the *Bill of Rights of 1689*, was formally adopted by Parliament after much debate.
  - It should be noted the final draft was not a true “Bill of Rights” in that a strict reading of the document solely addressed the rights of Parliamentarians (sitting in Parliament) as against the Crown. Nevertheless, many English courts would apply these principles to the common freeman.
  - In December 1689, William III formally notified Parliament that he assented to the *Declaration* and swore he would abide by its expectations.
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# English Liberties Are Fully Codified

- The *Bill of Rights of 1689* codified multiple liberties and civil rights. These included:
    - Freedom from royal interference with the law and the right to elect representatives of one's own choosing.
    - Freedom from taxation without the consent of Parliament.
    - Freedom to petition the government, including the king.
    - Freedom from a standing army, except during wartime.
    - The right to bear arms for self-defense.
    - Freedom of speech in Parliament
    - Freedom from cruel and excessive punishment
    - Freedom from fines, imprisonment and forfeiture without due process
    - The right to bail
    - The right to a jury trial when accused of a capital offense
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# The Massachusetts Charter of 1691

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# The Massachusetts Charter of 1691

- The government of William III issued the Massachusetts Charter of 1691. The document formally established the Province of Massachusetts Bay.
  - There were several significant segments of the charter, most notably:
    - The document expanded the original colony of Massachusetts Bay. Plymouth Colony ceased to exist.
    - It formally made the Massachusetts Bay Colony a royal colony. In doing so, the English government established that the governor would be appointed by the Crown rather than election.
    - The charter also broadened the Governor's powers and established a right to self-government in Massachusetts but on royal terms.
    - Most importantly, it declared that the colonists of Massachusetts Bay enjoyed the same rights, privileges, and liberties as any other British subject within the empire. Through this declaration, the crown formally recognized that English liberties applied to Massachusetts.
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A man in 18th-century attire, including a dark bowler hat with a red band, a green coat, and a white cravat, is shown in profile, speaking to another man whose back is to the camera. The background is a blurred interior setting.

“Unrighteous and Unconstitutional”: Invocation of  
Charter Rights During the 1760s Revolutionary Crisis

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The State of the  
British Empire in  
1763



# England and Her Colonies in 1763

- The origins of the American Revolution can be traced back to the close of the French and Indian War (1754-1763). Following its conquest of Canada, England began to recognize the harsh realities of its victory.
  - In the months following the Treaty of Paris, Great Britain was forced not just to administer its newly acquired territories, but also to defend them.
  - This necessitated maintaining a ten-thousand-man army to protect North America from future French operations and Native American attacks, such as Pontiac's Rebellion, which ignited after the conclusion of the war.
  - By January 5, 1763, Britain's funded debt was a staggering £122,603,336 with an annual interest of £4,409,797. A year later, the debt was almost £7,000,000 larger and by January of 1767, it had increased yet another £7,000,000.
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# England and Her Colonies in 1763

- To curb this financial burden, the English government implemented a series of economic programs aimed at having those it considered to have benefited most by the successful conclusion of the war, the American colonies, share in the burden.
  - After reviewing the state of Britain's finances, Chancellor of Exchequer, George Grenville, concluded that the American colonies had benefited greatly from the protection of the Crown while contributing very little in taxes.
  - At the same time, Grenville pointed out, an active smuggling trade coupled with massive colonial customs mismanagement, particularly in the New England region, had led to an annual £6,000 deficit in custom duties collected in American ports.
  - Accordingly, he suggested that a direct tax be levied on the American colonies to generate additional revenue.
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# The Stamp and Sugar Acts

# The Stamp and Sugar Acts

- The first two revenue raising measures that Great Britain imposed on her American colonies were the Sugar Act of 1764 and the Stamp Act of 1765.
  - The Sugar Act established tariffs on colonial trading and attempted to curb the American practice of smuggling sugar and molasses from the West Indies by placing a three pence per gallon tax on foreign molasses.
  - The act established a list of “enumerated goods” that could be shipped only to England, including lumber, and set forth procedures for the accounting, loading and unloading of cargo in port.
  - Violations of the act were prosecuted in a vice admiralty court, where defendants would be denied the right to a jury trial and where the presumption was of guilt rather than innocence.
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# The Stamp and Sugar Acts

- The second revenue raising measure was the Stamp Act, which levied an unprecedented direct tax on almost every piece of public paper in the colonies.
  - Newspapers, almanacs, deeds, wills, custom documents, even playing cards were among the many papers subjected to the tax.
  - The Stamp Act went so far as to impose a tax upon *tax receipts*.
  - The Sugar and Stamp acts brought on an explosion of riots, boycotts and protests throughout the colonies, particularly in Massachusetts.
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# The Stamp Act Riots

- Violence broke out in Newport, Providence, Boston, Portsmouth (NH) and Plymouth.
  - For example, on August 14, 1765, Bostonians hung an effigy of Andrew Oliver, the appointed stamp distributor for Massachusetts, from a “liberty tree” in plain view by the “sons of liberty.”
  - Two weeks later, a larger mob assembled and descended upon the homes of several individuals suspected of favoring the Stamp Act, including again that of the Lieutenant Governor.
  - Hutchinson managed to evacuate his family to safety before the mob arrived. Then, as Hutchinson later described it, “the hellish crew fell upon my house with the rage of divels and in a moment with axes split down the door and entered ... I was obliged to retire thro yards and gardens to a house more remote where I remained until 4 o’clock by which time one of the best finished houses in the Province had nothing remaining but the bare walls and floors.”
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# The Invocation of English Liberties

- The riots of Boston and other urban communities horrified most Massachusetts residents. Rather than resort to violence, many colonists chose the path of economic boycott, political protest and invocation of English rights.
  - In Salem, merchants banded together with others to resolve “We the inhabitants of said Salem, being fully convinced that the act lately passed by the Parliament of Great Britain ... would if carried into execution be excessively grievous and burthensome to the inhabitants of his Majesty’s loyal province.”
  - Haverhill resolved “to declare that we think the Stamp act to be unconstitutional; which with the Extensive power lately granted to Courts of admiralty are great Infringments upon our rights and priviledges; & that they were unjustly obtained by reason of wrong Information.”
  - Andover residents declared “That by sundry acts, especially by an act commonly called the stamp-act, we are in danger of being not only reduced to such indigent circumstances ... but of being deprived of some of our most valuable privileges which by charter and loyalty we have always thought and still think ourselves justly entitled to.”
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# James Otis and the Defense of English Rights

- In 1764, Massachusetts attorney and politician James Otis published *The Rights of British Colonies Asserted and Proved*. In this document, Otis argued American resistance was a constitutional right.
  - “The absolute rights of Englishmen, as frequently declared in Parliament, from Magna Carta to this time, are the rights of personal security, personal liberty, and of private property ... It is presumed that upon these principles **the colonists have been by their several charters** declared natural subjects and entrusted with the power of making their own local laws, not repugnant to the laws of England, and with the power of taxing themselves ... [the law] never invested [Parliament] with a power of surrendering their own liberty; and the people certainly never entrusted any body of men with a power to surrender theirs in exchange for slavery ... When a sovereign, as pretending to have the absolute disposal of a people whom he has conquered, is for enslaving them, he causes the state of war to subsist between this people and him.”
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# John Adams Invokes The Magna Carta

- John Adams argued against the Stamp Act of 1765 by charging that it violated the Magna Carta.
- “... by that [Great] [C]harter, 'no American shall be assessed, but by the oath of honest and lawful men of the vicinage;' and, 'no freeman shall be taken, or imprisoned, or be disseized of his freehold, or liberties of free customs, nor passed upon, nor condemned, but by lawful judgment of his peers, or by the law of the land.’”



# The Townshend Acts

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## *The true Sons of Liberty*

And Supporters of the Non-Importation  
Agreement,

**A**RE determined to resent any the least  
Insult or Menace offer'd to any one or  
more of the several Committees ap-  
pointed by the Body at Faneuil-Hall, and  
chastise any one or more of them as they  
deserve; and will also support the Printers  
in any Thing the Committees shall desire  
them to print.

**AS** a Warning to any one that shall  
affront as aforesaid, upon sure Infor-  
mation given, one of these Advertisements  
will be posted up at the Door  
or Dwelling-House of the Offender.

# The Townshend Acts

- By 1767 England's debt was still out of control. The government was faced with a projected annual cost of almost £400,000 just to maintain her army in America alone.
  - Charles Townshend, the impetuous Chancellor of the Exchequer, of whom it was said, "his mouth often outran his mind", suddenly announced that he knew how to tax the American colonies.
  - The Townshend Acts, as they became known, provided for an American import tax on paper, painter's lead, glass and tea. The acts also tightened custom policies and revived the vice-admiralty courts.
  - Although a minority within the House of Commons opposed such a measure on constitutional grounds, the majority rationalized it would "raise colonial revenue, punish the colonists for their ill-behavior after the repeal of the Stamp Act, and exercise the rights to which Parliament laid claim in the Declaratory Act."
  - The House of Commons was so pleased with itself that they promptly voted to lower English land taxes from four shillings on the pound to three, resulting in a £500,000 loss of revenue and threatening fiscal chaos.
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# The Townshend Acts

- Once again, Boston stood at the forefront of opposition. On October 28, 1767, the citizens resolved, at a town meeting, to oppose the acts by refusing to import English goods and to encourage American manufacture instead. However, by 1768, Boston was once again resorting to violence to indicate its opposition to British policy.
- In 1768, Governor Bernard was ordered to dissolve the Massachusetts legislature, and two full regiments of British regulars were dispatched to Boston to protect the custom officials and enforce the acts.



*29<sup>th</sup> Regiment*

# The Townshend Acts – Initial Reaction

- Massachusetts residents, especially those in Plymouth County, reacted with anger and dismay to the acts, as well as the escalation of hostilities by Governor Bernard. Towns and communities quickly mobilized to invoke and protect their rights as English citizens.
  - The Massachusetts General Court framed a petition to the Crown requesting that the acts be repealed. Ninety-two representatives voted in favor of the petition, seventeen against.
  - Of the seventeen, most hailed from Essex and Plymouth Counties. Towns quickly censured the seventeen and pressured them to resign.
  - The Town of Bradford declared it would “oppose & prevent the Levying or Collecting of money from us not granted by our selves or our Legal Representatives.”
  - Haverhill residents debated whether British troops dispatched to Boston should be met with armed resistance when they landed.
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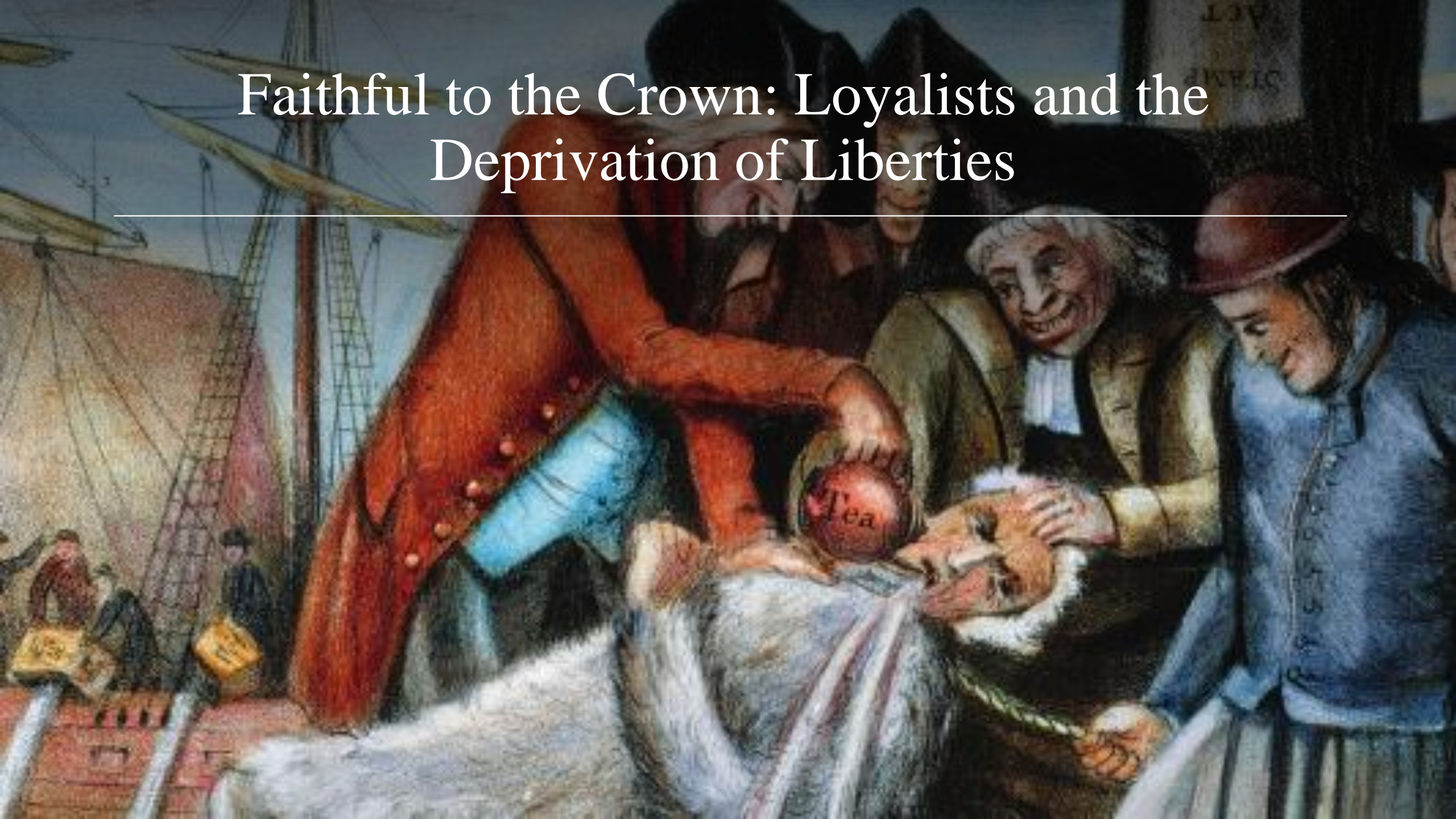


# The Townshend Acts – The Lexington Response

- On September 21, 1768, the Town of Lexington hosted a meeting to draft its response to the Townshend Acts and Governor Bernard’s actions. The resolution of the town best summarizes the Massachusetts perception of English liberties and its rights as citizens of the country.
  - “Certain rights, Liberties & privileges therein Expressly mentioned: Among which it is Granted, Established and ordained That all and every ye Subjects of Them, their heirs and Successors, which Shall Go to inhabit within Sd Province & territory, & Every of their children which shall happen to be born there . . . Shall have & injoy all the Liberties and Immunities of free & Natural Subjects . . .as if they & every of them were Born within the Realm of England.”
  - “[That] the freeholders & other Inhabitants of the Town of Lexington will, at the utmost peril of their Lives and Fortunes, take all Legal and Constitutional measures to Defend and maintain ye person, Family, Crown and Dignity of our Said Sovereign Lord, George ye Third, and all and Singular the Rights, Liberties, privileges and Immunities Granted in 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.”
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# Faithful to the Crown: Loyalists and the Deprivation of Liberties

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# The Boston Massacre



# The Boston Tea Party



# The Boston Tea Party

- In 1773, Parliament passed the Tea Act to refinance the shaky economic base of the British East India Company. Established in 1709, the East India Company derived over ninety-percent of its profits from the sale of tea.
  - However, by 1772, due to severe mismanagement, the company was in desperate need of a bailout. The company directors looked to Parliament for relief. Parliament's response was the Tea Act, through which the East India Company was given exclusive rights to ship tea to America without paying import duties and to sell it through their agents to American retailers.
  - Massachusetts immediately opposed the act and began to organize resistance. On November 29, 1773, the tea ship *Dartmouth* arrived at Griffin's Wharf in Boston. Three days later, the *Beaver* and the *Eleanor* arrived at the same wharf. Bostonians demanded that Governor Hutchinson order the three ships back to England.
  - On December 16, 1773, the owner of the *Dartmouth* apparently agreed and went to Hutchinson to beg him to let the ships return to England. Hutchinson refused, and at approximately six o'clock that evening, some 150 men and boys disguised as "Indians" marched to the three ships, boarded them and dumped 340 chests of tea into Boston Harbor.
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# The Intolerable Acts

- In response to the Tea Party, the English Parliament adopted several harsh and restrictive measures aimed at punishing Massachusetts.
  - On March 31, 1774, King George the Third signed the Boston Port Bill, intended to severely reprimand rebellious Boston. The port was closed to all seagoing traffic until damages for the destroyed tea were paid in full.
  - The Massachusetts Provincial Charter of 1691, which residents viewed as a sacred guarantee of their civil liberties, was revoked.
  - Additional regiments of regulars were dispatched to Boston and Major General Thomas Gage replaced Thomas Hutchinson as governor.
  - Gage moved the seat of government from Boston to Salem and the customs office from Boston to Plymouth.
  - The Governor's Council was replaced with a non-elective Mandamus Council, town meetings were prohibited without the consent of the governor and jury trials were abolished.
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# The Gauntlet Has Been Thrown Down

- The common belief emerged that an immoral British government, having exhausted opportunities for plunder and profit in England and Ireland, was now seeking a dispute with the American colonies as an excuse to enslave and deprive them of their wealth and liberties.
  - Parliament had hoped to accomplish this goal quietly, but the furor aroused in the colonies by England's economic policies had given the government a temporary setback. Now, these mysterious men, who controlled Parliament and the king's ministers, were undertaking to openly incite a war, declare American rebels and enslave them.
  - On October 5, 1774, representatives of the Massachusetts General Court met in Salem. General Thomas Gage, acting governor and overall commander of all British forces in North America attempted shut down the meeting but failed. In response, the representatives voted to make the Massachusetts Provincial Congress the governing body of the colony, in order "to promote the true interests of his Majesty, in the peace, welfare and prosperity of the Province."
  - Any hope of avoiding a civil war now seemed dashed.
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## A Necessary Civil War To Preserve English Liberty

*“We trust in God, that should the state of our affairs require it, we shall be ready to sacrifice our estates and everything dear in life, yea, and life itself in support of the common cause.”*

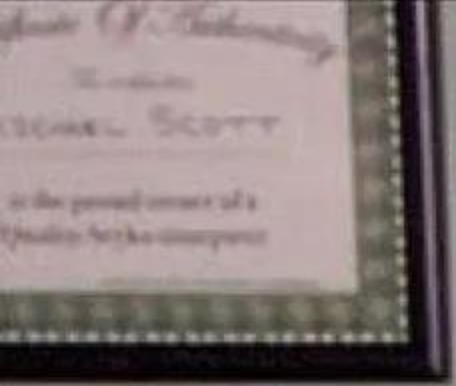
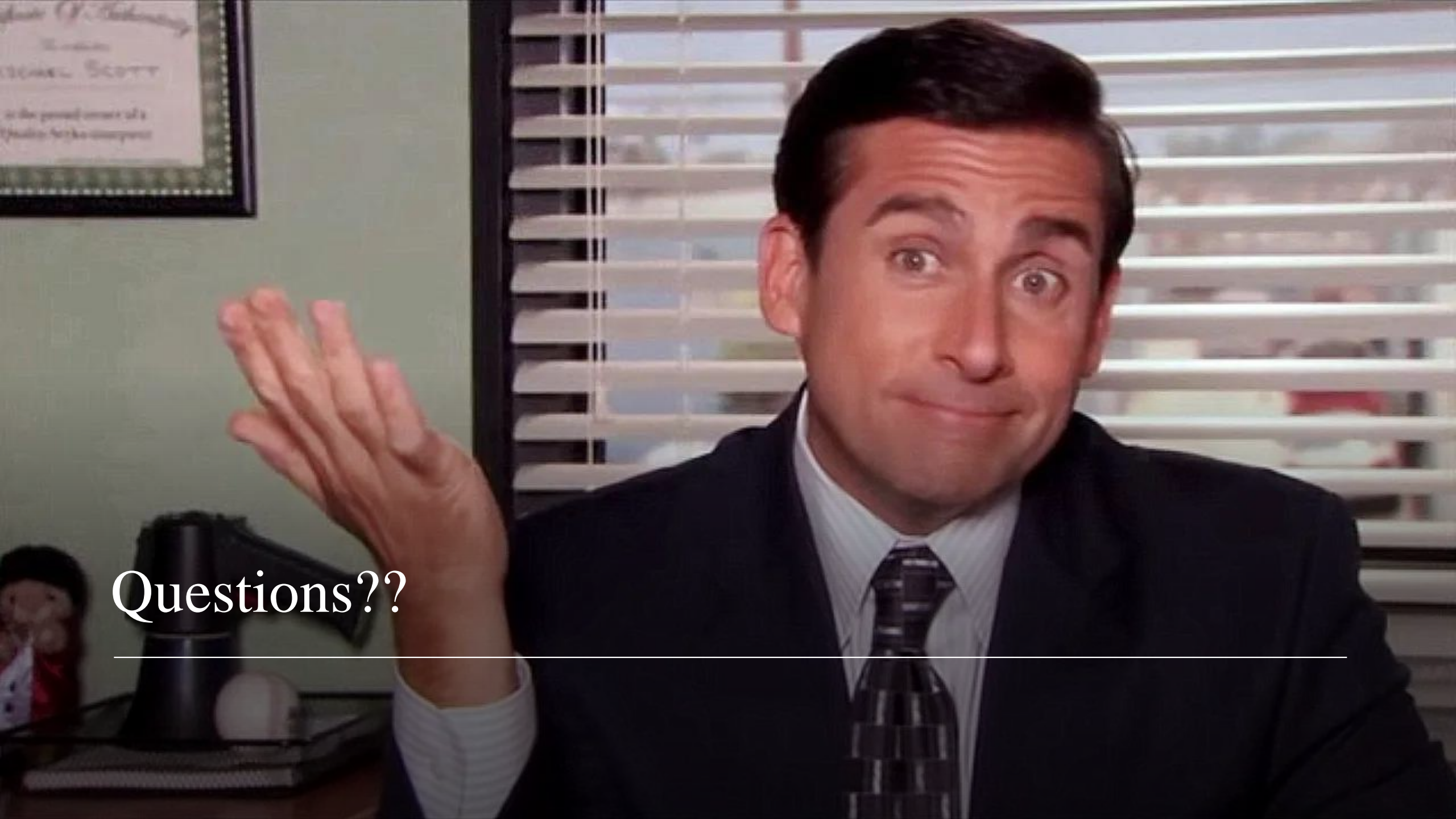
~ Resolution of the Town of Lexington, December  
1773





# The Massachusetts Provincial Congress

“This colony was then reduced to great difficulties, being denied the exercise of civil government according to our charter, or the fundamental principles of the English constitution and a formidable navy and army ... were stationed for that purpose in our Metropolis. The prospect of deciding the question between our Mother country and us, by the sword, gave us the greatest pain and anxiety; but we have made all the preparation for our necessary defence.”



Questions??

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Bonus Lecture!!

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The Pilgrim  
Loyalist:  
Edward  
Winslow

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# The Pilgrim Loyalist: Edward Winslow

- Edward Winslow was born in Plymouth, Massachusetts, in 1746/47, a descendant of the Mayflower Pilgrim Edward Winslow.
  - He studied at Harvard College, graduating in 1765. After graduation, Winslow publicly supported Crown efforts and helped create "a company of Tories" to keep the peace. In 1773, he penned the "Plymouth Protest," which condemned the unlawful acts of the Sons of Liberty by calling them "sett of cursed, venal, worthless Raskalls"
  - By 1774, Winslow was forced to flee Plymouth, and in April 1775, he served as a "Tory Pilot" with the British expedition to Concord. He was present at the Battle of Lexington.
  - In March 1776, he retreated along with the British troops to Halifax, Nova Scotia and by July, had been appointed muster master general for the Loyalist forces.
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# The Pilgrim Loyalist: Edward Winslow

- In 1778, he was permanently banned from Massachusetts under the Banishment Act of 1778.
  - After the American victory was secured in 1783, Winslow and his fellow Loyalists were essentially reduced to refugees. He moved his family to Granville in Annapolis County, Nova Scotia, but spent most of his time in Halifax, making plans for settling Loyalists throughout Nova Scotia.
  - Frustrated with the efforts of the Nova Scotia authorities at settling the approximately 35,000 Loyalists, Winslow began to advocate for the creation of a separate colony in the area north of the Bay of Fundy.
  - In 1783, he was named secretary to Brigadier-General Henry Edward Fox, who was sympathetic to Winslow's proposal. The British government approved the creation of a new colony called New Brunswick in June 1784.
  - He died in 1815 in Kingsclear, New Brunswick, having served in various political, legal and government positions.
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