

The Mayflower Compact
A Body of Liberties
Roger Williams: A Letter to the People of Providence
Maryland Toleration Act
John Wise: A Vindication of the Government Churches of New England
James Otis: The Rights of British Colonists Asserted and Proved
Colonel Isaac Barre: Sons of Liberty Speech
Patrick Henry: The Virginia Resolves
Benjamin Franklin's Testimony Before the House of Commons
Samuel Adams: A Letter of Correspondence from the Town of Boston

John Winthrop on Liberty
John Locke on Civil Government
The Witchcraft Trials: Robert Calef
John Hepburn on Slavery
Andrew Hamilton and the Zenger Trial
Roger Williams on Freedom of Conscience
Cotton Mather on Witchcraft
John Wise: The Church's Quarrel Espoused
Samuel Adams: Article from BOSTON GAZETTE
New England Town Meeting, Virginia Parish
Anti-Slavery Protests and Petitions

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THE PATRIOT PLAN - SMITH

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NARRATED BY WALLACE HOUSE
WITH KENNETH BUCKRIDGE

The Patriot Plan

By Charles Edward Smith

Ronald Clyne



P. REVERE

LANDING OF THE BRITISH TROOPS IN BOSTON

THE PATRIOT PLAN

"...their owne libertie." — Of Plymouth Plantation

A Folkways Records Project

Introductory Text by Charles Edward Smith

Combining the written and spoken word, this book-and-record project re-creates the dynamic growth of civil and human rights in Colonial America and seeks to bring into perspective the far-reaching changes in democratic concepts that occurred during that period. The project was conceived jointly by Moses Asch and Charles Edward Smith.

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| Research and writing | Charles Edward Smith |
| Narrator | Wallace House with Kenneth Buckridge |
| Production | Moses Asch |

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THE PATRIOT PLAN

HUMAN RIGHTS, HUMAN HOPES...

The struggle for democracy, encompassing civil and human rights, is everywhere and interminable where there are goals to aim for and humans to hope. It may be deterred by repression or outright tyranny, or postponed, waiting upon the propitious time, the techniques and tools, the technological and social conditions favorable to its fulfillment, but its urgency can only be put off, not denied. For democracy in the sense that is meant here -- a sharing in the suffrage, a social compact that is responsive to the community and enlists its whole support -- provides an environment in which man may ultimately achieve that dignity he so often boasts about and so seldom has.

This envisages a dynamic relationship between men and nations -- not the naive nostalgia of union based on such isolated phenomena as language nor the static, Utopian concept of world government, which in its present formulation is often only a snare

for men of good will and a toy for political dilettantes. Certainly the differences between the early American colonies, not irreconcilable in times of crisis, in nurturing what Jefferson called (in another connection) a "turbulence productive of good," did much to ensure the sinew and strength of our representative form of government, that we properly call a democracy.

Whether we are new or old Americans or, more typically, a mixture of the two, the past has the concreteness of home and heritage. Inevitably, it holds a hope for the future. Our interest in the colonial period would not be altogether meaningless if it were only a search for symbols, but it would be somewhat sterile if we did not have as well the conviction that it should, that it must, illuminate the present and future, both of our people and the world's people. If its meaning has for us an eloquent message then it should be meaningful to the world, and a whisper of wonder to those who have only a withered word for freedom.

Side A, Band 1 THE MAYFLOWER COMPACT (1620)

In the late 16th century, during the reign of Elizabeth I, the Puritans, who were a powerful minority, were committed to work reform within the official, Anglican church. The Pilgrims differed from the main body of Puritans and supported the Separatist movement, in denying royal rule over ecclesiastical affairs and in laying the basis for the self-government of congregations. Sailing from Plymouth, England, the Pilgrims chose as their settlement a location designated as "Plimouth" on John Smith's map of New England, which he'd drawn up some six years previously - place names supposedly the writing of Prince Charles.

The Compact was written and signed on board the Mayflower. It was first signed by those "who had assumed the privilege of using the title of 'Mr.' -- then pronounced 'master,' and often written so. Relatively the aristocrats of the company, there were twelve of this group, with Saints and Strangers equally represented." Next, twenty-seven "goodmen" signed and, lastly, "a few of the servants were invited or commanded to sign." (6)

The Mayflower Compact "did not apply to all, to be sure, and its promise of 'just and equall lawes' was often more honored in the breach than the observance. But for its day it was an extraordinary document, a remarkable statement of revolutionary new principles, an important milestone in our long, hard, and often bloody ascent from feudalism, from that degrading 'aristocratic' system of power and privilege for the few which had held Europe in irons for centuries, vestiges of which still remain to plague us." (6)

In America, the Pilgrim Colony of Plymouth was annexed to Massachusetts in 1691 under the new charter. In July, 1692, the Pilgrims met in General Court and as a final act set aside the last Wednesday of August "to be kept as a day of sollemne fasting and humiliation." But their spirit was not extinguished and they later proclaimed a Thanksgiving for various blessings including "that the Government over us is yet in the hands of Saints." (6)

In the absence of a Royal Charter, the combining into "a body politic," "for the general good of the colony," takes on an unusual significance. Just as the Magna Carta is the forerunner of all compacts of human rights in the English-speaking world, so the Mayflower Compact is the staunch, sensible ancestor of the Declaration of Independence.

TEXT

"In the name of God, Amen. We, whose names are under-written, 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 honor 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 of one another, covenant and combine ourselves together into 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 hereafter subscribed our names at Cape Cod the eleventh 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." (19)

This text is adapted from William Bradford, History of Plymouth Plantation ('Massachusetts Historical Collections,' Fourth Series), III, 89-90.

The Mayflower Compact may also be found in (16) and in many other documentary compilations.

Side A, Band 2 A BODY OF LIBERTIES (EXCERPTS) (1641)

The Code of Fundamentals or Body of Liberties is generally thought to have been drawn up by Nathaniel Ward, a minister of Ipswich, who is known to students of American literature as the author of The Simple Cobler of Aggawam. A previous attempt to codify laws in the Bay Colony is referred to in histories of Puritan New England and in studies in colonial law as "the Cotton Code," and was compiled by John Cotton. (The Pilgrims had been passing laws of one sort and another since the settlement of Plymouth but had not drawn up any body of laws such as that presented to the Bay Colony in 1641. They held annual elections and indeterminate tenure of magistrates was not at that time a problem there, as in the Bay Colony. Political jobs went begging and a man could be fined there if he refused the governorship, unless he had served the previous year!)

As has been noted in the introduction, the Puritans cited the Bible (as did the Pilgrims) in support of their moral prejudices. Law was based on English Common Law, the charter (in the case of the Puritans; the Pilgrims had none) and compacts and covenants of the Bible. and, it may be added, were influenced by the environment. Those who find in A Body of Liberties severe strictures on the rights of the people need only contrast it to the "Cotton Code" to see that public pressure had had some effect. A Body of Liberties, like the Mayflower Compact, has features looking towards the later growth of more democratic principles, though it can hardly be called an expression of democratic concepts as we know them today. It broke through the bleakness of the Puritan outlook, bringing a glimmer of light to the grayness.

A Body of Liberties bears witness to the ancestry of our Bill of Rights, including the presence of a Calvinistic skeleton in the closet.

"The free fruition of such liberties, immunities, and privileges as humanity, civility, and Christianity call for as due to every man in his place and proportion without impeachment and infringement hath ever been and ever will be the tranquillity and stability of churches and commonwealths. And the denial or deprival thereof, the disturbance if not the ruin of both.

"We hold it, therefore, our duty and safety whilst we are about the further establishing of this government to collect and express all such freedoms as for present we foresee may concern us, and our posterity after us, and to ratify them with our common consent.

"We do, therefore, this day religiously and unanimously decree and confirm these following rights, liberties, and privileges concerning our churches and civil state to be respectively, impartially, and inviolably enjoyed and observed throughout our jurisdiction forever.

- "1. No man's life shall be taken away, no man's honor or good name shall be stained, no man's person shall be arrested, restrained, banished, dismembered, nor any ways punished, no man shall be deprived of his wife or children, no man's goods or estate shall be taken away from him, nor any way indamaged under color of law or countenance of authority, unless it be by virtue or equity of some express law of the country warranting the same, established by a general court and sufficiently published, or in case of the defect of a law in any particular case by the word of God. And in capital cases, or in cases concerning dismembering or banishment, according to that word to be judged by the General Court.
2. Every person within this jurisdiction, whether inhabitant or foreigner, shall enjoy the same justice and law that is general for the plantation, which we constitute and execute one toward another without partiality or delay....
7. No man shall be compelled to go out of the limits of this plantation upon any offensive wars which this Commonwealth or any of our friends or confederates shall voluntarily undertake....
9. No monopolies shall be granted or allowed amongst us, but of such new inventions that are profitable to the country, and that for a short time....

17. Every man of, or within, this jurisdiction shall have free liberty; notwithstanding any civil power to remove both himself and his family at their pleasure out of the same, provided there be no legal impediment to the contrary. (19)
- 18 No man's person shall be restrained or imprisoned by any authority whatsoever, before the law hath sentenced him thereto....
- 42 No man shall be twice sentenced by civil justice for one and the same crime, offense, or trespass.
- 43 No man shall be beaten with above forty stripes, nor shall any true gentleman, nor any man equal to a gentleman be punished with whipping, unless his crime be very shameful, and his course of life vicious and profligate...
- 45 No man shall be forced by torture to confess any crime against himself nor any other, unless it be in some capital case where he is first fully convicted by clear and sufficient evidence to be guilty, after which if the cause be of that nature, that it is very apparent there be other conspirators, or confederates with him, then he may be tortured, yet not with such tortures as be barbarous and inhumane...
- 80 Every married woman shall be free from bodily correction or stripes by her husband, unless it be in his own defense upon her assault. If there be any just cause of correction, complaint shall be made to authority assembled in some court, from which only she shall receive it."

Side A, Band 3 ROGER WILLIAMS: A LETTER TO THE
PEOPLE OF PROVIDENCE (1648)

Roger Williams was one of those individuals, rare in any land or time, whose tolerance was deep-rooted in a sense of humanity. In an era in which repression appeared to assure security, he was for separation of church and state, for freedom of conscience and for dealing honestly, on a basis of common humanity, with Indians. "To him," comments George F. Willison (6), "'liberty of conscience' meant just that, without any 'ifs' and 'buts,' and this is his title to honor as one of the greatest of Americans."

"After being ordained a minister (in England) he joined the Puritan wing of the church, and in 1630 he and his wife heeded a call to New England. Disillusioned because the clergy of Massachusetts Bay dictated a conformity even more rigid than the conformity which he had just left England to escape, Williams went to Plymouth; but two years later he returned to Salem. Because of his outspoken idealism, Williams incurred the hostility of the magistrates... The Massachusetts General Court in 1635 found him guilty of spreading 'new and dangerous opinions against the authority of the magistrates,' and ordered him banished." (1)

The views of Williams, such as those expressed in the Letter to the People of Providence, were extremely liberal for that period. He had established the settlement in 1636 and later, in 1663, secured an enlightened charter for Rhode Island. In Providence there was 'no formal separation, no division whatever between Saints and Strangers. One man's faith was as good as another's, and he was as free to follow it as the next.'" (6)

This statement by Roger Williams is related to the First Amendment and to the Constitution generally. It is cautious in its approach to democratic processes and anticipates the ship-of-state (skipper-and-all) rulers-and-ruled view of the Constitution rather than democracy as an expression of the people, of which Samuel Adams was one of the first articulate spokesmen.

"That ever I should speak or write a tittle, that tends to such an infinite liberty of conscience, is a mistake, and which I have ever disclaimed and abhorred. To prevent such mistakes, I shall at present only propose this case: There goes many a ship to sea, with many hundred souls in one ship, whose weal or woe is common, and is a true picture of a commonwealth, or a human combination or society. It hath fallen out sometimes, that both papists and protestants, Jews and Turks, may be embarked in one ship; upon which supposed I affirm, that all the liberty of conscience, that ever I pleaded for, turns upon these two hinges -- that none of the papists,

protestants, Jews, or Turks, be forced to come to the ship's prayers or worship, if they practice any. I further add, that I never denied, that notwithstanding this liberty, the commander of this ship ought to command the ship's course, yea, and also command that justice, peace and sobriety, be kept and practiced, both among the seamen and all the passengers.

"If any of the seamen refuse to perform their services, or passengers to pay their freight; if any refuse to help, in person or purse, towards the common charges or defence; if any refuse to obey the common laws and orders of the ship, concerning their common peace or preservation; if any shall mutiny and rise up against their commanders and officers; if any should preach or write that there ought to be no commanders or officers, because all are equal in Christ, therefore no master nor officers, no laws or orders, nor corrections nor punishments; -- I say, I never denied, but in such cases, whatever is pretended, the commander or commanders may judge, resist, compel and punish such transgressors, according to their deserts and merits. This if seriously and honestly minded, may, if it so please the Father of lights, let in some light to such as willingly shut not their eyes.

"I remain studious of your common peace and liberty. Roger Williams." (1655). (1) (7)

Side A, Band 4 MARYLAND TOLERATION ACT (EXCERPTS)
(1649)

"The instructions which Cecilius Calvert, Lord Baltimore, gave in 1633 to his brother Leonard, sent out as first governor of the new province, ordered that Catholics and Protestants be allowed to live together amicably and that there be no bickering over religion. This was consistent both with Baltimore's desire to establish a refuge for his fellow-Catholics, and with the need to attract a sufficient number of settlers to Maryland regardless of religion. It was in this spirit that the colony was administered during its early years, but it was not until 1649 that the so-called Toleration Act was adopted by the provincial legislature. Apparently the Proprietor felt that in the existing political situation such a step, particularly because of its significance for the protection of Protestants, would be reassuring to an England now controlled by a militantly Protestant Parliament!" (7)

The reading of the names of sects reminds one of the paeans of praise to America by Wolfe and Whitman and suggests that we not over-simplify our view of any area of colonial life. Though the Toleration Act -- as one may see by a perusal of the entire text -- fell short of complete religious freedom, it was nonetheless a landmark in the progress towards the "freedom of religion" clause in the First Amendment of the Bill of Rights. In *Maryland*, a volume in the American Guide Series (Oxford Press) a chapter on Religion disclosed that in 1654, when the Puritans were temporarily in control, "freedom of conscience was guaranteed to all, 'provided such liberty be not extended to Popery or prelacy.'"

"And be it also further Enacted by the same authority advise and assent that whatsoever person or persons shall from henceforth upon any occasion of Offence or otherwise in a reproachful manner or Way declare call or denominate any person or persons whatsoever inhabiting residing traffiqueing trading or commercing within this Province or within the Ports, Harbors, Creeks or Havens to the same belonging an heritick, Scismatick, Idolator, puritan, Independant, Prspiterian, popish prest, Jesuite, Jesuited papist, Lutheran, Calvenist, Anabaptist, Brownist, Antinomian, Barrowist, Roundhead, Separatist, or any other name or terme in a reproachfull manner relating to matter of Religion shall for every such Offence forfeit and loose the sum of tenne shillings sterling or the value thereof to bee levied on the goods such first offence forfeit 2^s6^d sterling or the value thereof...

"And whereas the inforcing of the conscience in matters of Religion hath frequently fallen out to be of dangerous Consequence in those commonwealthes where it hath been practised. And for

the more quiett and peaceable government of this Province, and the better to preserve mutuall Love and amity amongst the Inhabitants thereof. Be it Therefore also by the Lo(rd) Proprietary with the advise and consent of this Assembly Ordeyned and enacted (except as in this present Act is before Declared and sett forth) that noe person or persons whatsoever within this Province, or the Islands, Ports, Harbords, Creekes, or havens thereunto belonging professing to believe in Jesus Christ, shall from henceforth bee any waies troubled, Molested or discountenanced for or in respect of his or her religion nor in the free excise thereof within this Province or the Islands thereunto belonging nor any way compelled to the beleife or exercise of any other Religion against his or her consent, soe as they be not unfaithfull to the Lord Proprietary, or molest or conspire against the civill Government established or to bee established in this Province under him or his heires."

Side A, Band 5 JOHN WISE: A VINDICATION OF THE
GOVERNMENT OF NEW ENGLAND
CHURCHES (EXCERPTS) (1717)

Observing that Roger Williams "was primarily a political and social rather than a religious thinker," the editors of The Roots of National Culture, continue: "The enduring significance of his revolt lies rather in his substitution of the social compact for the divine theory of the state, whereby he laid the foundations for Jeffersonian democracy. Like Williams, John Wise began his revolt on theological grounds, but his real interest was in the institutional rather than the doctrinal problems of the church, and his thought led to similar conclusions." (2)

The following brief summary of the career of John Wise is abridged and adapted from Chard Powers Smith's Yankees and God (Hermitage House, N.Y., 1954): John Wise, son of indentured servant: Harvard 1763; minister Ipswich parish; defied Gov. Andros in Andros Rebellion phase of English Revolution; chaplain, King Philip's War, in expedition against Quebec, 1690; active in organized movement of ministers that helped stop witch trials, 1692.

Mr. Smith asserts that Wise's "first major service was the defeat of the 'Massachusetts Proposals' of 1705, whereby the Mathers tried to take control of the Congregational churches under a Standing Council... Wise beat the plan in his The Churches Quarrel Espoused... partly by ridicule and partly by a deluge of Biblical quotations and New England precedents of democratic principles which he transferred from civil to ecclesiastical application. In his Vindication of the Government of New England Churches (1717), he better systematized his argument, and so set the scene and raised the curtain on eighteenth-century thought."

One might take exception to the remark that this was the "first major service" of John Wise. Could Mr. Smith have overlooked the defiance of Andros, which he himself had mentioned only a few lines back? Any movement of town meeting and township towards an extension of civil rights was a major service to democracy, and that of Ipswich, in which Wise was an outstanding leader, was no exception. In its resistance to arbitrary taxes and suspension of the writ of habeas corpus the attitude of this community was cited as insubordination to the Crown. Small wonder that Deputy-Governor Thomas Dudley declared at Wise's trial in 1787 (for his part in the Ipswich protest) that the people of New England had now no further privileges left them than not to be sold as slaves!

The "natural rights" philosophy was already a going concern in the 17th century and Locke's views, in some respects, differed from those of Pufendorf, a philosopher said to have influenced Wise. Points of difference are discussed in Aaron's biography of John Locke (Oxford U. Press, 1937; including a bibliography). Judging from Aaron's analysis of the views of Locke and Pufendorf on the social compact theory of natural rights, it seems possible that in this estimate of humans born "free and equal" John Wise is closer to the conclusions of Locke than he is to those of Pufendorf (who insisted that man, though born free, was bound to the established social compact). To be sure, one should not be dogmatic about this and any inference would have to be supplied

with a careful examination of such aspects of 17th century philosophy as pertained to it.

Parrington, commenting on the subversive goings-on of New England church congregations and John Wise's role in them (32), writes: "Naturally so vigorous an advocate of democracy in the church was disliked by the gentlemen whose ambitions he thwarted. Such plebian views were incomprehensible to Cotton Mather. When The Churches Quarrel Espoused was reprinted in 1713, prefaced with a commendatory letter signed by two well-known clergymen, the latter wrote to a friend: 'A furious Man, called John Wise... has lately published a foolish Libel, against some of us, for presbyterianizing too much in our Care to repair some Deficiencies in our Churches. And some of our People, who are not only tenacious of their Liberties, but also more suspicious than they have cause to be of a Design in their pastors to make abridgements of them: they are too much led into Temptation, by such Invectives...' (31)

And, wrote Parrington, "Two years later, when the Vindication was published, the sulky theocrat noted in his diary: '25 (May. 1717) G(ood) D(evice). Should not I take into Consideration what may be done for the Service of the Ministry and Religion and the Churches, throughout the Land, that the Poison of Wise's cursed Libel may have an Antidote?'" (31)

The last croak of the Cotton-Mather dynasty vis-a-vis John Wise was a hollow echo -- Samuel Mather's Apology for the Liberties of the Churches in New England (1739). But the rights of congregations were now too well established to be denied, and their ties to town meetings and to groups such as the Sons of Liberty only a matter of time. "On the Sunday following the Boston Massacre in 1770," writes Chard Powers Smith (*ibid*) "Rev. John Lathrop of Boston, preached from the text, 'The voice of my brother's blood cryeth unto me from the ground,' and argued in the sermon, which was presently printed and widely distributed, that a government which failed to serve the general good should be abolished and a better one established."

For further details, see: M. Louise Greene's The Development of Religious Liberty in Connecticut (Boston, 1905) and the Dictionary of American Biography.

Excerpts from A Vindication of the Government of New England Churches.

"The second great immunity of man (the first was that as 'the favorite animal on earth' he was the subject of the laws of nature) is an original liberty instampt upon his rational nature. He that intrudes upon this liberty, violates the law of nature. In this discourse I shall waive the consideration of man's moral turpitude, but shall view him physically as a creature which God has made and furnished essentially with many ennobling immunities, which render him the most august animal in the world, and still, whatever has happened since his creation, he remains at the upper end of nature, and as such is a creature of a very noble character. For as to his dominion, the whole frame of the lower part of the universe is devoted to his use, and at his command; and his liberty under the conduct of right reason, is equal with his trust. Which liberty may be briefly considered, internally as to his mind, and externally as to his person.

"1. The internal native liberty of man's nature in general implies, a faculty of doing or omitting things according to the direction of his judgment. But in a more special meaning, this liberty does not consist in a loose and ungovernable freedom, or in an unbounded license of acting. Such license is disagreeing with the condition and dignity of man, and would make man of a lower and meaner constitution than brute creatures; who in all their liberties are kept under a better and more rational government, by their instincts. Therefore, as Plutarch says, Those persons only who live in obedience to reason, are worthy to be accounted free: They alone live as they will, who have learnt what they ought to will. So that the true natural liberty of man, such as really and truly agrees to him, must be understood, as he is guided and restrained by the ties of reason, and laws of nature: all the rest is brutal, if not worse.

"2. Man's external, personal, natural liberty, antecedent to all humane parts, or alliances must also be considered. And so every man must be conceived to be perfectly in his own power and disposal, and not to be controlled by the authority of any other. And thus every man must be acknowledged equal to every man, since all subjection and all command are equally banished on both sides; and considering all men thus at liberty, every man has a prerogative to judge for himself, viz., what shall be most for his behalf, happiness and well-being.

"The third capital immunity belonging to man's nature, is an equality amongst men; which is not to be denied by the law of nature, till man has resigned himself with all his rights for the sake of a civil state; and then his personal liberty and equality is to be cherished, and preserved to the highest degree, as will consist with all just distinctions amongst men of honour, and shall be agreeable with the public good. For man has a high valuation of himself, and the passion seems to lay its first foundation (not in pride, but) really in the high and admirable frame and constitution of humane nature. The word man, says my author, is thought to carry somewhat of dignity in its sound; and we commonly make use of this as the most proper and prevailing argument against a rude insulter, viz., I am not a beast or a dog, but am a man as well as yourself. Since then humane nature agrees equally with all persons; and since no one can live a sociable life with another that does not own or respect him as a man; it follows as a command of the law of nature, that every man esteem and treat another as one who is naturally his equal, or who is a man as well as he. There be many popular or plausible reasons that greatly illustrate this equality, viz., that we all derive our being from one stock, the same common father of humane race.

Side A, Band 6 JAMES OTIS: THE RIGHTS OF BRITISH COLONISTS ASSERTED AND PROVED (EXCERPTS) (1764)

"James Otis, brilliant Boston lawyer, assumed leadership of the popular revolt against British taxation when in 1761 he resigned the office of advocate-general in order to argue the illegality of the Writs of Assistance before the superior court of Massachusetts. He rested his case on the natural rights of the Colonists, declaring an act of Parliament contrary to such rights is void. He was, said John Adams, 'a flame of fire' on that day -- 'American independence was then and there born.' In a series of pamphlets, of which only five are now identified, Otis continued vigorously to defend the Colonists' cause from the natural rights point of view. The most influential of these was The Rights of the the British Colonists Asserted and Proved, published in Boston July 23, 1764, to protest the Sugar Revenue Act of 1764.

"When the break came between the colonists and the mother country, Otis' public career, vitiated by ill health, had ended. He did not believe in independence, and had never questioned the ultimate authority of Parliament, hoping that the colonies might be relieved by petitioning, but his arguments were nevertheless a powerful precipitant of the Revolution.

"Although the natural rights philosophy is derived from many political theorists, chiefly Locke, and paralleled by the writings of the French philosophers of the Enlightenment, notably Rousseau, Americans did not borrow it; as Carl Becker has said, they inherited it. The theory is that men are endowed with certain inalienable rights which it is the function of government to guarantee. Otis, Samuel Adams, George Mason, and Thomas Jefferson, as well as other pamphleteers of the Revolution, rest their case plainly on this theory." (2)

When we see how various civil rights milestones in colonial times mark the road to the Bill of Rights, we begin to understand that it was imperative and essential to the Constitution. Most of us would agree with Jefferson that "a bill of rights is what the people are entitled to, against every government on earth" (letter to Madison, December 20, 1787). Otis' "Writs of Assistance" speech is echoed in the 4th Amendment (on search and seizure). The Rights of British Colonists statement, here included, which relates to many aspects of our contributions to human rights, is

especially interesting in that it reflects evils of colonialism not altogether eradicated in some areas of the world and in that it emphasizes, in a most clear-cut manner, the right of all, regardless of race, to equality.

"The Colonists are by the law of nature free born, as indeed all men are, white or black. No better reasons can be given, for enslaving those of any color than such as Baron Montesquieu has humorously given, as the foundation of that cruel slavery exercised over the poor Thiopians: which threatens one day to reduce both Europe and America to the ignorance and barbarity of the darkest ages. Does it follow that tis right to enslave a man because he is black? Will short curl'd hair like wool, instead of Christian hair, as tis called by those, whose hearts are as hard as the nether millstone, help the argument? Can any logical inference in favour of slavery, be drawn from a flat nose, a long or a short face? Nothing better can be said in favor of a trade, that is the most shocking violation of the law of nature, has a direct tendency to diminish the idea of the inestimable value of liberty, and makes every dealer in it a tyrant from the director of an African company to the petty chapman in needles and pins on the unhappy coast. It is a clear truth, that those who every day barter away other mens liberty will soon care little for their own. . .

"There is nothing more evident' says Mr. Locke, than' that creatures of the same species and rank promiscuously born to all the same advantages of nature, and the use of the same faculties, should also be equal one among another, without subordination and subjection, unless the master of them all should by any manifest declaration of his will set one above another, and confer on him by an evident and clear appointment, an undoubted right to dominion and sovereignty. 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.' This is the liberty of independent states; this is the liberty of every man out of society, and who has a mind to live so; which liberty is only abridged in certain instances, not lost to those who are born in or voluntarily enter into society; this gift of God cannot be annihilated.

"The Colonists being men, have a right to be considered as equally entitled to all the rights of nature with the Europeans, and they are not to be restrained, in the exercise of any of these rights, but for the evident good of the whole community.

"By being or becoming members of society, they have not renounced their natural liberty in any greater degree than other good citizens, and if tis taken from them without their consent, they are so far enslaved. . .

"The sum of my argument is, That civil government is of God: That the administrators of it were originally the whole people: That they might have devolved it on whom they pleased: That this devolution is fiduciary, for the good of the whole; That by the British Constitution, this devolution is on the King, lords and commons, the supreme, sacred and uncontrollable legislative power, not only in the realm, but thro' the dominions: That by the abdication, the original compact was broken to pieces: That by the revolution, it was renewed, and more firmly established, and the rights and liberties of the subject in all parts of the dominions, more fully explained and confirmed: That in consequence of this establishment, and the acts of succession and union his Majesty GEORGE III, is rightful king and sovereign, and with his parliament, the supreme legislative of Great Britain; France and Ireland, and the dominions there-to belonging: That this constitution is the most free one, and by far the best, now existing on earth: That by this constitution, every man in the dominion is a free man: That no parts of his Majesty's dominions can be taxed without their consent: That every part has a right to be represented in the supreme or some subordinate legislature: That the refusal of this, would seem to be a contradiction in practice to the theory of the constitution: That the colonies are subordinate dominions, and are now in such a state, as to make it best for the good of the whole, that they should not only be continued in the enjoyment of subordinate legislation, but be also represented in some proportion to their number and estates, in the grand legislature of the nation: That this would firmly unite all

parts of the British empire, in the greatest peace and prosperity; and render it invulnerable and perpetual." (1764) (2)

Side A, Band 7 COLONEL ISAAC BARRE: SONS OF LIBERTY
SPEECH (March, 1765)

Resolutions in favor of an American Stamp Act (a sales tax form of revenue) met with virtually no opposition in the British Parliament in 1764, yet when the opposition shaped up it had far-reaching effects on concepts of representative government and political liberties. In America the Stamp Act crisis, culminating in the tyrannical actions of the British in the ensuing turbulent decade -- the provocative presence of British troops, the usurpation of the authority of the people and of colonial assemblies in manner of appointment of magistrates, denial of trial by jury and in many other ways -- these acts of oppression crowned by the intolerable one of taxation without representation, stimulated the unity of action by colonists that found expression first in the "right to resist" that, in due time, was translated into "the right to revolution".

In this struggle, which was at first a claim to civil rights under English Common Law, our friends in England included an eloquent minority of the Parliament. A Pennsylvania community is named after Wilkes and Barre and there were, as noted elsewhere, statues in many communities, honoring Englishmen who supported the rights of Colonists, particularly during the Stamp Act crisis and thereafter. The men so honored were not partisans of the American Revolution, which in fact had not yet begun, but they were, and whole-heartedly so, partisans of human rights. They were true friends of democracy but their personal political interests were British.

In Parliament, when the Stamp Act was introduced in March, 1765, "Charles Townshend concluded a speech in its favor, with words to the following effect, 'And now will these Americans, children planted by our care, nourished up by our indulgence, till they are grown to a degree of strength and opulence, and protected by our arms, will they grudge to contribute their mite to relieve us from the heavy weight of that burden which we lie under?'" (22)

Colonel Isaac Barre's reply of March, 1765, to Townshend was his now-famous Sons of Liberty speech. One cannot fail to note that in spelling out the wrongs done the colonists, it breaks ground for the Declaration of Independence. In its direct, effective prose it suggests the powerful pen of Thomas Paine. The term, Sons of Liberty, was taken up immediately, often applied to groups already formed. These Sons of Liberty were partisans of freedom, the activist arm of the Committees of Correspondence.

Replying to Charles Townshend's remarks on Americans as "children planted by our care," Colonel Barre exclaimed:

"They planted by your care! No, your oppressions planted them in America. They fled from tyranny to a then uncultivated and inhospitable country, where they exposed themselves to almost all the hardships to which human nature is liable; and among others to the cruelty of a savage foe the most subtle, and I will take upon me to say, the most formidable of any people upon the face of God's earth; and yet, actuated by principles of true English liberty, they met all hardships with pleasure, compared with those they suffered in their own country, from the hands of those that should have been their own country, from the hands of those that should have been their friends. They nourished up by our indulgence! They grew by your neglect of them. As soon as you began to care about them, that care was exercised in sending persons to rule them in one department and another, who were perhaps the deputies of deputies to some members of this house, sent to spy out their liberties, to misrepresent their actions and to prey upon them -- Men, whose behavior on many occasions, has caused the blood of those sons of liberty to recoil within them -- Men promoted to the highest seats of justice, some who, to my knowledge, were glad by going to a foreign country, to escape being brought to the bar of a court of justice in their own.

"They protected by your arms! They have nobly taken up arms in your defence, have exerted a valor amidst their constant and laborious industry, for the defence of a country whose frontier was drenched in blood, while its interior parts yielded all its little sav-

ings to your emolument. And believe me, remember I this day told you so, that same spirit of freedom which actuated that people at first will accompany them still; but prudence forbids me to explain myself farther. God knows, I do not at this time speak from any motives of party heat; what I deliver are the genuine sentiments of my heart. However, superior to me in general knowledge and experience, the respectable body of this house may be, yet I claim to know more of America than most of you, having seen and been conversant in that country. The people I believe are as truly loyal as any subjects the king has, but a people jealous of their liberties, and who will vindicate them, if ever they should be violated: but the subject is too delicate -- I will say no more." (22)

Side A, Band 8 PATRICK HENRY: THE VIRGINIA RESOLVES
(May 29, 30, 1765)

Under date of May 30, 1765, a French traveler -- the tourist guise is said to have been a favorite cover for secret agents -- wrote in his diary: "...arrived at Williamsburg at 12...I went immediately to the assembly which was setting, where I was entertained with very strong Debates Concerning Dutys that the parlement wants to lay on the American Colonys, which they call or Stile stamp Dutys. Shortly after I came in one of the members stood up and said he had read that in former times tarquin and Julius had their Brutus, Charles had his Cromwell, and he did not doubt but some good american would stand up, in favour of his Country, but (says he) in a more moderate manner, and was going to continue, when the speaker of the house rose and Said, he, the last that stood up had spoke treason, and was sorey to see that not one of the members of the house was loyal Enough to stop him, before he had gone so far. upon which the Same member stood up again (his name is henery) and said that if he had affronted the speaker, or the house he was ready to ask pardon..." (12)

This account is a milder version than the familiar one, but it tends to substantiate the incident. In the schoolbook saga -- taken from Wirt's life of Patrick Henry with confirmation by Thomas Jefferson -- the orator's concluding remark "George the Third ---" is interrupted with cries of "Treason!" and Henry, presumably improvising, adds, "---may profit by their example. If this be treason, make the most of it." The young Jefferson was a spectator on that occasion.

Be that as it may, the historical significance of what happened that day lies in the fact that the Henry resolutions, were dispatched to the sister colonies before they were voted on. Subsequently, they received widespread publication and were accepted throughout the colonies as the officially ratified Virginia Resolves. Actually, the latter consisted of only the first four resolutions. In Henry's presence, the House rejected the last two of his resolutions and, after his departure, the House expunged the fifth resolution from the record.

The Henry resolutions were introduced May 29th, debated and voted on May 30th (1765). Extensive publicity given to the Henry resolutions in their entirety "inspired Americans everywhere to resist the enforcement of the act." (15) The Virginia Stamp Act Resolutions of May 30, 1765, were published in the Journal of the House of Burgesses of Virginia, 1761-65, p.360. The last three of the Henry resolutions (the ones voted down) in particular may be studied in relation to Section 7 of Article I of the United States Constitution, which states that tax bills must originate in the popular assembly, i.e. the House of Representatives.

"Virginia Stamp Act Resolutions," May 30, 1765; Journal of the House of Burgesses of Virginia, 1761-65, p. 360.

"On May 29 the Virginia House of Burgesses resolved itself into a committee of the whole to consider the Stamp Act. Patrick Henry, a new member from Louisa County, introduced seven resolutions; these were bitterly opposed by many of the tidewater leaders, but, after 'torrents of sublime eloquence' from Henry, were passed. The following day, however, the House adopted the first five only, and rejected the last two. After Henry's departure, the House expunged the fifth resolution from the record. The entire series of resolutions, however, was published in the newspapers. It is in connection with the debate on these resolutions that Henry made his 'Caesar had his Brutus' speech..." (16)

The Resolves

Resolved, That the first adventurers and settlers of this His Majesty's Colony and Dominion of Virginia brought with them, and transmitted to their posterity, and all other His Majesty's subjects since inhabiting in this His Majesty's said Colony, all the liberties, privileges, franchises, and immunities, that have at any time been held, enjoyed, and possessed, by the people of Great Britain.

Resolved, That by two royal charters, granted by King James the First, the Colonists aforesaid are declared entitled to all liberties, privileges, and immunities of denizens and natural subjects, to all intents and purposes, as if they had been abiding and born within the realm of England.

Resolved, That the taxation of the people by themselves, or by persons chosen by themselves to represent them, who can only know what taxes the people are able to bear, or the easiest method of raising them, and must themselves be affected by every tax laid on the people, is the only security against a burthensome taxation, and the distinguishing characteristic of British freedom, without which the ancient constitution cannot exist.

Resolved, That His Majesty's liege people of this his most ancient and loyal colony have without interruption enjoyed the inestimable right of being governed by such laws, respecting their internal policy and taxation, as are derived from their own consent, with the approbation of their sovereign, or his substitute; and that the same hath never been forfeited or yielded up, but hath been constantly recognized by the kings and people of Great Britain.

* Resolved therefore, That the General Assembly of this Colony have the only and sole exclusive right and power to lay taxes and impositions upon the inhabitants of this Colony, and that every attempt to vest such power in any person or persons whatsoever other than the General Assembly aforesaid has a manifest tendency to destroy British as well as American freedom.

* Resolved, That His Majesty's liege people, the inhabitants of this Colony, are not bound to yield obedience to any law or ordinance whatever, designed to impose any taxation whatsoever upon them, other than the laws or ordinances of the General Assembly aforesaid.

* Resolved, That any person who shall, by speaking or writing, assert or maintain that any person or persons other than the General Assembly of this Colony, have any right or power to impose or lay any taxation on the people here, shall be deemed an enemy to His Majesty's Colony.

* These last three resolutions never got into the wording of the final Resolves. Meanwhile, however, they had been sent to other colonies where they were published and accepted as being among the resolutions finally passed. The inflammatory effect may well be imagined. What with Barre's Sons of Liberty speech, the Liberty Tree had had a sudden, miraculous growth. (Throughout the colonies, cities and towns had their liberty trees or liberty poles, liberty songs and all manner of propoganda devices.) (In transmission to other colonies, the 4th Resolve was omitted in error.)

Side B, Band 1 BENJAMIN FRANKLIN'S TESTIMONY BEFORE THE HOUSE OF COMMONS (EXCERPTS) (1766)

It was appropriate that the British House of Commons, sitting as a committee of the whole, should invite Benjamin Franklin to testify at hearings on the Stamp Act, held in February, 1766. He had, in the beginning, been so confident of its acceptance that he arranged for friends of his to be Stamp Act Distributors, thinking that he was bestowing favors. Instead, they were singled out for abuse and hanged and burned in effigy. And in time, Franklin, a reasonable man and one disinclined to nourish ideas once he found them to be in error, became an articulate spokesman of opposition to the Stamp Act.

In the colonies opposition to the Stamp Act was concerted and effective. (The tax, to be paid in specie, was to be affixed to legal

papers, newspapers, and applied to almost all other documents essential to colonial business or pleasure. It was to be applied to expenses of the royal government in the colonies, (e.g. the proposed Crown payment of magistrates' salaries in Massachusetts.) Foreign contributions to gracious living (in the more Cosmopolitan circles) were renounced. Women skimped on personal decor and barred imported luxuries from their tables. In order to increase production of domestic wool, resolutions were passed to abstain from eating lamb.

"Legal proceedings in the courts were carried on as before," wrote historian David Ramsay in 1789. "Vessels entered and departed without stamped papers. The printers boldly printed and circulated their newspapers, and found a sufficient number of readers, though they used common paper, in defiance of the act... In most departments, by common consent, business was carried on, as though no stamp act had existed... The colonists entered into associations against importing British manufactures, till the stamp act should be repealed. British liberty was made to act against British Tyranny." (22)

Nor did the colonists limit themselves to economic sanctions. "An association was entered into by many of the Sons of Liberty... by which they agreed 'to march with the utmost expedition, at their own proper costs and expense, with their whole force, to the relief of those that should be in danger from the stamp act, or its promoters and abettors, or any thing relative to it, on account of any thing that may have been done, in opposition to its obtaining.' This was subscribed by so many in New-York and New-England that nothing but a repeal could have prevented the immediate commencement of a civil war." (22)

In the course of the hearings on the Stamp Act "Dr. Franklin was examined at the bar of the house of commons, and gave extensive information on the state of American affairs, and the impolicy of the stamp act, which contributed much to remove prejudices, and to produce a disposition that was friendly to repeal." (22)

As it happened, though Parliament repealed the Stamp Act, it failed to heed and act pursuant to Franklin's correct estimate of the temper of the colonists and, in the end, "taxation without representation" was a key factor in events leading to the Revolution. The text of Franklin's examination re-creates for us the Colonial past and foreshadows what was to come.

EXCERPTS OF TESTIMONY

(Recorded excerpts are here seen in context.)

- Q. What is your name, and place of abode? --
- A. Franklin, of Philadelphia.
- Q. Do the Americans pay any considerable taxes among themselves? --
- A. Certainly man, and very heavy taxes.
- Q. What are the present taxes in Pennsylvania, laid by the laws of that colony? --
- A. There are taxes on all estates real and personal, a poll-tax, a tax on all offices, professions, trades and businesses, according to their profits; an excise on all wine, rum, and other spirits; and a duty of ten pounds per head on all Negroes imported, with some other duties.
- Q. For what purposes are those taxes laid?
- A. For the support of the civil and military establishments of the country, and to discharge the heavy debt contracted in the last war.
- Q. How long are those taxes to continue?
- A. Those for discharging the debt are to continue till 1772, and longer, if the debt should not be then all discharged. The others must always continue.
- Q. Was it not expected that the debt would have been sooner discharged?
- A. It was, when the peace was made with France and Spain -- But a fresh war breaking out with the Indians, a fresh load of debt was incurred, and the taxes, of course, continued longer by a new law.
- Q. Are not all the people very able to pay those taxes?
- A. No. The frontier counties, all along the continent, having been frequently ravaged by the enemy, and greatly im-

- poverished, are able to pay very little tax. And therefore, in consideration of their distresses, our late tax laws do expressly favour those counties, excusing the sufferers; and I suppose the same is done in other governments...
- Q. Are not the colonies, from their circumstances, very able to pay the stamp duty?
- A. In my opinion, there is not gold or silver enough in the colonies to pay the stamp duty for one year.
- Q. Don't you know that the money arising from the stamps was all to be laid out in America?
- A. I know it is appropriated by the act to the American service; but it will be spent in the conquered colonies, where the soldiers are, not in the colonies that pay it.
- Q. Is there not a balance of trade due from the colonies where the troops are posted, that will bring back the money to the old colonies?
- A. I think not. I believe very little would come back. I know of no trade likely to bring it back? I think it would come from the colonies where it was spent directly to England; for I have always observed, that in every colony the more plenty of means of remittance to England, the more goods are sent for, and the more trade with England carried on...
- Q. How many white men do you suppose there are in North-America?
- A. About 300,000 from sixteen to sixty years of age.
- Q. What may be the amount of one year's imports into Pennsylvania from Britain?
- A. I have been informed that our merchants compute the imports from Britain to be above 500,000L.
- Q. What may be the amount of the produce of your province exported to Britain?
- A. It must be small, as we produce little that is wanted in Britain. I suppose it cannot exceed 40,000L.
- Q. How then do you pay the balance?
- A. The balance is paid by our produce carried to the West-Indies, and sold in our own islands, or to the French, Spaniards, Danes and Dutch; by the same carried to other colonies in North-America, as to New-England, Nova Scotia, Newfoundland, Carolina and Georgia: by the same carried to different parts of Europe as Spain, Portugal and Italy. In all which places we receive either money, bills of exchange, or commodities that suit for remittance to Britain; which, together with all the profits on the industry of our merchants and mariners, arising in those circuitous voyages, and the freights made by their ships, centre finally in Britain to discharge the balance, and pay for British manufacturers continually used in this province, or sold to foreigners by our traders.
- Q. Have you heard of any difficulties lately laid on the Spanish trade?
- A. Yes, I have heard that it has been greatly obstructed by some new regulations, and by the English men of war and cutters stationed all along the coast in America.
- Q. Do you think it right, that America should be protected by this country, and pay no part of the expense?
- A. That is not the case. The colonies raised, clothed and paid, during the last war, near 25,000 men, and spent many millions.
- Q. Were you not reimbursed by parliament?
- A. We were only reimbursed what, in your opinion, we had advanced beyond our proportion, or beyond what might reasonably be expected from us; and it was a very small part of what we spent. Pennsylvania, in particular, disbursed about 500,000L. and the reimbursements, in the whole, did not exceed 60,000L.
- Q. You have said that you pay heavy taxes in Pennsylvania; what do they amount to in the pound?
- A. The tax on all estates, real and personal, is 1s. 6d. in the pound, fully rated; and the tax on the profits of trades and professions, with other taxes do, I suppose, make full 2s. 6d. in the pound.
- Q. Do you know any thing of the rate of exchange in Pennsylvania, and whether it has fallen lately?
- A. It is commonly from 170 to 175. I have heard that it had fallen lately from 175 to 162 and a half, owing, I suppose, to their lessening their orders for goods; and when their debts to this country are paid, I think the exchange will probably be at par.
- Q. Do not you think the people of America would submit to pay the stamp-duty, if it was moderated?
- A. No, never, unless compelled by force of arms.
- Q. Are not the taxes in Pennsylvania laid on unequally, in order to burden the English trade, particularly the tax on professions and business?
- A. It is not more burthensome in proportion than the tax on lands. It is intended, and supposed to take an equal proportion of profits.
- Q. How is the assembly composed? Of what kinds of people are the members, landholders or traders?
- A. It is composed of landholders, merchants and artificers.
- Q. Are not the majority landholders?
- A. I believe they are.
- Q. Do not they, as much as possible, shift the tax off from the land, to ease that, and lay the burthen heavier on trade?
- A. I have never understood it so. I never heard such a thing suggested. And indeed an attempt of that kind could answer no purpose. The merchant or trader is always skilled in figures, and ready with his pen and ink. If unequal burthens are laid on his trade, he puts an additional price on his goods; and the consumers, who are chiefly landholders, finally pay the greatest part, if not the whole.
- Q. What was the temper of America towards Great Britain before the year of 1763?
- A. The best in the world. They submitted willingly to the government of the crown, and paid, in all their counts, obedience to acts of parliament. Numerous as the people are in the several provinces, they cost you nothing in forts, citadels, garrisons or armies, to keep them in subjection. They were governed by this country at the expence only of a little pen, ink and paper. They were led by a thread. They had not only a respect, but an affection for Great-Britain, for its laws, its customs and manners, and even a fondness for its fashions, that greatly increased the commerce. Natives of Britain were always treated with particular regard; to be an Old-England-man was, of itself, a character of some respect, and gave a kind of rank among us.
- Q. And what is their temper now?
- A. O, very much altered.
- Q. Did you ever hear the authority of parliament to make laws for America questioned till lately?
- A. The authority of parliament was allowed to be valid in all laws, except such as would lay internal taxes. It was never disputed in laying duties to regulate commerce.
- Q. In what proportion hath population increased in America?
- A. I think the inhabitants of all the provinces together, taken at a medium, double in about twenty-five years. But their demand for British manufactures increases much faster, as the consumption is not merely in proportion to their numbers, but grows with the growing abilities of the numbers to pay for them. In 1723, the whole importation from Britain to Pennsylvania, was but about 15,000L Sterling; it is now near half a million...
- Q. What do you think is the reason that the people of America increase faster than in England?
- A. Because they marry younger, and more generally.
- Q. Why so?
- A. Because any young couple that are industrious, may easily obtain land of their own, on which they can raise a family.
- Q. Are not the lower rank of people more at their ease in America than in England?
- A. They may be so, if they are sober and diligent, as they are better paid for their labour.
- Q. What is your opinion of a future tax, imposed on the same

principle with that of the stamp-act; how would the Americans receive it?

- A. Just as they do this. They would not pay it.
- Q. Have you not heard of the resolutions of this house, and of the house of lords, asserting the right of parliament relating to America, including a power to tax the people there?
- A. Yes, I have heard of such resolutions.
- Q. What will be the opinion of the Americans on those resolutions?
- A. They will think them unconstitutional and unjust.
- Q. Was it an opinion in America before 1763, that the parliament had no right to lay taxes and duties there?
- A. I never heard any objection to the right of laying duties to regulate commerce; but a right to lay internal taxes was never supposed to be in parliament, as we are not represented there.
- Q. On what do you found your opinion, that the people in America made any such distinction?
- A. I know that whenever the subject has occurred in conversation where I have been present, it has appeared to be the opinion of every one, that we could not be taxed in a parliament where we were not represented. But the payment to duties laid by act of parliament, as regulations of commerce, was never disputed.
- Q. But can you name any act of assembly, or public act of any of your governments, that made such distinction?
- A. I do not know that there was any; I think there was never an occasion to make any such act, till now that you have attempted to tax us; that has occasioned resolutions of assembly, declaring the distinction, in which I think every assembly on the continent, and every member in every assembly, have been unanimous.
- Q. What then could occasion conversations on that subject before that time?
- A. There was in 1754, a proposition made (I think it came from hence) that in case of a war, which was then apprehended, the governors of the colonies should meet, and order the levying of troops, building of forts, and taking every other necessary measure for the general defence; and should draw on the treasury here for the sums expended, which were afterwards to be raised in the colonies by a general tax, to be laid on them by an act of parliament. This occasioned a good deal of conversation on the subject, and the general opinion was, that the parliament neither would, nor could lay any tax on us, till we were duly represented in parliament, because it was not just, nor agreeable to the nature of an English constitution.
- Q. Don't you know there was a time in New-York, when it was under consideration to make an application to parliament to lay taxes on that colony, upon a deficiency arising from the assembly's refusing or neglecting to raise the necessary supplies for the support of the civil government?
- A. I never heard of it.
- Q. There was such an application under consideration in New-York; and do you apprehend they could suppose the right of parliament to lay a tax in America which was only local, and confined to the case of a deficiency in a particular colony, by a refusal of its assembly to raise the necessary supplies?
- A. They could not suppose such a case, as that the assembly would not raise the necessary supplies to support its own government. An assembly that would refuse it must want common sense, which cannot be supposed. I think there was never any such case at New-York, and that it must be a misrepresentation, or the fact must be misunderstood. I know there must have been some attempts, by ministerial instructions from hence, to oblige the assemblies to settle permanent salaries on governors, which they wisely refused to do; but I believe no assembly of New-York or any other colony, ever refused duly to support government by proper allowances, from time to time, to public officers.
- Q. But in case a governor, acting by instruction, should call

on an assembly to raise the necessary supplies, and the assembly should refuse to do it, do you not think it would then be for the good of the people, of the colony, as well as necessary to government, that the parliament should tax them?

- A. I do not think it would be necessary. If an assembly could possibly be so absurd as to refuse raising the supplies requisite for the maintenance of government among them, they could not long remain in such a situation; the disorders and confusion occasioned by it must soon bring them to reason.
- Q. If it should not, ought not the right to be in Great-Britain of applying such a remedy?
- A. A right only to be used in such a case, should have no objection to, supposing it to be used merely for the good of the people of the colony.
- Q. But who is to judge of that, Britain or the colony?
- A. Those that feel can best judge.
- Q. You say the colonies have always submitted to external taxes, and object to the right of parliament only in laying internal taxes; now can you show that there is any kind of difference between the two taxes to the colony on which they may be laid?
- A. I think the difference is very great. An external tax is a duty laid on commodities imported; that duty is added to the first cost, and other charges on the commodity, and when it is offered to sale, makes a part of the price. If the people do not like it at that price; they refuse it; they are not obliged to pay it. But an internal tax is forced from the people without their consent, is not laid by their own representatives. The stamp-act says, we shall have no commerce, make no exchange of property with each other, neither purchase nor grant, nor recover debts; we shall neither marry nor make our wills, unless we pay such sums, and thus it is intended to extort our money from us, or ruin us by the consequences of refusing to pay it.
- Q. But supposing the internal tax or duty to be laid on the necessities of life imported into your colony, will not that be the same thing in its effects as an internal tax?
- A. I do not know a single article imported into the northern colonies, but what they can either do without, or make themselves.
- Q. Don't you think cloth from England absolutely necessary to them?
- A. No, by no means absolutely necessary; with industry and good management they may very well supply themselves with all they want.
- Q. Will it not take a long time to establish that manufacture among them; and must they not in the mean while suffer greatly?
- A. I think not. They have made a surprising progress already. And I am of opinion, that before their old clothes are worn out, they will have new ones of their own making.
- Q. Can they possibly find wool enough in North-America?
- A. They have taken steps to increase the wool. They entered into general combinations to eat no more lamb, and very few lambs were killed last year. This course persisted in, will soon make a prodigious difference in the quantity of wool. And the establishing of great manufacturies, like those in the clothing towns here, is not necessary, as it is where the business is to be carried on for the purposes of trade. The people will all spin, and work for themselves, in their own houses.
- Q. Can there be wool and manufacture enough in one or two years?
- A. In three years I think there may.
- Q. Does not the severity of the winter, in the northern colonies, occasion the wool to be of bad quality?
- A. No; the wool is very fine and good.
- Q. In the more southern colonies, as in Virginia, don't you know that the wool is coarse, and only a kind of hair?
- A. I don't know it. I never heard it. Yet I have been some-

times in Virginia. I cannot say I ever took particular notice of the wool there, but I believe it is good, though I cannot speak positively of it; but Virginia, and the colonies south of it, have less occasion for wool; their winters are short, and not very severe, and they can very well clothe themselves with linen and cotton of their own raising for the rest of the year.

- Q. Are not the people in the more northern colonies obliged to fodder their sheep all the winter?
- A. In some of the most north colonies they may be obliged to do it some part of the winter...
- Q. Do you remember the abolishing of the paper currency in New-England, by act of assembly?
- A. I do remember its being abolished in the Massachusetts Bay.
- Q. Was not Lieutenant-Governor Hutchinson principally concerned in that transaction?
- A. I have heard so.
- Q. Was it not at that time a very unpopular law?
- A. I believe it might, though I can say little about it, as I lived at a distance from that province.
- Q. Was not the scarcity of gold and silver an argument used against abolishing the paper?
- A. I suppose it was.
- Q. Have not instructions from hence been sometimes sent over to governors, highly oppressive and unpolitical?
- A. Yes.
- Q. Have not some governors dispensed with them for that reason?
- A. Yes; I have heard so.
- Q. Did the Americans ever dispute the controlling power of parliament to regulate the commerce?
- A. No.
- Q. Can any thing less than a military force carry the stamp-act into execution?
- A. I do not see how a military force can be applied to that purpose.
- Q. Why may it not?
- A. Suppose a military force sent into America, they will find nobody in arms; what are they then to do? They cannot force a man to take stamps who chooses to do without them. They will not find a rebellion; they may indeed make one.
- Q. If the act is not repealed, what do you think will be the consequences?
- A. A total loss of the respect and affection the people of America bear to this country, and of all the commerce that depends on that respect and affection.
- Q. How can the commerce be affected?
- A. You will find, that if the act is not repealed, they will take very little of your manufactures in a short time.
- Q. Is it in their power to do without them?
- A. I think they may very well do without them.
- Q. Is it their interest not to take them?
- A. The goods they take from Britain are either necessities, mere conveniences, or superfluities. The first, as cloth, &c. with a little industry, they can make at home; the second they can do without, till they are able to provide them among themselves; and the last, which are much the greatest part, they will strike off immediately. They are mere articles of fashion, purchased and consumed, because the fashion in a respected country, but will now be detested and rejected. The people have already struck off, by general agreement, the use of all goods fashionable in mournings, and many thousand pounds worth are sent back as unsaleable.
- Q. Is it their interest to make cloth at home?
- A. I think they may at present get it cheaper from Britain, I mean of the same fineness and neatness of workmanship; but when one considers other circumstances, the restraints on their trade, and the difficulty of making remittances, it is their interest to make everything...
- Q. Supposing the stamp-act continued, and enforced, do you

imagine that ill-humour will induce the Americans to give as much for worse manufacturers of their own, and use them, preferably to better of ours?

- A. Yes, I think so. People will pay as freely to gratify one passion as another, their resentment as their pride.
- Q. Would the people at Boston discontinue their trade?
- A. The merchants are a very small number, compared with the body of the people, and must discontinue their trade, if nobody will buy their goods.
- Q. What are the body of the people in the colonies?
- A. They are farmers, husbandmen, or planters.
- Q. Would they suffer the produce of their lands to rot?
- A. No; but they would not raise so much. They would manufacture more, and plough less.
- Q. Would they live without the administration of justice in civil matters, and suffer all the inconveniences of such a situation, for any considerable time, rather than take the stamps, supposing the stamps were protected by a sufficient force, where every one might have them?
- A. I think the supposition impracticable, that the stamps should be so protected as that every one might have them. The act requires sub-distributors to be appointed in every country, town, district and village, and they would be necessary. But the principal distributors, who were to have had a considerable profit on the whole, have not thought it worth while to continue in the office and I think it impossible to find sub-distributors fit to be trusted, who, for the trifling profit that must come to their share, would incur the odium, and run the hazard that would attend it; and if they could be found, I think it impracticable to protect the stamps in so many distant and remote places.
- Q. But in places where they could be protected, would not the people use them rather than remain in such a situation, unable to obtain any right, or recover, by law, any debt?
- A. It is hard to say what they would do. I can only judge what other people will think, and how they will act, by what I feel within myself. I have a great many debts due to me in America, and I had rather they should remain unrecoverable by any law, than submit to the stamp-act. They will be debts of honour. It is my opinion the people will either continue in that situation, or find some way to extricate themselves, perhaps by generally agreeing to proceed in the courts without stamps...
- Q. How many ships are there laden annually in North-America with flax-seed for Ireland?
- A. I cannot speak to the number of ships, but I know that in 1752, 10,000 hogsheads of flax-seed, each containing seven bushels, were exported from Philadelphia to Ireland. I suppose the quantity is greatly increased since that time; and it is understood that the exportation from New-York is equal to that from Philadelphia.
- Q. What becomes of the flax that grows with the flax-seed?
- A. They manufacture some into coarse, and some into a middling kind of linen.
- Q. Are there any slitting mills in America?
- A. I think there are three, but I believe only one at present employed. I suppose they will all be set to work, if the interruption of the trade continues.
- Q. Are there any fulling-mills there?
- A. A great many.
- Q. Did you never hear that a great quantity of stockings are contracted for, for the army, during the war, and manufactured in Philadelphia?
- A. I have heard so.
- Q. But suppose Great-Britain should be engaged in a war in Europe, would North-America contribute to the support of it?
- A. I do think they would, as far as their circumstances would permit. They consider themselves as a part of the British empire, and as having one common interest with it; they may be looked on here as foreigners, but they do not consider themselves as such. They are zealous for the

honour and prosperity of this nation, and, while they are well used, will always be ready to support it, as far as their little power goes. In 1739 they were called upon to assist in the expedition against Carthagera, and they sent 3,000 men to join your army. It is true Carthagera is in America, but as remote from the northern colonies as if it had been in Europe. They make no distinction of wars, as to their duty of assisting in them. I know the last war is commonly spoken of here as entered into for the defence, or for the sake of the people of America. I think it is quite misunderstood. It began about the limits between Canada and Nova-Scotia, about territories to which the crown indeed laid claim, but were not claimed by any British colony; none of the lands had been granted to any colonist; we had therefore no particular concern or interest in that dispute. As to the Ohio, the contest there began about your right of trading in the Indian country, a right you had by the treaty of Utrecht, which the French infringed; they seized the traders and their goods, which were your manufactures; they took a fort which a company of your merchants, and their factors and correspondents, had erected there, to secure that trade. Braddock was sent with an army to re-take that fort (which was looked on here as another encroachment on the king's territory) and to protect your trade. It was not till after his defeat that the colonies were attacked. They were before in perfect peace with both French and Indians; the troops were not therefore sent for their defence. The trade with the Indians, though carried on in America, is not an American interest. The people of America are chiefly farmers and planters; scarce any thing they raise or produce is an article of commerce with the Indians. The Indian trade is a British interest; it is carried on with British manufactures, for the profit of British merchants and manufacturers; therefore the war, as it commenced for the defence of territories of the crown, the property of no American, and for the defence of a trade purely British, was really a British war -- and yet the people of America made no scruple of contributing their utmost towards carrying it on, and bringing it to a happy conclusion.

- Q. Do you think then that the taking possession of the king's territorial rights, and strengthening the frontiers, is not an American interest?
- A. Not particularly, but conjointly a British and an American interest.
- Q. You will not deny that the preceding war, the war with Spain, was entered into for the sake of America; was it not occasioned by captures made in the American seas?
- A. Yes; captures of ships carrying on the British trade there, with British manufactures.
- Q. Was not the late war with the Indians, since the peace with France, a war for America only?
- A. Yes, it was more particularly for America than the former; but it was rather a consequence or remains of the former war, the Indians not having been thoroughly pacified, and the Americans bore by much the greatest share of the expence. It was put an end to by the army under General Bouquet; there were not above 300 regulars in that army, and above 1000 Pennsylvanians.
- Q. It is not necessary to send troops to America, to defend the Americans against the Indians?
- A. No, by no means; it never was necessary. They defended themselves when they were but a handful, and the Indians much more numerous. They continually gained ground, and have driven the Indians over the mountains, without any troops sent to their assistance from this country. And can it be thought necessary now to send troops for their defence from those diminished Indian tribes, when the colonies are become so populous, and so strong? There is not the least occasion for it; they are very able to defend themselves.
- Q. Do you say there were no more than 300 regular troops

employed in the late Indian war?

- A. Not on the Ohio or the frontiers of Pennsylvania, which was the chief part of the war that affected the colonies. There were garrisons at Niagara, Fort Detroit, and those remote posts kept for the sake of your trade; I did not reckon them, but I believe that on the whole the number of Americans, or provincial troops, employed in the war, was greater than that of the regulars. I am not certain, but I think so.
- Q. Do you think the assemblies have a right to levy money on the subject there, to grant to the crown?
- A. I certainly think so; they have always done it.
- Q. Are they acquainted with the declaration of rights? And do they know that by that statute, money is not to be raised on the subject but by consent of parliament?
- A. They are very well acquainted with it.
- Q. How then can they think they have a right to levy money for the crown, or for any other than local purposes?
- A. They understand that clause to relate to subjects only within the realm; that no money can be levied on them for the crown, but by consent of parliament. The colonies are not supposed to be within the realm; they have assemblies of their own, which are their parliaments, and they are, in that respect, in the same situation with Ireland. When money is to be raised for the crown upon the subject in Ireland, or in the colonies, the consent is given in the parliament of Ireland, or in the assemblies of the colonies. They think the parliament of Great Britain cannot properly give that consent till it has representatives from America; for the petition of right expressly says, it is to be by consent in parliament, and the people of America have no representatives in parliament, to make a part of that common consent...
- Q. Would the repeal of the stamp-act be any discouragement of your manufactures? Will the people that have begun to manufacture decline it?
- A. Yes, I think they will; especially if, at the same time, the trade is opened again, so that remittances can be easily made. I have known several instances that make it probable. In the war before last, tobacco being low, and making little remittance, the people of Virginia went generally into family manufactures. Afterwards, when tobacco bore a better price, they returned to the use of British manufactures. So fulling-mills were very much disused in the last war in Pennsylvania, because bills were then plenty and remittances could easily be made to Britain for English cloth and other goods.
- Q. If the stamp-act should be repealed, would it induce the assemblies of America to acknowledge the right of parliament to tax them, and would they erase their resolutions?
- A. No, never.
- Q. Is there no means of obliging them to erase those resolutions?
- A. None that I know of; they will never do it, unless compelled by force of arms.
- Q. Is there a power on earth that can force them to erase them?
- A. No power, how great soever, can force men to change their opinions...
- Q. Would it be most for the interest of Great-Britain, to employ the hands of Virginia in tobacco, or in manufactures?
- A. In tobacco, to be sure.
- Q. What used to be the pride of the Americans?
- A. To indulge in the fashions and manufactures of Great-Britain?
- Q. What is now their pride?
- A. To wear their old clothes over again, till they can make new ones.

Samuel Adams, we are told by Philip Davidson (14), "owned no superior as a propagandist. No one in the colonies realized more fully than he the primary necessity of arousing public opinion, no one set about it more assiduously. His entire life up to 1763 had equipped him perfectly for the work. Harvard training grounded him in the classics and gave him an equally profitable acquaintance with Locke and the liberal writers of the eighteenth century. He read theology and abandoned the ministry, he read law and abandoned the bar, he entered business and lost a thousand Pounds. Each experience narrowed the field of his future endeavors and finally forced him into the one field in which he had any real interest and for which he had any real talent -- politics."

Samuel Adams was a signer of the Declaration of Independence and none had a greater right to this honor or a greater capacity for the responsibility involved. Active in local (Boston) politics, he became a member of the colonial assembly in 1765, at the age of 43. In his approach to political problems he had exchanged the view expressed in the Mayflower Compact "for the good of the colony," for the broader one of: for the good of the colonies. In the words of M. C. Tyler, quoted by Davidson (14), he could interpret to the public "its own conscience and its own consciousness."

He had, Mr. Davidson tells us (14), "tremendous physical energy, inexhaustible patience, a burning zeal for the doctrines of liberty, and religious fervor for the tenets of Puritanism... The number of his essays and controversial articles must have run into hundreds." (In his letters to the press, written under various pseudonyms, he would assume different personalities and sometimes, in order to keep the pot boiling, would attack problems of the day from diverse vantage points.) "He carried on a voluminous correspondence with leaders in England and America, insinuating his ideas and gaining support for his politics. He was instrumental in forming revolutionary organizations, such as committees of correspondence, and was a member of many of the more important Boston and Massachusetts committees."

In an era in which ideas of reform and revolution were fermenting in almost every community, stirred into local storms by limitations on the suffrage and whipped into more general disturbances by such causes held in common as that of taxation without representation, -- in such an era, where means of communication were slow and printing presses swamped with their own singular contribution to the turn of events, correspondence between individuals, towns and colonies assumed a leading role, one hard for us to conceive of. As the numbers of Tories became fewer (and increasingly less popular) it became abundantly clear that they were an influential minority, not to be dismissed out of hand. In this situation, letters of correspondence from one town to another and, following that, from one colony to another, were of immense importance in clarifying revolutionary principles and in maintaining order in what might have been widespread confusion. In the letter included in our text, written for the Town of Boston by Samuel Adams in 1772, one may discern a preoccupation with the concept of checks and balances that contributed to the blueprint for our representative form of government and a concern for civil rights that was later reflected in our Bill of Rights.

The Patriot Plan that in its final form became a struggle for freedom and independence was expressed over and over again by Samuel Adams, as, for example, in this statement that appeared in the *Boston Gazette*, October 11, 1773: "How shall the colonies force their oppressors to proper terms? This question has often been answered, already by our politicians: 'From an independent state, AN AMERICAN COMMONWEALTH.' This plan has been proposed, and I can't find any other is likely to answer the great purpose of preserving our liberties." (27)

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 to be alarmed at (1) 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 of the Superior Court of Judicature, making them not only intirely independent of the people, whose lives and properties 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 alarmed 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, and 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 above mentioned, 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. (1) To which we received as answer the Paper No. 2. (2) The Town on further deliberation, thought it advisable to refer the matter to the Great and General Assembly; and accordingly in a second address as N. 3(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. 4. (1) 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 publick 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 as to involve in it the fate of all our Posterity -- Great pains has been taken to perswade 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 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 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 yourselves 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 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, lose 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 publick 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 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 valient people: Their minds are now so debased, that they rejoice at being subject to the caprice and arbitrary power of a Tyrant & 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 & 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."--(1)

(1) So printed. Corrected by Adams in the draft to read "that." Vol. II -- 24.

(1) Prepared by a committee consisting of Adams, Joseph Warren and Benjamin Church. The text is in Boston Record Commissioners' Report, vol. xviii., p. 89.

(2) The text is in ibid., p. 90.

(3) Prepared by a committee consisting of Adams, James Otis and Thomas Cushing. The text is in ibid., p. 91.

(1) The text is in ibid., p. 92.

INTRODUCTIONS TO RECORDED DOCUMENTS AND TRANSCRIPTS OF RECORDED TEXTS (FH 5710)

Side C, Band 1 JOHN WINTHROP ON LIBERTY (EXCERPTS)
(1645)

John Winthrop, Puritan lawyer and country gentleman in England, was first governor of Massachusetts Bay Colony. In 1645, while serving as deputy-governor, Winthrop and his fellow-magistrates "had interfered in a local election of a militia officer." Magistrates bound over some of the dissidents. The magistrates were accused of having exceeded their power. Winthrop was impeached. After three months he was fully acquitted and some of his opponents fined. It was after this that he made his famous "little speech", quoted here from The People Shall Judge, Vol. I (U. of Chicago Press, 1949). Interpretation of law differed from colony to colony. Almost from the beginning, it might be said to have shaped its own ends, that is to say, the concept of laws changed not merely because of a paucity of legal talent in many areas but specifically because the environment, as has been the case throughout history, made its own implacable demands. Even if, like the writer of these lines, you know next to nothing of the relationship of American Colonial law to English Common Law or to the Mosaic Code this excellent little statement, assuming a knowledge of the relationship of Religious and Civil law on the part of the listener, may nonetheless prove enlightening to the present generation. The Puritan Theocracy then seemed an immovable object but, at least in retrospect, we see the extension of civil rights as an inevitable and irresistible force.



John Winthrop



JAMES OTIS, JR., WHOSE ORATION
HAD MUCH TO DO WITH LAUNCH-
ING THE REVOLUTION.



COTTON MATHER



*Providence 25 March 1671
Yr Friend & Servant
Roger Williams*

PORTRAIT AND AUTOGRAPH OF ROGER WILLIAMS.



THE YORK COURANT.

TUESDAY, FEB. 27. 1739.

NUMB. 698.



From the ORIGINAL CRAFTSMAN, Feb. 3.

THE Dangers, Mischiefs, and Oppressions of a numerous standing Army, in Time of Peace, have been so often and so fully explain'd, both within Doors, and without, for above forty Years past, that it may seem needless to say any Thing farther on that Head: but every Day's Experience furnishes us with something new upon it, and makes it necessary to inculcate the same Doctrines of Liberty.

of Peace and Tranquillity, there is Room for AMBITION to look round.

It appears from the foregoing, that I am not for breaking the *whole Army*, but only for reducing it to such a Number as may be necessary for our *Guards* and *Garrisons*: since in Case of any little Tumults, it shews a Weakness in Government to fly for Protection to a *military Force*.

But if we must be govern'd by *mercenary Troops*, I think TWELVE THOUSAND MEN, which have been

founder hath been confuted, within twenty Years past, in *Field Days*, *Reviews*, and *Salutes*, both by *Sea* and *Land*, as would have gone a great Way towards supporting an *actual War*. I cannot, indeed, say that We had no *Barrs* and *Bloodshed* for our Money: since I remember that some Years ago, a poor *Battle-maker* was shot in *Hale Park*, who had the Curiosity to see one of these *Rare Shows*, and rashly plac'd Himself in the Front of the Battle. -- An Accident of the same Kind happen'd in Queen *Ann's* Reign, by *springing* a

"I suppose something may be expected from me, upon this charge that is befallen me, which moves me to speak now to you: yet I intend not to intermeddle in the proceedings of the court or with any of the persons concerned therein. Only I bless God that I see an issue of this troublesome business. I also acknowledge the justice of the court, and, for mine own part, I am well satisfied, I was publicly charged, and I am publicly and legally acquitted, which is all I did expect or desire. And though this be sufficient for my justification before men, yet not so before the God, who hath seen so much amiss in my dispensations (and even in this affair) as calls me to be humble. For to be publicly and criminally charged in this court is matter of humiliation (and I desire to make a right use of it), notwithstanding I be thus acquitted. If her father had spit in her face (saith the Lord concerning Miriam), should she not have been ashamed seven days? Shame had lien upon her, whatever the occasion had been. I am unwilling to stay you from your urgent affairs, yet give me leave (upon this special occasion) to speak a little more to this assembly. It may be of some good use, to inform and rectify the judgments of some of the people, and may prevent such distempers as have arisen amongst us.

"The great questions that have troubled the country are about the authority of the magistrates and the liberty of the people. It is yourselves who have called us to this office, and, being called by you, we have our authority from God, in way of an ordinance, such as hath the image of God eminently stamped upon it, the contempt and violation whereof hath been vindicated with examples of divine vengeance. I entreat you to consider that, when you choose magistrates, you take them from among yourselves, men subject to like passions as you are. Therefore, when you see infirmities in us, you should reflect upon your own, and that would make you bear the more with us, and not be severe censurers of the failings of your magistrates, when you have continual experience of the like infirmities in yourselves and others.

"We account him a good servant who breaks not his covenant. The covenant between you and us is the oath you have taken of us, which is to this purpose: that we shall govern you and judge your causes by the rules of God's laws and our own, according to our best skill. When you agree with a workman to build you a ship or house, etc., he undertakes as well for his skill as for his faithfulness, for it is his profession, and you pay him for both. But when you call one to be a magistrate, he doth not profess nor undertake to have sufficient skill for that office, nor can you furnish him with gifts, etc., therefore you must run the hazards of his skill and ability. But if he fail in faithfulness, which by his oath he is bound unto, that he must answer for. If it fall out that the case be clear to common apprehension, and the rule clear also, if he transgresses here, the error is not in the skill, but in the evil of the will: it must be required of him. But if the case be doubtful, or the rule doubtful... to men of such understanding and parts as your magistrates are, if your magistrates should err here, yourselves must bear it.

"For the other point concerning liberty, I observe a great mistake in the country about that. There is a twofold liberty, natural (I mean as our nature is now corrupt) and civil or federal. The first is common to man with beasts and other creatures. By this, man, as he stands in relation to man simply, hath liberty to do what he lists; it is a liberty to evil as well as to good. This liberty is incompatible and inconsistent with authority and cannot endure the least restraint of the most just authority. The exercise and maintaining of this liberty makes men grow more evil and in time to be worse than brute beasts: *omnes sumus licentia deteriores*. This is that great enemy of truth and peace, that wild beast, which all of the ordinances of God are bent against, to restrain and subdue it. The other kind of liberty I call civil or federal; it may also be termed moral, in reference to the covenant between God and man, in the moral law, and the politic covenants and constitutions amongst men themselves. This liberty is the proper end and object to authority and cannot subsist without it; and it is a liberty to that only which is good, just, and honest. This liberty you are to stand for, with the hazard (not only of your goods, but) of your lives, if need be. Whatsoever crosseth this is not authority but a distemper thereof.

"This liberty is maintained and exercised in a way to subjection to authority; it is of the same kind of liberty wherewith Christ hath made us free. The women's own choice makes such a man her husband; yet, being so chosen, he is her lord, and she is to be subject to him, yet in a way of liberty, not of bondage; and a true wife accounts her subjection her honor and freedom and would not think her condition safe and free but in her subjection to her husband's authority. Such is the liberty of the church under the authority of Christ, her king and husband; his yoke is easy and sweet to her as a bride's ornaments; and if through forwardness or wantonnes, etc., she shake it off, at any time, she is at no rest in her spirit, until she take it up again; and whether her lord smiles upon her and embraceth her in his arms, or whether he frowns, or rebukes, or smites her, she apprehends the sweetness of his love in all, and is refreshed, supported, and instructed by every such dispensation of his authority over her.

"On the other side, ye know who they are that complain of this yoke and say, Let us break their bands, etc.; we will not have this man to rule over us. Even so, brethren, it will be between you and your magistrates. If you want to stand for your natural corrupt liberties, and will do what is good in your own eyes, you will not endure the least weight of authority, but will murmur, and oppose, and be always striving to shake off that yoke; but if you will be satisfied to enjoy such civil and lawful liberties, such as Christ allows you, then will you quietly and cheerfully submit unto that authority which is set over you, in all the administrations of it, for your good. Wherein, if we fail at any time, we hope we shall be willing (by God's assistance) to hearken to good advice from any of you, or in any other way of God; so shall your liberties be preserved in upholding the honor and power of author it amongst you." (19)

Side C, Band 2 JOHN LOCKE ON CIVIL GOVERNMENT (EXCERPTS) (1690)

John Locke was born at Wrington, Somerset, England, in 1632, of Puritan parents. At this time the Puritans were fighting for the sovereignty of the people through an elected Parliament. (In one and the same week, March, 1629, Charles I had dissolved Parliament and granted a Charter to the men who settled the Bay Colony!) His father being politically-minded - being politically menaced, Puritans could hardly help but be - the importance of an elected Parliament was impressed upon Locke in his early years, when there was none. In his own development he soon departed from the narrowness and sectarianism of the Puritan outlook. Though his schooling at Oxford fitted him for medicine, the ministry or a career in diplomacy, he finally chose philosophy. In this field he was more concerned with the philosophy of political science than with the discussion of abstract ideas. For, R. I. Aaron notes in his biography of Locke (Oxford U. Press, 1937) "...it was not speculation as such that appealed to him. He was always a man of affairs, practical to his finger-tips. But he also believed that one great need of his generation was a philosophical understanding of the fundamental issues which faced it, and he found his true vocation in a diligent quest for such an understanding."

Because of his radical political sympathies, Locke voluntarily chose exile in 1683 and, while abroad in Holland, he was -- at the express wish of Charles II -- expelled and deprived of his studentship at Oxford. When James II came to the throne in 1685, Locke's name was included in a list of eighty-five Englishmen which the Dutch were asked to surrender up as traitors. Though he may not have been in too great danger, since the Dutch had little sympathy with the king then ruling, Locke prudently went into hiding.

It was during this period that he began work on his *Essays on Civil Government*. Thus, though he wrote his *Second Treatise on Government* to justify and clarify the principles underlying "the Glorious Revolution" of 1688 that booted James II out of England, he had already embarked on certain parts of this essay even before the English Bill of Rights was adopted in 1689.

It is interesting to note that two of the men most influential in the political and legal life of Colonial America were esteemed because of their interpretations of, or writings that related to, the English Common Law and the English Bill of Rights. John Locke

was one and, as is well known, Jefferson, who prominently displayed a portrait of Locke in his home, acknowledged Locke (among others) as source for some of the ideas contained in the Declaration of Independence. (He pronounced Locke's little book on government excellent "as far as it goes." Jefferson's views were more daring and he may be credited with substituting for "the right of property" the felicitous "pursuit of happiness".) The other influential Englishman was Sir Edward Coke whose Institutes and Commentaries constituted an important source of opinion for legal practice during colonial times. Both Locke and Coke were diligently studied by most progressive Americans of the pre-Revolutionary decade. (Additional references: Alfred H. Kelly's Where Constitutional Liberty Comes From - A Freedom Agenda pamphlet and Oliver Wendell Holmes, Jr.; "The Common Law".)

The editors of The Shaping of American Tradition have this to say of Locke and the English Bill of Rights, underscoring the importance of both to our colonial heritage: "Out of the Revolution (of 1688) emerged two great statements: Locke's and the Declaration of Rights (incorporated into an act and henceforth known as the English Bill of Rights)... The 'Rights of Englishmen' included these great liberties: habeas corpus, trial by jury and representative government, and they had been acquired as a result of a long struggle against absolutism. When Americans in the 1760's and 1770's came to challenge the tyranny of the English Crown, they felt they were justified in invoking as their defense the concept of natural rights and their constitutional prerogatives." (13)

Judged in the context of their environment, the writings of Locke are very liberal indeed and in large part, the principles he expressed still hold good today and will for the future. His essays on Government throw a light on political writings of our colonial period, the authors of which had also to be pamphleteers. Excellent selections from the Essays on Government are included in (1), (13), and (19) as well as in other documentary compilations.

TEXT: From Chapter IX of "Of Civil Government": Of the Ends of Political Society and Government"

"If man in the state of Nature be so free as has been said, if he be absolute lord of his own person and possessions, equal to the greatest and subject to nobody, why will he part with his freedom, this empire, and subject himself to the dominion and control of any other power? To which it is obvious to answer, that though in the state of Nature he hath such a right, yet the enjoyment of it is very uncertain and constantly exposed to the invasion of others; for all being kings as much as he, every man his equal, and the greater part no strict observers of equity and justice, the enjoyment of the property he has in this state is very unsafe, very insecure. This makes him willing to quit this condition which, however free is full of fears and continual dangers; and it is not without reason that he seeks out and is willing to join in society with others who are already united, or have a mind to unite for the mutual preservation of their lives, liberties and estates, which I call by the general name -- property.

"The great and chief end, therefore, of men uniting into commonwealths, and putting themselves under government, is the preservation of their property; to which in the state of Nature there are many things wanting.

"Firstly, there wants an established, settled, known law, received and allowed by common consent to be the standard of right and wrong, and the common measure to decide all controversies between them. For though the law of Nature be plain and intelligible to all rational creatures, yet men, being biased by their interest, as well as ignorant for want of study of it, are not apt to allow of it as a law binding to them in the application of their particular cases.

"Secondly, in the state of Nature there wants a known and indifferent judge, with authority to determine all differences according to the established law. For every one in that state being both judge and executioner of the law of Nature, men being partial to themselves, passion and revenge is very apt to carry them too far, and with too much heat in their own cases, as well as negligence and unconcernedness, make them too remiss in other men's.

"Thirdly, in the state of Nature there often wants power to back and support the sentence when right, and to give it due execution. They who by any injustice offended will seldom fail where they are able by force to make good their injustice. Such resistance many times makes the punishment dangerous, and frequently destructive of those who attempt it.

"Thus mankind, notwithstanding all the privileges of the state of Nature, being but in an ill condition while they remain in it are quickly driven into society. Hence it comes to pass that we seldom find any number of men live any time together in this state. The inconveniences that they are therein exposed to by the irregular and uncertain exercise of the power every man has of punishing the transgressions of others, make them take sanctuary under the established laws of government, and therein seek the preservation of their property. It is this makes them so willingly give up every one his single power of punishing to be exercised by such alone as shall be appointed to it amongst them, and by such rules as the community, or those authorised by them to that purpose, shall agree on. And in this we have the original right and rise of both the legislative and executive power as well as of the governments and societies themselves.

"For in the state of Nature to omit the liberty he has of innocent delights, a man has two powers. The first is to do whatsoever he thinks fit for the preservation of himself and others within the permission of the law of Nature; by which law, common to them all, he and all the rest of mankind are one community, make up one society distinct from all other creatures, and were it not for the corruption and viciousness of degenerate men, there would be no need of any other, no necessity that men should separate from this great and natural community, and associate into lesser combinations. The other power a man has in the state of Nature is the power to punish the crimes committed against that law. Both these he gives up when he joins in a private, if I may so call it, or particular political society, and incorporates into any commonwealth separate from the rest of mankind.

"The first power -- viz., of doing whatsoever he thought fit for the preservation of himself and the rest of mankind, he gives up to be regulated by laws made by the society, so far forth as the preservation of himself and the rest of that society shall require; which laws of the society in many things confine the liberty he had by the law of Nature.

"Secondly, the power of punishing he wholly gives up, and engages his natural force, which he might before employ in the execution of the law of Nature, by his own single authority, as he thought fit, to assist the executive power of the society as the law thereof shall require. For being now in a new state, wherein he is to enjoy many conveniences from the labour, assistance, and society of others in the same community, as well as protection from its whole strength, he is to part also with as much of his natural liberty, in providing for himself, as the good, prosperity, and safety of the society shall require, which is not only necessary but just, since the other members of the society do the like.

"But though men when they enter into society give up the equality, liberty, and executive power they had in the state of Nature into the hands of the society, to be so far disposed of by the legislative as the good of the society shall require, yet it being only with an intention in every one the better to preserve himself, his liberty and property (for no rational creature can be supposed to change his condition with an intention to be worse), the power of the society or legislative constituted by them can never be supposed to extend farther than the common good, but is obliged to secure every one's property by providing against those three defects above mentioned that made the state of Nature so unsafe and uneasy. And so, whoever has the legislative or supreme power of any commonwealth, is bound to govern by established standing laws, promulgated and known to the people, and not by extemporary decrees, by indifferent and upright judges, who are to decide controversies of those laws; and to employ the force of the community at home only in the execution of such laws, or abroad to prevent or redress foreign injuries and secure the community from inroads and invasion. And all this to be directed to no other end but the peace, safety, and public good of the people." (13) (1690)

By the time of the Witchcraft trials in Salem, 1692, Puritanism had given way, very slowly and only under pressure from within and outside church congregations, to some limited demands of the people for democratic rights. As it began to lose its grip on the colony -- even at the moment it acquired Plymouth through the offices of Increase Mather in London -- it became more and more ingrown and rigid in a Calvin-inspired rule of moral and political tyranny. Cotton Mather, during the entire period of the witchcraft hysteria, took a position opposed to what were the liberal civil rights views of that time, and with controlled venom, later, and in another area of rights, attacked the views of John Wise. He seemed to buzz around, first in one direction, then in another, a frustrated bee who had missed the honey season.

According to the editors of American Heritage (1) "His description of witchcraft nucleates around the person of 'this rampant hang,' as he termed an innocent woman named Martha Carrier." As an example of a contrasting delineation of character, the editors recommend Mather's sketch of Theophilus Eaton, the pious and prosperous London merchant who became governor of New Haven. It might be equally profitable to contrast the hunter of witches to John Cotton; the latter was a stern Calvinist but a whole person, whereas his grandson, Cotton Mather, personified ambivalence.

Reference: consult Harvard Guide to American History.

As an example of how civil rights may be defended under the most impossible conditions, in the face of superstition and an alleged suborning by other-worldly beings, Robert Calef's More Wonders of the Invisible World, is probably without parallel. In an earlier era, in similar circumstances, Calef would have been banished or, possibly, ordered destroyed as an agent of the devil. But the reactionary elements in Puritanism could, in 1700, only rant and rave; the lion of the New England Judah had lost its roar.

"During the witchcraft trials in 1692, Cotton Mather took a prominent part in the investigations and defended the actions of the judges, though he cautioned them against too severe sentences. With the minuteness of a scientific investigator he examined some of the accused and published his evidence and conclusions. Unhappily, his premises led him to the wrong conclusions." (1)

"The devout but sensible mind of Robert Calef, Boston cloth merchant, was sceptical of Cotton Mather's zeal concerning local manifestations of the witchcraft delusion; and when Mather (following the publication of his celebrated Wonders of the Invisible World) wrote 'Another Brand Pluckt out of the Burning,' an account of the witch-inspired affliction of one Margaret Rule, Calef circulated his own critical observations thereon. Although Mather accused him of libel, later dropping the charge, Calef wrote up the whole matter in a book called More Wonders of the Invisible World, completed in 1697. (See V, 2.)

"No Boston printer dared to issue it, as may be surmised from Cotton Mather's diary entry of June, 1698, that 'a sort of Sadducee in this town hath written a Volumn of invented and notorious lies... hee is, as I understand, sending to England, that it may be printed there.' When Calef's book was published in London in 1700, the reaction of Boston was immediate. A committee of Mather's congregation was moved to a sharp reply -- Some few Remarks upon a Scandalous Book against the Gospel and Ministry of New England, written by one Robert Calef, -- and Increase Mather had the offending volume burned in the Harvard Yard. Although political motives were imputed by the Mathers to Calef's attack, there is little doubt that here was an instance of a shrewd examiner apprehending -- as Samuel Sewall did later -- the ease with which the excited mind embraces error." (2)

Had Robert Calef been in a position to refer to the Constitution, he might have mentioned the "due process" clause of the Fifth Amendment, as well as other aspects of the Bill of Rights and the Constitution.

"These... Legends have this direct tendency, viz. To tell the World that the Devil is more ready to serve his Votaries, by his doing for them things above or against the course of Nature, shewing himself to them, and making explicit contract with them, etc., than the Divine Being is to his faithful Servants, and that as he is willing, so also able to perform their desires. The way whereby these People are believed to arrive at a power to Afflict their Neighbours, is by a compact with the Devil, and that they have a power to Commissionate him to those Evils. ... However Irrational, or Inscriptural such Assertions are, yet they seem a necessary part of the Faith of such as maintain the belief of such a sort of Witches...

"But that Christians so called should not only charge their fellow Christians therewith, but proceed to Travels and Executions; crediting that Enemy to all Goodness, and Accuser of the Brethren, rather than believe their Neighbors in their own Defense; This is so Diabolical a Wickedness as cannot proceed, but from a Doctrine of Devils; how far damnable it is let others discuss...

"But here it will be said, 'What, are there no witches? Do's not the Law of God command that they should be extirpated? Is the Command vain and Unintelligible?' ... For to say that a Witch is one that makes a compact with, and Commissions Devils, etc., is indeed to render the Law of God vain and unintelligible, as having provided no way whereby they might be detected, and proved to be such. But to him that can read the Scriptures without prejudice from Education, etc., it will manifestly appear that the Scripture is full and Intelligible, both as to the Crime and means to detect the culpable. He that shall hereafter see any person, who to confirm People in a false belief, about the power of Witches and Devils, pretending to a sign to confirm it, such as knocking off of invisible Chains with the hand, driving away Devils by brushing, striking with a Sword or Stick, to wound a person at a great distance, etc., may... conclude that he has seen Witchcraft performed...

"If Baalam became a Sorcerer by Sacrificing and Praying to the true God against his visible people; Then he that shall pray that the afflicted (by their Spectral Sight) may accuse some other Person (whereby their reputations and lives may be indangered) such will justly deserve the Name of a Sorcerer. If any Person pretends to know more then can be known by humane means, and professeth at the same time that they have it from the Black-Man, i.e. the Devil, and shall from hence give Testimony against the Lives of others, they are manifestly such as have a familiar Spirit; and if any, knowing them to have their Information from the Black-Man, shall be inquisitive of them for their Testimony against others, they therein are dealing with such as have a Familiar-Spirit.

"And if these shall pretend to see the dead by their Spectral Sight, and others shall be inquisitive of them, and receive their Answers what it is the dead say, and who it is they accuse, both the one and the other are by Scripture Guilty of Necromancy.

"These are all of them crimes as easily proved as any whatsoever, and that by such proof as the Law of God Requires, so that it is no Unintelligible Law.

"But if the Iniquity of the times be such, that these Criminals not only Escape Indemnified, but are Incouraged in their Wickedness, and made use of to take away the Lives of others, this is worse than a making the Law of God Vain, it being a rendring of it dangerous, against the Lives of Innocents, and without all hopes of better, so long as these Bloody Principles remain.

"As long as Christians do esteem the Law of God to be Imperfect, as not describing that crime that it requires to be Punish'd by Death;

"As long as men suffer themselves to be Poison'd in their Education, and be grounded in a False Belief by the Book of the Heathen;

"As long as the Devil shall be believed to have a Natural Power, to Act above and against a course of Nature;

"As long as the Witches shall be believed to have a Power to Commission him;

"As long as the Devils Testimony, by the pretended afflicted,

shall be received as more valid to Condemn, than their Plea of Not Guilty to acquit;

"As long as the Accused shall have their Lives and Liberties confirmed and restored to them, upon their Confessing themselves Guilty;

"As long as the Accused shall be forc't to undergo Hardships and Torments for their not Confessing;

"As long as Tets for the Devil to Suck are searched for upon the Bodies of the accused, as a token of guilt;

"As long as the Lords Prayer shall be profaned, by being made a Test, who are culpable;

"As long as Witchcraft, Sorcery, Familiar Spirits, and Necromancy, shall be improved to discover who are Witches, etc.

"So long it may be expected that Innocents will suffer as Witches.

"So long God will be Daily dishonored, And so long his Judgments must be expected to be continued." (1697) (publ. 1700) (2) (Excerpts)

Side C, Band 4 JOHN HEPBURN ON SLAVERY (EXCERPTS)
(1715)

In the colonial period there were relatively few statements demanding outright freedom for slaves and equality for all, of whatever racial or religious background. As noted elsewhere, the Cottons and Mathers were slave-owners and while slave-holding ultimately tapered off (almost before it was made illegal) the economy of New England and, to some extent, other northern colonies, depended upon the exploitation of Africans just as did that of the southern colonies. It therefore required moral courage, as well as consciousness of principle, to speak out against the practice of slavery. Many Americans, having the former, lacked the latter. John Hepburn was one of the praiseworthy exceptions.

John Hepburn was a tailor by trade, who had come to America as an indentured servant in 1684, settling in New Jersey. He was a Quaker, and shared with his father-in-law an interest in questions then occupying church-goers, such as predestination and baptism. The title page of Hepburn's anti-slavery tract reads: "The American Defence of the Golden Rule, or an Essay to prove the Unlawfulness of Making Slaves of Men (by him who Loves the Freedom of the Souls and Bodies of All Men, John Hepburn. Printed in the year 1715.)"

In his preface, Hepburn notes the scarcity of antislavery writings and the rapid disappearance of such protests as were made public. "And now, Reader, I am going to show thee a wonder, and that is, this thirty years I have been in America this practice has been carried on in almost profound silence... I have lain dormant above this thirty years... I was silent so long because I waited for my betters to undertake the works; and if any had appeared in this work, it is like I had been silent still." Earlier publications, few as they were, he insists were systematically destroyed by slave-owners and "the reader will find them almost as scarce to be found as the Phenix egg." (9)

One group of Quakers, he asserted, were free from slave-holding. These were the Mennonites, the Germantown Quakers of Pennsylvania who signed the now-famous protest of 1688, the first anti-slavery protest of which we have any record. This was one of the long-lost protests (for not even Hepburn mentions it) and was not printed until 1844. But for the matter of that, what about Hepburn's strongly-worded protest? Two copies are known to exist; one in the British Museum is complete and one in the Boston Public Library is incomplete. Although it had been mentioned by Edward Eggleston in 1886 as "the first serious and systematic attack on slavery," it remained virtually unnoticed until Henry J. Cadbury wrote about it, reproducing important passages of the text, in the April, 1949, issue of the Proceedings of the American Anti-quarian Society. (9)

Anti-slavery writings of the colonial period laid the foundation for the interpretation first expressed by Thomas Jefferson, reaffirmed by Lincoln at Springfield July 17, 1858:

"I adhere to the Declaration of Independence. If Judge Douglas and his friends are not willing to stand by it, let them come up and amend it. Let them make it read that all men are created equal, except Negroes."

The hopes of John Hepburn and others found realization in the 13th, 14th and 15th Amendments, recently clarified and strongly affirmed in decisions of the Supreme Court.

JOHN HEPBURN:

A FEW EXCERPTS FROM "ARGUMENTS AGAINST MAKING SLAVES OF MEN".

1. The using Mens Labour, and not paying them the Value of it (except the Labourer gives it) is unjust and therefore unlawful. But the making Slaves of Men (whether Negroes, Indians, or others) is Using their Labour, and not paying them the Value of it.

Therefore the making Slaves of Men is unlawful.

2. Violence is. (in ordinary Cases) unlawful, But making Slaves of Men (against their will) is Violence.

Therefore making Slaves of Men, is unlawful.

3. Punishing Men without Respect to any evil they have done, is unlawful. But making Slaves of Negroes, is punishing Men without Respect to any Evil they have done.

Therefore the making Slaves of Negroes is unlawful. We should think it a sore Punishment to be made Slaves ourselves.

4. To make men Prisoners, who have broke no Law, is (in ordinary Cases) unlawful. But to make Slaves of Negroes, is to make men Prisoners, who have broke no Law to deserve it.

Therefore to make Slaves of Negroes is unlawful.

5. Compelling Men to that which will surely bring them to Punishment, is unjust and unlawful. But making Slaves of Negroes, is compelling men to that which will surely bring them to Punishment.

Therefore making Slaves of Negroes is unlawful. It is a general Observation among the Negro-Masters, that Negroes will not be good without often Beating, and that may be (many times) very severe.

6. To banish men from their Country, who have committed no Fault to deserve it, is unlawful. But to make Slaves of Negroes, is to banish men their Country, who have committed no Fault to deserve it.

Therefore, to make Slaves of Negroes is unlawful.

8. Man-stealing (deserves Death by the Law of GOD, and) is unlawful.

Therefore making Slaves of Negroes is unlawful.

12. The using Men as if they were Beasts, is unlawful. But making Slaves of Negroes, is using Men as if they were Beasts.

Therefore making Slaves of Negroes, is unlawful.

13. To deface the Image of GOD, is unlawful. But Robbing Men of their Freedom, is Defacing the Image of GOD.

Therefore Robbing Men of their Freedom, is unlawful.

Side D, Band 1 ANDREW HAMILTON AND THE ZENGER TRIAL (EXCERPTS) (1735)

Andrew Hamilton's brilliant defence in the trial of John Peter Zenger is of such interest that salient parts of it are included in text, with only one slight shift in arrangement (so that a rather long statement made by him during the course of the trials is included with his summation.) This trial, and the nature of the defence, is best known for its contribution to freedom of the press. However, its effect on American common law is particularly important, since it marked (once again) a change in the concept of libel. The following two quotations will help to clarify these points:

"The development of the press could, of course, not have taken place without considerable changes in the legal framework which prevailed earlier. Freedom of the press has been looked upon as perhaps one of the most essential features of political bills of right and there is no democratic constitution which does not expressly provide for it. American politics have been carried on without any material restrictions upon the conduct of the press,

except the common law of libel... This holds the press responsible civilly and criminally for defamation of character... Protection of the press from prosecution for libel in reporting and commenting on governmental performance is connected with the peculiar nature of the common law of libel which demands that the party bringing suit show that damage has been done to it. Moreover, a suit for libel, on the precedent of Zenger's case, requires of the plaintiff that proof be brought to show that the alleged statements are untrue, proof which it is often impractical for governmental agencies to furnish. In Zenger's case the issue was clear, for he was put in jail for printing reports about the government, the truth of which nobody denied, but on its precedent papers nowadays frequently print news the falsehood of which nobody doubts. It is a question, in part at least, of where the burden of proof shall fall. In the eighteenth century all that the government had to do was to allege that the statements were libelous, and all that it had to prove was that they had been printed by the person being prosecuted. The interest of the government was the sole consideration. It was unhesitatingly identified with the public interest. Such an arrangement is manifestly unacceptable from a democratic point of view..."

Constitutional Government and Democracy, by Carl J. Friedrich. (Little, Brown & Co.) 1941 pp. 480-481.

Reference here is to the changing concept of common law as it applied to libel:

"The case (Zenger) completely revolutionized Colonial law. The ancient rule of 'the greater the truth, the greater the libel,' was discarded; truth, when published from good motives and justifiable ends, became recognized as an adequate defense." Hold Your Tongue, By Morris L. Ernst and Alexander Lindey (Abelard Press, N. Y. 1950) p. 249

Governor Morris called Andrew Hamilton, who took charge of the defence when Zenger's lawyers were disbarred, "The Day-Star of the American Revolution." Hamilton was a distinguished Philadelphia lawyer who in 1717 was appointed Attorney General of Pennsylvania. "He proved an independent and courageous member of the government and was known for his defense of civil rights."

(1) The text we have used is taken in part from Burton Alva Konkle's biography. (10)

Zenger's Journal was first published on November 5, 1733, and from the start was a medium of popular expression. Songs and letters probably helped as much to provoke the charge of libel as did the polemical articles cited in the indictment. The trial, held in August, 1735, in which Zenger was acquitted of a charge of seditious libel, "is a landmark in the history of the freedom of the press, for it ended in a vindication of the publisher's right to criticize the governing authorities." (1)

Forty-six years later the Bill of Rights was declared law, and Article I included this statement: "Congress shall make no law... abridging the freedom of speech, or of the press..."

VOICES: CH J ... Chief Justice DeLancey

A G ... (Mr.) Attorney General Bradley

A H ... Andrew Hamilton, lawyer for the defense

A G: May it please your Honours, and you Gentlemen of the Jury; the Information now before the Court, and to which the Defendant Zenger has pleaded Not Guilty, is an Information for printing and publishing a false, scandalous and seditious Libel, in which his Excellency the Governor of this Province, who is the King's immediate Representative here, is greatly and unjustly scandalized, as a Person that has no Regard to Law nor Justice; with much more, as will appear upon reading the Information. This of Libeling is what has always been discouraged as a Thing that tends to create Differences among Men, ill Blood among the People, and oftentimes great Bloodshed between the Party Libelling and the Party Libelled. There can be no Doubt but you Gentlemen of the Jury will have the same ill Opinion of such Practices, as the Judges have always shewn upon such Occasions..."

A H: May it Please your Honour; I am concerned in this Cause on the part of Mr. Zenger the Defendant. The Information against my Client was sent me, a few Days before I left Home, with

some Instructions to let me know how far I might rely upon the Truth of those Parts of the Papers set forth in the Information, and which are said to be libellous. And tho' I am perfectly of the Opinion with the Gentleman who has just now spoke, on the Same Side with me, as to the common Course of Proceedings, I mean in putting Mr. Attorney upon proving, that my Client printed and published those papers mentioned in the Information; yet I cannot think it proper for me (without doing violence to my own Principles) to deny the Publication of a Complaint, which I think is the Right of every free-born Subject to make, when the Matters so published can be supported with Truth; and therefore I'll save Mr. Attorney the Trouble of examining his Witnesses to that Point; and I do (for my Client) confess, that he both printed and published the two News Papers set forth in the Information, and I hope in so doing he committed no Crime...

CH J: Well Mr. Attorney, will you proceed?

A G: Indeed, Sir, as Mr. Hamilton has confessed the Printing and Publishing these Libels, I think the Jury must find a Verdict for the King; for supposing they were true, the Law says that they are not the less libellous for that; nay indeed the Law says, their being true is an Aggravation of the Crime.

A H: Not so neither, Mr. Attorney, there are two Words to that Bargain. I hope it is not our bare Printing and Publishing a Paper, that will make it Libel: You will have something more to do, before you make my Client a Libeller; for the Words themselves must be libellous, that is, false, scandalous, and seditious, or else we are not guilty...

CH J: You cannot be admitted, Mr. Hamilton, to give the Truth of a Libel in Evidence. A Libel is not to be justified; for it is nevertheless a Libel that it is true.

A H: I am sorry the Court has so soon resolved upon that Piece of Law; I expected first to have been heard to that Point. I have not in all my Reading met with an Authority that says, we cannot be admitted to give the Truth in Evidence, upon an information for a Libel...

CH J: Mr. Hamilton, the Court is of the Opinion, you ought not to be permitted to prove the Facts in the Papers: these are the Words of the Book. "It is far from being a Justification of a Libel, that the Contents thereof are true, or that the Person upon whom it is made, had a bad Reputation, since the greater Appearance there is of Truth in any malicious Invective, so much the more provoking it is."

A H: These are Star Chamber Cases, and I was in hopes that Practice had been dead with the Court.

CH J: Mr. Hamilton, the Court have delivered their Opinion, and we expect you will use us with good Manners; you are not to be permitted to argue against the Opinion of the Court...

A H: I thank your Honour. Then, Gentlemen of the Jury, it is to you we must now appeal, for Witness, to the Truth of the Facts we have offered, and are denied the Liberty to prove; and let it now seem strange, that I apply my self to you in this Manner, I am warranted so to do, both by Law and Reason. The Last supposes you to be summoned, out of the Neighborhood where the Fact is alleged to be committed; and the Reason of your being taken out of the Neighborhood is, because you are supposed to have the best Knowledge of the fact that is to be tried. And were you to find a Verdict against my client, you must take it upon you to say, the Papers referred to in the Information, and which we acknowledge we printed and published, are false, scandalous and seditious; but of this I can have no Apprehension. You are Citizens of New York; and you are really what the Law supposes you to be, honest and lawful Men; and, according to my Brief, the Facts which we offer to prove were not committed in a Corner; they are notoriously known to be true; and therefore in your Justice lies our Safety...

CH J: No, Mr. Hamilton. The Jury may find that Zenger printed and published those papers, and leave it to the Court to judge whether they are libellous; you know this is very common; it is in the Nature of a special Verdict, where the Jury leave the Matter of Law to the Court.

A H: I know, may it please Your Honour, the Jury may do so; but

I do likewise know, they may do otherwise. I know they have the Right beyond all Dispute, to determine both the Law and the Fact, and where they do not doubt of the Law, they ought to do so. This of leaving it to the Judgment of the Court, whether the Words are libellous or not, in Effect renders Justice useless (to say no worse) in many Cases; but this I shall have Occasion to speak to by and by; and I will with the Court's Leave proceed to examine the Inconveniences that must inevitably arise from the Doctrines Mr. Attorney has laid down; and I observe, in support of the Prosecution, he has frequently repeated the Words taken from the Case of Libel, famosius in 5 Co. This is indeed the leading case, and to which almost all the other Cases upon the Subject of Libels do refer; and I must insist upon saying, That it is not Law at this Day; for tho' I own it to be base and unworthy to scandalize any Man, yet I think it is even villainous to scandalize a Person of publick Character, and I will go so far into Mr. Attorney's Doctrine as to agree, that if the faults, Mistakes, nay even the Vices of such a Person be private and personal, and don't affect the Peace of the Publick, or the Liberty or Property of our Neighbour, it is unmanly and unmannerly to expose them either by Word or Writing. But when a Ruler of the People brings his personal Failings, but much more his Vices, into his Administration, and the People find themselves affected by them, either in their Liberties or Properties, that will alter the Case mightily, and all the high Things that are said in favour of Rulers, and of Dignities, and upon the side of power, will not be able to stop People's Mouths when they feel themselves oppressed, I mean in a free Government...

* May it please your honors, I agree with Mr. Attorney that government is a sacred thing, but I differ very widely from him when he would insinuate that the just complaints of a number of men, who suffer under a bad administration, is libeling that administration. Had I believed that to be a law, I should not have given the court the trouble of hearing anything that I could say in this cause. I own when I read the Information, I had not the art to find out (without the help of Mr. Attorney's innuendoes) that the Governor was the person meant in every period of that newspaper; and I was inclined to believe that they were written by some who, from an extraordinary zeal for liberty, had misconstrued the conduct of some persons in authority into crimes; and that Mr. Attorney, out of his too great zeal for power, had exhibited this Information to correct the indiscretion of my client, and at the same time to show his superiors the great concern he had, lest they should be treated with any undue freedom. But from what Mr. Attorney had just now said, to wit, that this prosecution was directed by the Governor and Council, and from the extraordinary appearance of people of all conditions which I observe in court upon this occasion, I have reason to think that those in the administration have by this prosecution something more in view, and that the people believe they have a good deal more at stake than I apprehended; and therefore, as it is become my duty to be both plain and particular in this cause, I beg leave to bespeak the patience of the court.

* I was in hopes as that terrible court where those dreadful judgments were given and that law established, which Mr. Attorney has produced for authorities to support this cause, was long ago laid aside as the most dangerous court to the liberties of the people of England that ever was known in that kingdom, that Mr. Attorney, knowing this, would not have attempted to set up a Star Chamber here, nor to make their judgments a precedent to us; for it is well known that what would have been judged treason in those days for a man to speak, I think, has since not only been practiced as lawful, but the contrary doctrine has been held to be law.

There is heresy in law as well as in religion, and both have changed very much; and we well know that it is not two centuries ago that a man would have been burned as a heretic for owning such opinions in matters of religion as are publicly written and printed at this day. They were fallible men, it seems, and we take the liberty, not only

to differ from them in religious opinion, but to condemn them and their opinions too; and I must presume that in taking these freedoms in thinking and speaking about matters of faith or religion, we are in the right; for, though it is said there are very great liberties of this kind taken in New York, yet I have heard of no Information preferred by Mr. Attorney for any offenses of this sort. From which I think it is pretty clear that in New York a man may make very free with his God, but he must take special care what he says of his Governor. It is agreed upon by all men that this is a reign of liberty, and while men keep within the bounds of truth, I hope they may with safety both speak and write their sentiments of the conduct of men of power; I mean of that part of their conduct only which affects the liberty or property of the people under their administration; were this to be denied, then the next step may make them slaves. For what notions can be entertained of slavery beyond that of suffering the greatest injuries and oppressions without the liberty of complaining; or if they do, to be destroyed, body and estate, for so doing?

It is said, and insisted upon by Mr. Attorney, that government is a sacred thing; that it is to be supported and revered; it is government that protects our persons and estates; that prevents treasons, murders, robberies, riots, and all the train of evils that overturn kingdoms and states and ruin particular persons; and if those in the administration, especially the supreme magistrates, must have all their conduct censured by private men, government cannot subsist. This is called a licentiousness not to be tolerated. It is said that it brings the rulers of the people into contempt so that their authority is not regarded, and so that in the end the laws cannot be put into execution. These, I say, and such as these, are the general topics insisted upon by men in power and their advocates. But I wish it might be considered at the same time how often it has happened that the abuse of power has been the primary cause of these evils, and that it was the injustice and oppression of these great men which has commonly brought them into contempt with the people. The craft and art of such men are great, and who that is the least acquainted with history or with law can be ignorant of the specious pretenses which have often been made use of by men in power to introduce arbitrary rule and destroy the liberties of a free people...

...And may not I be allowed, after all this, to say that, by a little countenance, almost anything which a man writes may, with the help of that useful term of art called an innuendo, be construed to be a libel, according to Mr. Attorney's definition of it; that whether the words are spoken of a person of a public character or of a private man, whether dead or living, good or bad, true or false, all make a libel; for, according to Mr. Attorney, after a man hears a writing read, or reads and repeats it, or laughs at it, they are all punishable. It is true, Mr. Attorney is so good as to allow, after the party knows it to be a libel; but he is not so kind as to take the man's word for it.

* ...Is it not surprising to see a subject, upon his receiving a commission from the King to be a governor of a colony in America, immediately imagining himself to be vested with all the prerogatives belonging to the sacred person of his Prince, and which is yet more astonishing, to see that a people can be so wild as to allow of and acknowledge those prerogatives and exemptions, even to their own destruction? Is it so hard a matter to distinguish between the majesty of our Sovereign and the power of a governor of the plantations? Is not this making very free with our Prince to apply that regard, obedience, and allegiance to a subject which is due only to our Sovereign? And yet in all the cases which Mr. Attorney has cited, to show the duty and obedience we owe to the supreme magistrate, it is the King that is there meant and understood, though Mr. Attorney is pleased to urge them as authorities to prove the heinousness of Mr. Zenger's offense against the Governor...

The loss of liberty to a generous mind is worse than

death; and yet we know there have been those in all ages who, for the sake of preferment or some imaginary honor, have freely lent a helping hand to oppress, nay, to destroy, their country. . . . This is what every man that values freedom ought to consider; he should act by judgment and not by affection or self-interest; for where those prevail, no ties of either country or kindred are regarded; as, upon the other hand, the man who loves his country prefers its liberty to all other considerations, well knowing that without liberty life is a misery. . .

Power may justly be compared to a great river; while kept within its bounds, it is both beautiful and useful, but when it overflows its banks, it is then too impetuous to be stemmed; it bears down all before it, and brings destruction and desolation wherever it comes. If, then, this be the nature of power, which, in all ages, has sacrificed to its wild lust and boundless ambition the blood of the best men that ever lived.

I hope to be pardoned, sir, for my zeal upon this occasion. It is an old and wise caution that 'when our neighbor's house is on fire, we ought to take care of our own.' For though, blessed be God, I live in a government where liberty is well understood and freely enjoyed, yet experience has shown us all (I am sure it has to me) that a bad precedent in one government is soon set up for an authority in another; and therefore I cannot but think it mine and every honest man's duty that, while we pay all due obedience to men in authority, we ought, at the same time, to be upon our guard against power wherever we apprehend that it may affect ourselves or our fellow subjects.

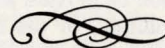
I am truly very unequal to such an undertaking, on many accounts. And you see I labor under the weight of many years and am borne down with great infirmities of body; yet old and weak as I am, I should think it my duty, if required, to go to the utmost part of the land, where my service could be of any use in assisting to quench the flame of prosecutions upon Informations, set on foot by the government to deprive a people of the right of remonstrating, and complaining too, of the arbitrary attempts of men in power. Men who injure and oppress the people under their administration provoke them to cry out and complain, and then make that very complaint the foundation for new oppressions and prosecutions. I wish I could say there were no instances of this kind. But, to conclude, the question before the court, and you, gentlemen of the jury, is not of small nor private concern; it is not the cause of a poor printer, nor of New York alone, which you are now trying. No! It may, in its consequence, affect every free man that lives under a British government on the main continent of America. It is the best cause; it is the cause of liberty; and I make no doubt but your upright conduct, this day, will not only entitle you to the love and esteem of your fellow citizen, but every man who prefers freedom to a life of slavery will bless and honor you as men who have baffled the attempt of tyranny, and, by an impartial and uncorrupt verdict, have laid a noble foundation for securing to ourselves, our posterity, and our neighbors that to which nature and the laws of our country have given us a right -- the liberty of both exposing and opposing arbitrary power (in these parts of the world at least) by speaking and writing truth.

Gentlemen: The Danger is great, in proportion to the Mischief that may happen, through our too great credulity. A proper confidence in a Court is commendable; but as the Verdict (whatever it is) will be yours, you ought to refer no Part of your Duty to the Discretion of other Persons. If you should be of Opinion, that there is no Falsehood in Mr. Zenger's Papers, you will, nay (pardon me for the Expression) you ought to say so; because you don't know whether others (I mean the Court) may be of that Opinion. It is your Right to do so, and there is much depending upon your Resolution, as well as upon your Integrity. . .

CH J: Gentlemen of the Jury. The great pains Mr. Hamilton has taken, to show how little Regard Juries are to Pay to the Opinion of the Judges; and his insisting so much upon the Con-

duct of some Judges in Tryals of this kind; is done, no doubt, with a Design that you should take but very little Notice, of what I might say upon this Occasion. I shall therefore only observe to you that, as the Facts or Words in the Information are confessed: The only thing that can come in Question before you is, whether the Words as set forth in the Information, make a Lybel. And that is a Matter of Law, no Doubt, and which you may leave to the Court. . . (1), (7) and (10).

"The Jury withdrew and in a small Time returned and being asked by the Clerk whether they were agreed to their Verdict, and whether John Peter Zenger was guilty of Printing and Publishing the Libels in the Information mentioned? They answered by Thomas Hunt, their Foreman, Not Guilty, Upon which there were three Huzzas in the Hall which was crowded with People, and the next Day I was discharged from my Imprisonment. . . " -- John Peter Zenger. (7) and (10).



BIBLIOGRAPHY

- (1) AMERICAN HERITAGE. Edited by Leon Howard, Louis B. Wright, Carl Bode. 2 vol. (Heath, Boston, 1955)
- (2) THE ROOTS OF NATIONAL CULTURE. Edited by Robert E. Spiller and Harold Blodgett. (MacMillan, 1949)
- (3) LIVING IDEAS IN AMERICA. Edited by Henry S. Commager. (Harper's, 1951)
- (4) THE STORY OF RELIGION IN AMERICA. By William Warren Sweet. (Harper's, 1939)
- (5) THE BIRTH OF THE BILL OF RIGHTS. By Robert Allen Rutland. (U. of N. C. Press, 1955)
- (6) SAINTS AND STRANGERS. By George F. Willison. (Reynal & Hitchcock, 1945)
- (7) READINGS ON THE AMERICAN WAY. Ed. Rae-Morse-Foster (Stackpole, Harrisburg, 1953)
- (8) THE THIRTEEN COLONIES. By Helen Ainslie Smith. 2 vol. (G. P. Putnam's, 1901)
- (9) PROCEEDINGS OF THE AMERICAN ANTIQUARIAN SOCIETY. Vol. 59, Part I. (Worcester, Mass., April 20, 1949)
- (10) THE LIFE OF ANDREW HAMILTON. By Burton Alva Konkle. (Nat'l Publ. Co. Philadelphia, 1941)
- (11) A TREASURY OF THE WORLD'S GREAT SPEECHES. Edited by Houston Peterson. (Simon & Schuster, 1954)
- (12) SELECTED READINGS IN AMERICAN HISTORY. By Theodore Calvin Pease and A. Sellev Roberts. (Harcourt, 1928)
- (13) THE SHAPING OF THE AMERICAN TRADITION. By Louis M. Hacker and Helene S. Zahler. 2 vol. (Col. U. Press, 1947)
- (14) PROPOGANDA AND THE AMERICAN REVOLUTION: 1763-1783 By Philip Davidson. (U. of N. C. Press, 1941)
- (15) THE COMING OF THE REVOLUTION: 1763-1775. By Lawrence Henry Gipson. (Harper's, 1954)
- (16) DOCUMENTS OF AMERICAN HISTORY. Edited by Henry S. Commager (Crofts, N. Y., 1943)
- (17) PATRICK HENRY. By Jacob Axelrad (Random House, 1947)
- (18) JEFFERSON THE VIRGINIAN. By Dumas Malone (Little, Brown, 1948)
- (19) THE PEOPLE SHALL JUDGE. (U. OF CHICAGO PRESS, 1949)
- (20) A DOCUMENTARY HISTORY OF THE NEGRO PEOPLE IN THE UNITED STATES. By Herbert Aptheker (Citadel, N. Y., 1951)
- (21) SAMUEL ADAMS. By James K. Hosmer. (Houghton, Mifflin, 1898)
- (22) THE HISTORY OF THE AMERICAN REVOLUTION. By David Ramsay. 2 vol. 1789 (Wilson, Trenton, edition, 1811)
- (23) BENJAMIN FRANKLIN. By Carl Van Doren. (Viking, 1938)
- (24) A HISTORY OF THE AMERICAN PEOPLE, by Nathaniel Wright Stephenson (Scribner's, 1934)
- (25) STUDIES IN THE HISTORY OF AMERICAN LAW, by Richard B. Morris (Col. U. Press, 1930)
- (26) THE BEGINNINGS OF NEW ENGLAND, by John Fiske (Houghton Mifflin, 1889)
- (27) THE WRITINGS OF SAMUEL ADAMS, by Harry Alonzo Cushing (G. P. Putnam's Sons, 1906)
- (28) FREEDOM OF SPEECH AND PRESS, by Zachariah Chafee, Jr., a Freedom Agenda Publication, (Carrie Chapman Catt Memorial Fund, Inc. 164 Lexington Ave., N. Y., 16, N. Y.)
- (29) SEEDTIME OF THE REPUBLIC, by Clinton Rossiter (Harcourt, 1953)
- (30) NARRATIVES OF THE INSURRECTIONS, 1675-1690 by Charles M. Andrews (Barnes & Noble, N. Y. 1946)
- (31) MAIN CURRENTS IN AMERICAN THOUGHT, by Vernon Louis Parrington (Harcourt, 1930)
- (32) OF PLYMOUTH PLANTATION, by William Bradford, Annotated and with Introduction by Samuel Eliot Morison (Knopf, 1952)