



The Rights of the Colonists

BY SAMUEL ADAMS.

REPORT OF THE COMMITTEE OF CORRESPONDENCE TO THE BOSTON
TOWN MEETING, NOV. 20, 1772.

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

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

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

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

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

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

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

"Just and true liberty, equal and impartial liberty," in matters spiritual and temporal, is a thing that all men are clearly entitled to by the eternal and immutable laws of God and nat-

ure, as well as by the law of nations and all well-grounded municipal laws, which must have their foundation in the former.

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

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

In the state of nature every man is, under God, judge and sole judge of his own rights and of the injuries done him. By entering into society he agrees to an arbiter or indifferent judge between him and his neighbors; but he no more renounces his original right than by taking a cause out of the ordinary course of law, and leaving the decision to referees or indifferent arbitrators. In the last case, he must pay the referees for time and trouble. He should also be willing to pay his just quota for the support of government, the law, and the constitution; the end of which is to furnish indifferent and impartial judges in all cases that may happen, whether civil, ecclesiastical, marine, or military.

* See Locke's Letters on Toleration.

† Political disabilities were not removed from the Catholics in England until 1829.—
Editor.

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

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

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

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

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

* Locke on Government.

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

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

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

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

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

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

† Lord Coke's Inst. Blackstone's Commentaries, VI. p. 122. The Bill of Rights and the Act of Settlement.

‡ See Locke and Vattel.

First, "The first fundamental, positive law of all commonwealths or states is the establishing the legislative power. As the first fundamental *natural* law, also, which is to govern even the legislative power itself, is the preservation of the society." *

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

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

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

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

* Locke on Government. *Salus populi suprema lex esto.*

† Locke.

ions of us, our heirs, and successors, to all intents, constructions, and purposes whatsoever, as if they and every one of them were born within this our realm of England.”

Now what liberty can there be where property is taken away without consent? Can it be said with any color of truth and justice, that this continent of three thousand miles in length, and of a breadth as yet unexplored, in which, however, it is supposed there are five millions of people, has the least voice, vote, or influence in the British Parliament? Have they all together any more weight or power to return a single member to that House of Commons who have not inadvertently, but deliberately, assumed a power to dispose of their lives, liberties, and properties, than to choose an Emperor of China? Had the Colonists a right to return members to the British Parliament, it would only be hurtful; as, from their local situation and circumstances, it is impossible they should ever be truly and properly represented there. The inhabitants of this country, in all probability, in a few years, will be more numerous than those of Great Britain and Ireland together; yet it is absurdly expected by the promoters of the present measures that these, with their posterity to all generations, should be easy, while their property shall be disposed of by a House of Commons at three thousand miles' distance from them, and who cannot be supposed to have the least care or concern for their real interest; who have not only no natural care for their interest, but must be *in effect* bribed against it, as every burden they lay on the Colonists is so much saved or gained to themselves. Hitherto, many of the Colonists have been free from quit rents; but if the breath of a British House of Commons can originate an act for taking away all our money, our lands will go next, or be subject to rack rents from haughty and relentless landlords, who will ride at ease, while we are trodden in the dirt. The Colonists have been branded with the odious names of traitors and rebels only for complaining of their grievances. How long such treatment will or ought to be borne, is submitted.

FRANKLIN'S PREFACE TO THE ENGLISH EDITION OF THE REPORT OF THE COMMITTEE OF CORRESPONDENCE, PUBLISHED BY HIM IMMEDIATELY AFTER HE RECEIVED IT IN LONDON.

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

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

The mistaken policy of the Stamp Act first disturbed this happy situation; but the flame thereby raised was soon extinguished by its repeal, and the old harmony restored, with all its concomitant advantage to our commerce. The subsequent act of another administration, which, not content with an established exclusion of foreign manufactures, began to make our own merchandise dearer to the consumers there, by heavy duties, revived it again; and combinations were entered into throughout the continent to stop trading with Britain till those duties should be repealed. All were accordingly repealed but

one, *the duty on tea*. This was reserved (professedly so) as a standing claim and exercise of the right assumed by Parliament of laying such duties.

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

The Dutch, the Danes, and French took this opportunity thus offered them by our imprudence, and began to smuggle their teas into the plantation. At first this was something difficult; but at length, as all business is improved by practice, it became easy. A coast fifteen hundred miles in length could not in all parts be guarded, even by the whole navy of England; especially when their restraining authority was by all the inhabitants deemed unconstitutional, the smuggling of course considered as patriotism. The needy wretches, too, who, with small salaries, were trusted to watch the ports day and night, in all weathers, found it easier and more profitable not only to

wink, but to sleep in their beds; the merchant's pay being more generous than the King's. Other India goods, also, which, by themselves, would not have made a smuggling voyage sufficiently profitable, accompanied tea to advantage; and it is feared the cheap French silks, formerly rejected, as not to the tastes of the colonies, may have found their way with the wares of India, and now established themselves in the popular use and opinion.

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

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

Mr. Adams's motion, creating the Committee of Correspondence, had specified three distinct duties to be performed,—to draw up a statement of the rights of the Colonists as men, as Christians, and as subjects; a declaration of the infringement and violation of those rights; and a letter to be sent to the several towns in the Province and to the world as the sense of the town. The drafting of the first

was assigned to Samuel Adams, the second to Joseph Warren, and the last to Benjamin Church.

When the reports of the several committees were prepared, they were presented on the 20th of November to a town meeting at Faneuil Hall by James Otis, who now, as chairman, made his final appearance in public,—the wreck of one of the most brilliant men of genius that America has produced, but yet sustained by the care and sympathy of some friends and the tender reverence of the people, whose cause he had ever ardently and sincerely supported.

“Samuel Adams,” says Hutchinson, writing to a friend, “had prepared a long report, but he let Otis appear in it”; and again, in another letter: “the Grand Incendiary of the Province prepared a long report for a committee appointed by the town, in which, after many principles inferring independence were laid down, many resolves followed, all of them tending to sedition and mutiny, and some of them expressly denying Parliamentary authority.”

The report created a powerful sensation, both in America and in England, where it was for some time attributed to Franklin, by whom it was republished. It is divided into the three subjects specified in the original motion. The first, in three subdivisions, considering the rights of the Colonists as men, as Christians, and as subjects, was from the pen of Samuel Adams; his original draft, together with the preparatory rough notes or headings, being in perfect preservation. It is important, not only as a platform upon which were afterwards built many of the celebrated state papers of the Revolution, but as the first fruits of the Committee of Correspondence.

The error of John Adams, when, fifty years afterwards, he attributed this pamphlet to James Otis, gave rise to some interesting letters from both Jefferson and Adams a few years before their death. John Adams, while questioning the credit due to Jefferson, as the author of the Declaration of Independence, had called that document a “recapitulation” of the Declaration of Rights by the Congress of 1774; and, again, writing to Mr. Pickering, he says: “As you justly observe, there is not an idea in it [the Declaration of Independence] but what had been hackneyed in Congress two years before. The substance of it is contained in the Declaration of Rights, and the Violations of those Rights, in the journals of Congress in 1774. Indeed, the essence of it is contained in a pamphlet voted and printed by the town of Boston before the first Congress met, composed by James Otis, as I suppose, in one of his lucid intervals, and pruned and polished by Samuel Adams.” *John Adams's Works*, II. 514.

The fact that Otis was allowed to present the report as his final public act may have given John Adams this impression; for, at this time (1772), he himself took no part in public affairs, but devoted his time to professional pursuits. Otis, however, had nothing to do with preparing the paper, and, to the grief of his friends and his country, had long been incapable of any public service. Jefferson, adopting

the "supposition" of John Adams as to the authorship of the "Rights of the Colonists," wrote to Mr. Madison a year later that the "Otis pamphlet he never saw," and upon this his biographer, continuing the subject in defence of Jefferson's originality, refers repeatedly to the pamphlet in question as the production of Otis. (Randall's Jefferson, I. 189.) There certainly is a similarity between the "Rights of the Colonists" in 1772 and the "Declaration of Rights" in 1774, and between them both and the Declaration of Independence; but, as all are founded on the time-honored principles of Locke, Hooker, Sydney, and Harrington, some of whom are duly quoted by Samuel Adams in his treatise, the disputes as to the originality are needless.

But John Adams's memory failed him in relation to the Declaration of Rights made by the first Congress, as well as in attributing the pamphlet now under consideration to James Otis. He implies that there were two Declarations, the one of Rights, and the other of Violations, which is manifestly incorrect. It would seem, too, that any attempt to lessen the credit of Jefferson, by showing that the essence of the Declaration of Independence was contained in Samuel Adams's pamphlet of 1772 and the Declaration of Rights in 1774, must reflect upon whoever claims the authorship of the latter (since the sentiments are identical), unless it be conceded that Samuel Adams, as is more than probable, was largely engaged in composing the Declaration of Rights, and introduced into that paper the same principles he had advanced in 1772.

Here [in the paper of 1772] is embodied the whole philosophy of human rights, condensed from the doctrines of all time, and applied to the immediate circumstances of America. Upon this paper was based all that was written or spoken on human liberty in the Congress which declared independence; and the immortal instrument itself is, in many features, but a repetition of the principles here enunciated, and of Joseph Warren's list of grievances, which followed the Rights of the Colonists in the report.—*Wells, Life of Samuel Adams.*

The report was the boldest exposition of the American grievances which had hitherto been made public, and was drawn up with as much ability as freedom. Hutchinson says of this report of the committee, that, "although at its first appearance it was considered as their own work, yet they had little more to do than to make the necessary alterations in the arrangement of materials prepared for them by their great director in England, whose counsels they obeyed, and in whose wisdom and dexterity they had an implicit faith. Such principles in government were avowed as would be sufficient to justify the colonies in revolting, and forming an independent state; and such instances were given of the infringement of their rights by the exercise of Parliamentary authority as, upon like reasons, would justify an exception to the authority in all cases whatever; never-

theless, there was color for alleging that it was not 'expressly' denied in 'every' case. The whole frame of it, however, was calculated to strike the colonists with a sense of their just claim to independence, and to stimulate them to assert it."

The person alluded to by Governor Hutchinson, as "the great director in England," was Dr. Franklin, and it is insinuated that he was in effect the author of the report, but this is in no sense true; nor did he wholly approve the measures adopted at that meeting. He thought the affair was carried a little farther than the occasion required at the time, and was afraid that ill consequences would result. It was only the time and manner of bringing the subject forward, however, upon which he had any doubts. To the sentiments expressed in the report of the committee, and adopted by the inhabitants of the town, he fully assented. This is proved by his sending a copy of the proceedings to the press, as soon as he received it in London, with a prefatory notice written by himself. The pamphlet was entitled "The Votes and Proceedings of the Freeholders and other Inhabitants of the Town of Boston, in Town Meeting assembled, according to Law. Published by Order of the Town."—*Starks*.

Frothingham in his "Rise of the Republic" gives perhaps the best general survey of the tendencies and movements toward independence and union in the colonies from the New England Confederation of 1643 onward. He recognizes as the earliest organized action against taxation of the colonies by the British government the instructions adopted by the town of Boston to its representatives, May 24, 1764. These instructions were written by Samuel Adams; and they are printed as the first paper in the first volume of the new edition of Samuel Adams's Writings, collected and edited by H. A. Cushing. Published in the Boston newspapers at the time, they were included the next year in James Otis's pamphlet on "The Rights of the British Colonists asserted and proved." The significance of Adams's paper in 1772 on "The Rights of the Colonists," reprinted in the present leaflet, is sufficiently set forth by Wells in the passage given above from his Life of Samuel Adams, where the paper is printed entire, as it also is in Cushing's edition, vol. ii. Compare this famous statement (1772) of the philosophy of government not only with the Declaration of Rights (1774) and the Declaration of Independence (1776), but with John Wise's statement of the Law of Nature in Government (Old South Leaflet No. 165), which, first published in 1717, was reprinted in Boston the same year, 1772, that Samuel Adams prepared his paper on "The Rights of the Colonists." See the Lives of Adams by Wells and Hosmer; also the chapter on "The Revolution Impending," by Mellen Chamberlain, in Winsor's Narrative and Critical History of America," vi., and especially the editorial notes appended containing a very full bibliography of the historical period. The republication of the report of Adams's committee, in London, by Franklin, whose preface to the London edition is included in the present leaflet, is doubly interesting in view of Franklin's long and conspicuous efforts in behalf of the union of the colonies. See Franklin's Plan of Union, 1754, in Old South Leaflet No. 9; and see his various papers in the interest of the American cause prepared in London at the time of the Stamp Act and in the years immediately following. Samuel Adams is properly called "the Father of the American Revolution." Hutchinson refers to Franklin with considerable justice, in connection with his co-operation with Adams and his associates in 1772, as "their great director in England." His watchfulness, faithfulness, and inspiration never failed.

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