

C O P Y

Robert Seale his Book
OF

L E T T E R S

Sent to *Great-Britain*, by his Excellency
Thomas Hutchinson, the Honourable
Andrew Oliver, and several other
Persons, BORN AND EDUCATED AMONG
US.

Which original Letters have been returned to *America*,
and laid before the Honourable House of Repre-
sentatives of this Province.

In which (*notwithstanding his Excellency's Declaration
to the House, that the Tendency and Design of them
was not to subvert the Constitution, but rather to pre-
serve it entire*) the judicious Reader will discover
the fatal Source of the Confusion and Bloodshed in
which this Province especially has been involved,
and which threatned total Destruction to the Liber-
ties of all *America*.

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.. 1773.



LETTERS, &c.

Boston, 18th June, 1768.

S I R,

AS you allow me the honour of your correspondence, I may not omit acquainting you with so remarkable an event as the withdrawal of the commissioners of the customs and most of the other officers under them from the town on board the Romney, with an intent to remove from thence to the castle.

In the evening of the 10th a sloop belonging to Mr. Hancock, a representative for Boston, and a wealthy merchant, of great influence over the populace, was seized by the collector and comptroller for a very notorious breach of the acts of trade, and, after seizure, taken into custody by the officer of the Romney man of war, and remov'd under command of her guns.—It is pretended that the removal and not the seizure incensed the people. It seems not very material which it was—A mob was immediately rais'd, the officers insulted, bruised and much hurt, and the windows of some of their houses broke ; a boat belonging to the collector burnt in triumph, and many threats utter'd against the commissioners and their officers : no notice being taken of their extravagance in the time of it, nor any endeavours by any authority except the governor, the next day to discover and punish the offenders ;

fenders ; and there being a rumour of a higher mob intended monday (the 13th) in the evening the commissioners, *four of them*, thought themselves altogether unsafe, being destitute of protection, and remov'd with their families to the Romney, and there remain and hold their board, and next week intend to do the same, and also open the custom-house at the castle.—The governor press'd the council to assist him with their advice, but they declin'd and evaded calling it a brush or small disturbance by boys and negroes, not considering *how much it must be resented in England* that the officers of the crown should think themselves obliged to quit the place of their residence and go on board a King's ship for safety, and all the internal authority of the province take no notice of it—The town of Boston have had repeated meetings, and by their votes declared the commissioners and their officers a great grievance, and yesterday instructed their representatives to endeavor that enquiry should be made by the assembly whether any person by writing or in any other way had encouraged the sending troops here, there being some alarming reports that troops are expected, but have not taken any measures to discountenance the promoters of the late proceedings ; but on the contrary appointed one or more of the actors or abettors on a committee appointed to wait on the governor, and to desire him to order the man of war out of the harbour.

Ignorant as they be, yet the heads of a Boston town-meeting influences all publick measures.

It is not possible this anarchy should last always.—Mr. Hallowell who will be the bearer of this tells me he has the honour of being personally known to you. I beg leave to refer you to him for a more full account.

I am with great esteem,

Sir, your most humble and obedient servant,

THO. HUTCHINSON.

Boston, August 1768.

S I R,

IT is very necessary other information should be had in England of the present state of the commissioners of the customs than what common fame will bring to you or what you will receive from most of the letters which go from hence, people in general being prejudiced by many false reports and misrepresentations concerning them. Seven eighths of the people of the country suppose the board itself to be unconstitutional and cannot be undeceived and brought to believe that a board has existed in England all this century, and that the board established here has no new powers given to it. Our incendiaries know it but they industriously and very wickedly publish the contrary. As much pains has been taken to prejudice the country against the persons of the commissioners and their characters have been misrepresented and cruelly treated especially since their confinement at the castle where they are not so likely to hear what is said of them and are not so able to confute it.

It is now pretended they need not to have withdrawn, that Mr. Williams had stood his ground without any injury although the mob belet his house, &c. There never was that spirit raised against the under officers as against the commissioners, *I mean four of them.*— They had a public affront offered them by the town of Boston who refused to give the use of their hall for a public dinner unless it was stipulated that the commissioners should not be invited. An affront of the same nature at the motion of Mr. Hancock was offered by a company of cadets. Soon after a vessel of Mr. Hancock's being seized the officers were mobb'd and the commissioners were informed they were threatened. I own I was in pain for them. I do not believe if the mob had seized them, there was
any

any authority able and willing to have rescued them. After they had withdrawn the town signified to the governor by a message that it was expected or desired they should not return. It was then the general voice that it would not be safe for them to return. After all this the sons of liberty say they deserted or abdicated.

The other officers of the customs in general either did not leave the town or soon returned to it. Some of them seem to be discontented with the commissioners. Great pains have been taken to increase the discontent. Their office by these means is rendered extremely burdensome. Every thing they do is found fault with, and yet no particular illegality or even irregularity mentioned. There is too much haugur some of their officers say in the treatment they receive. They say they treat their officers as the commissioners treat their officers in England and require no greater difference. After all it is not the persons but the office of the commissioners which has raised this spirit, and the distinction made between the commissioners is because it has been given out that four of them were in favour of the new establishment and the *fifth was not*. If Mr. Hallowell arrived safe he can inform you many circumstances relative to this distinction which I very willingly excuse myself from mentioning.

I know of no burden brought upon the fair trader by the new establishment. The illicit trader finds the risque greater than it used to be, especially in the port where the board is constantly held. Another circumstance which increases the prejudice is this; the new duties happened to take place just about the time the commissioners arrived. People have absurdly connected the duties and board of commissioners, and suppose we should have had no additional duties if there had been no board to have the charge of collecting them. With all the aid you can give to the officers

cers of the crown they will have enough to do to maintain the authority of government and to carry the laws into execution. If they are discountenanced, neglected or fail of support from you, they must submit to every thing the present opposers of government think fit to require of them. There is no office under greater discouragements than that of the commissioners. Some of my friends recommended me to the ministry. I think myself very happy that I am not one. Indeed it would have been incompatible with my post as chief justice, and I must have declined it, and I should do it although no greater salary had been affixed to the chief justices place than the small pittance allowed by the province.

From my acquaintance with the commissioners I have received a personal esteem for them, but my chief inducement to make this representation to you is a regard to the public interest which I am sure will suffer if the opposition carry their point against them.

I am with very great esteem,

Sir, your most obedient humble servant,

THO. HUTCHINSON.

August 10. Yesterday at a meeting of the merchants it was agreed by all present to give no more orders for goods from England, nor receive any on commission untill the late acts are repealed. And it is said all except sixteen in the town have subscribed an engagement of that tenor. I hope the subscription will be printed that I may transmit it to you.

Boston, 4th October 1768.

DEAR SIR,

I WAS absent upon one of our circuits when Mr. Byles arrived. Since my return I have received from him your obliging letter of 31st July. I never dared to think what the resentment of the nation would

would be upon Hallowell's arrival. It is not strange that measures should be immediately taken to reduce the colonies to their former state of government and order, but that the national funds should be affected by it is to me a little mysterious and surprizing. Principles of government absurd enough spread through all the colonies ; but I cannot think that in any colony, people of any consideration have ever been so mad as to think of a revolt. Many of the common people have been in a frenzy, and talk'd of dying in defence of their liberties, and have spoke and printed what is highly criminal, and too many of rank above the vulgar, and some *in public posts* have countenanced and encouraged them untill they increased so much in their numbers and in their opinion of their importance as to submit to government no further than they tho't proper. The legislative powers have been influenced by them, and the executive powers intirely lost their force. There has been continual danger of mobs and insurrections, but they would have spent all their force within ourselves, the officers of the Crown and some of the few friends who dared to stand by them possibly might have been knock'd in the head, and some such fatal event would probably have brought the people to their senses. For four or five weeks past the distemper has been growing, and I confess I have not been without some apprehensions for myself, but my friends have had more for me, and I have had repeated and frequent notices from them from different quarters, *one of the last I will enclose to you.** In this state of things there was no security but quitting my posts, which nothing but the last extremity would justify.— As chief justice for two years after our first disorders I kept the grand juries tollerably well to their duty.— The last spring there had been several riots, and a most infamous libel had been published in one of the papers,

* See the following Letter.

which

which I enlarged upon, and the grand jury had determined to make presentments, but the attorney-general not attending them the first day, Otis and his creatures who were alarmed and frightened exerted themselves the next day and prevailed upon so many of the jury to change their voices, that there was not a sufficient number left to find a bill. They have been ever since more enraged against me than ever. At the desire of the governor I committed to writing the charge while it lay in my memory, and as I have no further use for it I will inclose it as it may give you some idea of our judicatories.

Whilst we were in this state news came of two regiments being ordered from Halifax, and soon after two more from Ireland. The minds of people were more and more agitated, broad hints were given that the troops should never land, a barrel of tar was placed upon the bacon, in the night to be fired to bring in the country when the troops appeared, and all the authority of the government was not strong enough to remove it. The town of Boston met and passed a number of weak but very criminal votes; and as the governor declined calling an assembly they sent circular letters to all the towns and districts to send a person each that there might be a general consultation at so extraordinary a crisis. They met and spent a week, made themselves ridiculous, and then dissolv'd themselves, after a message or two to the governor which he refused to receive; a petition to the King which I dare say *their agent* will never be allow'd to present, and a result which they have published ill-natured and impotent.

In this confusion the troops from Halifax arrived, I never was much afraid of the people's taking arms, but I was apprehensive of violence from the mob, it being their last chance before the troops could land.

As the prospect of revenge became more certain their courage abated in proportion. Two regiments are landed, but a new grievance is now rais'd. The troops are by act of parliament to be quartered no where else but in the barracks until they are full. There are barracks eno' at the castle to hold both regiments. It is therefore against the act to bring any of them into town. This was started by the council in their answer to the governor, which to make themselves popular, they in an unprecedented way published and have alarmed all the province ; for although none but the most contracted minds could put such a construction upon the act, yet after this declaration of the council nine tenths of the people suppose it just. I wish the act had been better express'd, but it is absurd to suppose the parliament intended to take from the King the direction of his forces by confining them to a place where any of the colonies might think fit to build barracks.— It is besides ungrateful, for it is known to many that this provision was brought into the bill after it had been framed without it, from meer favor to the colonies. I hear the comander in chief has provided barracks or quarters, but a doubt still remains with some of the council, whether they are to furnish the articles required, unless the men are in the province barracks, and they are to determine upon it to day.

The government has been so long in the hands of the populace that it must come out of them by degrees, at least it will be a work of time to bring the people back to just notions of the nature of government.

Mr. Pepperrell a young gentleman of good character, and grandson and principal heir to the late Sir William Pepperrell being bound to London, I shall deliver this letter to him, as it will be too bulky for postage, and desire him to wait upon you with it.

I am with very great esteem,

Sir, your most humble and most obedient servant,

THO. HUTCHINSON.

S I R,

THE great esteem I have for you in every point of light, perhaps renders my fears and doubts for the safety of your person greater than they ought to be ; however if that is an error, it certainly results from true friendship, naturally jealous. Last night I was informed by a gentleman of my acquaintance, who had his information from one intimate with and knowing to the infernal purposes of the Sons of liberty as they falsely stile themselves, that he verily believ'd, from the terrible threats and menaces by those catalines against you, that your life is greatly in danger.

This informant I know is under obligations to you and is a man of veracity. He express'd himself with concern for you, and the gentleman acquainting me with this horrid circumstance, assured me he was very uneasy till you had notice. I should have done myself the honor of waiting on you but am necessarily prevented. The duty I owed to you as a friend and to the public as a member of society, would not suffer me to rest till I had put your honor upon your guard ; for tho' this may be a false alarm, nothing would have given me greater pain, if any accident had happen'd, and I had been silent. If possible I will see you to morrow, and let you know further into this black affair.

And am with the sincerest friendship and respect,
your honors most obedient,

and most humble servant,

ROB. AUCHMUTY.

To the hon'ble Thomas Hutchinson,

Sept. 14. 1768.

DEAR SIR, *Boston, 10th December 1768.*

I AM just now informed that a number of the council, perhaps 8 or 10, who live in and near this town, have met together and agreed upon a long address

dress or petition to parliament, and that it will be sent by this ship to Mr. Bollan to be presented. Mr. Dantorth who is president of the council told the governor upon enquiry, that it was sent to him to sign, and he supposed the rest of the council who had met together would sign after him in order, but he had since found that they had wrote over his name *by order of council*, which makes it appear to be an act of council. This may be a low piece of cunning in him, but be it as it may, it's proper it should be known that the whole is no more than the doings of a part of the council only, although even that is not very material, since, if they had all been present without the governor's summons the meeting would have been irregular and unconstitutional, and ought to be discountenanced and censured. I suppose there is no instance of the privy council's meeting and doing business without the king's presence or special direction, except in committees upon such business as by his majesty's order has been referred to them by an act of council, and I have known no instance here without the governor until within three or four months past.

I thought it very necessary the circumstances of this proceeding should be known, tho' if there be no necessity for it, I think it would be best it should not be known that the intelligence comes from me.

I am with very great regard, Sir,
your most humble and most obedient servant,
THO. HUTCHINSON.

Boston, 20th January 1769.

DEAR SIR,

YOU have laid me under very great obligations by the very clear and full account of proceedings in parliament, which I received from you by Capt. Scott. You have also done much service to the people of the province.

province. For a day or two after the ship arrived, the enemies of government gave out that their friends in parliament were increasing, and all things would be soon on the old footing ; in other words that all acts imposing duties would be repealed, the commissioners board dissolved, the customs put on the old footing, and *illicit* trade be carried on with little or no hazard. It was very fortunate that I had it in my power to prevent such a false representation from spreading through the province. I have been very cautious of using your name, but I have been very free in publishing abroad the substance of your letter, and declaring that I had my intelligence from the best authority, and have in a great measure defeated the ill design in raising and attempting to spread so groundless a report. What marks of resentment the parliament will show, whether they will be upon the province in general or particular persons, is extremely uncertain, but that they will be placed somewhere is most certain, and I add, because *I think it ought to be so*, that those who have been most steady in preserving the constitution and opposing the licentiousness of such as call themselves sons of liberty will certainly meet with favor and encouragement.

This is most certainly a crisis. I really wish that there may not have been the least degree of severity beyond what is absolutely necessary to maintain, I think I may say to you the *dependance* which a colony ought to have upon the parent state ; but if no measures shall have been taken to secure this dependance, or nothing more than some declaratory acts or resolves, *it is all over with us*. The friends of government will be utterly disheartened, and the friends of anarchy will be afraid of nothing, be it ever so extravagant.

The last vessel from London had a quick passage. We expect to be in suspense for the three or four next weeks

weeks and then to hear our fate. I never think of the measures necessary for the peace and good order of the colonies without pain. There must be an abridgment of what are called English liberties. I relieve myself by considering that in a remove from the state of nature to the most perfect state of government there must be a great restraint of natural liberty. I doubt whether it is possible to project a system of government in which a colony 3000 miles distant from the parent state shall enjoy all the liberty of the parent state. I am certain I have never yet seen the projection. I wish the good of the colony when I wish to see some further restraint of liberty rather than the connexion with the parent state should be broken ; for I am sure such a breach must prove the ruin of the colony. Pardon me this excursion, it really proceeds from the state of mind into which our perplexed affairs often throws me.

I have the honor to be with very great esteem, Sir,
your most humble and most obedient servant,
THO. HUTCHINSON.

Boston, 20th October, 1769.

DEAR SIR,

I THANK you for your last favour of July 18th. I fancy in my last to you about two months ago I have answered the greatest part of it.

My opinion upon the combination of the merchants, I gave you very fully. How long they will be able to continue them if parliament should not interpose is uncertain. In most articles they may another year, and you run the risque of their substituting when they are put to their shifts something of their own in the place of what they used to have from you, and which they will never return to you for. But it is not possible that provision for dissolving these combinations and subjecting all who do not renounce them to penalties adequate to the offence should not be made the first week the parliament meets. Certainly all parties will unite
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in so extraordinary case if they never do in any other. So much has been said upon the repeal of the duties laid by the last act, that it will render it very difficult to keep people's minds quiet if that should be refused them. They deserve punishment you will say, but laying or continuing taxes upon all cannot be thought equal, seeing many will be punished who are not offenders. *Penalties of another kind seem better adapted.*

I have been tolerably treated since the governor's departure, no other charge being made against me in our scandalous news-papers except my bad principles in matters of government, and this charge has had little effect, and a great many friends promise me support.

I must beg the favor of you to keep secret every thing I write, untill we are in a more settled state, for the party here either by their *agent*, or by some of their emissaries in London, have sent them every report or rumour of the contents of letters wrote from hence. I hope we shall see better times both here and in England. I am with great esteem,

Sir, your most obedient servant,
THO. HUTCHINSON.

Boston, 7th May 1767.

S I R,

I AM indebted to you for the obliging manner in which you receiv'd my recommendation of my good friend Mr. Paxton, as well as for the account you are pleased to send me of the situation of affairs in the mother country.

I am very sorry that the colonies give you so much employment, and it is impossible to say how long it will be before things settle into quiet among us. We have some here who have been so busy in fomenting the late disturbances, that they may now think it needful for their own security to keep up the spirit. They have plumed themselves much upon the victory they have gained, and the support they have since met with ; nor could any thing better shew what they would still be at, than the manner in which by their own account published in the news-papers last August they celebrated the 14th of that month, as the first anniversary commemoration of what they had done at the tree of liberty on that day the year before. Here a number of respectable gentlemen as they inform us now met, and among other toasts drank

drank general Paoli, and the spark of liberty kindled in Spain. I am now speaking of a few individuals only, the body of the people are well disposed, yet when you come to see the journal of the house of representatives the last session, I fear you will think that the same spirit has seized our public counsels. I can however fairly say thus much in behalf of the government, that the last house was packed by means of a public proscription just before the election, of the greatest part of those who had appeared in the preceding session in the support of government : their names were published in an inflammatory news-paper, and their constituents made to believe they were about to sell them for slaves. Writs are now out for a new assembly, but I cannot answer for the choice : I hope however that the people in general are in a better temper ; yet the moderate men have been so brow-beaten in the house, and found themselves so insignificant there the last year, that some of them will voluntarily decline coming again. I think this looks too much like a despair of the common-wealth, and cannot be justified on patriotic principles.

The election of councillors was carried the last year as might have been expected from such an house. The officers of the crown and the judges of the superior court were excluded. And I hear that it is the design of some who expect to be returned members of the house this year to make sure work at the ensuing election of counsellors, by excluding, if they can, the gentlemen of the council (who by charter remain such 'till others are chosen in their room) from any share in the choice, tho' they have always had their voice in it hitherto from the first arrival of the charter. If the house do this, they will have it in their power to model the council as they please, and throw all the powers of government into the hands of the people, unless the governor should again exert his negative as he did the last year.

You have doubtless seen some of the curious messages from the late house to the governor, and can't but have observed with how little decency they have attacked both the governor and the lieutenant governor. They have also in effect forced the council to declare themselves parties in the quarrel they had against the latter in a matter of mere indifference. In their message to the governor of the 31st of January they have explicitly charged the lieutenant governor (a gentleman

man to whom they are more indebted than to any one man in the government) with "ambition and lust of power," merely for paying a compliment to the governor agreeable to ancient usage, by attending him to court and being present in the council-chamber when he made his speech at the opening of the session? at which time they go on to say, "none but the general court and their servants are intended to be present", still holding out to the people the servants of the crown as objects of insignificance, ranking the secretary with their door-keeper, as servants of the assembly; for the secretary with his clerks and the door-keeper are the only persons present with the assembly on these occasions.

The officers of the crown being thus less'n'd in the eyes of the people, takes off their weight and influence, and the balance will of course turn in favor of the people, and what makes them still more insignificant is their dependance on the people for a necessary support: If something were left to the goodwill of the people, yet nature should be sure of a support. The governor's salary has for about 35 years past been pretty well understood to be a thousand pound a year sterling. When this sum was first agreed to, it was very well; but an increase of wealth since has brought along with it an increase of luxury, so that what was sufficient to keep up a proper distinction and support the dignity of a governor then, may well be supposed to be insufficient for the purpose now. The lieutenant governor has no appointments as such: the captaincy of Castle-William which may be worth £. 120 sterling a year is looked upon indeed as an appendage to his commission, and the late lieutenant governor enjoyed no other appointment: he lived a retired life upon his own estate in the country, and was easy. The present lieutenant governor indeed has other appointments, but the people are quarrelling with him for it, and will not suffer him to be easy unless he will retire also.

The secretary may have something more than £. 200 a year sterling, but has for the two last years been allowed £. 60 lawful money a year less than had been usual for divers years preceding, tho' he had convinced the house by their committee that without this deduction he would have had no more than £. 250 sterling per annum in fees, perquisites and salary altogether, which is not the one half of his annual expence.

The crown did by charter reserve to itself the appoint-
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ment

ment of a governor, lieutenant-governor and secretary : the design of this was without doubt to maintain some kind of balance between the powers of the crown and of the people ; but if officers are not in some measure independent of the people (for it is difficult to serve two masters) they will sometimes have a hard struggle between duty to the crown and a regard to self, which must be a very disagreeable situation to them, as well as a weakening to the authority of government. The officers of the crown are very few, and are therefore the more easily provided for without burdening the people : *and such provision I look upon as necessary to the restoration and support of the King's authority.*

But it may be said how can any new measures be taken without raising new disturbances ? The manufacturers in England will rise again and defeat the measures of government. This game 'tis true has been played once and succeeded, and it has been asserted here, that it is in the power of the colonies at any time to raise a rebellion in England by refusing to send for their manufactures. For my own part I do not believe this. The merchants in England, and I don't know but those in London and Bristol only, might always govern in this matter and quiet the manufacturer. The merchants view is always to his own interest. As the trade is now managed, the dealer here sends to the merchant in England for his goods ; upon these goods the English merchant puts a profit of 10 or more probably of 15 per cent when he sends them to his employer in America. The merchant is so jealous of foregoing this profit that an American trader cannot well purchase the goods he wants of the manufacturer ; for should the merchant know that the manufacturer had supplied an American, he would take off no more of his wares. The merchants therefore having this profit in view will by one means or other secure it.— They know the goods which the American market demands, and may therefore safely take them off from the manufacturer, tho' they should have no orders for shipping them this year or perhaps the next ; and I dare say, it would not be longer before the Americans would clamour for a supply of goods from England, for it is vain to think they can supply themselves. The merchant might then put an advanced price upon his goods, and possibly be able to make his own terms ; or if it should be tho't the goods would not bear an advanced

advanced price to indemnify him, it might be worth while for the government to agree with the merchants before hand to allow them a premium equivalent to the advance of their stock, and *then the game would be over.*

I have wrote with freedom in confidence of my name's not being used on the occasion. For though I have wrote nothing but what in my conscience I think an American may upon just principles advance, and what a servant of the crown ought upon all proper occasions to suggest, yet the many prejudices I have to combat with may render it unfit it should be made public.

I communicated to governor Bernard what you mentioned concerning him, who desires me to present you his compliments, and let you know that he is obliged to you for the expressions of your regard for his injured character.

I am with great respect,

Sir, your most obedient and most humble servant,
I ask your acceptance of a journal And^w Oliver.
of the last session which is put
up in a box directed to the secretary of the board of trade.

S I R,

Boston, 11 May, 1768.

I AM this moment favored with your very obliging letter by Capt. Jarvis of the 2d March, which I have but just time to acknowledge, as this is the day given out for the ship to sail. I wrote you the 23d of Feb. in reply to your letter of the 28th December, that of the 12th February which you refer to in this of the 2d of March is not yet come to hand. You lay me, Sir, under the greatest obligations as well for the interesting account of public affairs which you are from time to time pleased to transmit me, as for your ready attention to my private concerns. I shall always have the most grateful sense of Mr. Grenville's intentions of favour also, whether I ever reap any benefit from them or not.— Without a proper support afforded to the king's officers, the respect due to government will of course fail; yet I cannot say whether under the present circumstances, and considering the temper the people are now in, an additional provision for me would be of real benefit to me personally or not.— It has been given out that no person who receives a stipend from the government at home, shall live in the country.— Government here wants some *effectual* support : No sooner
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was it known that the lieut. governor had a provision of £.200 a year made for him out of the revenue, than he was advised in the Boston Gazette to resign all pretensions to a seat in council, either with or without a voice. The temper of the people may be surely learnt from that infamous paper; it is the very thing that forms their temper; for if they are not in the temper of the writer at the time of the publication, yet it is looked upon as the ORACLE, and they soon bring their temper to it. Some of the latest of them are very expressive, I will not trouble you with sending them, as I imagine they somehow or other find their way to you: But I cannot but apprehend from these papers and from hints that are thrown out, that if the petition of the House to his Majesty and their letters to divers noble Lords should fail of success, some people will be mad enough to go to extremities. The commissioners of the customs have already been openly affronted, the governor's company of Cadets have come to a resolution not to wait on him (as usual) on the day of General Election the 25th instant if those gentlemen are of the company. And the Town of Boston have passed a Vote that Faneuil Hall (in which the governor and his company usually dine on that day) shall not be opened to him if the commissioners are invited to dine with him. A list of counsellors has within a few days past been printed and dispersed by way of sneer on Lord Shelburne's letter, made up of king's officers; which list, the writer says, if adopted at the next general election may take away all grounds of complaint, and may possibly prove a healing and very salutary measure. The lieutenant-governor is at the head of this list, they have done me the honour to put me next, the commissioners of the customs are all in the list, except *Mr. Temple*, and to compleat the list they have added some of the waiters. I never thought 'till very lately that they acted upon any *settled plan*, nor do I now think they have 'till of late; a few, a very few, among us have planned the present measures, and the government has been too weak to subdue their turbulent spirits. Our situation is not rightly known; but it is a matter worthy of the most serious attention.

I am with the greatest respect,

Sir, your most obedient and most humble Servant,
 I shall take proper care to forward } And^w Oliver.
 your Letter to Mr. Ingersol. }
 He had received your last.

Boston, 13th February, 1769.

S I R,

I HAVE your very obliging favor of the 4th of October. I find myself constrained as well by this letter as by my son and daughter's Spooner's letters since, to render you my most sincere thanks for the very polite notice you have taken of them ; and I pray my most respectful compliments to the good lady your mother, whose friendly reception of them at Nonsuch has, I find engaged their warmest esteem and respect—He hath wrote us that he had a prospect of succeeding in the business he went upon ; but the last letter we had was from her of the 23^d of November, acquainting us that he had been very ill, but was getting better. She writes as a person overcome with a sense of the kindness they had met with, in a place where they were strangers, on this trying occasion.

You have heard of the arrival of the King's troops, the quiet reception they met with among us was not at all surprising to me.—I am sorry there was any occasion for sending them. From the address of the Gentlemen of the Council to General Gage, it might be supposed there was none. I have seen a letter from our friend Ingersoll with this paraphrase upon it—"We hope that your Excellency observing with your own eyes *now* the troops are among us, our peaceable and quiet behavior, will be convinced that that wicked G——r B——d told a fib in saying, We were not so before they came."

I have given you the sense of a stranger on a single paragraph of this address, because I suspected my own opinion of it, 'till I found it thus confirm'd—If you have the newspapers containing the address, your own good sense will lead you to make some other remarks upon it, as well as to trace the influence under which it seems to have been penned. The disturbers of our peace take great advantage of such aids from people in office and power—The lieutenant governor has communicated to me your letter containing an account of the debates in parliament on the first day of the session : We soon expect their decision on American affairs, some I doubt not with fear and trembling—Yet I have very lately had occasion to know, that be the determination of parliament what it will, it is the determination of some to agree to no terms that shall remove us from our old foundation.

dition. This confirms me in an opinion that I have taken up a long time since, that if there be no way to take off the original incendiaries, they will continue to instill their poison into the minds of the people through the vehicle of the BOSTON GAZETTE.

In your letter to the lieutenant governor you observe upon two defects in our constitution, the popular election of the Council, and the return of Juries by the Towns. The first of these arises from the Charter itself; the latter from our provincial Laws. The method of appointing our Grand Juries lies open to management. Whoever pleases, nominates them at our town-meetings; by this means one who was suppos'd to be a principal in the Riots of the 10th of June last, was upon that Jury whose business it was to inquire into them: But the provincial legislature hath made sufficient provision for the return of Petit Juries by their act of 23d Geo. 2d, which requires the several towns to take lists of all persons liable by law to serve, and forming them into two classes, put their names written on separate papers into two different boxes, one for the superior court and the other for the inferior: And when venuries are issued, the number therein required are to be drawn out in open town-meeting, no person to serve oftner than once in three years—The method of appointing Grand Juries appears indeed defective; but if the other is not it may be imputed to the times rather than to the defect of the laws—that neither the Grand Juries nor the Petit Juries have of late answered the expectations of government.

As to the appointment of the council, I am of opinion that neither the popular elections in this province, nor their appointment in what are called the royal governments by the King's mandamus, are free from exceptions, especially if the council as a legislative body is intended to answer the idea of the house of lords in the British legislature. There they are suppos'd to be a free and independent body, and on their being such the strength and firmness of the constitution does very much depend: whereas the election or appointment of the councils in the manner before mentioned renders them altogether dependent on their constituents. The King is the fountain of honour, and as such the peers of the realm derive their honours from him; but then they hold them by a surer tenour than the provincial counsellors who
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are appointed by mandamus. On the other hand, our popular elections very often expose them to contempt ; for nothing is more common, than for the representatives, when they find the council a little untractable at the close of the year, to remind them that May is at hand.

It may be accounted by the colonies as dangerous to admit of any alterations in their charters, as it is by the governors in the church to make any in the establishment ; yet to make the resemblance as near as may be to the British parliament, some alteration is necessary.

It is not requisite that I know of, that a counsellor shou'd be a freeholder ; his residence according to the charter is a sufficient qualification ; for that provides only, that he be an inhabitant of or proprietor of lands within the district for which he is chosen : whereas the peers of the realm sit in the house of lords, as I take it, in virtue of their baronies. If there shou'd be a reform of any of the colony charters with a view to keep up the resemblance of the three estates in England, the legislative council shou'd consist of men of landed estates ; but as our landed estates here are small at present, the yearly value of £.100 sterling per annum might in some of them at least be a sufficient qualification. As our estates are partable after the decease of the proprietor, the honour could not be continued in families as in England : It might however be continued in the appointee *quam diu bene se gesserit*, and proof be required of some mal-practice before a suspension or removal. Bankruptcy also might be another ground for removal. A small legislative council might answer the purposes of government ; but it might tend to weaken that levelling principle, which is cherish'd by the present popular constitution, to have an honorary order establish'd, out of which the council shou'd be appointed. There is no way now to but a man of fortune above the common level, and exempt him from being chosen by the people into the lower offices, but his being appointed a justice of the peace ; this is frequently done when there is no kind of expectation of his undertaking the trust, and has its inconveniences. For remedy hereof it might be expedient to have an order of Patricians or Esquires instituted, to be all men of fortune or good landed estates, and appointed by the governor with the advice of council, and enroll'd in the secretary's office, who shou'd be exempted from the lower offices

offices in government as the justices now are ; and to have the legislative council (*which in the first instance might be nominated by the Crown*) from time to time fill'd up, as vacancies happen out of this order of men, who, if the order consisted only of men of landed estates, might elect, as the Scottish peers do, only reserving to the King's governor a negative on such choice. The King in this case wou'd be still acknowledged as the fountain of honour, as having in the first instance the appointment of the persons enroll'd, out of whom the council are to be chosen, and finally having a negative on the choice. Or, the King might have the immediate appointment by mandamus as at present in the royal governments. As the gentlemen of the council would rank above the body from which they are taken, they might bear a title one degree above that of esquire. Besides this legislative council, a privy council might be establish'd, to consist of some or all of those persons who constitute the legislative council, and of other persons members of the house of representatives or otherwise of note or distinction ; which wou'd extend the honours of government, and afford opportunity of distinguishing men of character and reputation, the expectation of which wou'd make government more respectable.

I wou'd not trouble you with these reveries of mine, were I not assured of your readiness to forgive the communication, although you could apply it to no good purpose.

Mr. Spooner sent me a pamphlet under a blank cover, intituled, "*the state of the nation*". I run over it by myself before I had heard any one mention it, and tho't I cou'd evidently mark the sentiments of some of my friends. By what I have since heard and seen, it looks as if I was not mistaken. Your right honorable friend I trust will not be offended if I call him mine—I am sure you will not when I term you such—I have settled it for a long time in my own mind that without a representation in the supreme legislature, there cannot be that union between the head and the members as to produce a healthful constitution of the whole body. I have doubted whether this union could be perfected by the first experiment. The plan here exhibited seems to be formed in generous and moderate principles, and bids the fairest of any I have yet seen to be adopted. Such a great design may as in painting require frequent touching before it be-

comes

comes a piece highly finish'd ; and after all may require the miliorating hand of time to make it please universally.— Thus the British constitution consider'd as without the colonies attain'd it's glory. The book I had sent me is in such request, that I have not been able to keep it long enough by me, to consider it in all its parts. I wish to hear how it is receiv'd in the house of commons. I find by the publications both of Governor Pownall and Mr. Bollan that they each of them adopt the idea of an union and representation, and I think it must more and more prevail. The argument against it from local inconveniency, must as it appears to me be more than balanc'd by greater inconveniencies on the other side the question, the great difficulty will be in the terms of union.—I add no more, as I fear I have already trespass'd much on your time and patience, but that I am,

Sir your obliged and most
obedient humble Servant,

And^w. Oliver.

New-York, 12th August, 1769.

S I R,

I HAVE been in this city for some time past executing (with others) his Majesty's commission for settling the boundary between this province and that of New-Jersey. I left Boston the 11th July, since which my advices from London have come to me very imperfect ; but as my friend Mr. Thompson writes me that he had drawn up my case and with your approbation laid it before the D. of Grafton, I think it needful once more to mention this business to you.

There was a time when I thought the authority of government might have been easily restored ; but while it's friends and the officers of the crown are left to an abject dependance on these very people who are undermining it's authority ; and while these are suffered not only to go unpunished, but on the contrary meet with all kind of support and encouragement, it cannot be expected that you will ever again recover that respect which the colonies had been wont to pay to the parent state. Government at

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home

home will deceive itself, if it imagines that the taking off the duty on glass, paper and painter's colors will work a reconciliation, and nothing more than this, as I can learn, is proposed in Ld. H's late circular letter. It is the principle that is now disputed; the combination against importation extends to tea, although it comes cheaper than ever, as well as to the other forementioned articles. In Virginia it is extended lately to wines; and I have heard one of the first leaders in these measures in Boston say, that we should never be upon a proper footing 'till all the revenue acts from the 15th Charles 2d were repealed. Our assembly in the Massachusetts may have been more illiberal than others in their public messages and resolves; yet we have some people among us still who dare to speak in favour of government: But here I do not find so much as one, unless it be some of the King's servants; and yet my business here leads me to associate with the best. They universally approve of the combination against importing of goods from Great-Britain, unless the revenue acts are repealed, which appears to me little less than assuming a negative on all acts of parliament which they do not like! They say expressly, we are bound by none made since our emigration, but such as for our own convenience we choose to submit to; such for instance as that for establishing a post-office. The Bill of Rights and the Habeas Corpus Acts, they say are only declaratory of the common law which we brought with us.

Under such circumstance as these, why would I wish to expose myself to popular resentment? Were I to receive any thing out of the revenue, I must expect to be abused for it. Nor do I find that our chief justice has received the £.200 granted him for that service; and yet the assembly have this year withheld his usual grant, most probably because he has such a warrant from the crown.

With regard to my negotiations with Mr. Rogers, I did

in conformity to your opinion make an apology to Mr. Secretary Pownall for mentioning it, and there submitted it. I hear it has been since talk'd of ; but unless I could be assured in one shape or other of £.300 per annum, with the other office, I would not chuse to quit what I have. I have no ambition to be distinguished, if I am only to be held up as a mark of popular envy or resentment. I was in hopes before now through the intervention of your good offices to have received some mark of favour from your good friend ; but the time is not yet come to expect it thro' that channel ! I will however rely on your friendship, whenever you can with propriety appear in forwarding my interest, or preventing any thing that may prove injurious to it.

If Mr. R. has interest enough to obtain the secretary's place, I shall upon receiving proper security think myself in honor bound to second his views, though I have none at present from him but a conditional note he formerly wrote me. If he is not like to succeed, and my son Daniel could have my place, I would be content unless affairs take a different turn to resign in his favor, whether administration should think proper to make any further provision for me or not. And yet I never thought of withdrawing myself from the service, while there appeared to me any prospect of my being able to promote it.

If I have wrote with freedom, I consider I am writing to a friend, and that I am perfectly safe in opening myself to you.

I am, with great respect,

Sir, your most obedient humble servant,

And^w Oliver.

DEAR

DEAR SIR,

THE commissioners of the customs have met with every insult since their arrival at Boston, and at last have been obliged to seek protection on board his Majesty's ship Romney :—Mr Hallowell, the comptroller of the customs who will have the honor to deliver you this Letter, will inform you of many particulars ; he is sent by the Board with their letters to Government. Unless we have immediately two or three regiments, 'tis the opinion of all the friends to government, that Boston will be in open rebellion.

I have the honor to be with the greatest respect and warmest regard,

Dear Sir,

Your most faithful and oblig'd servant,

CHA. PAXTON.

*On board his Majesty's Ship
Romney, Boston Harbour, }
20th June, 1768.*

Boston,

Boston, December 12th, 1768.

MY DEAR SIR,

I wrote you a few days ago, and did not then think of troubling you upon any private affair of mine, at least not so suddenly ; but within this day or two, I have had a conversation with Mr. Oliver, secretary of the province, the design of which was my succeeding to the post he holds from the crown, upon the idea, that provision would be made for governor Bernard, and the lieutenant governor would succeed to the chair, then the secretary is desirous of being lieutenant governor, and if in any way, three hundred pounds a year could be annexed to the appointment. You are sensible the appointment is in one department, and the grant of money in another ; now the present lieutenant-governor has an assignment of £.200 a year upon the customs here ; he has not received any thing from it as yet, and is doubtful if he shall ; he has no doubt of its lapse to the crown, if he has the chair ; if then by any interest that sum could be assigned to Mr. Oliver as lieutenant governor, and if he should be allowed (as has been usual for all lieutenant governors) to hold the command of the castle, that would be another £.100. This would compleat the secretary's views ; and he thinks his public services, the injuries he has received in that service, and the favourable sentiments entertained of him by government, may lead him to these views, and he hopes for the interest of his friends. The place of secretary is worth £.300 a year, but is a provincial grant at present, so that it will not allow to be quartered on : And as I had view upon the place when I was in England, and went so far as to converse with several men of interest upon it, tho' I never had an opportunity to mention it to you after I recovered my illness—I hope you will allow me your influence, and by extending it at the treasury to facilitate the assignment of the £.200 a year, it will be serving the secretary, and it will very much oblige me.—The secretary is advanced in life, tho' much more so in health, which has been much impaired by the injuries he received, and he wishes to quit the more active scenes ; he considers this as a kind of otium cum dignitate, and from merits one may think he has a claim to it. I will mention to you the gentlemen, who are acquainted with my views and whose favourable approbation I have had. Governor Pownall, Mr. John Pownall, and Dr. Franklin.—My lord Hillsborough is not unacquainted with it—I have since I have been here, wrote Mr. Jackson

Jackson upon the subject, and have by this vessel wrote Mr. Mauduit. I think my character stands fair—I have not been without application to public affairs, and have acquired some knowledge of our provincial affairs, and notwithstanding our many free conversations in England, I am considered here as on government side, for which I have been often traduced both publicly and privately, and very lately have had two or three slaps. The governor and lieutenant governor are fully acquainted with the negotiation, and I meet their approbation; all is upon the idea the governor is provided for, and there shall by any means be a vacancy of the lieut. governor's place. I have gone so far, as to say to some of my friends, that rather than not succeed I would agree to pay the secretary £.100 a year out of the office to make up £.300, provided he could obtain only the assignment of £.200—but the other proposal would to be sure be most eligible. I scarce know any apology to make for troubling you upon the subject; the friendship you shewed me in London, and the favourable expressions you made use of to the lieut. governor in my behalf encourage me, besides a sort of egotism, which inclines men to think what they wish to be real. I submit myself to the enquiries of any of my countrymen in England, but I should wish the matter may be secret 'till it is effected.

I am with very great respect and regard, my dear sir,

Your most obedient, and most humble servant,

NATH. ROGERS.