

Coercive Acts

by British Parliament

1774

Boston Port Act (March 31, 1774)

An act to discontinue, in such manner, and for such time as are therein mentioned, the landing and discharging, lading or shipping, of goods, wares, and merchandise, at the town, and within the harbour, of Boston, in the province of Massachusetts's Bay, in North America.

WHEREAS dangerous commotions and insurrections have been fomented and raised in the town of Boston, in the province of Massachusetts's Bay, in New England, by divers ill-affected persons, to the subversion of his Majesty's government, and to the utter destruction of the publick peace, and good order of the said town; in which commotions and insurrections certain valuable cargoes of teas, being the property of the East India Company, and on board certain vessels lying within the bay or harbour of Boston, were seized and destroyed: And whereas, in the present condition of the said town and harbour, the commerce of his Majesty's subjects cannot be safely carried on there, nor the customs payable to his Majesty duly collected; and it is therefore expedient that the officers of his Majesty's customs should be forthwith removed from the said town: May it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of June, one thousand seven hundred and seventy-four, it shall not be lawful for any person or persons whatsoever to lade put, or cause or

procure to be laden or put, off or from any quay, wharf, or other place, within the said town of Boston, or in or upon any part of the shore of the bay, commonly called The Harbour of Boston, between a certain headland or point called Nahant Point, on the eastern side of the entrance into the said bay, and a certain other headland or point called Alderton Point, on the western side of the entrance into the said bay, or in or upon any island, creek, landing place, bank, or other place, within the said bay or headlands, into any ship, vessel, lighter, boat, or bottom, any goods, wares, or merchandise whatsoever, to be transported or carried into any other country, province or place whatsoever, or into any other part of the said province of the Massachuset's Bay, in New England; or to take up, discharge, or lay on land, or cause or procure to be taken up, discharged, or laid on land, within the said town, or in or upon any of the places aforesaid, out of any boat, lighter, ship, vessel, or bottom, any goods, wares, or merchandise whatsoever, to be brought from any other country, province, or place, or any other part of the said province of the Massachuset's Bay in New England, upon pain of the forfeiture of the said goods, wares, and merchandise, and of the said boat, lighter, ship, or vessel or other bottom into which the same shall be taken, and of the guns, ammunition, tackle, furniture, and stores, in or belonging to the same: And if any such goods, wares, or merchandise, shall, within the said town, or in any the places aforesaid, be laden or taken in from the shore into any barge, hoy, lighter, wherry, or boat, to be carried on board any ship or vessel coming in and arriving from any other country or province, or other part of the said province of the Massachuset's Bay in New England, such barge, hoy, lighter, wherry, or boat, shall be forfeited and lost.

II. And be it further enacted by the authority aforesaid, That if any warfinger, or keeper of any wharf, crane, or quay, of their servants, or any of them, shall take up or land, or knowingly suffer to be taken up or landed, or shall ship off, or suffer to be waterborne, at or from any of their said wharfs, cranes, or quays, any such goods, wares, or merchandise; in every such case, all and every such wharfinger, and keeper of such wharf, crane, or quay, and every person whatever who shall be assisting, or otherwise concerned in the shipping or in the loading or putting on board any boat, or other vessel for that purpose, or in the unshipping such goods, wares, and merchandise, or to whose hands the same shall knowingly come after the loading, shipping, or unshipping thereof, shall forfeit and lose treble the value thereof, to be computed at the highest price which such sort of goods, wares, and merchandise, shall bear at the place where such offence shall

be committed, together with the vessels and boats, and all the horses, cattle, and carriages, whatsoever made use of in the shipping, unshipping, landing, removing, carriage, or conveyance of any of the aforesaid goods, wares, and merchandise.

III. And be it further enacted by the authority aforesaid, That if any ship or vessel shall be moored or lie at anchor, or be seen hovering within the said bay, described and bounded as aforesaid, or within one league from the said bay so described, or the said headlands, or any of the islands lying between or within the same, it shall and may be lawful for any admiral, chief commander, or commissioned officer, of his Majesty's fleet or ships of war, or for any officer of his Majesty's customs, to compel such ship or vessel to depart to some other port or harbour, or to such station as the said officer shall appoint, and to use such force for that purpose as shall be found necessary: And if such ship or vessel shall not depart accordingly, within six hours after notice for that purpose given by such person as aforesaid, such ship or vessel, together with all the goods laden on board thereon, and all the guns, ammunition, tackle, and furniture, shall be forfeited and lost, whether bulk shall have been broken or not.

IV. Provided always, That nothing in this act contained shall extend, or be construed to extend, to any military or other stores for his Majesty's use, or to the ships or vessels whereon the same shall be laden, which shall be commissioned by, and in the immediate pay of, his Majesty, his heirs or successors; nor to any fuel or victual brought coastwise from any part of the continent of America, for the necessary use and sustenance of the inhabitants of the said town of Boston, provided the vessels wherein the same are to be carried shall be duly furnished with a cocket and let-pass, after having been duly searched by the proper officers of his Majesty's customs at Marblehead, in the port of Salem, in the said province of Massachusetts's Bay; and that some officer of his Majesty's customs be also there put on board the said vessel, who is hereby authorized to go on board, and proceed with the said vessel, together with a sufficient number of persons, properly armed, for his defence, to the said town or harbour of Boston; nor to any ships or vessels which may happen to be within the said harbour of Boston on or before the first day of June, one thousand seven hundred and seventy four, and may have either laden or taken on board, or be there with intent to load or take on board, or to land or discharge any goods, wares, and merchandise, provided the said ships and vessels do depart the

said harbour within fourteen days after the said first day of June, one thousand seven hundred and seventy-four.

V. And be it further enacted by the authority aforesaid, That all seizures, penalties, and forfeitures, inflicted by this act, shall be made and prosecuted by any admiral, chief commander, or commissioned officer, of his Majesty's fleet, or ships of war, or by the officers of his Majesty's customs, or some of them, or by some other person deputed or authorised, by warrant from the lord high treasurer, or the commissioners of his Majesty's treasury for the time being, and by no other person whatsoever: And if any such officer, or other person authorised as aforesaid, shall, directly or indirectly, take or receive any bribe or reward, to connive at such lading or unlading, or shall make or commence any collusive seizure, information, or agreement for that purpose, or shall do any other act whatsoever, whereby the goods, wares, or merchandise, prohibited as aforesaid, shall be suffered to pass, either inwards or outwards, or whereby the forfeitures and penalties inflicted by this act may be evaded, every such offender shall forfeit the sum of five hundred pounds for every such offence, and shall become incapable of any office or employment, civil or military; and every person who shall give, offer, or promise, any such bribe or reward, or shall contract, agree, or treat with any person, so authorised as aforesaid, to commit any such offence, shall forfeit the sum of fifty pounds.

VI. And be it further enacted by the authority aforesaid, That the forfeitures and penalties inflicted by this act shall and may be prosecuted, sued for, and recovered, and be divided, paid, and applied, in like manner as other penalties and forfeitures inflicted by any act or acts of parliament, relating to the trade or revenues of the British colonies or plantations in America, are directed to be prosecuted, sued for, or recovered, divided, paid, and applied, by two several acts of parliament, the one passed in the fourth year of his present Majesty, (intituled, An act for granting certain duties in the British colonies and plantations in America; for continuing, amending, and making perpetual, an act passed in the sixth year of the reign of his late majesty King George the Second, intituled, An act for the better securing and encouraging the trade of his Majesty's sugar colonies in America: for applying the produce of such duties, and of the duties to arise by virtue of the said act, towards defraying the expences of defending, protecting, and securing, the said colonies and plantations; for explaining an act made in the twenty-fifth year of the reign of King Charles the Second, intituled, An act for the encouragement of the Greenland and

Eastland trades, and for the better securing the plantation trade; and for altering and disallowing several drawbacks on exports from this kingdom, and more effectually preventing the clandestine conveyance of goods to and from the said colonies and plantations, and improving and securing the trade between the same and Great Britain;) the other passed in the eighth year of his present Majesty's reign, (intituled, An act for the more easy and effectual recovery of the penalties and forfeitures inflicted by the acts of parliament relating to the trade or revenues of the British colonies and plantations in America.)

VII. And be it further enacted by the authority aforesaid, That every charter party bill of loading, and other contract for consigning shipping, or carrying any goods, wares, and merchandize whatsoever, to or from the said town of Boston, or any part of the bay or harbour thereof, described as aforesaid, which have been made or entered into, or which shall be made or entered into, so long as this act shall remain in full force, relating to any ship which shall arrive at the said town or harbour, after the first day of June, one thousand seven hundred and seventy-four, shall be, and the same are hereby declared to be utterly void, to all intents and purposes whatsoever.

VIII. And be it further enacted by the authority aforesaid, That whenever it shall be made to appear to his Majesty, in his privy council, that peace and obedience to the laws shall be so far restored in the said town of Boston, that the trade of Great Britain may safely be carried on there, and his Majesty's customs duly collected, and his Majesty, in his privy council, shall adjudge the same to be true, it shall and may be lawful for his Majesty, by proclamation, or order of council, to assign and appoint the extent, bounds, and limits, of the port or harbour of Boston, and of every creek or haven within the same, or in the islands within the precincts thereof; and also to assign and appoint such and so many open places, quays, and wharfs, within the said harbour, creeks, havens, and islands, for the landing, discharging, lading, and shipping of goods, as his Majesty, his heirs or successors, shall judge necessary and expedient; and also to appoint such and so many officers of the customs therein as his Majesty shall think fit, after which it shall be lawful for any person or persons to lade or put off from, or to discharge and land upon, such wharfs, quays, and places, so appointed within the said harbour, and none other, any goods, wares, and merchandise whatever.

IX. Provided always, That if any goods, wares, or merchandize, shall be laden or put off from, or discharged or landed upon, any other place than the quays, wharfs, or places, so to be appointed, the same, together with the ships, boats, and other vessels employed therein, and the horses, or other cattle and carriages used to convey the same, and the person or persons concerned or assisting therein, or to whose hands the same shall knowingly come, shall suffer all the forfeitures and penalties imposed by this or any other act on the illegal shipping or landing of goods.

X. Provided also, and it is hereby declared and enacted, That nothing herein contained shall extend, or be construed, to enable his Majesty to appoint such port, harbour, creeks, quays, wharfs, places, or officers in the said town of Boston, or in the said bay or islands, until it shall sufficiently appear to his Majesty that full satisfaction hath been made by or on behalf of the inhabitants of the said town of Boston to the united company of merchants of England trading to the East Indies, for the damage sustained by the said company by the destruction of their goods sent to the said town of Boston, on board certain ships or vessels as aforesaid; and until it shall be certified to his Majesty, in council, by the governor, or lieutenant governor, of the said province, that reasonable satisfaction hath been made to the officers of his Majesty's revenue, and others, who suffered by the riots and insurrections above mentioned, in the months of November and December, in the year one thousand seven hundred and seventy-three, and in the month of January, in the year one thousand seven hundred and seventy-four.

XI. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced, either in Great Britain or America, against any person or persons, for any thing done in pursuance of this act of parliament, the defendant or defendants, in such action or suit, may plead the general issue, and give the said act, and the special matter, in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act: and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action, after the defendant or defendants shall have appeared: or if judgment shall be given upon any verdict or demurrer, against the plaintiff, the defendant or defendants shall recover treble costs, and have the like remedy for the same, as defendants have in other cases by law.

Massachusetts Government Act (May 20, 1774)

An act for the better regulating the government of the province of the Massachuset's Bay, in New England.

WHEREAS by letters patent under the great seal of England, made in the third year of the reign of their late majesties King William and Queen Mary, for uniting, erecting, and incorporating, the several colonies, territories, and tracts of land therein mentioned, into one real province, by the name of Their Majesties Province of the Massachuset's Bay, in New England; whereby it was, amongst other things, ordained and established, That the governor of the said province should, from thenceforth, be appointed and commissioned by their Majesties, their heirs and successors: It was, however, granted and ordained, That, from the expiration of the term for and during which the eight and twenty persons named in the said letters patent were appointed to be the first counsellors or assistants to the governor of the said province for the time being, the aforesaid number of eight and twenty counsellors or assistants should yearly, once in every year, for ever thereafter, be, by the general court or assembly, newly chosen: And whereas the said method of electing such counsellors or assistants, to be vested with the several powers, authorities, and privileges, therein mentioned, although conformable to the practice theretofore used in such of the colonies thereby united, in which the appointment of the respective governors had been vested in the general courts or assemblies of the said colonies, hath, by repeated experience, been found to be extremely ill adapted to the plan of government established in the province of the Massachuset's Bay, by the said letters patent herein-before mentioned, and hath been so far from contributing to the attainment of the good ends and purposes thereby intended, and to the promoting of the internal welfare, peace, and good government of the said province, or to the maintenance of the just subordination to, and conformity with, the laws of Great Britain, that the manner of exercising the powers, authorities, and privileges aforesaid, by the persons so annually elected, hath, for some time past, been such as had the most manifest tendency to obstruct, and, in great measure, defeat, the execution of the laws; to weaken and, in great measure, defeat, the execution of the laws; to weaken the attachment of his Majesty's well-disposed subjects in the said province to his Majesty's government, and to encourage the ill-disposed among them to proceed even to acts of direct resistance to, and defiance of, his Majesty's authority; And it hath accordingly happened that an open resistance to the execution of the laws hath actually taken place in the town of Boston, and the neighbourhood thereof, within the said

province: And whereas it is, under these circumstances, become absolutely necessary, in order to the preservation of the peace and good order of the said province, the protection of his Majesty's well-disposed subjects therein resident, the continuance of the mutual benefits arising from the commerce and correspondence between this kingdom and the said province, and the maintaining of the just dependance of the said province upon the crown and parliament of Great Britain, that the said method of annually electing the counsellors or assistants of the said province should no longer be suffered to continue but that the appointment of the said counsellors or assistants should henceforth be put upon the like footing as is established in such other of his Majesty's colonies or plantations in America, the governors whereof are appointed by his Majesty's commission, under the great seal of Great Britain: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of August, one thousand seven hundred and seventy-four, so much of the charter, granted by their majesties King William and Queen Mary to the inhabitants of the said province of the Massachuset's Bay, in New England, and all and every clause, matter, and thing, therein contained, which relates to the time and manner of electing the assistants or counsellors for the said province, be revoked, and is hereby revoked and made void and of none effect; and that the offices of all counsellors and assistants, elected and appointed in pursuance thereof, shall from thenceforth cease and determine: And that, from and after the said first day of August, one thousand seven hundred and seventy-four, the council, or court of assistants of the said province for the time being, shall be composed of such of the inhabitants or proprietors of lands within the same as shall be thereunto nominated and appointed by his Majesty, his heirs and successors, from time to time, by warrant under his or their signet or sign manual, and with the advice of the privy council, agreeable to the practice now used in respect to the appointment of counsellors in such of his Majesty's other colonies in America, the governors whereof are appointed by commission under the great seal of Great Britain: provided, that the number of the said assistants or counsellors shall not, at any one time, exceed thirty-six, nor be less than twelve.

II. And it is hereby further enacted, That the said assistants or counsellors, so to be appointed as aforesaid, shall hold their offices respectively, for and during the pleasure of his Majesty, his heirs or successors; and shall have and enjoy all the

powers, privileges, and immunities, at present held, exercised, and enjoyed, by the assistants or counsellors of the said province, constituted and elected, from time to time, under the said charter, (except as herein-after excepted); and shall also, upon their admission into the said council, and before they enter upon the execution of their offices respectively, take the oaths, and make, repeat, and subscribe, the declarations required, as well by the said charter as by any law or laws of the said province now in force, to be taken by the assistants or counsellors who have been so elected and constituted as aforesaid.

III. And be it further enacted by the authority aforesaid, That from and after the first day of July, one thousand seven hundred and seventy-four, it shall and may be lawful for his Majesty's governor for the time being of the said province, or, in his absence, for the lieutenant-governor, to nominate and appoint, under the seal of the province, from time to time, and also to remove, without the consent of the council, all judges of the inferior courts of common pleas, commissioners of Oyer and Terminer, the attorney general, provosts, marshals, justices of the peace, and other officers to the council or courts of justice belonging; and that all judges of the inferior courts of common pleas, commissioners of Oyer and Terminer, the attorney general, provosts, marshals, justices, and other officers so appointed by the governor, or, in his absence, by the lieutenant-governor alone, shall and may have, hold, and exercise, their said offices, powers, and authorities, as fully and completely, to all intents and purposes, as any judges of the inferior courts of common pleas, commissioners of Oyer and Terminer, attorney general, provosts, marshals, or other officers, have or might have done heretofore under the said letters patent, in the third year of the reign of their late majesties King William and Queen Mary; any law, statute, or usage, to the contrary notwithstanding.

IV. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to annul or make void the commission granted before the said first day of July, one thousand seven hundred and seventy-four, to any judges of the inferior courts of common pleas, commissioners of Oyer and Terminer, the attorney general, provosts, marshals, justices of the peace, or other officers; but that they may hold and exercise the same, as if this act had never been made, until the same shall be determined by death, removal by the governor, or other avoidance, as the case may happen.

V. And be it further enacted by the authority aforesaid, That, from and after the said first day of July, one thousand seven hundred and seventy-four, it shall and may be lawful for his Majesty's governor, or, in his absence, for the lieutenant-governor for the time being of the said province, from time to time, to nominate and appoint the sheriffs without the consent of the council, and to remove such sheriffs with such consent, and not otherwise.

VI. And be it further enacted by the authority aforesaid, That, upon every vacancy of the officers of chief justice and judges of the superior court of the said province, from and after the said first day of July, one thousand seven hundred and seventy-four, the governor for the time being, or, in his absence, the lieutenant-governor, without the consent of the council, shall have full power and authority to nominate and appoint the persons to succeed to the said offices; who shall hold their commissions during the pleasure of his Majesty, his heirs and successors; and that neither the chief justice or judges appointed before the said first day of July, one thousand seven hundred and seventy-four, nor those who shall hereafter be appointed pursuant to this act, shall be removed, unless by the order of his Majesty, his heirs or successors, under his or their sign manual.

VII. And whereas, by several acts of the general court, which have been from time to time enacted and passed within the said province, the freeholders and inhabitants of the several townships, districts, and precincts, qualified, as is therein expressed, are authorised to assemble together, annually, or occasionally, upon notice given, in such manner as the said acts direct, for the choice of select men, constables, and other officers, and for the making and agreeing upon such necessary rules, orders, and bye laws, for the directing, managing, and ordering, the prudential affairs of such townships, districts, and precincts, and for other purposes: and whereas a great abuse has been made of the power of calling such meetings, and the inhabitants have, contrary to the design of their institution, been misled to treat upon matters of the most general concern, and to pass many dangerous and unwarrantable resolves: for remedy whereof, be it enacted, That from and after the said first day of August, one thousand seven hundred and seventy-four, no meeting shall be called by the select men, or at the request of any number of freeholders of any township, district, or precinct, without the leave of the governor, or, in his absence, of the lieutenant-governor, in writing, expressing the special business of the said meeting, first had and obtained,

except the annual meeting in the months of March or May, for the choice of select men, constables, and other officers, or except for the choice of persons to fill up the offices aforesaid, on the death or removal of any of the persons first elected to such offices, and also, except any meeting for the election of a representative or representatives in the general court; and that no other matter shall be treated of at such meetings, except the election of their aforesaid officers or representatives, nor at any other meeting, except the business expressed in the leave given by the governor, or, in his absence, by the lieutenant-governor.

VIII. And whereas the method at present used in the province of Massachusetts's Bay in America, of electing persons to serve on grand juries, and other juries, by the freeholders and inhabitants of the several towns, affords occasion for many evil practices, and tends to pervert the free and impartial administration of justice: for remedy whereof, be it further enacted by the authority aforesaid, That, from and after the respective times appointed for the holding of the general sessions of the peace in the several counties within the said province, next after the month of September, one thousand seven hundred and seventy-four, the jurors to serve at the superior courts of judicature, courts of assize, general gaol delivery, general sessions of the peace, and inferior court of common pleas, in the several counties within the said province, shall not be elected, nominated, or appointed, by the freeholders and inhabitants of the several towns within the said respective counties nor summoned or returned by the constables of the said towns; but that, from thenceforth, the jurors to serve at the superior courts of judicature, courts of assize, general gaol delivery, general sessions of the peace, and inferior court of common pleas within the said province, shall be summoned and returned by the sheriffs of the respective counties within the said province; and all writs of Venire Facias, or other process or warrants to be issued for the return of jurors to serve at the said courts, shall be directed to the sheriffs of the said counties respectively, any law, custom, or usage, to the contrary notwithstanding.

IX. Provided always, and be it further enacted by the authority aforesaid, That wherever the sheriff of any country shall happen to be a party, or interested or related to any party of person interested in any prosecution or suit depending in any of the said courts; that then in such case, the writ of Venire Facias, of other process or warrant for the summoning and return of a jury, for the trial of such prosecution or suit, shall be

directed to, and executed by, the coroner of such county; and in case such coroner shall be also a party, or interested in, or related to, the Venire Facias, or other process or warrant, for the summoning and return of a jury for the trial of such prosecution or suit shall be directed to, and executed by, a proper and indifferent person, to be appointed for that purpose by the court wherein such prosecution or suit shall be depending.

X. And that all sheriffs may be the better informed of persons qualified to serve on juries at the superior courts of judicature, courts of assize, general gaol delivery, general sessions of the peace, and inferior court of common pleas, within the said province, be it further enacted by the authority aforesaid, That the constables of the respective towns, within the several counties of the said province, shall, at the general sessions of the peace to be holden for each county, next after the month of September in every year, upon the first day of the said sessions, return and deliver to the justices of the peace, in open court, a true list, in writing, of the names and places of abode of all persons within the respective towns for which they serve, or the districts thereof, qualified to serve upon juries, with their titles and additions, between the age of one and twenty years and the age of seventy years; which said justices or any two of them, at the said sessions in the respective counties, shall cause to be delivered a duplicate of the aforesaid lists, by the clerk of the peace of every county, to the sheriffs, or their deputies, within ten days after such session; and cause each of the said lists to be fairly entered into a book by the clerk of the peace, to be by him provided, and kept for that purpose amongst the records of the said court; and no sheriff shall impanel or return any person or persons to serve upon any grand jury, petit jury, whatsoever, in any of the said courts that shall not be named or mentioned in such list: and, to prevent a failure of justice, through the neglect of constables to make such returns of persons qualified to serve on juries, as in and by this act is directed, the clerks of the peace of the said several counties are hereby required and commanded, twenty days at least next before the month of September, yearly, and every year, to issue forth precepts or warrants, under their respective hands and seals, to the respective constables of the several towns within the said respective counties, requiring them, and every of them, to make such return of persons qualified to serve upon juries as hereby respectively directed; and every constable failing at any time to make and deliver such return to the justices in open court, as aforesaid, shall forfeit and incur the penalty of five

pounds sterling to his Majesty, and his successors: to be recovered by bill, plaint, or information, to be prosecuted in any of the courts aforesaid; and, in order that the constables may be the better enabled to make complete lists of all persons qualified to serve on juries, the constables of the several towns shall have free liberty, at all seasonable times, upon request by them made to any officer or officers, who shall have in his or their custody any book or account of rates or taxes on the freeholder or inhabitants within such respective towns, to inspect the same, and take from thence the names of such persons qualified to serve on juries, dwelling within the respective, towns for which such lists are to be given in and returned pursuant to this act; and shall, in the month of September, yearly, and every year, upon two or more Sundays, fix upon the door of the church, chapel, and every other publick place of religious worship within their respective precincts, a true and exact list of all such persons intended to be returned to the said general sessions of the peace, as qualified to serve on juries, pursuant to the directions of this act; and leave at the same time a duplicate of such list with the town clerk of the said place, perused by the freeholder and inhabitants thereof, to the end that notice may be given of persons duly qualified who are omitted, or of persons inserted by mistake who ought to be omitted out of such lists; and it shall and may be lawful to and for the justices, at the general sessions of the peace to which the said lists shall be so returned, upon due proof made before them of any person or persons duly qualified to serve on juries being omitted in such lists, or of any person or persons being inserted therein who ought to have been omitted, to order his or their name or names to be inserted or struck out, as the case may require: and in case any constable shall wilfully omit, out of such list, any person or persons, whose name or names ought to be inserted, or shall wilfully insert any person or persons who ought to be omitted, every constable so offending, shall, for every person so omitted or inserted in such list, contrary to the true intent and meaning of this act, be fined by the said justices, in the said general sessions of the peace, in the sum of forty shillings sterling.

XI. Provided always, and be it enacted by the authority aforesaid, That in case default shall at any time hereafter be made, by any constable or constables, to return lists of persons qualified to serve on juries within any of the said towns to the said court of general sessions of the peace; then, and in such case, it shall be lawful for the sheriff of the county, in which such default shall be made, to summon and return to the several courts aforesaid, or any of them, such and so many

persons dwelling in such towns, or the districts thereof, qualified to serve on juries, as he shall think fit to serve on juries at such respective courts; any thing herein contained to the contrary thereof in any-wise notwithstanding.

XII. And be it further enacted by the authority aforesaid, That every summons of any person, to serve upon any of the juries at the said courts, or any of them, shall be made by the sheriff, or other person, ten days at the least before the holding of every such court; and in case any jurors, so to be summoned, be absent from the usual place of his habitation at the time of such summons, notice of such summons shall be given, by leaving a note, in writing, under the hand of such sheriff, or person, containing the contents thereof, at the dwelling-house of such juror, with some person inhabiting in the same

XIII. Provided always, and be it further enacted by the authority aforesaid, That in case a sufficient number of persons qualified to serve on juries shall not appear at the said courts, or any of them, to perform the service of grand or petit jurors; that then, and in such case, it shall be lawful for the said court to issue a writ or precept to the sheriff, requiring him to summon a sufficient number of other persons qualified to serve on juries, immediately to appear at such court, to fill up and complete the number of jurors to serve at such court; and such persons are hereby required to appear and serve as jurors at the said courts accordingly.

XIV. And be it further enacted by the authority aforesaid, That no person who shall serve as a juror, at any of the said courts, shall be liable to serve again as a juror at the same court, or any other of the courts aforesaid, for the space of three years then next following; except upon special juries.

XV. And, in order that sheriffs may be informed of the persons who have served as jurors, it is hereby further enacted by the authority, aforesaid, that every sheriff shall prepare and keep a book, or register, wherein the names of all such persons who have served as jurors, with their additions and places of abode, and the times when, and the courts in which they served, shall be alphabetically entered and registered; which books or registers shall, from time to time, be delivered over to the succeeding sheriff of the said county; within ten days after he shall enter upon his office; and every juror, who shall attend and serve at any of the courts aforesaid, may at the expiration of the time of holding every such court, upon application to the sheriff, or his deputy, have a certificate immediately, gratis,

from the sheriff, or his deputy, testifying such his attendance and service; which said certificate the said sheriff, or his deputy, is required to give to every such juror.

XVI. And be it further enacted by the authority aforesaid, That if, by reason of challenges, or otherwise, there shall not be a sufficient number of jurors for the trial of any prosecution for any misdemeanour, or any action depending in any of the said courts; then, and in such case, the jury shall be filled up de Talibus Circumstantibus, to be returned by the sheriff, unless he be a party, or interested or related to any party or person interested in such prosecution or action; and, in any of which cases, to be returned by the coroner, unless he be a party, or interested or related to any party or person interested in such prosecution or action; and, in any of these cases, to be returned by a proper and indifferent person, to be appointed by the court for that purpose.

XVII. And be it further enacted by the authority aforesaid, That in case any person summoned to serve upon the grand or petit jury, at any of the courts aforesaid, or upon the jury in any prosecution, action, or suit, depending in any of the said courts, shall not appear and serve at the said courts, according to the said summons, (not having any reasonable excuse to be allowed by the judges or justices at such court,) he shall be fined by the judges or justices of such court in any sum not exceeding the sum of ten pounds, nor less than twenty shillings sterling.

XVIII. And be it further enacted by the authority aforesaid, That every sheriff, or other officer, to whom the Venire Facias, or other process or warrant, for the trial of causes, or summoning of juries, shall be directed, shall, upon his return of every such writ, or other process or warrant, (unless in cases where a special jury shall be struck by order or rule of court, pursuant to this act,) annex a pannel to the said writ, or process, or warrant, containing the christian and surnames, additions, and places of abode, of a competent number of jurors, named in such lists, which number of jurors shall not be less than twenty-four, nor more than forty-eight, without direction of the judges or justices of such court or session, or one of them, who are hereby respectively empowered and required, if he or they see cause, by order, under his or their respective hand or hands, to direct a greater number; and then such number as shall be so directed shall be the number to be returned to serve on such jury.

XIX. And be it further enacted by the authority aforesaid, That for the trials of all actions or suits depending in any of the said courts, the name of each and every person who shall be summoned and returned as aforesaid, with his addition, and the place of his abode, shall be written in several and distinct pieces of parchment, or paper, being all as near as may be of equal size and bigness. and shall be delivered unto the officer to be appointed by the court for that purpose, by the sheriff, under sheriff, or some agent of his; and shall, by direction and care of such officer, be rolled up all as near as may be, in the same manner, and put together in a box or glass to be provided for that purpose; and when any cause shall be brought on to be tried, some indifferent person, by direction of the court, may and shall, in open court, draw out twelve of the said parchments or paper, one after another; and if any of the persons, whose names shall be so drawn, shall not appear, or shall be challenged, and such challenge allowed, then such person shall proceed to draw other parchments or papers from the said box, till twelve indifferent persons shall be drawn; which twelve indifferent persons being sworn shall be the jury to try the said cause: and the names of the persons so drawn and sworn shall be kept apart by themselves in some other box or glass, to be kept, for that purpose, till such jury shall have given in their verdict and the same is recorded, or until such jury shall, by consent of the parties, or leave of the court, be discharged; and then the same names shall be rolled up again, and returned to the former box or glass, there to be kept, with the other names remaining at that time undrawn, and so toties quoties, as long as any cause remains then to be tried.

XX. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the superior court of assize, and court of common pleas upon motion made on behalf of his Majesty, his heirs or successors, or on the motion of any prosecutor or defendant, in any indictment or information for any misdemeanor depending, or to be brought or prosecuted in the said court, or on the motion of any plaintiff or plaintiffs, defendant or defendants, in any action, cause, or suit whatsoever, depending, or to be brought and carried on in the said court, and the said court, is hereby authorized and required, upon motion as aforesaid, in any of the cases before mentioned, to order and appoint a jury to be struck for the trial of any issue joined in any of the said cases, and triable by a jury of twelve men, by such officer of the said court as the court shall appoint; and for that purpose the sheriff, or his deputy, shall attend such officer with the duplicate of the lists of persons qualified to serve on juries; and such officer shall

thereupon take down, in writing, from the said duplicate, the names of forty-eight persons qualified to serve on juries, with their additions, and places of abode, a copy whereof shall forthwith be delivered to the prosecutors or plaintiffs, their attornies or agents, and another copy thereof to the defendants, their attornies or agents, in such prosecutions and causes; and the said officer of the court aforesaid shall, at a time to be fixed by him for that purpose, strike out the names of twelve of the said persons, at the nomination of the prosecutors or plaintiffs, their attornies or agents, and also the names of twelve others of the said persons, at the nomination of the said defendants in such prosecutions and suits; and the twenty-four remaining persons shall be struck and summoned, and returned to the said court as jurors, for the trial of such issues.

XXI. Provided always, That in case the prosecutors or plaintiffs, or defendants, their attornies or agents, shall neglect or refuse to attend the officer at the time fixed for striking the names of twenty-four persons as aforesaid, or nominate the persons to struck out; then, and in such case, the said officer shall, and he is hereby required to strike out the names of such number of the said persons as such prosecutors or plaintiffs, or defendants, might have nominated to be struck out.

XXII. And be it further enacted, That the person or party who shall apply for such special jury as aforesaid, shall not only bear and pay the fees for striking such jury, but shall also pay and discharge all the expences occasioned by the trial of the cause by such special jury, and shall not have any further or other allowance for the same, upon taxation of costs, than such person or party would be intituled unto in case the cause had been tried by a common jury, unless the judge, before whom the cause is tried, shall, immediately after the trial, certify, in open court, under his hand, upon the back of the record, that the same was a cause proper to be tried by a special jury.

XXIII. And be it further enacted by the authority aforesaid, That, in all actions brought in any of the said courts, where it shall appear to the court in which such actions are depending, that it will be proper and necessary that the jurors who are to try the issues in any such actions, should have the view of the messuages, lands, or place in question, in order to their better understanding the evidence that will be given upon the trial of such issues; in every such case the respective courts in which such actions shall be depending may order the jury to the place in question, who then and there shall have the matters in

question shewn them by two persons to be appointed by the court; and the special costs of all such views as allowed by the court, shall, before the trial, be paid by the party who moved for the view, (the adverse party not consenting thereto;) and shall, at the taxation of the bill of costs, have the same allowed him, upon his recovering judgement in such trial; and upon all views with the consent of parties, ordered by the court, the costs thereof, as allowed by the court, shall, before trial, be equally paid by the said parties; and in the taxation of the bill of costs, the party recovering judgement shall have the sum by him paid allowed to him; any law, usage, or custom, to the contrary notwithstanding.

XXIV. And be it further enacted by the authority aforesaid, That if any action shall be brought against any sheriff, for what he shall do in execution, or by virtue of this act, he may plead the general issue, and give the special matter in evidence; and if a verdict shall be found for him, he shall recover treble costs.

Administration of Justice Act (May 20, 1774)

An act for the impartial administration of justice in the cases of persons questioned for any acts done by them in the execution of the law, or for the suppression of riots and tumults, in the province of the Massachuset's Bay, in New England.

WHEREAS in his Majesty's province of Massachuset's Bay, in New England, an attempt hath lately been made to throw off the authority of the parliament of Great Britain over the said province, and an actual and avowed resistance, by open force, to the execution of certain acts of parliament, hath been suffered to take place, uncontroled and unpunished, in defiance of his Majesty's authority, and to the subversion of all lawful government whereas, in the present disordered state of the said province, it is of the utmost. importance to the general welfare thereof, and to the re-establishment of lawful authority throughout the same, that neither the magistrates acting in support of the laws, nor any of his Majesty's subjects aiding and assisting them therein, or in the suppression of riots and tumults, raised in opposition to the execution of the laws and statutes of this realm, should be discouraged from the proper discharge of their duty, by an apprehension, that in case of their being questioned for any acts done therein, they may be liable to be brought to trial for the same before persons who do not acknowledge the validity of the laws, in the execution thereof, or the authority of the magistrate in the support of whom, such acts had been done: in order therefore to remove

every such discouragement from the minds of his Majesty's subjects, and to induce them, upon all proper occasions, to exert themselves in support of the public peace of the provinces, and of the authority of the King and parliament of Great Britain over the same; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any inquisition or indictment shall be found, or if any appeal shall be sued or preferred against any person, for murder, or other capital offence, in the province Of the Massachuset's Bay, and it shall appear, by information given upon oath to the governor, or, in his absence, to the lieutenant-governor of the said province, that the fact was committed by the person against whom such inquisition or indictment shall be found, or against whom such appeal shall be sued or preferred, as aforesaid, either in the execution of his duty as a magistrate, for the suppression of riots, or in the support of the laws of revenue, or in acting in his duty as an officer of revenue, or in acting under the direction and order of any magistrate, for the suppression of riots, or for the carrying into effect the laws of revenue, or in aiding and assisting in any of the cases aforesaid: and if it shall also appear, to the satisfaction of the said governor, or lieutenant-governor respectively, that an indifferent trial cannot be had within the said province, in that case, it shall and may be lawful for the governor, or lieutenant-governor, to direct, with the advice and consent of the council, that the inquisition, indictment, or appeal, shall be tried in some other of his Majesty's colonies, or in Great Britain; and for that purpose, to order. the person against whom such inquisition or indictment shall be found, or against whom such appeal shall be sued or preferred, as aforesaid, to be sent, under sufficient custody, to the place appointed for his trial, or to admit such person to bail, taking a recognizance, (which the said governor, or, in his absence, the lieutenant-governor, is hereby authorised to take), from such person, with sufficient sureries, to be approved of by the said governor, or, in his absence, the lieutenant-governor, in such sums of money as the said governor or, in his absence, the lieutenant-governor, shall deem reasonable for the personal appearance of such person, if the trial shall be appointed to be had in any other colony, before the governor, or lieutenant-governor, or commander in chief of such colony; and if the trial shall be appointed to be had in Great Britain, then before his Majesty's court of King's Bench, at a time to be mentioned in such recognizances; and the governor, or lieutenant-governor, or commander in chief of the colony where such trial shall be appointed to be had, or

court of King's Bench, where the trial is appointed to be had in Great Britain, upon the appearance of such person, according to such recognizance, or in custody, shall either commit such person, or admit him to bail, until such trial; and which the said governor, or lieutenant-governor, or commander in chief, and court of King's Bench, are hereby authorised and empowered to do.

II. And, to prevent a failure of justice, from the want of evidence on the trial of any such inquisition, indictment or appeal, be it further enacted, That the governor, or, in his absence, the lieutenant-governor, shall, and he is hereby authorised and required, to bind in recognizances to his Majesty all such witnesses as the prosecutor or person against whom such inquisition or indictment shall be found, or appeal sued or preferred, shall desire to attend the trial of the said inquisition, indictment, or appeal, for their personal appearance, at the time and place of such trial, to give evidence: and the said governor, or in his absence, the lieutenant-governor, shall thereupon appoint a reasonable sum to be allowed for the expences of every such witness, and shall thereupon give to each witness a certificate, in writing, under his hand and seal, that such witness has entered into a recognizance to give evidence, and specifying the sum allowed for his expenses and the collector and collectors of the customs, or one of them, within the said province, upon the delivery of such certificate, are, and is hereby authorised and required, forthwith to pay to such witness the sum specified therein for his expences.

III. And be it further enacted by the authority aforesaid, That all prosecutors and witnesses, who shall be under recognizances to appear in any of his Majesty's colonies in America, or in Great Britain, in pursuance of this art, shall be free from all arrests and restraints, in any action or suit to be commenced against them during their going to such colony, or coming to Great Britain, and their necessary stay and abiding there, on occasion of such prosecution, and returning again to the said province of the Massachusset's Bay.

IV. And be it further enacted by the authority aforesaid, That all and every his Majesty's, justices of the peace, and other justices and coroners, before whom any person shall be brought, charged with murder, or other capital crime, where it shall appear by proof, on oath, to such justices or coroners, that the fact was committed by such person, either in the execution of his duty as a magistrate, for the suppression of

riots, or in the support of the laws of revenue, or in acting in his duty as an officer of revenue, or in acting under the direction and order of any magistrate, for the suppression of riots, or for the carrying into effect the laws of revenue, or in aiding and assisting in any of the cases aforesaid, are hereby authorized and required to admit every such person to brought before him or them, as aforesaid, to bail; any law, custom, or usage, to the contrary thereof in any-wise notwithstanding.

V. And be it further enacted by the authority aforesaid, That where it shall be made appear to the judges or justices of any court, within the said province of Massachuset's Bay, by any person, against whom any inquisition or indictment shall be found, or appeal sued or preferred for murder, or other capital crime, that the fact was committed by such person, either in the execution of his duty as a magistrate, for the suppression of riots, or in the support of the laws of revenue, or in acting in his duty as an officer of revenue, or in acting under the direction and order of any magistrate, for the suppression of riots, or for the carrying into effect the laws of revenue, or in aiding and assisting in any of the cases aforesaid, and that he intends to make application to the governor, or lieutenant-governor of the said province, that such inquisition, indictment, or appeal, may be tried in some other of his Majesty's colonies, or in Great Britain, the said judges or justices are hereby authorised and required to adjourn or postpone the trial of such inquisition, indictment, or appeal, for a reasonable time, and admit the person to bail, in order that he may make application to the governor, or lieutenant-governor, for the purpose aforesaid.

VI. And be it further enacted, That the governor, or, in his absence, the lieutenant governor, if he shall direct the trial to be had in any other of his Majesty's colonies, shall transmit the inquisition, indictment, or appeal, together with recognizances of the witnesses, and other recognizances, under the seal of the province, to the governor, or lieutenant-governor, or commander in chief of such other colony, who shall immediately issue a commission of Oyer and Terminer, and deliver, or cause to be delivered, the said inquisition, indictment, or appeal, with the said recognizances to the chief justice, and such other persons as have usually been commissioners of Oyer and Terminer, justices of assize, or general gaol delivery there; who shall have power to proceed upon the said inquisition, indictment, or appeal, as if the same had been returned, found, or preferred before them; and the trial shall thereupon proceed in like manner, to all intents and

purposes, as if the offence had been committed in such place: and in case the governor, or, in his absence the lieutenant-governor, shall direct the trial to be had in Great Britain, he shall then transmit the inquisition, indictment or appeal; together with the recognizances, of the witnesses, and other recognizances, under the seal of the province to one of Majesty's principal secretaries of state, who shall deliver, or cause to be delivered, the same, to the master of the crown office to be filed of record in the court of King's Bench, and the inquisition, indictment, or appeal, shall be tried and proceeded upon, in the next term, or at such other time as the court shall appoint, at the bar of the court of King's Bench, in like manner to all intents and purposes, as if the offence had been committed in the county of Middlesex, or in any other county of that part of Great Britain called England, where the court of King's Bench shall sit, or else before such commissioners, and in such county, in that part of Great Britain called England, as shall be assigned by the King's majesty's commission, in like manner and form to all intents and purposes, as if such offence had been committed in the same county where such inquisition, indictment, or appeal, shall be so tried.

VII. And be it enacted by the authority aforesaid, That in case, on account of any error or defect in any indictment, which, in virtue or under the authority of this act, shall be transmitted to any other colony, or to Great Britain, the same shall be quashed, or judgement thereon arrested, or such indictment adjudged bad upon demurrer, it shall and may be lawful to prefer a new indictment or indictments against the person or persons accused in the said colony, to which such indictment, so quashed or adjudged bad shall have been transmitted, or before the grand jury of any county in Great Britain, in case such former indictment shall have been transmitted to Great Britain, in the same manner as could be done in case the party accused should return to the place where the offence was committed; and the grand jury and petty jury of such other colony or county in Great Britain shall have power to find and proceed upon such indictment or indictments, in the same manner as if the offence, by such indictment or indictments charged, had been committed within the limits of the colony or county for which such juries shall respectively be impanelled to serve.

VIII. And be it further enacted by the authority aforesaid, That this act, and every clause, provision, regulation, and thing, herein contained, shall commence and take effect upon the first day of June, one thousand seven hundred and seventy-

four; and be, and continue in force, for and during the term of three years.

Quartering Act (June 2, 1774)

An act for the better providing suitable quarters for officers and soldiers in his Majesty's service in North America.

WHEREAS doubts have been entertained, whether troops can be quartered otherwise than in barracks, in case barracks have been provided sufficient for the quartering of all officers and soldiers within any town, township, city, district, or place, within his Majesty's dominions in North America: And whereas it may frequently happen, from the situation of such barracks, that, if troops should be quartered therein, they would not be stationed where their presence may be necessary and required: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That, in such cases, it shall and may be lawful for the persons who now are, or may be hereafter, authorised by law, in any of the provinces within his Majesty's dominions in North America, and they are hereby respectively authorised, empowered, and directed, on the requisition of the officer who, for the time being, has the command of his Majesty's forces in North America, to cause any officers or soldiers in his Majesty's service to be quartered and billeted in such manner as is now directed by law, where no barracks are provided by the colonies.

II. And be it further enacted by the authority aforesaid, That if it shall happen at any time that any officers or soldiers in his Majesty's service shall remain within any of the said colonies without quarters, for the space of twenty-four hours after such quarters shall have been demanded, it shall and may be lawful for the governor of the province to order and direct such and so many uninhabited houses, out-houses, barns, or other buildings, as he shall think necessary to be taken, (making a reasonable allowance for the same), and make fit for the reception of such officers and soldiers, and to put and quarter such officers and soldiers therein, for such time as he shall think proper.

III. And be it further enacted by the authority aforesaid, That this act, and every thing herein contained, shall continue and be in force, in all his Majesty's dominions in North America,

until the twenty-fourth day of March, one thousand seven
hundred and seventy-six.