

# Memorial to the Inhabitants of the British Colonies

## First Continental Congress



1774

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*To the Inhabitants of the Colonies of NEW-HAMPSHIRE, MASSACHUSETTS BAY, RHODE-ISLAND, and PROVIDENCE PLANTATIONS, CONNECTICUT, NEW-YORK, NEW-JERSEY, PENNSYLVANIA, the Counties of NEW-CASTLE, KENT, and SUSSEX, on DELAWARE, MARYLAND, VIRGINIA, NORTH CAROLINA, and SOUTH CAROLINA:*

FRIENDS AND COUNTRYMEN: We, the Delegates appointed by the good people of these Colonies, to meet at *Philadelphia*, in *September* last, for the purposes mentioned by our respective Constituents, have, in pursuance of the trust reposed in us, assembled and taken into our most serious consideration the important matters recommended to the Congress. Our Resolutions thereupon will be herewith communicated to you. But, as the situation of publick affairs grows daily more and more alarming; and, as it may be more satisfactory to you to be informed by us in a collective body, than in any other manner, of those sentiments that have been approved, upon a full and free discussion, by the Representatives of so great a part of *America*, we esteem ourselves obliged to add this Address to these Resolutions.

In every case of opposition by a People to their Rulers, or of one state to another, duty to Almighty *God*, the creator of all, requires that a true and impartial judgment be formed of the measures leading to such opposition, and of the causes by which it has been provoked, or can in any degree be justified, that neither affection on the one hand, nor resentment on the other, being permitted to give a wrong bias to reason, it may be enabled to take a dispassionate view of all circumstances, and to settle the publick conduct on the solid foundations of Wisdom and Justice.

From Councils thus tempered, arise the surest hopes of the Divine favour; the firmest encouragement to the parties engaged, and the strongest recommendation of their cause to the rest of mankind.

With minds deeply impressed by a sense of these truths, we have diligently, deliberately, and calmly inquired into and considered those exertions, both of the Legislative and Executive power of *Great Britain*, which have excited so much uneasiness in *America*, and have, with equal fidelity and attention, considered the conduct of the Colonies. Upon the whole, we find ourselves reduced to the disagreeable alternative of being silent and betraying the innocent, or of speaking out and censuring those we wish to revere. In making our choice of these distressing difficulties, we prefer the course dictated by honesty, and a regard for the welfare of our country.

Soon after the conclusion of the late war, there commenced a memorable change in the treatment of these Colonies. By a Statute made in the fourth year of the present Reign, a time of profound peace, alleging "the expediency of new provisions and regulations for extending the Commerce between *Great Britain* and his Majesty's Dominions in *America*, and the necessity of raising a Revenue in the said Dominions, for defraying the expenses

of defending, protecting, and securing the same," the Commons of *Great Britain* undertook to give and grant to his Majesty many Rates and Duties, to be paid in these Colonies. To enforce the observance of this Act, it prescribes a great number of severe penalties and forfeitures; and, in two sections, makes a remarkable distinction between the subjects in *Great Britain* and those in *America*. By the one, the penalties and forfeitures incurred there, are to be recovered in any of the King's Courts of Record, at *Westminster*, or in the Court of Exchequer, in *Scotland*; and, by the other, the penalties and forfeitures incurred here, are to be recovered in any Court of Record, or in any Court of Admiralty or Vice Admiralty, at the election of the informer or prosecutor.

The inhabitants of these Colonies, confiding in the justice of *Great Britain*, were scarcely allowed sufficient time to receive and consider this Act, before another, well known by the name of the Stamp Act, and passed in the fifth year of this Reign, engrossed their whole attention. By this Statute, the *British* Parliament exercised, in the most explicit manner, a power of taxing us, and extending the jurisdiction of Courts of Admiralty and Vice Admiralty in the Colonies, to matters arising within the body of a County, and directed the numerous penalties and forfeitures thereby inflicted, to be recovered in the said Courts.

In the same year a Tax was imposed upon us, by an Act establishing several new Fees in the Customs. In the next year the Stamp Act was repealed; not because it was founded in an erroneous principle, but as the Repealing Act recites, because "the continuance thereof would be attended with many inconveniences, and might be productive of consequences greatly detrimental to the commercial interest of *Great Britain*."

In the same year, and by a subsequent Act, it was declared, "that his Majest

In the same year another Act was passed for imposing Rates and Duties payable in these Colonies. In this statute, the Commons, avoiding the terms of giving and granting, "humbly besought his Majesty, that it might be enacted," &c. But from a declaration in the preamble that the Rates and Duties were "in lieu of" several others granted by the Statutes first before mentioned, for raising a Revenue, and from some other expressions, it appears that these Duties were intended for that purpose.

In the next year, [1767] an Act was made "to enable his Majesty to put the Customs, and other Duties in *America*, under the management of Commissioners," &c. And the King, thereupon, erected the present expensive Board of Commissioners, for the express purpose of carrying into execution the several Acts relating to the Revenue and Trade in *America*.

After the repeal of the Stamp Act, having again resigned ourselves to our ancient unsuspecting affections for the parent state, and anxious to avoid any controversy with her, in hopes of a favourable alteration in sentiments and measures towards us, we did not press our objections against the above mentioned Statutes, made subsequent to that repeal.

Administration, attributing to trifling causes, a conduct that really proceeded from generous motives, were encouraged in the same year [1767] to make a bolder experiment on the patience of *America*.

By a Statute, commonly called the Glass, Paper, and Tea Act, made fifteen months after the repeal of the Stamp Act, the Commons of *Great Britain* resumed their former language, and again undertook to "give and grant Rates" and Duties to be paid in these Colonies," for the express purpose of "raising a Revenue to defray the charges of the Administration of Justice; the support of Civil Government; and defending the King's Dominions," on this Continent. The penalties and forfeitures, incurred under this Statute, are to be recovered in the same manner with those mentioned in the foregoing Acts.

To this Statute, so naturally tending to disturb the tranquillity, then universal throughout the Colonies, Parliament, in the same session, added another no less extraordinary.

Ever since the making the present peace, a Standing Army has been kept in these Colonies. From respect for the mother country, the innovation was not only tolerated, but the Provincial Legislatures generally made provision for supplying the Troops.

The Assembly of the Province of *New-York* having passed an Act of this kind, but differing in some articles from the directions of the Act of Parliament made in the fifth year of this reign, the House of Representatives in that Colony was prohibited by a Statute made in the last session mentioned, from making any Bill, Order, Resolution, or Vote, except for adjourning or chusing a Speaker, until provision should be made by the said Assembly for furnishing the Troops within that Province, not only with all such necessaries as was required by the Statute, which they were charged with disobeying, but also with those required by two other subsequent Statutes which were declared to be in force until the 24th day of March, 1769.

These Statutes of the year 1767, revived the apprehensions and discontents that had entirely subsided on the repeal of the Stamp Act; and, amidst the just fears and jealousies thereby occasioned, a Statute was made in the next year, [1768] to establish Courts of Admiralty and Vice Admiralty on a new model, expressly for the end of more effectually recovering of the penalties and forfeitures inflicted by Acts of Parliament, framed for the purpose of raising a Revenue in *America*, &c.

The immediate tendency of these Statutes is to subvert the right of having a share in Legislation, by rendering Assemblies useless; the right of Property, by taking the money of the Colonists without their consent; the right of Trial by Jury, by substituting in their place trials in Admiralty and Vice Admiralty Courts, where single Judges preside, holding their commissions during pleasure; and unduly to influence the Courts of Common Law, by rendering the Judges thereof totally dependent on the Crown for their salaries.

These Statutes, not to mention many others exceedingly exceptionable, compared one with another, will be found, not only to form a regular system in which every part has great force, but also a pertinacious adherence to that system for subjugating these Colonies, that are not, and from local circumstances, cannot be represented in the House of Commons, to the uncontrollable and unlimited power of Parliament, in violation of their undoubted rights and liberties, in contempt of their humble and repeated supplications.

This conduct must appear equally astonishing and unjustifiable, when it is considered how unprovoked it has been by any behaviour of these Colonies. From their first settlement, their bitterest enemies never fixed on any of them a charge of disloyalty to their Sovereign, or disaffection to their mother country. In the wars she has carried on, they have exerted themselves whenever required, in giving her assistance; and have rendered her services which she has publicly acknowledged to be extremely important. Their fidelity, duty, and usefulness, during the last war, were frequently and affectionately confessed by his late Majesty and the present King.

The reproaches of those who are most unfriendly to the freedom of *America*, are principally levelled against the Province of *Massachusetts Bay*; but with what little reason, will appear by the following declarations of a person, the truth of whose evidence in their favour, will not be questioned. Governour *Bernard* thus addresses the two Houses of Assembly in his Speech, on the 24th of *April*, 1762,—“The unanimity and despatch with which you have complied with the requisitions of his Majesty, require my particular acknowledgment; and it gives me additional pleasure to observe, that you have therein acted under no other influence than a due sense of your duty, both as members of a General Empire, and as the body of a particular Province.”

In another Speech, on the 27th of *May*, in the same year, he says, “Whatever shall be the event of the War, it must be no small satisfaction to us, that this Province hath contributed its full share to the support of it. Every thing that hath been required of it, hath been complied with; and the execution of the powers committed to me, for raising the Provincial Troops, hath been as full and complete as the grant of them. Never before were Regiments so easily levied, so well composed, and so early in the field, as they have been this year: the common people seemed to be animated with the spirit of the General Court, and to vie with them in their readiness to serve the King.”

Such was the conduct of the people of the *Massachusetts Bay* during the last war. As to their behaviour before that period, it ought not to have been forgot in *Great Britain*, that not only on every occasion they had constantly and cheerfully complied with the frequent Royal Requisitions; but, that chiefly by their vigorous efforts, *Nova Scotia* was subdued in 1710, and *Louisbourg* in 1745.

Foreign quarrels being ended, and the domestick disturbances that quickly succeeded on account of the Stamp Act being quieted by its repeal, the Assembly of *Massachusetts Bay* transmitted an humble address of Thanks to the King and divers Noblemen, and soon after

passed a Bill for granting compensation to the sufferers in the disorder occasioned by that Act.

These circumstances, and the following Extracts from Governour *Bernard's* Letters in 1768, to the Earl of *Shelburne*, Secretary of State, clearly show with what grateful tenderness they strove to bury in oblivion the unhappy occasion of the late discords, and with what respectful deference they endeavoured to escape other subjects of future controversy. "The House, (says the Governour) from the time of opening the session to this day, has shown a disposition to avoid all dispute with me; every thing having passed with as much good humour as I could desire, except only their continuing to act in addressing the King, remonstrating to the Secretary of State, and employing a separate Agent. It is the importance of this innovation, without any wilfulness of my own, which induces me to make this Remonstrance at a time when I have a fair prospect of having in all other business nothing but good to say of the proceedings of the House."<sup>[1]</sup>

"They have acted in all things, even in their Remonstrance, with temper and moderation; they have avoided some subjects of dispute, and have laid a foundation for removing some causes of former altercation."<sup>[2]</sup>

"I shall make such a prudent and proper use of this Letter as, I hope, will perfectly restore the peace and tranquillity of this Province, for which purpose considerable steps have been made by the House of Representatives."<sup>[3]</sup>

The vindication of the Province of *Massachusetts Bay*, contained in these Letters, will have greater force, if it be considered that they were written several months after the fresh alarm given to the Colonies by the Statutes passed in the preceding year.

In this place it seems proper to take notice of the insinuation of one of those Statutes, that the interference of Parliament was necessary to provide for "defraying the charge of the Administration of Justice; the support of Civil Government; and defending the King's Dominions in *America*."

As to the two first articles of expense, every Colony had made such provision as by their respective Assemblies, the best judges on such occasions, was thought expedient, and suitable to their several circumstances: respecting the last, it is well known to all men the least acquainted with American affairs, that the Colonies were established, and generally defended themselves without the least assistance from *Great Britain*; and that, at the time of her taxing them, by the Statutes before mentioned, most of them were labouring under very heavy debts contracted in the last war. So far were they from sparing their money when their Sovereign constitutionally asked their aids, that during the course of that war, Parliament repeatedly made them compensations for the expenses of those strenuous efforts, which, consulting their zeal rather than their strength, they had cheerfully incurred.

Severe as the Acts of Parliament before mentioned are, yet the conduct of Administration hath been equally injurious and irritating to this devoted country.

Under pretence of governing them, so many new institutions, uniformly rigid and dangerous, have been introduced as could only be expected from incensed masters, for collecting the tribute, or rather the plunder of conquered Provinces.

By an order of the King, the authority of the Commander-in-chief and under him, of the Brigadier Generals, in time of peace, is rendered supreme in all the Civil Governments in *America*; and thus, an uncontrollable military power is vested in officers not known to the Constitution of these Colonies.

A large body of Troops, and a considerable armament of Ships of War have been sent to assist in taking their money without their consent.

Expensive and oppressive offices have been multiplied, and the acts of corruption industriously practised to divide and destroy.

The Judges of the Admiralty and Vice Admiralty Courts are empowered to receive their salaries and fees from the effects to be condemned by themselves.

The Commissioners of the Customs are empowered to break open and enter houses without the authority of any Civil Magistrate, founded on legal information.

Judges of Courts of Common Law have been made entirely dependent on the Crown for their commissions and salaries.

A Court has been established at *Rhode-Island*, for the purpose of taking Colonists to *England* to be tried.

Humble and reasonable Petitions from the Representatives of the people have been frequently treated with contempt; and Assemblies have been repeatedly and arbitrarily dissolved.

From some few instances, it will sufficiently appear, on what pretences of justice those dissolutions have been founded.

The tranquillity of the Colonies have been again disturbed, as has been mentioned by the Statutes of the year 1767. The Earl of *Hillsborough*, Secretary of State, in a Letter to Governour *Bernard*, dated *April 22, 1768*, censures the presumption" of the House of Representatives for "resolving upon a measure of so inflammatory a nature as that of writing to the other Colonies on the subject of their intended representations against some late Acts of Parliament," then declares that "his Majesty considers this step as evidently tending to create unwarrantable combinations, to excite an unjustifiable opposition to the constitutional authority of Parliament:"—and afterwards adds, "it is the King's pleasure

that as soon as the General Court is again assembled at the time prescribed by the Charter, you should require of the House of Representatives in his Majesty's name, to rescind the Resolution which gave birth to the Circular Letter from the Speaker, and to declare their disapprobation of, and dissent to that rash and hasty proceeding."

"If the new Assembly should refuse to comply with his Majesty's reasonable expectation, it is the King's pleasure that you should immediately dissolve them."

This Letter being laid before the House, and the Resolution not being rescinded, according to order, the Assembly was dissolved. A Letter of a similar nature was sent to other Governours to procure Resolutions, approving the conduct of the Representatives of *Massachusetts Bay*, to be rescinded also; and the Houses of Representatives in other Colonies refusing to comply, Assemblies were dissolved.

These mandates spoke a language to which the ears of *English* subjects had for several generation been strangers. The nature of Assemblies implies a power and right of deliberation; but these commands, proscribing the exercise of judgment on the propriety of the Requisitions made, left to the Assemblies only the election between dictated submission and threatened punishment: a punishment too, founded on no other act than such as is deemed innocent even in slaves—of agreeing in Petitions for redress of grievances that equally affect all.

The hostile and unjustifiable invasion of the Town of *Boston* soon followed these events in the same year; though that Town, the Province in which it is situated, and all the Colonies from abhorrence of a contest with their parent state, permitted the execution even of those Statutes against which they so unanimously were complaining, remonstrating, and supplicating.

Administration, determined to subdue a spirit of freedom which *English* Ministers should have rejoiced to cherish, entered into a monopolizing combination with the *East India* Company, to send to this Continent vast quantities of Tea, an article on which a Duty was laid by a Statute that in a particular manner attacked the liberties of *America*, and which therefore the inhabitants of these Colonies had resolved not to import. The cargo sent to *South Carolina* was stored, and not allowed to be sold. Those sent to *Philadelphia* and *New-York* were not permitted to be landed. That sent to *Boston* was destroyed, because Governour *Hutchinson* would not suffer it to be returned.

On the intelligence of these transactions arriving in *Great Britain*, the publick spirited Town last mentioned, was singled out for destruction, and it was determined the Province it belongs to should partake of its fate. In the last session of Parliament, therefore, were passed the Acts for [shutting up the Port of Boston](#), [indemnifying the murderers of the inhabitants of Massachusetts Bay](#), and [changing their chartered Constitution of Government](#). To enforce these Acts, that Province is again invaded by a Fleet and Army.



To mention these outrageous proceedings, is sufficient to explain them. For though it is pretended that the Province of *Massachusetts Bay* has been particularly disrespectful to *Great Britain*, yet, in truth, the behaviour of the people in other Colonies has been an equal "opposition to the power assumed by Parliament." No step, however, has been taken against any of the rest. This artful conduct conceals several designs. It is expected that the Province of *Massachusetts Bay* will be irritated into some violent action that may displease the rest of the Continent, or that may induce the people of *Great Britain* to approve the meditated vengeance of an imprudent and exasperated Ministry. If the unexampled pacifick temper of that Province shall disappoint this part of the plan, it is hoped the other Colonies will be so far intimidated as to desert their brethren suffering in a common cause; and that thus disunited, all may be subdued.

To promote these designs, another measure has been pursued. In the session of Parliament last mentioned, an Act was passed for [changing the Government of Quebec](#), by which Act the Roman Catholick Religion, instead of being tolerated, as stipulated by the Treaty of Peace, is established; and the people there are deprived of a right to an Assembly; Trials by Jury, and the *English* Laws in civil cases, are abolished, and instead thereof the *French* Laws are established, in direct violation of his Majesty's promise by his Royal Proclamation, under the faith of which many *English* subjects settled in that Province, and the limits of that Province, are extended so as to comprehend those vast regions that lie adjoining to the Northerly and Westerly boundaries of these Colonies.

The authors of this arbitrary arrangement flatter themselves that the inhabitants, deprived of liberty, and artfully provoked against those of another religion, will be proper instruments for assisting in the oppression of such as differ from them in modes of government and faith.

From the detail of facts herein before recited, as well as from authentick intelligence received, it is clear beyond a doubt, that a resolution is formed, and now carrying into execution, to extinguish the freedom of these Colonies by subjecting them to a despotick Government.

At this unhappy period we have been authorized and directed to meet and consult together for the welfare of our common country. We accepted the important trust with diffidence, but have endeavoured to discharge it with integrity. Though the state of these Colonies would certainly justify other measures than we have advised, yet weighty reasons determined us to prefer those which we have adopted. In the first place, it appeared to us a conduct becoming the character these Colonies have ever sustained, to perform, even in the midst of the unnatural distresses and imminent dangers that surround them, every act of loyalty, and therefore, we were induced once more to offer to his Majesty the Petitions of his faithful and oppressed subjects in *America*. Secondly, regarding with the tender affection which we knew to be so universal among our countrymen, the people of the Kingdom, from which we derive our origin, we could not forbear to regulate our steps by an expectation of receiving full conviction that the Colonists are equally dear to them.

Between these Provinces and that body subsists the social band, which we ardently wish may never be dissolved, and which cannot be dissolved until their minds shall become indisputably hostile, or their inattention shall permit those who are thus hostile, to persist in prosecuting, with the powers of the Realm, the destructive measures already operating against the Colonists, and, in either case, shall reduce the latter to such a situation that they shall be compelled to renounce every regard but that of self-preservation. Notwithstanding the violence with which affairs have been impelled they have not yet reached that fatal point. We do not incline to accelerate their motion, already alarmingly rapid; we have chosen a method of opposition that does not preclude a hearty reconciliation with our fellow-citizens on the other side of the *Atlantic*. We deeply deplore the urgent necessity that presses us to an immediate interruption of commerce that may prove injurious to them. We trust they will acquit us of any unkind intentions towards them, by reflecting that we are driven by the hands of violence into unexperienced and unexpected publick convulsions, and that we are contending for freedom, so often contended for by our ancestors.

The people of *England* will soon have an opportunity of declaring their sentiments concerning our cause. In their piety, generosity, and good sense, we repose high confidence; and cannot, upon a review of past events, be persuaded that they, the defenders of true religion, and the asserters of the rights of mankind, will take part against their affectionate Protestant brethren in the Colonies in favour of our open and their own secret enemies, whose intrigues for several years past have been wholly exercised in sapping the foundations of Civil and Religious Liberty.

Another reason that engaged us to prefer the commercial mode of opposition, arose from an assurance, that the mode will prove efficacious, if it be persisted in with fidelity and virtue; and that your conduct will be influenced by these laudable principles, cannot be questioned. Your own salvation, and that of your posterity, now depends upon yourselves. You have already shown that you entertain a proper sense of the blessings you are striving to retain. Against the temporary inconveniences you may suffer from a stoppage of Trade, you will weigh in the opposite balance the endless miseries you and your descendants must endure from an established arbitrary power. You will not forget the honour of your country, that must, from your behaviour take its title in the estimation of the world, to glory, or to shame; and you will with the deepest attention, reflect, that if the peaceable mode of opposition recommended by us, be broken and rendered ineffectual, as your cruel and haughty Ministerial enemies, from a contemptuous opinion of your firmness, insolently predict will be the case, you must inevitably be reduced to choose, either a more dangerous contest, or a final, ruinous, and infamous submission.

Motives thus cogent, arising from the emergency of your unhappy condition, must excite your utmost diligence and zeal to give all possible strength and energy to the pacifick measures calculated for your relief: But we think ourselves bound in duty to observe to you, that the schemes agitated against these Colonies have been so conducted, as to render it prudent that you should extend your views to mournful events, and be, in all respects,

prepared for every contingency. Above all things, we earnestly entreat you, with devotion of spirit, penitence of heart, and amendment of life, to humble yourselves and implore the favour of Almighty *God*: and we fervently beseech his Divine goodness to take you into his gracious protection.

1. ↑ January 21, 1768.
2. ↑ January 30, 1768.
3. ↑ February 2, 1768.



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