

1 Instructions Adopted by the Braintree Town Meeting, 24 September 1765

2 The Freeholders and other Inhabitants of the Town of Braintree Qualifyd to vote in Town affairs being

3 assembled at the Meeting House in the Middle Precinct of said Town pursuant to warrants for

4 assembling said Town To inform their Representative Respecting their Sentiments Relative to the

5 Stamp Act And other matters of Grievance, Also to see if the Town will instruct their Representative on

6 this important and allarming occasion, Assembled as aforesaid Mr. Norton Quincey Mod[erato]r.

7 Voted Samll. Niles Esqr., John Adams Esqr., Mr Norton Quincy, Deacon James Penniman and Captn.

8 John Hayward be a Committee to draw instructions for their Representative and present the Same to

9 the Town. The aforesaid Committee Presented the following draught to the Town.

10 To Ebenezer Thayer Esqr.

11 Sir

12 In all the Calamities that have ever befallen this Country we have never felt so great a Concern nor so

13 many allarming apprehensions as at this time. Such is our Loyalty to the King, such our veneration for

14 both Houses of Parliament and Such our Freindship to all our fellow Subjects in Britain that measures

15 which Seem to discover any unkindness towards us in that Country are the more Sensibly and

16 intimately felt. And we can no longer forbear Complaining that many of the measures of the late

17 ministry and Some of the late Acts of Parliament have a Tendency in our apprehension to divest us of

18 some of our most Essential Rights and Liberties.

19 We Shall confine our Selves however Cheifly to the Act of Parliament Commonly Called the Stamp Act

20 by which a very burthensome and in our opinion unconstitutional Tax is to be laid upon us all: and we

21 are Subjected to numerous and enormous Penalties which are to be prosecuted, Sued for and

22 recovered at the option of an Informer at a Court of Admiralty without a Jury. We have called this a

23 burthensome Tax because the duties are so numerous and so high and the embarrassments to

24 Business in this infant Sparcely Settled Country so great that it would be totally impossible for the

25 people to Subsist under it even if we had no Controversy att all about the Right and authority of

1 imposing it Considering the present Scarcity of money. We have Reason to think the Execution of that  
2 act for a Short Space of time would dreign the Country of Cash, Strip multitudes of the Poorer people of  
3 all their property and Reduce them to absolute beggary. And what the Consequence would be of so  
4 Sudden a Shock and Such a Convulsive Change in the whole Course of our business and Subsistance, to  
5 the peace of the Province We tremble to consider.  
6 We further apprehend this Tax to be unconstitutional, By the great Charter no americanent shall be  
7 assessed but by the oath of Honest and Lawfull men of the Vicinage. And by the Same Charter no  
8 Freeman shall be taken or imprisoned or be disseised of his Freehold or Liberties or Free Customs nor  
9 passed upon nor Condemned but by Lawfull Judgment of his Peers or by the Law of the Land: And we  
10 have Always understood it to be a grand and fundamental principal of the British Constitution that no  
11 Freeman should be Subjected to any Tax to which he has not given his own Consent in person or by  
12 proxy. And the maxims of the Law as we have Constantly Received them are to the Same Effect that  
13 no Freeman can be Separated from his property but by his own act or Fault. We take it clearly  
14 therefore to be inconsistant with the Spirit of the Common Law and of the Essential Fundamentall  
15 principles of the British Constitution that we should be Subjected to any Tax imposed by the British  
16 Parliament because we are not Represented in that assembly in any sense unless it be by a Fiction of  
17 Law as insensible in Theory as it would be Injurious in Fact if so heavy a Taxation should be grounded  
18 on it. But the most Grievous of all is the allarming Extension of the Powers of Courts of Admiralty. In  
19 these Courts one Judge presides alone, no Juries have any Concern there, the Law and the Fact are to  
20 be decided by the Same Single Judge whose Commission is only during pleasure and with whom as we  
21 are told the most mischievous of all Customs has become established that of taking Commissions on all  
22 Condemnations so that he is under a pecuniary temptation always against the Subject. Now if the  
23 wisdom of the Mother Country has thought the Independency of the Judge[s] so Essential to an  
24 impartial Administration of Justice as to Render them Independent of any Power on Earth,  
25 Independent of the King, the Lords, the Commons and the People, nay Independent in Hope and

1 Expectation of the Heir apparent by Continuing their Commissions in Case of a Demise of the Crown,  
2 What Justice and Impartiallity are we at Three thousand miles distance from the fountain to expect  
3 from Such a Judge of Admiralty. We all along thought the Acts of Trade in this Respect a grievance, But  
4 the Stamp Act has erected a vast Number of Sources of New Crimes which may be Committed by any  
5 Man and Cannot but be Committed by multitudes and Prodigious Penalties are annexed and all these to  
6 be tryed by such a Judge of Such a Court; What can be wanting after this but a weak or wicked Man for  
7 a Judge to Render us the most Sordid and forlorn of Slaves. We mean the Slaves of a Slave of the  
8 Servant of a Minister of State.[1]

9 We cannot help asserting therefore that this part of the Act will make an Essential Change in the  
10 Constitution of Juries with Regard to us, is directly repugnant to Magna Charta it Self and will make  
11 Such a distinction and Create such a difference between Great Brittain and America as we could not  
12 have Expected from the Guardian of Liberty in both.

13 As these Sir are our Sentiments of that Act we the Freeholders and other Inhabitants Legally  
14 assembled for that Purpose must enjoin it upon you to comply with no Measures or Proposalls for  
15 countenancing the same or assisting in the Execution of it but by all Lawfull means consistent with  
16 our allegiance to the King and Relation to Great Britain2 to oppose the Execution of it till we can hear  
17 the Success of the Cries and Petitions of America for relief.

18 We further Recommend the most Clear and Explicit assertion and vindication of our Rights and  
19 Liberties to be entered on the Public Records that the world may know in the Present and all future  
20 Generations that We have a Clear Knowledge and a just Sense of those Rights and Liberties and that  
21 with Submission to divine Providence we never can be Slaves.

22 Nor can We think it adviseable to agree to any Steps for the Protection of Stamp Papers or Stamp  
23 officers. Good and wholesome Laws we have already for the Preservation of the Public peace. And we  
24 apprehend there is no further danger of Tumults and disorders to which We have a well Grounded  
25 aversion. And that any Extraordinary and Expensive Exertions would tend to exasperate the People

1 and endanger the Public tranquility rather than the Contrary.

2 Indeed We cannot too often Inculcate upon you our desires that all Extraordinary and Expensive

3 Grants and Measures may upon all occasions as much as possible be avoided. The Public money of this

4 Country is the Toil and Labour [of the People] who are under many uncommon difficulties and

5 Distresses at this time so that all reasonable Frugality ought to be observed. And we would Recommend

6 Particularly the strictest Care and Firmness to prevent all unconstitutional Draughts upon the Public

7 Treasury. And we cannot avoid Saying that if a particular Enquiry into the state of that Treasury

8 should at the first leisure opportunity be promoted and an Exact State of it published to the People it

9 would have a very good and usefull Tendency.

10 All which is Humbly Submitted by the Committee of the Town of Braintree to draw Instructions to

11 their Representative.

12 Saml. Niles

13 John Adams

14 Norton Quincey

15 James Penniman

16 John Hayward

17 Committee

18 The above Report being read before the Town was Voted Accepted and ordered a Copy of the Same be

19 Transmitted to their Representative.

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