



AMERICAN CONSTITUTIONALISM
 VOLUME I: STRUCTURES OF GOVERNMENT
 Howard Gillman • Mark A. Graber • Keith E. Whittington

Supplementary Material

Chapter 2: The Colonial Era – Separation of Powers

OXFORD
 UNIVERSITY PRESS

A List of Infringements and Violations of Rights (1772)¹

As resistance to the enforcement of the Townshend Act and the collection of its taxes grew, Massachusetts Governor Thomas Hutchinson, on the basis of royal instructions, suspended the General Assembly. In the summer of 1772, he announced that the assembly would no longer control his salary and that the colonial government would subsequently be funded out of the parliamentary tax. Under pressure of the tax crisis, the English authorities had finally taken colonial governor Thomas Pownall's advice and made the governor financially independent. Under the guidance of Samuel Adams, a public meeting in Boston adopted a series of resolutions denouncing the government, a protest that was later endorsed by towns throughout the state. Within two years, Parliament suspended the Massachusetts charter and replaced Hutchinson with a military governor.

We cannot help thinking, that an enumeration of some of the most open infringements of our rights, will by every candid person be judged sufficient to justify whatever measures have been already taken, or may be thought proper to be taken, in order to obtain a redress of the grievances under which we labor. . . .

. . . .
 3dly. A number of new officers, unknown in the charter of this province, have been appointed to superintend this revenue [deriving from the Townsend Act]; whereas by our charter, the great and General Court or Assembly of this province, has the sole right of appointing all civil officers, excepting only such officers, the election and constitution of whom is, in said charter, expressly excepted. . . .

. . . .
 6thly. The revenue arising from this tax unconstitutionally laid, and committed to the management of persons arbitrarily appointed and supported by an armed force quartered in a free city has been in part applied to the most destructive purposes. It is absolutely necessary in a mixed government, like that of this province, that a due proportion or balance of power should be established among the several branches of the legislative. Our ancestors received from King William and Queen Mary a charter, by which it was understood by both parties in the contract, that such a proportion or balance was fixed; and therefore every thing which renders any one branch of the legislative more independent of the other two than it was originally designed, is an alteration of the constitution as settled by the charter; and as it has been, until the establishment of this revenue, the constant practice of the general assembly to provide for the support of government, so it is an essential part of our constitution, as it is a necessary means of preserving an equilibrium, without which we cannot continue a free state.

In particular it has always been held, that the dependence of the governor of this province upon the general assembly for his support, was necessary for the preservation of this equilibrium; nevertheless his Majesty has been pleased to apply fifteen hundred pounds sterling annually, out of the American revenue, for the support of the governor of this province independent of the assembly; whereby the ancient connection between him and this people is weakened, the confidence in the governor lessened, the equilibrium destroyed, and the constitution essentially altered.

And we look upon it highly probable, from the best intelligence we have been able to obtain, that not only our governor and lieutenant governor, but the judges of the Superior Court of Judicature, as also

¹ Excerpted from *The Votes and Proceedings of the Freeholders and other Inhabitants of the Town of Boston* (Boston: Edes and Gill, 1772), 13–20.



the king's attorney and solicitor general are to receive their support from this grievous tribute. This will, if accomplished, complete our slavery: For if taxes are to be raised from us by the Parliament of Great Britain without our consent, and the men on whose opinions and decisions our properties, liberties, and lives, in a great measure depend, receive their support from the revenues arising from these taxes, we cannot, when we think on the depravity of mankind, avoid looking with horror on the danger to which we are exposed!

OXFORD
UNIVERSITY PRESS

Copyright OUP 2013