

The Intolerable Acts: American Revolution

The Quartering Act

In 1765, Parliament passed a quartering act that stated that British troops in America would be housed in barracks and in public houses unless and until the number of troops overwhelmed the facilities, at which time, the troops could be housed in private commercial property, such as inns and stables, and in uninhabited homes and barns. The quartering would be without compensation and, in fact, owners would be required to provide soldiers with certain necessities such as food, liquor, salt, and bedding, also without compensation. As tensions rose in late 1773 and early 1774, the old quartering act was supplemented with the Quartering Act of 1774. This act, passed on June 2, 1774, required colonists to house troops not only as previously required, but also in private homes.

The Quartering Act is one of the Intolerable Acts that led to dissent in the American colonies and to the creation of the Declaration of Rights and Grievances in 1774 (see text following). While the other Intolerable Acts targeted Massachusetts specifically, the Quartering Act applied throughout the colonies, prompting wider protest and interest in revolt than may have been present if it had been restricted to Massachusetts.

The source for this text is the Avalon Project. The text has been modified slightly to expand abbreviations, modernize spelling, and enhance readability.

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

1.

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, authorized by law, in any of the provinces within his Majesty's dominions in North America, and they are hereby respectively authorized, 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.

2.

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 24 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.

3.

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 March 24, 1776.

The Administration of Justice Act

Worried by the courts that convened in America and in Massachusetts in particular, and their bias toward the colonists over their British governors, on May 20, 1774, the Parliament passed the Administration of Justice Act. It provided that the governor of Massachusetts had the authority to remove any trial proceeding to another colony or to Great Britain; that witnesses could be compelled to travel to the trial; and that in any case, bail was required even in capital cases if the defendant contended that the crime of which they were accused was committed while acting in an official capacity, such as the suppression of riots.

The act purports to induce public servants to perform their duties by removing fear of prosecution, a principle that extends to the United States today, where any public servants are immune from prosecution for certain acts; however, the provision that the trial would be removed to Great Britain made it impossible to try persons who deserved to be tried; the compelling of witnesses to travel to Great Britain further made trial impossible (even though the Act did provide for the expenses of the witnesses to be paid). These provisions led the colonists to rename the act the Murder Act, reflecting their fears that insurrections would be put down with deadly force.

The source for this text is the Avalon Project. The text has been modified slightly to expand abbreviations, modernize spelling, and enhance readability. Footnotes explain arcane language or uncommon terms.

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 Massachusetts Bay, in New England.

1.

WHEREAS in his Majesty's province of Massachusetts 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, uncontrolled 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 offense, in the province Of the Massachusetts 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 authorized to take), from such person, with sufficient sureties,^[1] 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,^[2] 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 authorized and empowered to do.

2.

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 authorized 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 expenses 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 authorized and required, forthwith to pay to such witness the sum specified therein for his expenses.

3.

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 act, 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 Massachusetts Bay.

4.

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.

5.

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 Massachusetts 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 authorized 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.

6.

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,^[3] 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,^[4] or general jail 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 offense 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 offense 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 offense had been committed in the same county where such inquisition, indictment, or appeal, shall be so tried.

7.

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 judgment 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 offense was committed; and the grand jury and petit 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 offense, by such indictment or indictments charged, had been committed within the limits of the colony or county for which such juries shall respectively be impaneled to serve.

8.

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 June 1, 1774; and be, and continue in force, for and during the term of three years.

Footnotes

1. A surety is analagous to a bail bond.
2. The King's Bench (known as the Queen's Bench when the monarch is female) was the criminal branch of the English courts, as distinguished from the common court.
3. A commission of oyer and terminer is akin to a grand jury in the American legal process.
4. A court of assize is a criminal court.

Source: <http://www.usconstitution.net/quarteringact.html>; <http://www.usconstitution.net/adminjustact.html>.