

## **The Boston Massacre**

**On March 5, 1770, British soldiers fired on a mob of colonists in Boston. This incident, known as the Boston Massacre, enraged American colonists.**

In the years before the American Revolution, the British tried to take firm control over their American colonies. In the British view, British troops had protected Americans from the French, Spanish, and Indians. When a long war against the French ended in 1763, the king's minister announced in Parliament: Great Britain protects America; America is bound to obey.

Parliament then began passing laws to control trade, stop smuggling, and collect taxes from the colonies. The Americans considered these laws unjust and began to resist. Much of the resistance took place in Boston.

One target of American outrage were customs collectors. They collected taxes and tried to stop smugglers. At the Customs House, officials collected and counted import duties for the king.

Sometimes customs collectors conducted searches using search warrants, called writs of assistance. These documents allowed them to search any house for smuggled goods. When customs officials in 1768 seized John Hancock's ship on charges of smuggling wine, Boston mobs attacked them. The British government sent 700 soldiers to occupy Boston. The troops trained in public and stood guard in front of government offices, including the Customs House.

The occupying army and the townspeople grew to hate each other. Wearing red coats and armed with muskets and swords, the soldiers intimidated the people with insults and threats. Boston workmen, sailors, and teenage apprentices cursed at the redcoats and challenged them to fistfights. The Sons of Liberty, a radical Patriot group, called for the troops to leave.

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On Friday, March 2, 1770, an off-duty British soldier asked a group of Boston rope makers if there was any work. One of the rope makers replied there was. "Go clean my outhouse," he jeered. A fight broke out. The soldier was knocked about and then fled. A little while later, the soldier returned with friends and a brawl erupted. One of the soldiers, Matthew Killroy, and one of the rope makers, Samuel Gray, would meet again soon.

On the evening of Monday, March 5, a lone British soldier guarded the entrance to the Boston Customs House. The sentry got into an argument with a boy and swung his musket, hitting him on the head. Other boys gathered, daring the sentry to fight. "Bloody lobster back!" they yelled, taunting the soldier and his red coat.

By about 9 p.m., adults had joined the growing crowd. Some began to throw snowballs and chunks of ice at the sentry. He loaded his musket. "Fire, damn you, fire, you dare not fire!" the crowd taunted.

The sentry called for help when a group of about 25 American sailors arrived, yelling, whistling, and carrying wooden clubs. A tall, stout man named Crispus Attucks led this noisy band. Part Indian and black, Attucks pushed his way to the front of the crowd, club in hand.

Captain Thomas Preston, officer of the guard, responded to the sentry's call for help. He led a squad of seven soldiers. In the squad was Private Matthew Killroy, who had been involved in the rope-maker brawl. The soldiers marched with their muskets and bayonets to the Customs House. They lined up in a semicircle facing the crowd. A corporal ordered the soldiers to load their muskets with two lead balls per gun. Capt. Preston stood by his men.

From 40 to 80 people had now gathered. Many more people crowded nearby streets. "Lobsters!" "Bloody backs!" "Fire! Why don't you fire?" many shouted. Some threw snowballs, ice, oyster shells, and even lumps of coal at the soldiers. Crispus Attucks and others struck the soldiers' musket barrels with sticks and clubs. Attucks yelled, "Kill them! Kill them! Knock them over!"

Then, someone from the back of the mob threw a club. It hit Pvt. Montgomery, knocking him to the ground. "Damn you, fire!" someone shouted. Enraged, Montgomery rose to his feet and fired his musket killing Crispus Attucks. Soon, most of the other soldiers were erratically firing into the mob. When Pvt. Killroy fired, rope-maker Samuel Gray fell dead. As the men began to reload, Capt. Preston ordered, "Stop firing! Stop firing!" Five men lay dead or dying in the bloody snow.

Capt. Preston managed to march his men back to their barracks. Acting Governor Thomas Hutchinson, a strong supporter of Britain, arrived to try to calm the people. "Let the law have its course," he pleaded.

The next day, the Sons of Liberty held a huge protest meeting demanding that all British soldiers be ordered out of Boston. Gov. Hutchinson persuaded the British army commander to remove the soldiers to an island in Boston Harbor. Boston residents lined the streets to insult and curse the redcoats as they left the town.

On March 13, the colony's attorney general charged 13 people with murder. Three trials took place. Capt. Preston was tried first followed by a separate trial of the eight soldiers. Four customs officers were accused of shooting into the crowd from the Customs House windows. They were tried last. (This final trial ended when the jury found out that the main witness had falsely accused the officers.)

## **The Trial of Capt. Preston**

Before the trials began, both sides tried to influence public opinion. Gov. Hutchinson sent a report to London. It criticized Boston for its violence. It reported mob actions against British soldiers. He later wrote, “government is at an end and in the hands of the people.”

The Sons of Liberty took witness statements. They put the statements in their own document, titled, “A Short Narrative of the Horrid Massacre in Boston.” But the most influential piece was Paul Revere’s widely printed cartoon, “The Bloody Massacre.” It showed British soldiers firing on a peaceful crowd.

The court appointed Samuel Quincy, a strong Tory, as prosecutor. The Sons of Liberty persuaded the town of Boston to pay for a second prosecutor, Patriot Robert Treat Paine.

Capt. Preston could not get anyone to defend him in court. A Tory merchant finally persuaded lawyer John Adams to do so. Adams was a Patriot leader in Boston. But the 35-year-old Adams believed that the British soldiers and their captain deserved fair trials. Adams believed that the cause for self-government would be damaged if the trial wasn’t fair. Joining Adams on the defense team were a Tory judge, Robert Auchmuty, and Josiah Quincy. Quincy, a Patriot, was the younger brother of the prosecutor.

In short, Tory Samuel Quincy was prosecuting the king’s soldiers for murder. And Patriot John Adams was defending them.

Amid continued mob activities and threats of lynching, Capt. Preston’s trial began on October 24, 1770. It lasted six days, a long time then for a criminal trial. The court also took the unusual step of sequestering the jury (keeping jury members away from their families and friends).

Four judges presided at Capt. Preston’s trial. The key question was whether he actually gave an order to his men to fire at the mob. Preston denied giving the order, but did not testify. Some witnesses said he gave such a command; most said he did not. Much of the testimony centered on who was shouting the word “Fire!” when the shooting began. In the end, the Boston jury found Capt. Preston not guilty.

To the Sons of Liberty, Capt. Preston’s acquittal was disturbing, but not entirely unexpected. After all, Preston was never accused of shooting at the crowd himself. But the strong feeling in the town remained that someone would have to pay for the five men who died.

## **The Trial of the British Soldiers**

The trial of the eight British soldiers began on November 27 with a different jury (again sequestered). The same four judges presided as in the Preston case. Samuel Quincy and

Robert Treat Paine continued to prosecute. Sampson Blowers joined John Adams and Josiah Quincy for the defense. This trial lasted seven days. More than 80 witnesses testified.

The prosecutors only had to prove that one of the soldiers fired with malice and the intent to kill. All the soldiers would then be equally guilty of murder and would hang.

The prosecution tried to show that after months of abuse from the town's people, all the soldiers had revenge in their hearts. One witness testified that one or two weeks before the shooting, Pvt. Killroy had said:

He would never miss an opportunity, if he had one, to fire on the inhabitants, and that he had wanted to have an opportunity ever since he landed.

After Pvt. Montgomery fired the first shot, the prosecution argued, Killroy had his chance and shot rope-maker Samuel Gray to death.

The defense team had to overcome a major problem. The previous jury had found that Capt. Preston did not order his men to fire. Then why did the men fire? The defense lawyers had to show that the crowd was endangering the soldiers. They would have to convince jurors who probably disliked the British soldiers.

The defense focused on the mob that threatened Capt. Preston and his men. Witnesses for the defense told about the insults, curses, threats, and taunts shouted at the soldiers. They described the physical objects the mob hurled at the men. An important witness was Dr. John Jeffries. He had treated victim Patrick Carr for 10 days before he finally died. Dr. Jeffries related what Carr had said on his deathbed. Carr disclosed that he believed the soldiers fired to defend themselves. He did not blame the man who shot him.

John Adams made the defense's closing argument. He explained the law of self-defense to the jury. He recalled the testimony about the "people crying kill them! kill them! knock them over! heaving snowballs, oyster shells, clubs, white birch sticks." Adams asked the jurors to "consider yourselves, in this situation, and then judge whether a reasonable man ... would not have concluded they were going to kill him."

Adams referred to Pvt. Montgomery, the first to fire. "He was knocked down at his station," Adams continued. "Had he not reason to think his life in danger?" As for Pvt. Killroy, Adams pointed out that the evidence showed he had fired into the mob. No one had testified that he had aimed at Samuel Gray.

John Adams concluded by stating the law at the time: "If an assault was made to endanger their lives, the law is clear, they had the right to kill in self-defense ...." Adams conceded, however, that if the assault "was not so severe as to endanger their lives ... [then] this was a provocation, for which the law reduces the offense of killing down to

manslaughter.”

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Robert Treat Paine concluded the case for the prosecution. He told the jurors that the soldiers had unlawfully assembled in front of the Customs House, loading their muskets, which inflamed the crowd. The soldiers then opened fire without any order from Capt. Preston. They did this, Paine argued, not to defend themselves, but out of malice. The redcoats sought revenge for all the insults and harassment they had suffered since arriving in Boston. He called on the jury to find the soldiers who fired guilty of murder.

After instructions from the judge, the case went to the jury to deliberate on a verdict. After deliberating for about three hours, the jurors returned to court. They found all the soldiers innocent of murder, but judged Pvts. Montgomery and Killroy guilty of manslaughter. Their punishment could have been hanging, but the court permitted them to make a special plea. Their penalty was reduced to branding on the thumb. Montgomery later admitted that it was he who had shouted, “Damn you, fire!” just before he shot his musket.

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The Boston Massacre was followed by other events that outraged American colonists. In 1776, America declared its independence from Britain. The Revolutionary War was fought, and independence was won.

John Adams went on to serve in the Continental Congress and was on the committee to write the Declaration of Independence. During the Revolutionary War, Congress sent him to Europe. He eventually helped arrange the peace treaty that ended the war. He served as vice president under President George Washington. In 1796, he was elected the second president of the United States.

Late in life, Adams referred to his work on the Boston Massacre trials as “one of the best pieces of service I ever rendered my country.”