

The Rights of the Colonists as Men

SAMUEL ADAMS

(From the Committee of
Correspondence to the Boston
town meeting, November 20, 1772)

Among the natural rights of the colonists are these: first, a right to life. Second, to liberty. Thirdly, to property; together with the right to support and defend them in the best manner they can. These are evident branches of, rather than deductions from, the duty of self-preservation, commonly called the first law of nature.

All men have a right to remain in a state of nature as long as they please, and in case on intolerable oppression, civil or religious, to leave the society they belong to and enter into another.

When men enter into society it is by voluntary consent, and they have a right to demand and insist upon the performance of such conditions and previous limitations as form an equitable original compact.

Every natural right not expressly given up, or from the nature of a social compact necessarily ceded, remains.

All positive and civil laws should conform, as far as possible, to the law of natural reason and equity.

As neither reason requires nor religion permits the contrary, every man living in or out of a state of civil society has a right peaceably and quietly to worship God according to the dictates of his conscience.

“Just and true liberty, equal and impartial liberty,” in matters spiritual and temporal is a thing that all men are clearly entitled to by the eternal and immutable laws of God and nature, as well as by the laws of nations and all well-grounded and municipal laws, which must have their foundation in the former.

In regard to religion, mutual toleration in the different professions thereof is what all good and candid minds in all ages have ever practised, and both by precept and example inculcated on mankind. It is now generally agreed among Christians that this spirit of toleration, in the fullest extent consistent with the being of civil society, is the chief characteristic mark of the true Church. In so much that Mr. Locke has asserted and proved, beyond the possibility of contradiction of any solid ground, that such toleration ought to be extended to all whose doctrines are not subversive of society. The only sects which he thinks ought to be, and which by all wise laws are, excluded from such toleration are those who teach doctrines subversive of the civil government under which they live. The Roman Catholics, or Papists, are excluded by reason of such doctrines as these: That princes excommunicated may be deposed, and those that they call heretics may be destroyed without mercy; besides their recognizing the Pope in so absolute a manner, in subversion of government, by introducing, as far as possible into the states under whose protection they enjoy life, liberty, and property, that solecism in politics, *imperium in imperio*, leading directly to the worst anarchy and confusion, civil discord, war and bloodshed.

The natural liberty of man by entering into society is abridged or restrained, so far only as is necessary for the great end of society—the best good of the whole.

In the state of nature every man is, under God, judge and sole judge of his own rights and of the injuries done him. By entering into society he agrees to an arbiter or indifferent judge between him and his neighbors; but he no more renounces his original right, thereby taking a cause out of the ordinary course of law, and leaving the decision to referees or indifferent arbitrators. In the last case, he must pay the referee for time and trouble. He should also be willing to pay his just quota for the support of the government, the law, and the Constitution, the end of which is to furnish indifferent and impartial judges in all cases that may happen, whether civil, ecclesiastical, marine, or military.

The natural liberty of man is to be free from any superior power on earth, and not to be under the will or legislative authority of man, but only to have the law of nature for his rule.

In the state of nature men may, as the patriarchs did, employ hired servants for the defence of their lives, liberties, and property, and they shall pay them reasonable wages. Government was instituted for the purpose of common defence, and those who hold the reins of government have an equitable, natural right to an honorable support from the same principle that “the laborer is worthy of his hire.” But then the same community which they serve ought to be the assessors of their pay. Governors have a right to seek and take what they please; by this, instead of being content with the station assigned them, that of honorable servants of the society, they would soon become absolute masters, despots, and tyrants. Hence, as a private man has a right to say what wages he will give in his private affairs, so has a community to determine what they will give and grant of their substance for the administration of public affairs. And in both cases more are ready to offer their service at the proposed and stipulated price than are able and willing to perform their duty.

In short, it is the greatest absurdity to suppose it in the power of one, or of any number of men, at the entering into society to renounce their essential natural rights, or the means of preserving those rights, when the grand end of civil government, from the very nature of its institution, is for the support, protection, and defence of those very rights; the principal of which, as is before observed, are life, liberty, and property. If men, through fear, fraud, or mistake, should in terms renounce or give up any essential natural right, the eternal law of reason and the grand end of society would absolutely vacate such renunciation. The right of freedom being the gift of God Almighty, it is not in the power of man to alienate this gift and voluntarily become a slave.

AS CHRISTIANS

These may be best understood by reading and carefully studying the institutes of the great Law-giver and head of the Christian Church, which are to be found clearly written and promulgated in the New Testament.

By an act of the British Parliament commonly called the Toleration Act, every subject in England, except Papists, etc., were restored to, and re-established in, his natural right to worship God according to the dictates of his own conscience. And by the charter of this province it is granted, ordained, and established (that is, declared as an original right) that there shall be liberty of conscience allowed in the worship of God to all

Christians, except Papists, inhabiting, or which shall inhabit or be resident within, such province or territory. Magna Charta itself is in substance but a constrained declaration or proclamation and promulgation in the name of King, Lords, and Commons, of the sense the latter had their original, inherent, indefeasible, natural rights, as also those of free citizens equally perdurable with the other. That great author, that great jurist, and even that court writer, Mr. Justice Blackstone, holds that this recognition was justly obtained of King John, sword in hand. And peradventure it must be one day, sword in hand, again rescued and preserved from total destruction and oblivion.

AS SUBJECTS

A commonwealth or state is a body politic, or civil society of men united together to promote their mutual safety and prosperity by means of their union.

The absolute right of Englishmen and all freemen, in or out of civil society, are principally personal security, personal liberty, and private property.

All persons born in the British American Colonies are by the laws of God and nature, and by the common law of England, exclusive of all charter from the Crown, well entitled, and by acts of the British Parliament are declared to be entitled, to all the natural, essential, inherent, and inseparable rights, liberties, and privileges of subjects born in Great Britain or within the realm. Among these rights are the following, which no man, or body of men, consistently with their own rights as men and citizens, or members of society, can for themselves give up or take away from other:

First. The first fundamental positive law of all commonwealths or states is the establishing the legislative power. As the first fundamental natural law, also, which is to govern even the legislative power itself is the preservation of the society.

Secondly. The legislative has no right to absolute arbitrary power over the lives and fortunes of the people; nor can mortals assume a prerogative not only too high for men, but for angels, and therefore reserved for the Deity alone.

The legislative cannot justly assume to itself a power to rule by extempore arbitrary decrees; but it is bound to see that justice is dispensed, and that the rights of the subjects be decided by promulgated standing, and known laws, and authorized independent judges; that is, independent, as far as possible, of prince and people. There should be one rule of justice for rich and poor, for the favorite at court, and the countryman at the plough.

Thirdly. The supreme power cannot justly take from any man any part of his property without his consent in person or by his representative.

These are some of the first principles of natural law and justice, and the great barriers of all free states, and of the British constitution in particular. It is utterly irreconcilable to these principles, and to any other fundamental maxims of the common law, common sense, and reason that a British House of Commons should have a right at pleasure to give and grant the property of the colonists. (That the colonists are well

entitled to all the essential rights, liberties, and privileges of men and freemen born in Britain is manifest not only from the colony charters in general, but acts of the British Parliament.) The statute of the 13th of the Massachusetts charter are these: “And further, our will and pleasure is, and we do hereby, for us, our heirs, and successors, grant, establish, and ordain that all and every of the subjects of us, our heirs and successors, which shall go to and inhabit within our said Province and Territory, and every of their children which shall happen to be born there or on the seas in going thither or returning from thence, shall have and enjoy all liberties and immunities of free and natural subjects within any of the dominions of us, our heirs, and successors, to all intents, constructions, and purposes whatsoever, as if they and every one of them were born within this, our realm of England.”

Now what liberty can there be where property is taken away without consent? Can it be said with any color of truth and justice that this continent of 3,000 miles in length, and of a breadth as yet unexplored, in which, however, it is supposed there are 5,000,000 of people, had the least voice, vote, or influence in the British Parliament? Have they altogether any more weight or power to return a single member to that House of commons who have not inadvertently, but deliberately, assume a power to dispose of their lives, liberties, and properties than to choose an emperor of China? Had the colonists a right to return members to the British Parliament it would only be hurtful, as from their local situation and circumstances it is impossible they should ever be truly and properly represented there. The inhabitants of this country, in all probability, in a few years will be more numerous than those of Great Britain and Ireland together; yet it is absurdly expected by the promoters of the present measure that these, with their posterity to all generations, should be easy while their property shall be disposed of by a House of Commons at 3,000 miles distant from them, and who cannot be supposed to have the least care or concern for their real interest, but must be in effect bribed against it, as every burden they lay on the colonists is so much saved or gained to themselves. Hitherto many of the colonists have been free from quit rents; but if the breath of a British House of Commons can originate an act for taking away all our money our lands will go next or be subject to rack rents from haughty and relentless landlords, who will ride at ease while we are trodden in the dirt. The colonists have been branded with the odious names of traitors and rebels only for complaining of their grievances. How long such treatment will or ought to be borne is submitted.

*Source for text and spellings will match:
The Constitution of the United States of
America – And Selected Writing of the Founding
Fathers – Barnes and Noble – New York – 2012
Typeset by Jeremiah Embs
EmbsComputerArt.com
This text and this setting is copyright Free
Distribute Freely*