

Massachusetts Government Act

May 20, 1774

AN ACT for the better regulating the government of the province of the Massachuset's Bay, *in* New England.

WHEREAS the method of electing such counsellors or assistants, to be vested with the several powers, authorities, and privileges, therein mentioned, ... in which the appointment of the respective governors had been vested in the general courts or assemblies of the said colonies, hash, by repeated experience, been found to be extremely ill adapted to the plan of government established in the province of the Massachuset's Bay ... , *and hath ... for or some time past, been such as had the most manifest tendency to obstruct, and, in great measure, defeat, the execution of the laws; to weaken the attachment of his Majesty's well disposed sub jects in the said province to his Majesty's government, and to encourage the ill disposed among them to proceed even to acts of direct resistance to, and defiance of, his Majesty's authority: And it hath accordingly happened, that an open resistance to the execution of the laws hath actually taken place in the town of Boston, and the neighbourhood thereof, within the said Province: And whereas it is, under these circumstances, become absolutely necessary, ... that the said method of annually electing the counsellors or assistants of the said Province should no longer be suffered to continue, but that the appointment of the said counsellors or assistants should henceforth be put upon the like footing as is established in such other of his Majesty's colonies or plantations in America, the governors whereof are appointed by his Majesty's commission, under the great seal of Great Britain: Be it therefore enacted ...*, that from and after August 1, 1774, so much of the charter ... [of 1691] ... which relates to the time and manner of electing the assistants or counsellors for the said province, be revoked, ... and that the offices of all counsellors and assistants, elected and appointed in pursuance thereof, shall from thenceforth cease and determine: And that, from and after the said August 1, 17 74, the council, or court of assistants of the said province for the time being, shall be composed of such of the inhabitants or proprietors of lands within the same as shall be thereunto nominated and appointed by his Majesty . . . , provided, that the number of the said assistants or counsellors shall not, at any one time, exceed thirty six, nor be less than twelve.

II

And it is hereby further enacted, That the said assistants or counsellors, so to be appointed as aforesaid, shall hold their offices respectively, for and during the pleasure of his Majesty....

III

And be it further enacted ..., That from and after July 1, 1774, it shall and may be lawful for his Majesty's governor for the time being of the said province, or, in his absence, for the lieutenant governor, to nominate and appoint, under the seal of the province, from time to time, and also to remove, without the consent of the council, all judges of the inferior courts of common pleas, commissioners of Oyer and Terminer, the attorney general, provosts, marshals, justices of the peace, and other officers to the council or courts of justice belong....

VI

And be it further enacted ..., That, upon every vacancy of the offices of chief justice and judges of the superior court of the said province, from and after July 1, 1774, the governor for the time being, or, in his absence, the lieutenant governor, without the consent of the council, shall have full power and authority to nominate and appoint the persons to succeed to the said offices, who shall hold their commissions during the pleasure of his Majesty ...;

VII

And whereas, by several acts of the general court, ... the freeholders and inhabitants of the several townships, districts, and precincts, qualified, as is therein expressed, are authorized to assemble together, annually, or occasionally, upon notice given, in such manner as the said acts direct, for the choice of selectmen, constables, and other officers, and for or the making and agreeing upon such necessary rules, orders, and byelaws, for the directing, managing, and ordering, the prudential affairs of such townships, districts, and precincts, and for other purposes: and whereas a great abuse has been made of the power of calling such meetings, and the inhabitants have, contrary to the design of their institution, been misled to treat upon matters of the most general concern, and to pass many dangerous and unwarrantable resolves: for remedy whereof, be it enacted, that from and after August 1, 1774, no meeting shall be called by the select men, or at the request of any number of freeholders of any township, district, or precinct, without the leave of the governor, or, in his absence, of the lieutenant governor, in writing, expressing the special business of the said meeting, except the annual meeting in the months of March or May, for the choice of select men, constables, and other officers, or except for the choice of persons to fill up the offices aforesaid, on the death or removal of any of the persons first elected to such offices, and also, except any meeting for the election of a representative or representatives in the general court; and that no other matter shall be treated of at such meetings...