AWESOME stories

James Otis Before the Boston Colonial Court

In February of 1761, James Otis opposed taxation laws imposed on the American Colonies by the British Parliament.

The "Petition of Lechmere" - better known as the "Writs of Assistance" case - helped to make Otis known as a supporter of American freedom.

He did not agree with the requirement that Colonials were mandated to help customs officials look for smuggled goods - or - that customs officials were authorized to search American homes and businesses without probable cause.

Writs of Assistance expired within six months after the death of the British monarch. When George II died, in October of 1760, Otis believed the time was right to test the legality of the detested Writs. He filed suit weeks after people in Boston received notice that George II was dead.

Although he predictably lost the case, given who was sitting in the Judges' seats, Otis helped to plant the seeds of American independence when he argued:

> *A man's house is his castle; and whilst he is quiet, he is well guarded as a prince in his castle. This writ, if it should be declared legal, would totally annihilate this privilege. Customhouse officers may enter our houses when they please; we are commanded to permit their entry. Their menial servants may enter, may break locks, bars, and everything in their way; and whether they break through malice or revenge, no man, no court may inquire. Bare suspicion without oath is sufficient.*

Otis, the lawyer and political thinker, also warned against the "lust for" and abuse of political power. Among other things, he observed:

> *The lust of power and unreasonable domination are, have been, and I fear ever will be not only impatient of, but above, control. The Great love pillows of down for their own heads, and chains for those below them.* (See *The Collected Political Writings of James Otis. Edited and with an Introduction by Richard Samuelson*; Indianapolis: Liberty Fund, 2015.)

This image depicts an artist's interpretation of "James Otis Arguing Against the Writs of Assistance in the Old Towne House" on the 24th of February, 1761.

Robert Reid created this oil-on-canvas in 1901. The Commonwealth of Massachusetts had commissioned the work, in 1900, for the Massachusetts State House. The Legislature's web site gives us more detail about the painting and the basis for the scene it depicts:

> *In this mural, James Otis confronts Chief Justice Thomas Hutchinson and four other judges in the Council Chamber of the Town House on the legality of the Writs of Assistance, warrants that permitted the arbitrary search and seizure of colonial property by agents of the king. According to the eyewitness account of John Adams, "Otis was a flame of fire!... American Independence was then and there born."*
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> *Indeed, the argument was to lay the basis for Article Fourteen of the Declaration of Rights of the Massachusetts Constitution and led ultimately to the adoption of the fourth Amendment to the U. S. Constitution.*
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> *Reid drew inspiration from Adams' animated account of the trial, highlighting the drama with the fiery glow from the hearth just out of view, the captivated crowd in the doorway, the level gaze of the Chief Justice in his immense chair, and above all the defiant posture of the central figure. The frieze-like group stretches before us, drawing us into the scene.*
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> *Reid's debt to earlier murals, especially those by John Singer Sargent at the Boston Public Library, is clear. Although well known for his impressionistic figural and landscape compositions, as a muralist he completed walls for the World's Columbian Exposition (1893) and the Library of Congress (1896) before receiving the State House commission.*

On the 21st of June, 1768, James Otis gave another remarkable speech. This one enraged the Royal Governor of Massachusetts.

What caused the Governor to call Otis' speech "treasonable" and "insolent?" Among other things, the choice words Otis used to describe the British Parliament. We learn more from "Mass Moments":

> *...in 1768, James Otis, Jr. gave a characteristically fiery speech to his fellow legislators in Boston. He referred to the British House of Commons as a gathering of "button-makers, horse jockey gamesters, pensioners, pimps, and whore-masters."*
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> *The colony's royal governor denounced Otis's tirade as the most "insolent. . . treasonable declamation that perhaps was ever delivered."*
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> *Otis's speech in June 1768 was one of many that attacked Parliament for its efforts to squeeze more revenue from the American colonies.*

Although he is not well-remembered today, James Otis was one of the forerunners of American independence.

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James Otis

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