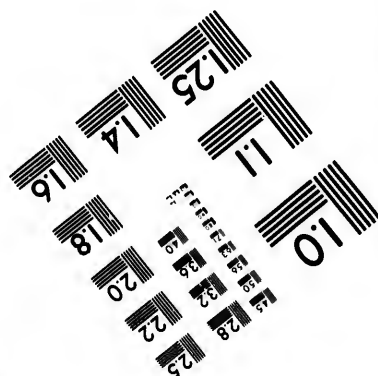
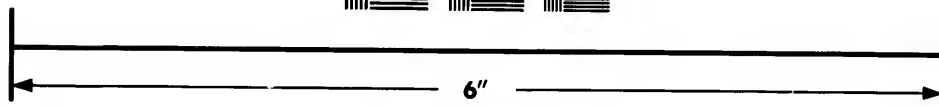
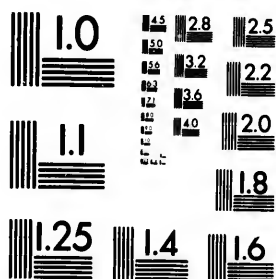


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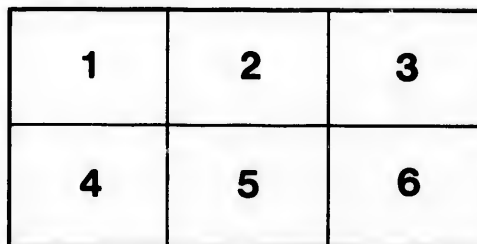
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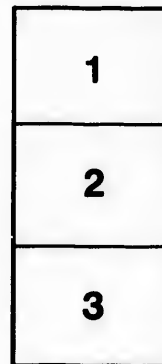
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1680-1749

ALSO OF

**CHIEF-JUSTICE CHARLES MORRIS**

1711-1781

PREPARED BY

**CHARLES J. MCINTIRE**

A DESCENDANT

For "Publication No. 4" of the Mass. Soc. of Colonial Wars

CAMBRIDGE

1893  
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THE HONORABLE JOHN READ.



## THE HONORABLE JOHN READ.

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BY CHARLES J. MCINTIRE.

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John Read, of Boston, Attorney-General of the Province, was one of the most eminent lawyers and distinguished citizens that New England ever produced. He was a scholar, a wit and orator, and a jurist, possessed of broad views, extensive acquirements, and vigor of intellect; but, although chief among the wise, witty, and eloquent, little has been written of him aside from the many anecdotes bearing testimony to his learning and sagacity, his witticisms and eccentricities. It was said of him by John Adams that "he had as great a genius and became as eminent as any man." And he styled him at another time as "that great Gamaliel."

Elliott, in his Biographical Dictionary, relates that "Mr. Read was a gentleman of very brilliant talents, of sterling integrity, a friend of the people, of the laws, and of government. For his superior abilities he was considered as one of the greatest lawyers in this country. The succeeding generation indulged a pride in quoting his legal opinions and sayings in common conversation. . . . While he sat at that board [the Governor's Council] he was their oracle, and was eminently useful to the country."

Hutchinson regarded him as a "very eminent lawyer, and, which is more, a person of great integrity and firmness of mind." Knapp adds that "as a legislator he was conspicuous, but so unambitious a man could not have been a regular leader. He was too independent and enlightened for a lover of prerogative, and too honest for a leader of faction; he spoke with frankness, regardless of political consequences. A great man who condescends to enter into the politics of the day, and bear the heat

and burden of it, owes nothing to the public for his honors ; but the public are much indebted to him for his exertions."

Both Mr. Quincy and James Otis contribute to his fame, the one by designating him, in his history of Harvard College, as "one of the most eminent lawyers of that period in New England;" and the other by stating that "he was the greatest common lawyer this country ever saw." He was born in Connecticut Feb. 14, 1680, and in the history of the Read families is stated to be the son of Samuel Read, of Mendon, Mass., and his wife Hopestill Holbrook, and a grandson of John Read, who came with the great fleet in 1630, and in 1643 or 4 went to Rehoboth. Mr. George B. Reed, in his excellent sketch of the life of John Read, published in 1879, to which I am indebted for many facts, says that he may have been a descendant of John Read, of Rehoboth, or of the family of the second wife of Governor Winthrop, of Connecticut, who was a Read. At seventeen years of age he graduated from Harvard College, and began at once to prepare himself for the ministry. He preached at Waterbury, East Hartford, and Stratford, Conn., from 1698 to 1706. Having been drawn unwillingly into law-suits concerning his title to certain lands, and becoming thereby interested in the science of the law, he concluded to devote himself to its knowledge and practice. Accordingly, after a period of about two years' study, he was admitted to practice at the bar on Oct. 6, 1708. His superior abilities soon attracted attention and clients. He rose rapidly in his profession, and in May, 1712, was made Queen's Attorney for the colony, which office he held for several years. In the "Connecticut Colonial Records" we find frequent mention of him in connection with law-suits in the courts, and important matters before the General Assembly. In 1714 he settled at Lonetown, upon a tract which he purchased of the Indians, where he continued to reside until 1721, during the remainder of his stay in Connecticut. That colony secured his services in 1719, as one of her commissioners on the disputed boundary line of New York ; and also in 1720, as her sole representative to meet the Massachusetts, Rhode Island, and New Hampshire commissioners, and with them to consider how to recover and support

the credit of the paper bills then in circulation as money. Upon this matter he drew up and submitted an interesting report, showing how the value of such money might be sustained.

At about twenty years of age he had married Ruth Talcot, the sister of Gov. Joseph Talcot, and daughter of Lieut.-Col. John Talcot, who commanded the Connecticut forces in King Philip's war. In 1721, when he had reached his full vigor, he looked for broader fields in which to exercise his talents, and upon receiving encouragement from influential citizens of Boston, he removed there early during the year.

Within a very short time after taking up his new abode, the House of Representatives elected him attorney-general, to fill the vacancy caused by the death of Thomas Newton on May 28 ; but Governor Shute negatived the vote, partly, perhaps, for the reason that Read had so recently become a resident, but more particularly because of his opinion that it was the Governor's prerogative to appoint such officer. The position, therefore, remained vacant during that year.

On Dec. 12, 1722, Mr. Read purchased a residence upon Hanover street, near the present location of the American House. A large and lucrative practice had awaited him in Massachusetts, and he seemed to have his choice of clients. The town of Boston secured his services in many matters wherein its inhabitants were interested, and the province likewise retained him in its controversies with New Hampshire and Rhode Island as to the proper boundaries. Connecticut, moreover, continued to employ him to represent her in her differences with Rhode Island and New York.

In 1722 John Overing was chosen attorney-general, and in 1723 Read was again elected, and this time confirmed. In 1724 he was once more elected, but Lieutenant-Governor Dummer, who held the same opinion as did Governor Shute regarding the exclusive right of the Executive, under the charter, to make the appointment, having been reënforced by similar opinions expressed the previous year by the attorney-general and the solicitor-general of England, submitted his opinion in writing to the Council. The Council advised him that the election was in

accordance with the charter and practice, but Dummer withheld consent.

In 1725, 1726, and 1727 Read was elected and duly confirmed each year.

The people of Boston elected him to the House of Representatives on May 10, 1738, and he became thus the first lawyer who was ever chosen a member of the General Court. It was in this year that he conveyed his estate on Hanover street to his son William, and removed to his new mansion on Queen street, now Court. His grounds there covered the entire square bounded by Cornhill, Court and Washington streets.

In 1741 and 1742 he was sent to the Governor's Council, and was recognized at once as the ablest member of that Board.

Among the members of the bar John Read was renowned as a special pleader in the days when special pleading was a science, and many tales are told of his efficiency. He took upon himself the responsibility of reducing the obscure and redundant phraseology of the English deeds of conveyance to their present simple forms. Knapp tells us that his influence and authority must have been great, as a lawyer, to have brought his retrenched forms into general use; and, further, that the declarations which he made and used in civil actions have many of them come down to us as precedents, and are among the finest specimens of special pleading which can be found. Both Story and Parsons have also commended his pleadings in the highest of terms.

His family consisted of two sons and four daughters. Col. John Read, the eldest, was born in 1700, and became a man of prominence in Connecticut, where he remained and died. The younger son, William, was born in 1710; came to Boston with his father; was a lawyer; appointed judge of the Admiralty Court in 1766; a judge of the Superior Court in 1770; was one of the five judges appointed by the Council in 1775, and died, unmarried, in 1780. The daughters were Ruth, who married Rev. Mr. Haven, of Fairfield, Conn.; Mary, born April 14, 1716, married Capt. Charles Morris, of Boston, who commanded a company in 1745 at the siege of Louisburg, and re-



mained in Nova Scotia, becoming Councillor, and Chief-Justice of the Supreme Court ; and Abigail and Deborah.

Attorney-General Read was a vestryman of King's Chapel, and he occupied pew No. 16. He died at Boston, Feb. 14, 1749, at the age of sixty-nine years, and was buried in the crypt of the chapel. Ruth Read, his widow, died July 20, 1759, aged eighty-one years, and was also buried in the chapel's crypt.

Life and Works of John Adams, III., 533, 542.

Conn. Archives, II., Doc. 154.

List of Atty. and Solic. Gen. of Mass., 1686-1780. A. C. Goodell, Jr.

Boston Record Com. Report, Vols. XII. to XV.

Washburn : " Judicial History of Mass."

Hutchinson : " History of Mass.," II., 336, note.

Knapp : " Biog. Sketches."

Foote : " History of King's Chapel."



CHIEF-JUSTICE CHARLES MORRIS.



## CHIEF-JUSTICE CHARLES MORRIS.

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BY CHARLES J. MCINTIRE.

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The story of Charles Morris, who left his New England home a soldier, and ultimately became Privy Councillor and Chief-Justice of Nova Scotia, is instructive and interesting. He was the sixth of a family of nine children. His father, also a Charles Morris, was born in Bristol, England, in 1675, came to Boston in 1696, and in 1699 married Esther Rainsthorpe, who had been here since 1684. The Rev. Charles Morris, born in Wales in 1650, was his grandfather. The subject of our sketch was born in Boston June 11, 1711, received a good education, and, like Washington, devoted much attention to the surveying of lands, becoming an acknowledged expert in such work while he was yet young. At twenty-one years of age he married Mary Read, the daughter of Hon. John Read, of Boston, the eminent lawyer and attorney-general of the province of Massachusetts Bay.

Mr. Akens, the Commissioner of Public Records, informs us that when Governor Shirley was calling for volunteers, in 1745, for the expedition under Pepperell against Louisburg, Morris offered his services, was given the command of a company, and took active part in the memorable siege and capture. After the surrender of that fortress, by the request of Governor Shirley Captain Morris made a survey of the whole of Nova Scotia with a view to British colonization. This survey was duly sent to the "Board of Trade and Plantations," accompanied by a concise account of the state of the province, a copy of which is still preserved among the archives of Halifax. In the winter of 1746-7 Shirley sent an expedition composed of New England soldiers, commanded by Noble, to hold Minas

against the enemy, and the first section under Captain Morris reached its destination on December 12. When the whole force had arrived and taken up its quarters at Grand Pré, it did not exceed in all four hundred and seventy men. These men had marched thirty leagues in eight days, in spite of this inclement season, with fourteen days' provisions on their backs. They distributed themselves in small bodies among the houses deserted by the inhabitants, not believing it practicable for the enemy to reach there during the winter; but the French Commander Coulon, having learned that they were settled in quarters at great distances from each other, resolved to attack them. So, gathering recruits on the journey, to the number of about six hundred including Indians, he marched through the woods, and at about three o'clock in the morning of January 31, o.s., surprised the New Englanders, in a blinding snow-storm, by furious attacks upon them in their scattered quarters. Notwithstanding this unexpected assault they bravely resisted, but Colonel Noble, Lieutenants Lechemere, Jones, and Pickering, Ensign Noble, and about seventy soldiers were killed, and Captain Doane with about sixty-nine men were wounded and taken prisoners. Meanwhile Captain Morris rallied the others, who fought their way through the enemy until they reached a large stone building in the middle of the town, known as the guard-house, which they courageously held. The next day, after an unsuccessful sortie in the deep snow, upon an offer of an honorable surrender, with leave to bear off their arms and colors, and six days' provisions, they capitulated, marched out, and were permitted to join the force at Annapolis. In a letter written from Boston, Feb. 18, 1749, to the Duke of Bedford, Secretary of State, Governor Shirley refers to a report and plan of survey of Captain Morris, "who commanded one of the six New England companies, an officer who has distinguished himself . . . by his behavior at Minas against the enemy." When Louisburg was evacuated by the British in 1749, after the treaty of Aix-la-Chapelle, Morris went to Chebucto with the garrison, and in that year, together with Mr. Bruce, the military engineer, by the request of Governor Cornwallis he laid out the town of Halifax. He was, moreover, the author of

most of the surveys of Nova Scotia during the first years of the settlement.

He was appointed Surveyor-General in 1749, and held the office for thirty-two years. On Dec. 30, 1755, he was created Privy Councillor, and continuously held that office also down to the time of his decease. On March 5, 1753, he was made Justice of the Inferior Court of Common Pleas; in June, 1764, a Judge of the Supreme Court, and Chief-Justice on April 30, 1776. His son, grandson, and great-grandson succeeded him in turn as Surveyor-General, and his son likewise as Privy Councillor. Other positions of importance were entrusted to the captain from Boston. In 1748 he was one of the officers sent to Minas to put out the embers of rebellion and dissatisfaction existing there. In 1749 he assisted Governor Shirley in preparing and recommending to the king a general plan of colonization and civil government for Nova Scotia. In 1750 the Council made him one of the commission of two to consider the question of the construction of a quay along the shore in front of the town of Halifax. In 1769 he was sent as a commissioner to New York to solicit emigration to Nova Scotia, and to make known the terms of government. In consideration of his valuable services, one of his sons was given a commission in the forty-fifth regiment of regulars. It is pleasant to relate that when the clamor began for the expatriation of the Acadians, he opposed the scheme, in substitution for which he officially recommended the colonization among them of a number of English families, saying unreservedly in his report, "To remove the French inhabitants would be attended with very hazardous consequences, and should be avoided if possible."

In 1781, at the close of a long and eventful career, during which he continuously filled so many positions of honor and trust, while holding court at Windsor he was attacked with a malignant carbuncle which took him off after a brief illness. He died as he would wish, at his post of duty, universally respected and mourned.

See Prize Essay on the History of the Settlement of Halifax, by Thos. B. Akens, Esq. (Comr. of Pub. Records), Halifax, N.S., April 18, 1839, Chap. V.:



"*Charles Morris* was a Captain in the Provincial troops *under Pepperell at the siege of Louisbourg in 1745*. He came up to Halifax in 1749, and was appointed Surveyor-General, and afterwards sworn in Councillor in 1755," etc.

Nova Scotia Archives, ed. by Thomas B. Akens, D.C.L., Comr. of Pub. Records, 1869, p. 293, note.

Murdock's Hist. of Nova Scotia, Vol. II., pp. 129, 130, and pp. 104 to 110.

Shirley's Memoirs of the Prin. Transac. of the last War between the Eng. and French in No. America. Lond., 1757, pp. 87, 88, 89.

Douglas's Summary, 1749, Boston, pp. 324, 325.

Prize Essay, etc. Chap. V. Chap. I., pp. 8, 16.

Nova Scotia Arch., pp. 293, 604, 692.

Murdock's Hist., Vol. II., pp. 122, 123, 128 to 132, 299, 310, 441, 531, 569, 570, 586, 589.

Haliburton's Nova Scotia, Vol. I., pp. 248, 256, 319.



