

The Trial of Captain Preston: Key Evidence

Although the trial of Captain Thomas Preston (who Preston commanded the British troops involved in the Boston Massacre) was transcribed in shorthand by John Hodgson, the transcript has not survived. John Adams wrote, "The British government have never permitted it to see the light, and probably never will." We can, however, gather much about how the trial likely proceeded from the deposition given by Preston himself, as well as from the statements of eyewitnesses to the massacre.

Primary source: Wheeler; Becker. *The American Past*. Houghton Mifflin Company (1990).

Deposition of Captain Thomas Preston, March 12, 1770.

It is [a] matter of great notoriety that the arrival of his Majesty's troops in Boston was extremely obnoxious to its inhabitants. They have used all means in their power to weaken the regiments, and to bring them into contempt by promoting desertions, and falsely spreading untruths concerning them. On the arrival of the 64th and 65th, any love left for the British came to an end; it being too expensive to buy off so many, and attempts of that kind rendered too dangerous from the numbers



Ever since their arrival there has been breaking out, greater violence. One of their justices, most thoroughly acquainted with the people and their intentions, declared "that the soldiers must now take care of themselves, nor trust too much to their arms, for they were but a handful; that the inhabitants carried weapons concealed under their clothes, and would destroy them in a moment, if they pleased". This, considering the malicious temper of the people, was alarming to the soldiers.

Since then, several disputes have happened between the townspeople and the soldiers of both regiments. The townspeople being encouraged by the acceptance of even some of the magistrates. In general such disputes have been kept secret from the officers. On the 2nd, two of the 29th were going through Gray's ropewalk. The rope-makers insultingly asked them if they would empty a vault. This unfortunately had the desired effect by provoking the soldiers, and from words they went to blows.

Both parties suffered in this fight, and finally the soldiers returned to their quarters. The officers, on first hearing of this transaction, took every precaution in their power to prevent any negative consequence. Notwithstanding, single quarrels could not be prevented, the inhabitants constantly provoking and abusing the soldiery. The rudeness as well as utter hatred of the inhabitants to the troops increased daily, insomuch that on Monday and Tuesday, the 5th and 6th, townspeople secretly agreed on a general confrontation. Several of the militia came in from the country, armed to join their friends, menacing to destroy any who should oppose them. This plan was soon discovered.

On Monday night about 8 o'clock two soldiers were attacked and beat. But the party of the townspeople, in order to carry matters even further, broke into two meeting houses and rang the alarm bells, which I supposed was for fire as usual, but soon realized otherwise. About 9, some of the guard came to and informed me the town inhabitants were assembling to attack the troops, and that the bells were ringing as the signal for that purpose and not for fire, it was intended to bring in the distant people of the country.

This, as I was captain of the day, caused my returning immediately to the main guard. In my way there I saw the people in great commotion, and heard them use the most cruel and horrid threats against the troops. In a few minutes after I reached the guard, about 100 people passed by and went towards the custom house where the king's money is lodged.

They immediately surrounded the sentry posted there, and with clubs and other weapons threatened to execute their vengeance on him. I was soon informed by a townsman their intention was to carry off the soldier from his post and probably murder him.

On which I desired him to come to me with information, and he soon came back and assured me he heard the mob declare they would murder him. This I feared might be a prelude to their plundering the king's chest.





I immediately sent a non-commissioned officer and 12 men to protect both the sentry and the king's money. I followed very soon myself to prevent, if possible, all disorder, fearing that the officer and soldiers, provoked by the insults of the rioters, should be thrown off their guard and commit some rash act.

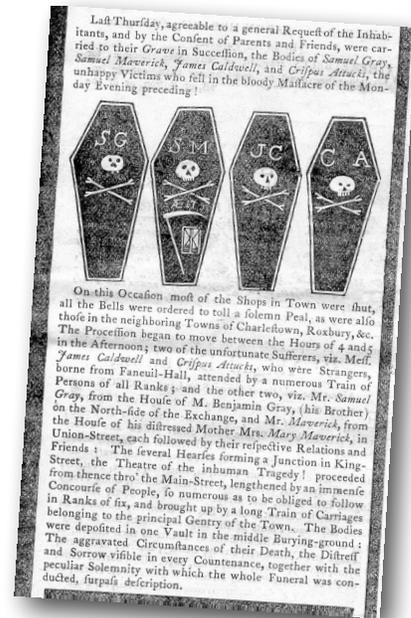
They soon rushed through the people, and by charging their bayonets in half-circles, kept them at a little distance. Nay, so far was I from intending the death of any person that I told the troops to go there without any loading in their pieces; nor did I ever give orders for loading them. This remiss conduct in me perhaps merits blame; yet it is evidence, resulting from the nature of things, which is the best and surest that can be offered, that my intention was not to act offensively, but to the contrary.

The mob still increased and were more outrageous, striking their clubs or bludgeons one against another, and calling out, "come on you rascals, you bloody backs, you lobster scoundrels, fire if you dare, G-d damn you, fire and be damned, we know you dare not," and much more such language was used.

At this time I was between the soldiers and the mob, negotiating with, and trying with all in my power to persuade them to retire peaceably, but with no success. They advanced to the points of the bayonets, struck some of them and even the muzzles of the pieces, and seemed to be endeavouring to get closer to the soldiers.

On which some well behaved persons asked me if the guns were charged. I replied yes. They then asked me if I intended to order the men to fire. I answered no, by no means, observing to them that I was in front of the muzzles of the men's pieces, and must fall a sacrifice if they fired; that the soldiers were upon the half cock and charged bayonets, and my giving the word fire under those circumstances would prove me to be no officer.

They soon rushed through the people, and by charging their bayonets in



While I was thus speaking, one of the soldiers having received a severe blow with a stick, stepped a little to one side and instantly fired, on which turning to and asking him why he fired without orders, I was struck with a club on my arm, which for some time deprived me of the use of it. If that blow had it been placed on my head, it most probably would have destroyed me.



On this a general attack was made on the men by a great number of heavy clubs and snowballs being thrown at them, by which all our lives were in imminent danger. Some persons at the same time were calling out from behind, "damn your bloods-why don't you fire." Instantly three or four of the soldiers fired, one after another, and directly after, three more in the same confusion and hurry.

The mob then ran away, except three unhappy men who instantly expired, one of which was Mr. Gray at whose rope-walk the prior quarrels took place. One more is since dead, three others are dangerously, and four slightly wounded. The whole of this melancholy affair was transacted in almost 20 minutes. On my asking the soldiers why they fired without orders, they said they heard the word fire and supposed it came from me. This might be the case as many of the mob called out "fire, fire," but I assured the men that I gave no such order; that my words were, "don't fire, stop your firing."

In short, it was scarcely possible for the soldiers to know who said fire, or don't fire, or stop your firing. On the people's assembling again to take away the dead bodies, the soldiers supposing them coming to attack them, were making ready to fire again, which I prevented by striking up their firelocks with my hand.

Immediately after, a townsman came and told me that 4 or 5000 people were assembled in the next street, and had sworn to take my life with every man's with me. On which I judged it unsafe to remain there any longer, and therefore sent the party and sentry to the main guard, where the street is narrow and short, there telling them off into street firings, divided and planted them at each end of the street to secure their rear, momentarily expecting an attack, as there was a constant cry of the inhabitants to arms, to arms, turn out with your guns; and the town drums beating to arms, I ordered my drums to beat to arms, and being soon after joined by the different companies of the 29th regiment, I formed them as the guard into street firings.

The 14th regiment also got under arms but remained at their barracks. I immediately sent a sergeant with a party to Colonel Dalrymple, the commanding officer, to acquaint him with every particular. Several officers going to join their regiment were knocked down by the mob, one very much wounded and his sword taken from him. The lieutenant-governor and Colonel Carr soon after met at the head of the 29th regiment and agreed that the regiment should retire to their barracks, and the people to their houses, but I kept the picket to strengthen the guard. It was with great difficulty that the lieutenant-governor prevailed on the people to be quiet and retire. At last they all went off, excepting about a hundred.

Witnesses for the King (Prosecution)

Diman Morton

Between 9 and 10 I heard in my house the cry of fire but soon understood there was no fire but the Soldiers were fighting with the Inhabitants. I went to King Street. Saw the Centinel over the Gutter, his Bayonet breast high. He retired to the steps and loaded. The Boys dared him to fire. Soon after a Party came down, drew up. The Captain ordered them to load. I went across the Street. Heard one Gun and soon after the other Guns. The Captain when he ordered them to load stood in the front before the Soldiers so that the Guns reached beyond him.

Henry Knox

I saw the Captain coming down with his party. I took Preston by the Coat, told him for Gods sake take care of your Men for if they fire your life must be answerable. In some agitation he replied, "I am sensible of it." A Corporal was leading them. The Captain stood with me and the Party proceeded to the Centinel the People crying stand by. The Soldiers with their Bayonets charged pushing through the People in order to make way, "make way damn your Bloods." The Captain then left me and went to the Party. I heard the Centinel say, "damn their bloods if they touch me I will fire." In about 3 minutes after this the party came up. I did not



see any thing thrown at the Centinel. I stood at the foot of the Town house when the Guns were fired. I heard the People cry, "damn your bloods fire on." To the best of my recollection the Corporal had a Surtout on. I had none.

William Sawyer

The people kept huzzaing. Damn 'em. Daring 'em to fire. Threw Snow balls. I think they hit 'em. As soon as the Snow balls were thrown and a club a Soldier fired. I heard the Club strike upon the Gun and the corner man next the lane said fire and immediately fired. This was the first Gun. As soon as he had fired he said Damn you fire. I am so sure that I thought it was he that spoke. That next Gun fired and so they fired through pretty quick.

James Woodall

I saw one Soldier knocked down. His Gun fell from him. I saw a great many sticks and pieces of sticks and Ice thrown at the Soldiers. The Soldier who was knocked down took up his Gun and fired directly. Soon after the first Gun I saw a Gentleman behind the Soldiers in velvet of blue or black plush trimmed with gold. He put his hand toward their backs. Whether he touched them I know not and said by God I'll stand by you whilst I have a drop of blood and then said fire and two went off and the rest to 7 or 8.... The Captain, after, seemed shocked and looked upon the Soldiers. I am very certain he did not give the word fire.

Jane Whitehouse

A Man came behind the Soldiers walked backwards and forward, encouraging them to fire. The Captain stood on the left about three yards. The man touched one of the Soldiers upon the back and said fire, by God I'll stand by you. He was dressed in dark colored clothes.... He did not look like an Oficer. The man fired directly on the word and clap on the Shoulder. I am positive the man was not the Captain.... I am sure he gave no orders.... I saw one man take a chunk of wood from under his Coat throw it at a Soldier and knocked him. He fell on his face. His firelock was out of his hand.... This was before any firing.



Isaac Pierce

The Lieut. Governor asked Capt. Preston didn't you know you had no power to fire upon the Inhabitants or any number of People collected together unless you had a Civil Officer to give order. The Captain replied, "I was obliged to, to save my Sentry."

Edward Hill

After all the firing Captain Preston put up the Gun of a Soldier who was going to fire and said fire no more you have done mischief enough.

Daniel Cornwall

Capt. Preston was within 2 yards of me and before the Men and nearest to the right and facing the Street. I was looking at him. Did not hear any order. He faced me. I think I should have heard him. I directly heard a voice say Damn you why do you fire. Don't fire. I thought it was the Captain's then. I now believe it. .