

## Reader's Theater The Boston Massacre Trial

### Characters in the skit

First Narrator  
 Second Narrator  
 Presiding Judge Benjamin Lynde, Jr.  
 Robert Paine, lawyer for the prosecution  
 John Adams, lawyer for the defense

### Witnesses for the prosecution

Daniel Calef  
 Samuel Hemingway  
 Charles Bourgatte  
 Mr. Knox

### Witnesses for the defense

Captain Thomas Preston, defendant  
 Richard Palmes  
 Andrew  
 James Penny

### Jurors

Joseph Mayo, Foreman  
 Nathaniel Davis  
 Edward Pierce  
 Abraham Wheeler  
 Isaiah Thayer  
 Benjamin Fisher  
 Samuel Davenport  
 Joseph Houghton  
 Consider Atherton  
 Jacob Cushing, Jr.  
 Josiah Lane  
 Jonathan Burr

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### Scene 1—A Boston Street outside the Court House, October 1770

- First Narrator:** The British sent troops to Boston to enforce the Townshend Acts. Some Boston merchants sold tea and other products from England in defiance of the non-importation agreement. Some people traded at their stores in spite of a boycott.
- Second Narrator:** The Sons of Liberty threatened people who continued to buy from these merchants. There were reports that some stores were broken into and burned. Some merchants disappeared and it was believed that the Sons of Liberty tarred and feathered them.
- First Narrator:** Britain sent troops to Boston to keep order. This caused even more trouble. The soldiers were paid very little and many had to take part-time jobs. The Sons of Liberty took every opportunity to remind the workers of Boston that they could lose their jobs to these "Lobsterbacks."
- Second Narrator:** On the night of March 5 soldiers and civilians argued and fought in the streets of Boston. These street fights were common since most people of Boston hated the soldiers.
- First Narrator:** But, this night turned out to be different. A large crowd of people gathered and marched toward the Boston State House on King Street. The crowd was angry and some people said they threw rocks and snowballs at the soldiers. Shots rang out and three men were killed and others wounded. Two of the wounded men died the next day.

- First Narrator:** Who ordered the troops to fire on the people?
- Second Narrator:** Some said it was Captain Preston, the British officer in charge. Others said it was one of the soldiers who had been hit with a rock. Captain Preston and eight soldiers were arrested and charged with murder. Their trial is about to start.
- First Narrator:** Let's see if we can get into the court room to watch the trial.
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**Scene 2—A Boston Courtroom, October 1770**

- First Narrator:** The trial is just about to begin. Judge Benjamin Lynde has called the court to order.
- Judge Lynde:** Mr. Payne and Mr. Adams are you ready to begin.
- Robert Payne:** Yes, your honor.
- John Adams:** Yes, your honor.
- Judge Lynde:** Mr. Adams, how do your clients plead?
- John Adams:** Not guilty, your honor.
- Second Narrator:** (speaking quietly to the first narrator) Is the lawyer for the soldiers related to Sam Adams.
- First Narrator:** Yes, they are cousins. It hardly seems possible that the cousin of one of the leaders of the Sons of Liberty is defending these men. You can bet that Sam Adams is not happy with his cousin.
- Second Narrator:** The prosecuting attorney charged the defendants with murder and in his opening statement said that he will produce witnesses to prove that Captain Preston ordered soldiers to fire on unarmed civilians. He said that he would also prove that the eight soldiers that have been charged were responsible for firing the shots that killed five men.
- First Narrator:** Sam Adams told the jury that they must not let their dislike of having British soldiers in Boston interfere with the right of all Englishmen to have a fair trial. He told them that the evidence would prove that these men were not guilty of murder.
- Judge Lynde:** Mr. Paine, call your first witness.
- Mr. Paine:** I call Samuel Hemingway to the stand. Mr. Hemingway, do you know any of the prisoners?
- Mr. Hemingway:** Yes sir, several of them. There is Kilroy sitting there. I know him well. A few days before the massacre on King Street, Kilroy got into a fight with a worker named Samuel Gray. I heard him say that if he ever had the chance he would kill him. All I know is that Samuel Gray was shot and killed that night. I don't know for sure that Kilroy shot him, but he's dead ain't he.

- First Narrator:** Mr. Paine is calling several other witnesses to the stand.
- Mr. Knox:** The soldiers were hitting and pushing their muskets at children that night. Some of the children were calling the soldiers “lobsterbacks.” I didn’t see them throw anything at the soldiers until after the firing began. The soldiers just attacked an unarmed crowd of people without any cause.
- Daniel Calef:** (Pointing to Captain Preston) That man seated over there was in front of the Customs House that night. I was only a few feet away from him looking him right in the face when he shouted “fire.” That’s him, the officer sitting there.”
- Mr. Paine:** Charles Bourgatte to the stand. (Speaking to the judge) Your honor, Charles Bourgatte was born in Canada and does not speak English very well. I would like to have an interpreter in the court.
- Judge Lynde:** Mr. Adams, what say you?
- Mr. Adams:** I have no objections, your honor.
- Charles Bourgatte:** I am 14 years old and work as an apprentice to Mr. Edward Manwaring.
- Second Narrator:** Manwaring is one of the toughest customs officers in Boston. He has been the target of a number of protests organized by the Sons of Liberty. I wonder why Mr. Paine is calling this boy to testify?
- Charles Bourgatte:** When the riot started, I ran into King Street and to the door of the Custom House. Someone pulled me in. A tall man sent me upstairs and told me to stand by a window on the second floor. He gave me two guns and told me, “If you don’t fire, I will kill you.”
- Mr. Paine:** Then what happened?
- Charles Bourgatte:** After I fired these two guns, Mr. Manwaring fired one gun out of the same window. I pointed my guns up the street and fired in the air. Mr. Manwaring pointed his gun at the crowd in the street and fired. The man took me downstairs and told me he would give me money if I didn’t tell anyone about what happened that night.
- First Narrator:** Wow! If this testimony is true the Sons of Liberty were right all along—the British must be using this as an excuse to send even more troops to Boston.
- Second Narrator:** Looks like Mr. Adams is going to lose this case.
- First Narrator:** Let’s see what witnesses he is going to call and what they have to say.
- Mr. Adams:** I call James Penny.
- James Penny:** When I was in jail for not paying a debt a boy told me that he had been paid by a member of the Sons of Liberty to lie about being told to fire a gun from the Customs House window on the night of March 5. He even bragged that he was going to be taken care of.

- Mr. Adams:** What was the boy's name?
- James Penny:** I don't think he ever told me his name. I don't even know why he was in jail. I know that he told me that he was an apprentice to Mr. Manwaring.
- First Narrator:** Mr. Adams brought in sworn testimony from two other witnesses saying that Charles Bourgette was not at the Customs House on March 5. They swore that both he and Mr. Manwaring were at a boarding house across town the entire evening.
- Mr. Adams:** I would like to call Andrew, a slave of Mr. Oliver Wendell who is known to be a member of the Sons of Liberty.
- Andrew:** That night a number of boys were throwing snowballs at soldiers and calling them "Lobster, bloody backs" and hollering "Who Buys lobsters!" There were a number of people on King Street. One of the men hit a soldier with a stick. The man then knocked the gun from the soldier's hand. He grabbed a bayonet and shouted "Kill the dogs! Knock them over!"
- Mr. Adams:** Do you know this man's name?
- Andrew:** I'm not sure but I think I heard someone call him Crispus Attucks. I know that he was a black man. Someone told me that he was the first to be killed that night.
- Mr. Adams:** Do you know who gave the order to shoot at the crowd?
- Andrew:** No. I did see the soldier that had been knocked to the ground get up and fire his weapon at the crowd. I heard a voice cry "fire!" Captain Preston was standing in front of me. I am certain the voice came from behind him.
- Mr. Adams:** Richard Palmes please take the stand. Tell me what you heard and saw that evening.
- Richard Palmes:** I saw Captain Preston with seven or eight soldiers at the Customs House. The soldiers had their guns drawn and bayonets fixed. I saw snow balls and ice thrown at the soldier next to the Captain. The soldier stepped back and fired the first shot that evening.
- Mr. Adams:** Did you hear Captain Preston give the order.
- Richard Palmes:** No, sir, I don't know who gave the order.
- Mr. Adams:** I would now like to call Captain Preston to the stand.
- Captain Preston:** The mob carried clubs and shouted at the soldiers, "come on you rascals, you bloody backs, you lobster scoundrels, fire if you dare." I was between the soldiers and the mob, trying to get them to leave. Some one asked me if I planned to order the men to fire.
- Mr. Adams:** How did you reply?

- Captain Preston:** I answered no, by no means, telling them that I was between the soldiers and the mob and would be the first to be shot if I ordered them to fire. While I was speaking, one of the soldiers received a severe blow with a stick, stepped a little to one side and instantly fired..... On this a general attack was made on the soldiers hitting them with heavy clubs and snowballs were thrown at them. All our lives were in danger. Some persons in the mob shouted, "why don't you fire!" At that moment three or four of the soldiers fired.
- Mr. Adams:** Captain Preston, who shouted the order to fire?
- Captain Preston:** After the shooting stopped I asking the soldiers why they fired without orders, they said they heard the word fire and supposed it came from me. They may have heard the call to fire come from the crowd that were attacking us since many of the mob called out fire!
- Mr. Adams:** I have one final question. Captain Preston, why did you have soldiers stationed in the area of the State House and the Customs House on the night of March 5?
- Captain Preston:** Sir, I had no idea what mischief this mob would do. Taxes that have been collected are held here. It was my duty to defend the royal treasury.
- First Narrator:** Other witnesses were called and testimony continued for some time. After both lawyers gave their closing statements the judge turned the case over to the jury.
- Second Narrator:** London newspapers carried stories about the case. They reported that a colonial mob attacked British soldiers and the soldiers fired in self-defense. They blamed the attack on Sam Adams. Some newspapers criticized Paul Revere for selling a picture of "The Massacre on King Street" calling it colonial propaganda. His picture showed innocent people being shot by British soldiers. According to the London papers Captain Preston and the eight soldiers could not get a fair trial in Boston.
- First Narrator:** On December 5 the jury gave their verdict to the judge.