

Quartering of Soldiers in Colonial America: What Really Happened?

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

— Third Amendment

When reading the words of the Third Amendment of the Bill of Rights today, what images come to mind?

Most Americans probably visualize British redcoats rudely demanding free room and board as they force their way into the private homes of colonists. Do these images represent a true picture of the quartering of soldiers in colonial America? What really happened? A glimpse into the American past provides a valuable perspective for understanding the origins of the Third Amendment as well as a deeper appreciation of the underlying values of the Bill of Rights as a whole.

Quartering During the French and Indian War

The idea of quartering soldiers in private homes without the owners' consent, even in wartime, had been illegal in England for many years before the American Revolution. The English Bill of Rights of 1689 listed the right of the king's subjects "not to be burdened with the sojourning of soldiers against their will."

The English Mutiny Act, a law dealing with military matters, provided that troops could take over inns and other public houses. The owners of these establishments were then compensated by the British government.

In America during 1754, the question of quartering troops first arose, when British soldiers began arriving to fight in the French and Indian War. Lord Loudoun, the commander-in-chief of the British army in North America, realized that the quartering provisions of the Mutiny Act applied only to England and not to its colonies. Using his military authority, Lord Loudoun decreed that if barracks were not available, then the owners of both public and private houses would have to provide accommodations for his men. Loudoun left it up to local civilian officials to make the necessary arrangements and to secure reimbursement from their colonial legislatures.

The colonists rarely challenged Lord Loudoun's authority to quarter his men as he saw fit. The most serious confrontation took place in the summer of 1756 in Albany, New York, the center of military activity against the French. Lord

Loudoun ordered the people of Albany to take officers and common soldiers into their homes until regular military barracks could be constructed. When the townspeople objected, Loudoun took private houses by force and even seized a church to store his gunpowder. During the entire colonial period, this was the only significant incident when British troops used force to be quartered in private homes.

The Quartering Act of 1765

In 1763, when the French and Indian War ended, the British government decided to keep a standing (permanent) army in North America. Although the mission of the peacetime army was not clearly defined, it seemed to be a combination of defending newly acquired Canada and Florida and managing Indian affairs. Some colonists welcomed British military assistance in protecting them from hostile Indian attacks. The British government, however, never stated the most important purpose. The army was to act as a police force to keep the king's subjects in line.

In the early 1760s, American colonists were divided in their attitude toward the British. Some were fiercely loyal and welcomed a strong military presence. Others were neutral. Many colonists, however, disliked the idea of a standing army during peacetime. They knew that in the past such armies had threatened the liberties of the English people. Many also objected to the additional taxes they had to pay to continue financing these soldiers. Finally, most colonists recognized that the problem of quartering soldiers would continue.

General Thomas Gage, the new British commander-in-chief, recommended that Parliament pass a quartering law for the colonies. Expecting trouble in America, Gen. Gage wanted the legal authority to provide living quarters for his troops.

The Quartering Act of 1765 directed colonial governors and their councils to hire inns and vacant buildings as quarters for soldiers when regular barracks were unavailable. The law also required colonial governments to furnish the soldiers with firewood, bedding, candles, salt, vinegar, cooking utensils plus a daily ration of beer, cider, or rum. Furthermore, the Quartering Act authorized innkeepers to feed the soldiers at the colonies' expense.

Americans saw the Quartering Act of 1765 as an attempt to force the colonists to pay for a standing army that they did not want. When Parliament was forced to repeal the hated Stamp Act in 1766, Massachusetts' radical leader, Sam Adams, pointedly asked, "Is not [the Quartering Act] taxing the Colonies as effectively as the Stamp Act?"

Crisis in Boston

A few months after the Stamp Act was repealed, a new English government, headed by Charles Townshend, enacted a law requiring the colonies to pay customs duties on a variety of imported items. The Townshend Act, like the

Stamp Act before it, was unpopular in America. The colonists protested and boycotted imported goods to undermine the collection of the customs duties.

In 1768, John Hancock, a wealthy merchant, refused to pay duty on wine aboard his ship in Boston Harbor. When customs officials tried to seize Hancock's ship, a mob drove them out of town. Americans saw great significance in the name of John Hancock's ship — Liberty.

From New York City, Gen. Gage pressured the Townshend government to take action against the rebellious Bostonians. "Quash this Spirit at a Blow without too much regard to the Expense," Gage wrote, "and it will prove [economical] in the End." Following Gage's recommendation, the British government ordered the occupation of Boston by four regiments, each regiment containing about 700 men.

The arrival of the first troop ships beginning in Boston Harbor on September 18, 1768, created an immediate quartering crisis. The royal governor, Francis Bernard, informed the commander of the troops, Lieutenant Colonel Dalrymple, that the Massachusetts Council had refused to provide for the quartering of troops in the town. The Council, consisting of representatives from the colonial legislature, wanted all the troops quartered at Castle William, an island in Boston Harbor with military barracks suitable for two regiments. Although Castle William was located about three miles from the town itself, it was technically still part of Boston. Angered by this tactic, Dalrymple demanded that at least two regiments be quartered in the city of Boston in order to guard against further rebelliousness by the residents there.

Unable to persuade the Massachusetts Council, Dalrymple ordered one of his regiments to march up King Street and camp in the middle of town, on Boston Common. A short time later, another regiment took over Faneuil Hall, an important Boston meeting place. Additional troops occupied the town hall. Despite these moves, the Massachusetts Council still refused to supply quarters and provisions as required by the Quartering Act of 1765.

In mid-October, Gen. Gage arrived from New York City to try to break the stalemate. After arguing unsuccessfully before the Council, he declared that Boston was "under a kind of Democratical Despotism."

The continuing crisis caused several problems involving the soldiers. Since the troops were split into several different locations, military discipline was hard to maintain. Within the first two weeks after arriving, 70 men deserted. The roads leading out of Boston were blockaded to stop the desertions. Arguments and tempers flared when Boston residents found themselves challenged and questioned by the blockade sentries. Groups of rowdies sometimes attacked and beat up the sentries. Small boys threw stones at them. Public drunkenness among

the soldiers became a common sight. Many fights broke out between the soldiers and townsmen.

As winter approached toward the end of October, the quartering issue became an emergency situation. Making matters worse and more urgent, two more regiments from Britain were expected to arrive shortly. Something had to be done and fast.

The Outcome of the Quartering Crisis

On October 26, 1768, the Massachusetts Council announced its “definitive refusal” to provide and pay for the quartering of British soldiers inside the town of Boston. The following day, soldiers moved into stores, warehouses, and other commercial buildings that had been rented by Lt. Col. Dalrymple at the Crown’s expense. Eventually, as local toughs and soldiers repeatedly clashed, virtual warfare raged on the streets of Boston. On March 5, 1770, a crowd gathered before the Customs House, taunted the sentry and began throwing stones and snowballs. The crowd became increasingly aggressive, eventually goading British soldiers into firing their muskets into the crowd, killing five people.

The shock of the “Boston Massacre” resulted in the removal of the British troops from Boston. They did not return until 1774, following the Boston Tea Party. Once again, the colonists refused to supply quarters for the redcoats. Gen. Gage was forced to quarter his men on Boston Common and in vacant buildings. Even the new Quartering Act of 1774 (one of the “Intolerable Acts”) did not permit the British to use private homes without the owners’ consent.

For Discussion and Writing

1. Do you think the “Boston Massacre” was inevitable? Why or why not?
2. How do most Americans seem to have a false impression of what happened with the quartering of British soldiers in the colonies?
3. The U.S. Supreme Court has never fully interpreted the meaning of the Third Amendment (its text is at the beginning of the article). It is not clear how its language would apply to events in our own times. Imagine that a serious natural disaster occurred in Washington, D.C. Imagine, too, that the president ordered U.S. Army troops into the city to assist authorities and to help maintain order. According to the Third Amendment, which of the following places do you think would be illegal for American soldiers to use as quarters without the owners’ consent during their duties in Washington, D.C.? Why?
 - a. a private home
 - b. a private home with rented rooms
 - c. a small motel
 - d. a large hotel

- e. a privately owned hospital
 - f. a church
 - g. a public housing project
4. Since quartering of soldiers has not been a public issue in our modern history, would you favor the repeal of the Third Amendment as obsolete? Why or why not?

For Further Reading

Shy, John. *Toward Lexington: The Role of the British Army in the Coming of the American Revolution*. Princeton, N.J.: Princeton University Press, 1965.

Zobel, Hiller B. *The Boston Massacre*. New York: W.W. Norton Co., 1970.

Activity: The Boston Quartering Crisis

This activity simulates a meeting before the Massachusetts Council to try to resolve the quartering crisis that developed in Boston during the fall of 1768. The class should be divided into the following four role groups:

- **British Army Officers:** Led by Gen. Thomas Gage, the commander-in-chief of the British army in North America, this group demands that the Council provide immediate quarters for the troops within the town of Boston under the provisions of the Quartering Act of 1765.
- **Massachusetts Loyalists:** Led by Gov. Francis Bernard, who was appointed by the king, this group welcomes the protection of the British troops against Boston mobs and hotheads like Sam Adams.
- **Massachusetts Patriots:** Led by Sam Adams, this group opposes quartering the redcoats in Boston and demands that they leave immediately since they threaten the liberty of the colonists. Boston Patriots have taken to the streets before and they might do so again to protect their freedom.
- **Massachusetts Council:** The Council, made up of members from the Massachusetts colonial legislature, runs the daily operations of the colony along with the governor. While the governor was appointed by the king, the council members were elected by the voters of Massachusetts.

Simulation Procedure

1. Each role group, except the Council, should prepare a statement on how to resolve the quartering crisis in Boston. In preparing its statement, each group should review the Quartering Act of 1765, the information on its position included in the article, and its role-group description provided above.
2. The Council members should select a chairperson and then review the provisions of the Quartering Act of 1765. In sympathy with the voters (both Loyalists and Patriots) who elected them, the Council members have so far only agreed to support the quartering of troops at Castle William. In the meeting, the Council will hear all viewpoints and then decide if further action should be taken.
3. When the meeting is called to order by the chairperson of the Council, the leader of the British Army Officers, the Loyalists and the Patriots should each be recognized in turn to present a solution to the Boston quartering crisis. After each leader has spoken, Council members and anyone else at the meeting should be permitted by the Council chairperson to ask questions and argue for or against any of the points brought up in the presentations.
4. At the end of the meeting, the council members should have an open discussion among themselves regarding what should be done about the quartering crisis. The final position of the Council should be decided by majority vote.