Even before the **French and Indian War** ended, the British decided to heighten their level of control over trade in the colonies. Colonial assemblies had proven unable to stem trade with the French West Indies, and certain ports, such as Boston and Newport, Rhode Island, engaged heavily in trade with the enemy in the West Indies. Colonial smugglers\(^1\) that traded with the West Indies, not only sustained the enemy, but avoided duties imposed by the Molasses Act of 1733. Smuggling thus not only aided Britain's wartime enemy, but also deprived the British treasury of much needed revenue during the war.

In response, the British officials in the colonies called for a crackdown on smuggling. In 1760, governor Bernard of Massachusetts authorized the use by revenue officers of writs of assistance. **Writs of assistance** were documents which served as a general search **warrant**\(^2\), allowing customs officials to enter any ship or building that they suspected for any reason might hold smuggled goods.

Writs of assistance proved an immediately useful tool in the fight against smuggling, and many buildings and ships were ransacked and seized. Shortly after their implementation, Boston merchants, the group primarily responsible for smuggling in the colonies, hired lawyer **James Otis** to challenge the constitutionality of the writs before the Massachusetts supreme court, which he did in 1761, in what is known as the Petition of Lechmere. A fiery orator, Otis argued that the writs were "against the fundamental principles of law," and claimed that even an act of Parliament "against the Constitution is void." After consulting extensively with authorities in Britain, and noting the use of similar writs in England, the court… ruled against the Boston merchants and kept the writs in place.

The writs of assistance and Otis' arguments at trial convinced many that Britain had overstepped its bounds, and objections to their use was commonly heard at town meetings and in assemblies throughout the colonies.

It is clear that if there had been no smuggling the British government would have taken in more revenue from customs duties. Additionally, later evidence has shown that the influx of goods to the French West Indies provided by American smugglers was a primary reason the French were able to sustain their war effort in North America for as long as they did. During the war it was well known that smuggling accounted for a significant part of American income, but in the midst of the fighting the British found it nearly impossible to regulate trade effectively. Thus, partially because they had few other options and partially out of frustration and anger, the writs of assistance were granted and used.

Most English authorities agreed that the writs [were a] violat[ion]…. Colonists and Many British observers were outraged at the blatant neglect of what had been traditionally considered British liberties. Most notably, the writs allowed officials to enter and ransack private homes without proving probable cause for suspicion, a traditional prerequisite to a search.

Although he lost the case against the writs of assistance, James Otis hit upon precisely the ideological cornerstone that would lead the colonies up to and into revolution… In the years to come, the colonists continued to complain that the British government had infringed upon this set of "inalienable" rights. This infringement was commonly claimed as the motive for revolution.

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1) **Who was:** James Otis  
2) **Understand:** warrant, smuggling  
3) **Important Questions:**  
   a) What was the Writs of Assistance? (details!)  
   b) From which Act did it come? (Tea, Sugar, Stamp, Townshend, Intolerable)  
   c) Why were colonists opposed to it?  
   d) What was the effect of it?

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1- Smuggling is the act of sneaking a product into a country illegally; 2- a warrant is a legal document involved in searches & arrests