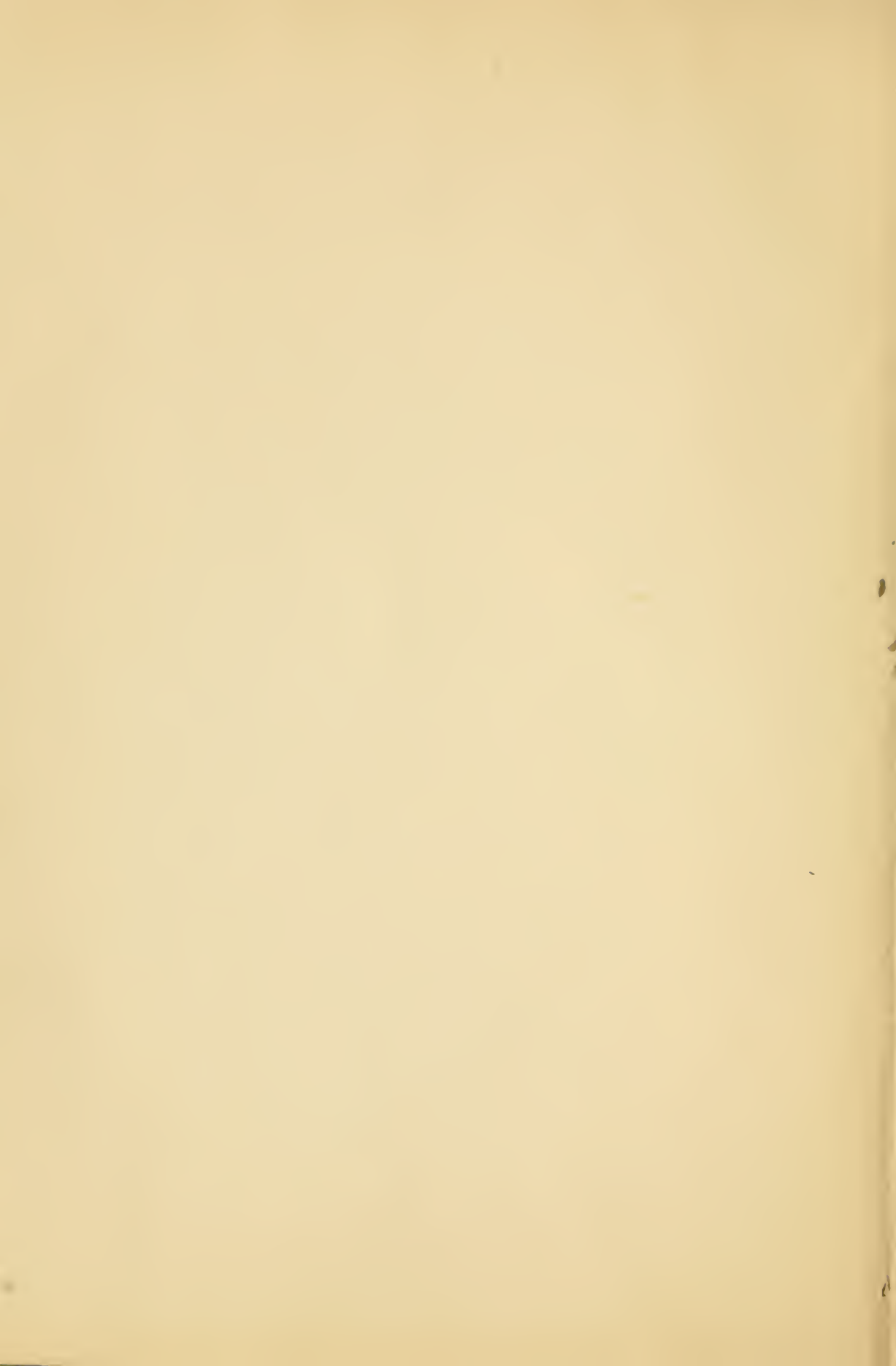


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New Institute
DUPLICATE

The Honorable John Read.



by the plain equity & justice of our
Law which requires the whole Estate here
to be inventoried for the benefit of
the Widow &c
for Reads

Frank V. Wright Esq^r.
with the Compliments
of the Author.

SKETCH

OF THE LIFE

OF THE

HONORABLE JOHN READ,

OF BOSTON,

1722-1749.

6-25799

BY GEORGE B. REED.

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RESPECTFULLY DEDICATED
TO THE
MEMBERS OF THE LEGAL PROFESSION.

"A great Judge lives in his recorded opinions, but a great Lawyer, a brilliant Advocate, lives only in memory and tradition, and soon becomes little more than a shining name."

LIFE AND ACTIVITIES
OF THE
HON. JOHN READ OF BOSTON.

THE Honorable John Read, a distinguished lawyer and citizen of Boston in provincial days, 1722-1749, "had as great a genius," said President John Adams, "and became as eminent as any man," and he prefaced his remark with this saying of Mr. Read's: "My knowledge of the law cost me seven years' hard study in that great chair."

It is my purpose in this paper to speak of Mr. Read more particularly as a lawyer and of his career as such, premising that what I have to say must necessarily be fragmentary, for but little relating to his activities has come down to us through the hundred and fifty years since his death. He was a native of Fairfield, Connecticut, born January 29th, 1679, the son of William Read of that town and grandson of William Read, an early settler of Stratford, afterwards of Norwalk; both were men of property and distinction; his mother (Deborah) was a daughter of Nathaniel Baldwin of Fairfield, "ancestor of an eminent and highly honored family." In the year 1692 he entered Harvard College and also his 'teens, and graduated in 1697, seventh in a class of fourteen. For the information of College "boys," I would say that nothing has come down to us of his college career save what appears in the following paraphrase of the first verse of the Psalms, repeated *extem-*

pore by a sedate fellow-student on leaving a classmate's room after "picking himself up" from the floor amid the wreck of the chair in which, on entering, he was invited to sit : *

" Blest is the man who hath not lent
To wicked Read his ear,
Nor spent his life as Collins hath,
Nor sat in Southmayd's chair."

On leaving College Mr. Read turned his attention to the ministry, the only field of activity, influence and usefulness for educated men in those days; and after some months' preparation and at the age of eighteen years, entered upon his labors in that calling, preaching first at Waterbury, Connecticut, then at East Hartford for a time, and about three years at Stratford, when he began the study of the law, which at that time, as a science, was in its infancy, so to speak, in this country; courts having been established (under the Provincial Charter) but a few years before, in 1692.

What led him to enter upon the study of the law is not now known. It may have been owing to, or have grown out of, the contentions which he and his friends and associates of Stratford had with parties from Old Milford for lands including the rich intervalles on the Housatonic River in New Milford. It appears that, after he had obtained titles to these lands given many years before by the Indians, which titles had been received under a permit from the General Court in 1670, with no restrictions or conditions, a patent was given by the General Assembly in 1703, covering the same lands, to parties from Old Milford who brought suits of ejection. Mr. Read acted as attorney for himself in defence; and in a petition to the General Assembly he says that, after gaining his case in court fifteen times, he lost it on the sixteenth.

As this petition is interesting personally and historically, and withal unique of its kind, I give it quite in full; it was

* Anecdote of Rev. Hugh Adams in Farmer and Moore's Hist. Coll. of N. H., Vol. 2.

addressed to the General Assembly sitting at New Haven in 1710:

May it please the Honorable Court: Misfortunes in my adventures have undone me utterly, for as I thought with a prudent foresight I purchased about twenty thousand acres of lands in Wiantinock [New Milford and vicinity], parcel of a purchase of thirty nine, recorded in May last; had spent much to settle and defend it; settled some inhabitants with me yr afterwards, tried ye title and defended it against home pretenders. Sixteen times have I been to Court about it, ever gaining till ye last Courts Assistants wherein I finally lost; and am utterly discouraged and broken—finding two things, 1st that I am not able to maintain suits forever, and that Indian titles are grown into utter contempt, which things make me weary of the world. Wherefore I pray, seeing I nor my father have had not one foot of land by division or grant of town or county, tho' spending all our days in it, that I may have liberty if I can find a place in ye colony (whch I know not yet of) not granted to nor purchased by any; y't by your allowance I may settle it with some others of my friends, where in obscurity we may get a poor living, and pray for your health and prosperity with great content.

“This Indian deed to Mr. Read,” says Mr. Orcutt in his excellent History of New Milford, “had stood on the records, sanctioned by a court decision, more than thirty years, when the General Assembly gave the permit to the Old Milford Company, and the deed was received upon the specific conditions that the plantation should interfere with no other titles.”

It appears from records that Mr. Read was duly granted lands in and about what is now New Fairfield, bordering on the Province of New York, but, not choosing it as a place of residence, he located within the bounds of the present town of Reading, in that part of it then and now called Lonetown, a very pleasant locality, where he erected a manor-house, naming the estate “Manor of Lonetown.” “Here,” says the late Lawyer Beers of Fairfield, in his Address on Mr. Read,

delivered before the Fairfield County (Conn.) Historical Society, "were his professional headquarters, his counting-room as a large operator in real estate, and the point from which he journeyed to the General Assembly when a member; and it was here that he wrote the following curious document that quaintly emphasizes his saying that 'Indian deeds had grown into utter contempt.' "

Know all men by these crooked scrawls and seals yt we *Chickens*, alias Sam Mohawk, and *Naseco* do solemnly declare that we are owners of ye tract of land called Lonetown, fenced around between Danbury and Fairfield; and John Read, Governor and Commander-in-chief thereof and of ye Dominions thereupon depending, desiring to please us have plied the foot and given us three pounds in money, and promised us a house next autumn. In consideration thereof we do hereby give and grant to him and his heirs forever, the farm above mentioned and corn appertaining and further of our free will, motion, and soverain pleasure make ye land Manour; Indowing ye land thereof, and creating said John Read, Lord Justice and Soverain Pontiff of ye same to him and his heirs forever. Witness our crooked marks and borrowed seals this seventh day of May, 1714.

In presence of
Liacus, his ? crook.

CHICKENS, his X mark.
alias

SAM MOHAWK.

MARTHA HARNEY, her X mark.

NASECO, his ? mark.

The above mentioned personally appeared and acknowledged ye above Instrument yr free act and cheerful deed, in Fairfield, ye 7th day of May 1714 before me

NATHAN GOLD, Dep. Gov.
his S seal.

This document, still preserved in the original, has something of the savor of trifling, but it really came before the Deputy Governor and was legally binding.

Mr. Read was admitted to the bar October 6, 1708, at New Haven, and we may infer from the following incident that he at once exhibited much zeal in his clients' cause, for at the next term of Court, May, 1709, he was admonished by the Court and forbidden to plead until he should make an acknowledgment, which he did October following, of not intending any contempt. It is said that his offence was, intimating that the Court was partial in a certain matter. This was too much for the staid and stately Governor and his Assistants to stand, at least from so young a "practitioner."

May 22, 1712, he was appointed Queen's Attorney for the Colony, and held the office several years. His name appears often in the "Connecticut Colonial Records" in connection with matters before the Courts and the General Assembly. He was largely interested in the purchase and sale of real estate and in procuring grants of lands from the Colonial Government. He was one of the purchasers of the "Equivalent Lands," so called,—105,793 acres given by Massachusetts to Connecticut in settlement of a boundary question, and by the latter sold at auction in 1716. Ten thousand acres of the lands included in his share were in one body, located in what is now the township of Ware, in Hampshire County, and were known as the "Manor of Peace," as being a peace offering to Connecticut.

As the sale of these lands was a noted one in its day, and the parties to it were leading citizens of Massachusetts and Connecticut, most of them being residents of Boston, I will, if the digression be permitted, give a short history of the affair, together with the names of those forming the "syndicate," as we should term it in our day, who made the purchase, or rather for whom the purchase was made.

The settlement of the line of boundary between Connecticut and Massachusetts, in 1713, threw within the line of Connecticut the towns of Enfield, Somers, Woodstock, and Suffield, which had thus far been under the jurisdiction of

Massachusetts. By an agreement between the two colonies these towns were allowed to remain under Massachusetts rule, in consideration of which that colony granted a tract of land to Connecticut.

The land thus granted became known as the "Equivalent Lands," and embraced Belchertown, Pelham, and parts of Prescott and Ware, and other localities. They were sold by the Connecticut Commissioners, Matthew Allyn, Joseph Talcott, Roger Wolcott and Aaron Cooke, at a vendue holden at Hartford, April 24th and 25th, 1716, for 683 pounds, which was the most that was offered, being less than one farthing per acre, says Trumbull. William Pitkin bid them off for the following-named persons, as appears from the deed on record at Springfield, viz. :

Gurdon Saltonstall Esq of New London, Paul Dudley, Addington Davenport, Thomas Fitch and Anthony Stoddard of Boston Esqrs, William Brattle of Cambridge clerk, Ebenezer Pemberton of Boston clerk, William Dummer of Boston merchant for himself and his brother Jeremiah Dummer Esq, Jonathan Belcher merchant, John White gentleman both of Boston aforesaid, and William Clark in Common street in Boston aforesaid merchant, John Wainwright of the same town merchant for himself and Henry Newman Esq and John Caswell merchants both of London, Samuel Appleton and Addington Davenport Esqrs as feoffers in trust for Dame Mary Saltonstall wife of the aforesaid Gurdon Saltonstall Esq, Nathan Gold of Fairfield in said Colony Esq for himself and Peter Burr of the same town Esq, John Stoddard of Northampton in the said Province Esq for himself and Elisha Williams of Wethersfield in said Colony Gentleman, and John Read of Lonetown in said Colony Gentleman."

The lands were surveyed and laid out in several plats and divided into sixteen shares.

In May, 1719, Mr. Read was appointed by Connecticut one of the commissioners on the boundary line between that colony and New York; and in March, 1720, was appointed

commissioner to consult with commissioners from the Provinces of Massachusetts, New Hampshire and Rhode Island, as to the means for recovering the credit of the paper money in circulation. The record of the appointment reads as follows :*

Whereas, It has been proposed that commissioners from this Colony and from the Provinces of the Massachusetts Bay, New Hampshire and Rhode Island, meet at Boston and consider in what manner the credit of the bills of said governments may be best recovered and supported, and prepare a report to be made thereon to the Assemblies of the said governments,

Resolved, That Mr. John Read, as a commissioner from this government, attend the said meeting, and endeavour, with them, to prepare such a report, and lay it before the General Assembly of this Colony in May next.

His report,† proposing how to mend the value of the paper money that Connecticut has put in circulation, is an interesting document, in which he states the “necessity” for so doing, “the remedy,” and “the present advantages” for doing it. He says :

The paper money now abroad daily sinks in its value and estimation, that already it don't serve as a just medium of trade, but the merchants raise their goods, I believe, to what they think it will sink to before they are paid, and so the husbandry (the stay of the land) always come off the worst by it ; and its sinking faster and faster will make it issue in evils unforeseen. Perhaps it may be [ordered redeemed] by Act of Parliament, or by other orders from England ; and if the order comes it may bring other inconveniences with it, and doubtless it is best to give our fathers at home no occasion to reform any real evils among us, lest we be grieved at the measures taken with us. At the best, in the course it is now in, it will soon come to be no medium of trade, nor at all serve the purposes proposed ; and we shall be obliged to give

* Connecticut Colonial Records.

† Connecticut Archives, Finance and Currency, Vol. 2, Doc. 154.

silver money for the payment of those old broken rags wherever they are found — for money it will not be, and money we must have and be just.

In 1722 Mr. Read came to Boston to live, residing at first on Hanover Street where now stands the American House, and later removing to a mansion on Queen Street, now Court Street, the site of the present "Minot Building," opposite the old Court House.

It is evident that his reputation as a man of high character, and his fame as a lawyer, had preceded him, for he at once entered upon a large law practice, and the following year (1723) was elected by the Legislature Attorney General of the Province.

Before proceeding further to note in detail his career here in Boston, I would give a general outline of his character, ability, and influence as a lawyer, as portrayed by Mr. Knapp in his "Biographical Sketches of Eminent Lawyers, Statesmen, and Men of Letters," published in 1821 : —

At the commencement of the last century, John Read, a man of genius and profound acquirements, began his career as a lawyer. To sterling integrity, extensive views and decision of character, he added industry. . . . He reduced the jarring and contradictory forms of practice to a system ; taught courts the advantages of precedents, and practitioners the value of knowledge. All that has come down to us from him shows acumen, research, and vigor of understanding. . . . He was distinguished for genius, beloved by the votaries of literature, revered by the contemporary patriots of his country, the pride of the bar, the light of the law, and chief among the wise, the witty and the eloquent — one who lived long and did much, but yet of whom so little is matter of historical record that a single page would contain all that is written of him. It is painful to think that a man so proudly pre-eminent among his peers should now be so buried in obscurity. Tradition, it is true, is stored with anecdotes of him, but we look in vain for written memorials. . . . To prove that he was a pro-

found lawyer, not trammelled by the mere letter of the law, nor confused by its prolixity, it is only necessary to look at his legal labors which are now extant. He from his own high responsibility reduced the quaint, redundant and obscure phraseology of the English deeds of conveyance to their present short, clear and simple forms now in common use among us. Forms seemingly prolix have generally their use, and most lawyers are attached to them from habit, and from a belief that it is better to be tautological than obscure from too much brevity. His influence and authority must have been great as a lawyer to have brought these retrenched forms into general use. The declarations which he made and used in civil actions have many of them come down to us as precedents, and are amongst the finest specimens of special pleading which can be found. Story has preserved some of his forms, and Parsons used to say that many other lawyers had assumed his works as a special pleader as their own, and that the honors due him had, by carelessness or accident, been given to others who had only copied his forms. . . . His method of managing causes, his terse arguments, his cutting irony, his witticisms, and his good nature, too, were well known to that generation of lawyers to which Gridley, Trowbridge and Pynchon belonged; and facts illustrating his powers and disposition were familiar to the next—to Lowell, Parsons, and those just gone. Everything said of him went to show his genius, his learning, sagacity, eccentricity, integrity and benevolence.

I have said that Mr. Read was elected in 1723 by the Legislature Attorney General; he was also chosen in 1724, but the Governor negatived the vote, not that he objected to Mr. Read, but he claimed the authority to appoint, and this difference of opinion, and contention between the House of Representatives and the Governor and Council over the office continued unabated and unsettled for many years, even down to the adoption of our State Constitution. It was about the only office connected with the Courts in which there was any question as to where the authority to choose really rested. This matter has of late years been thoroughly looked up and

written up by one fully competent to do so,* and the record is very interesting historically, but I will not enter upon it; sufficient for my narrative here to say, that amid all the dissensions between the two branches of the Legislature Mr. Read was chosen and consented to for the office in 1725, 1726, and 1727. His election not being consented to in 1724 enabled him to defend, or to take some part in the defence of a Boston bookseller in a suit for libel brought against him by the Government, which attracted much attention at the time. On his client's appeal to the Superior Court for arrest of judgment Mr. Read made an able argument which has been preserved. A full account of this trial has been written by one of our leading local historical writers,† from which I extract the following graphic description of the sittings of the Court in those days:—

On the 3d of the month (November) Anno Domini 1724, in the Council Chamber of the Old State House, familiar to all Bostonians, the Superior Court of Judicature and Assize opened its session. The Judges, the Jury, and the Attorneys were all in their places. A slight draft on the imagination will furnish a vivid picture of this Court room as it appeared on that crispy autumnal morning. A few fagots of hickory were blazing on the ample hearth. The arms of the House of Hanover and portraits of the royal family of England were looking down from the walls of the spacious room, to give dignity and authority to the proceedings of the highest legal tribunal in the Province of the Massachusetts Bay. At one side, on a dais slightly raised, sat the Chief-Justice, and on either side the Associate Justices all in their official robes, bands, and wigs. . . . Around a spacious table, near the centre of the room were the attorneys in their citizens' dress. Among them was Robert Auchmuty acting in place of the Attorney General by appointment of the Council, and not far removed was the distinguished John Read, already the corypheus of the Boston Bar, and near him his client. In their proper place sat the impanelled jury. Besides these, there were present in an unofficial way, we may believe, the ministers both

* Mr. Abner C. Goodell.

† Rev. Edmund F. Slafter, D. D.

of the Church of England and of the Dissenters and other gentlemen drawn thither by their interest in this trial. The chief interest centred in the arguments of the learned, able and distinguished counsel on both sides. After the usual formalities, the administration of the oath to the jurors, the reading of the indictment, the trial was opened.

The argument of Mr. Read in arrest of judgment in this case, was written out in his own hand and signed by him, and is still preserved in the files of the Supreme Judicial Court of the Commonwealth.

In 1727 Mr. Read appeared again in quite a celebrated case, this time before the Legislature, in behalf of the Ministers of the Church of England in Boston, claiming the right to be members of the Board of Overseers of Harvard College by force of the term "teaching elders" in the first charter of the College granted in 1642, the Board of Overseers denying their right by force of these terms. The reply of the Ministers to the answer of the Overseers, says President Quincy in his History of the College, "was prepared and signed by their counsel, John Read, one of the most eminent lawyers of that period in New England;" and their right to a seat in the Board was maintained on various grounds, one of these being that

They have been duly ordained, instituted and inducted into their respective churches, and are in fact proper teaching elders of these churches, as we have alleged, and are ready to prove, and this has not been denied by the answer aforesaid, and therefore they are by the Act [of 1642] made Overseers, and have a right to sit as such.

.

Upon the whole, we account the College a common interest, and beg leave, with the answers, to call it *our College*, and the said Act our depositum. They will have nevertheless benefit of it, and we shall all have the more charity, and the better title to a blessing on it, which is and shall be the constant prayer of your Honors' most humble Orators.

(Signed)

JN^o READ ꝑ *Quer.*

An incident took place in Boston in the following year (1728) that led to a contest in the settlement of an estate surpassing in many respects even those of our own day; it extended over several years of time. At its crisis Mr. Read appeared as counsel for the heirs-at-law, and his presentation of the matter to the Governor and Council put an end to the case, so far at least, we may believe, as the courts in this country were concerned. The case is clearly stated, and sufficiently full for our understanding of the matter, in the answer of Mr. Read to the appeal, which I quote in full, avoiding the abbreviated form of words in general use at that day, and the inserting of the real names of the parties:—

PROVINCE OF THE }
 MASSACHUSETTS BAY S.S. }

To his Excellency Jonathan Belcher Esq: Captain General and Governor in Chief, and the Honorable Council.

Andrew Sewall of Boston Esq: for himself and others the next friends of Howard Phelps late of Boston deceased,

Humbly Showeth,

That Gordon Phelps of Boston Esq: Administrator of the estate of the said Howard Phelps deceased has taken the personal estate of the said Howard and converted the same to his own use, and after waiting some years for his account thereof, the honorable Judge of Probate impowered the said Andrew Sewall to sue for the penalty of his administration bond, and by the Judgment of the Superior Court in Boston in February last [1733] he recovered Judgment against him for the amount thereof and costs.

That your petitioners on the twenty fourth of April last petitioned the said Judge of Probate for the money to be paid to and amongst them, and instead of that, his Honor made a decree that he would pay the said sum to them in equal parts, they giving bond to refund upon proper occasion, and the said Gordon Phelps appealed to Your Excellency and this honorable Board from that decree, and his appeal was allowed accordingly.

Now may it please your Excellency the said Andrew Sewall humbly conceives that there was no colour for the said appeal by law,

and the reason truly is that there is no colour for the decree. The Judge of Probate is impowered to make decrees for the division of the intestate's estate and take bonds of the Administrator that he shall perform his decrees, but when the Judge of Probate cannot come at the knowledge of the estate of the deceased nor make any order upon him to pay any of it out, but is forced to sue the Administration bond against the Administrator and recovers the money into his own hands 'tis for the use of the next of kin, and he is to pay it directly to and among them, and it is demandable of him by action of the Common Law as so much money received for the use of the next of kin, and their receipts discharge him and there is no use nor room for a decree touching it, as your petitioners humbly conceive. Wherefore your petitioners humbly pray that the said appeal may be discharged and the Judge of Probate suffered to pay the parties the money recovered by judgment of the Superior Court aforesaid, and your petitioners as in duty bound &c.

JN^o READ *¶ Quer.*

In Council May 4, 1733 Read and Ordered that the Petitioners forthwith serve Gordon Phelps Esqr. with a copy of the Petition, and that he give in his answer thereto as soon as may be.

J. BELCHER.

It is evident from what follows that the order of the Governor and Council was complied with, and the case decided against Gordon Phelps, and the prayer of the petitioners granted, for the case was carried by Phelps on appeal to the Privy Council in England on the plea that the English law of primogeniture was in force in Massachusetts, by which he claimed the property, and the Council there confirmed the decision here of the Governor and Council.

Mr. Read was employed by Connecticut in her controversy with New York and also with Rhode Island as to boundary lines, and by Massachusetts in her controversy as to the same with New Hampshire and Rhode Island. He was also Attorney for the Town of Boston in many important cases,—one of which (an ejectment case) relating to land in Dock Square

and vicinity leased to parties by the Town was in the Courts for several years (1733-1739), and after many trials, retrials and trials anew, was finally decided in favor of the Town, and on appeal to the King in Council the decision of the Superior Court here was sustained.

Mr. Read had a great knowledge of the science of special pleading.* Judge Trowbridge, in speaking of this, related the following anecdote to a gentleman of the bar, then living. The facts show sagacity and acuteness, then the great requisites for distinction, and which at all times have their weight in making up a lawyer's character :

A merchant of Salem, or Boston, who had a ship and cargo seized by the King's custom-house officer for a breach of the Acts of Trade, applied to Mr. Read for advice. He told him to replevy the ship and cargo, and a writ of replevin was made out in the form prescribed by the old Province law, commanding the sheriff to replevy the same, and deliver them to the plaintiff upon his giving bond to answer the cost and damages at the next Court of Common Pleas and respond to the judgment finally given thereon, and summon the seizing officer to appear and show cause why he had taken away and impounded the ship and cargo. And as the abating of writs seemed at that time to be a great part of the practice, Mr. Read intentionally had given the defendant in replevin no addition, or else a wrong one. On the day of the sitting of the court, his client came to him in great agitation, and told him the counsel for the defendant had found a flaw in the writ and intended to have it abated. Mr. Read endeavored to calm his client's apprehensions, without letting him into the secret of his intentions, and told him to enter the action. Upon the sitting of the court the counsel for the defendant whispered across the table to Mr. Read, informing him of the mistake made in the writ, and that he intended to have it abated. Mr. Read, having examined the writ and finding it erroneous, desired defendant's counsel to let him mend it, but he refused. Mr. Read then told him if he would take advantage of his mistake he could not help it, but he must plead

* From "Knapp's Biographical Sketches."

it ; and thereupon a plea of abatement was made, in writing — for some time such pleas were made *ore tenus* (word of mouth) — that the writ might abate and for costs — without requesting a return of the ship and cargo, and judgment was made up accordingly. Then Mr. Read told his client to let execution be taken out against him, and when the officer came to serve it to pay the sum, and not before. At the next term suit was brought on the bond, and Mr. Read prayedoyer of the bond and condition, and pleaded in bar that he had fully complied and performed its conditions by entering and prosecuting the suit to final judgment, and by paying the execution, in proof of which he produced the sheriff's return on the same. The merchant having sent his ship to sea upon her restoration to him by the writ of replevin, there was an end to the cause.

Mr. Read "was, withal, eccentric, and among other instances of it he used to travel *incognito* into the other colonies, and occasionally would volunteer in the defence of actions, and always astonished both courts and juries by his profound learning, his captivating eloquence and his sparkling wit, which produced a more striking effect from the little indication which his garb or external appearance gave of what they ought to expect."*

There is a well-authenticated story of his eccentricity of character, told by Mr. Knapp, which I will quote :

The intercourse between the South and the North was nothing, in a commercial or social point of view, then to what it now is. Mr. Read, one autumn, made up his mind to spend the winter at the South, and planned the journey after his own manner. Dressing himself in the plainest garb which could be considered decent, he cut his staff, slung his pack, and commenced his peregrinations. . . . As he went on his journey he excited astonishment wherever he came and among all classes he met. With the breeder of horses he was a veterinary surgeon ; with farmers, an experienced agriculturist ; with mechanics, a master of all trades ; every one with whom he conversed thought he belonged to his own art, trade or

* Washburn's Judicial History.

calling. In some part of his journey he entered a village in which a court was sitting, and a cause was soon to come on which made a great excitement among the populace. The plaintiff was poor; his title, though just, involved in much intricacy—the defendant was rich, and had able counsel. Mr. Read collected the facts, and having full confidence in the cause, offered his services to the plaintiff as counsel, and notwithstanding his appearance scandalized the profession, yet the plaintiff had sagacity to discover his merit from a short conversation with him. On the day of the trial the counsel and client entered the court. His vulgar garb was soon forgotten in his first address to the court, stating what induced him to engage in the cause before them—a love of justice, and to show that honesty should be fearless! In a few minutes he both astonished and captivated them. The cause went on, and he displayed such learning and ability, such knowledge even of the statute law of the Province in which he then was, that every one present was filled with admiration and respect for the man. The case was won, and he instantly left the place for new adventures.

In Mr. Abraham Holmes's Address, delivered before the Members of the Bar of the County of Bristol, in 1834, appears the following relating to Mr. Read :

John Read was a man of profound abilities, and of very extensive acquirements, . . . but with all was rather eccentric. Tradition has handed down an anecdote which, for the sake of illustrating his amazing resources of mind, I will recite: "He was in the ministry before turning his attention to legal studies, and in one of his eccentric excursions he called on an intimate friend, a clergyman, whose name was Walker, in the afternoon of a Saturday. Walker was rejoiced again to see his old friend Read, and invited him to spend the Sabbath with him, to which Mr. Read willingly agreed. In the evening Walker told him that he must preach for him the next day. Mr. Read declined. Mr. Walker insisted. After some further conversation, Mr. Read found that he must either preach or disoblige and offend his old friend; he chose the former, and consented to preach. The next day, after the first prayer, and singing, Mr. Read rose and opening the Bible, read his text: 'And the Lord said unto Satan, whence comest thou? and Satan said unto

the Lord, From going *to* and *fro* in the earth, and from *walking* up and down therein,' and looking around on the congregation, said: 'Without any formal introduction to this discourse from these words, I shall raise the doctrinal proposition, viz.: the devil is a Walker.'

Mr. Walker was electrified; his eyes expanded to an unusual extent; the old people sat aghast, the young people could not conceal their giggling. Mr. Read's countenance remained unchanged, and an unusual solemnity spread over his face. He proceeded to show what the devil's object was in walking up and down in the earth. *This*, he said, was to draw men from the path of virtue, piety and religion. He then went on to show the infinite variety of means the devil made use of in tempting mankind to sin and iniquity, all which he particularly specified; and when some means failed, he resorted to others more suited to the particular bent of the person's mind: all which he very fully illustrated. He then went on to state the means which we ought in all cases to resort to in order to defeat these attempts of the devil; and closed the whole with some pressing practical reflections.

Mr. Read found time in the midst of his legal labors to write a Latin Grammar which was published in 1736. It is a small 16mo book of 34 pages, with an appendix of 20 pages of anomalous words. In the introduction he says:

Grammar is the knowledge of the nature of human speech, and teaches us the nature of words, their syntax, or construction into sentences, and prosodia, or the composing of sentences into verse. A word is a part of speech, expressing a single thought, and is either written or pronounced. In writing we use so many letters as to signify and distinguish every posture, touch and action of the organs of speech, whereby the words of a language are spoken, and the sound of every syllable formed. The Latins have two and twenty, to which we give the same names and sounds as to those of our mother tongue.

He ends the book as follows:

Now, therefore, let the tutor distinctly read every chapter [of the Vulgate Latin translation of the Bible] into English, explaining the

nature and difference of the syntax and translations, as need requires; and then the pupil, by comparing the English and Latin translations by himself, shall easily attain the Latin tongue, and at the same time furnish his mind with the fundamental principles of all human knowledge, establish his heart with true wisdom and conduct of life, and finally grow up in favor with God and man. Amen.

Besides his legal business, Mr. Read was engaged in the purchase and sale of real estate and in other business enterprises. In 1737 he purchased at auction, of the town of Boston, a township of 23,040 acres in this State, now known as Charlemont, then called Boston Plantation No. 1, and a few months afterwards sold all of it except 1,760 acres. In 1738 he deeded to his son William his house and lot on Hanover Street, and the 1,760 acres of land in Charlemont, and his share, interest, and estate in a township at Piscataqua River — “in consideration of my natural love and affection for my loving son, William Read, of Boston, gentleman, and for his advancement in the world;” and the same year bought the large mansion house and lot on Queen Street, now Court Street, before referred to, where he resided until his death. He this year (1738) served as a member of the House of Representatives, and “was the first lawyer who was ever chosen a member of the General Court.”* From the Journal of the House that year, it appears that he was a member of most of the important committees, and made many of the committee reports.

In 1739 (October 15th) Mr. Read presented a petition to the General Court of Connecticut, praying their aid in obtaining a Patent from the Crown for the coinage of copper money from the metal produced from the native ores of that Colony, the profits of the coinage to be secured to him, he defraying all expenses incident to the attempt, whether successful or otherwise. This petition (a lengthy one), and a

* Washburn's Judicial History of Massachusetts.

A
L A T I N
Grammar.



By John Read,
Of Boston in New-England, Gent.

B O S T O N :

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in Queen-street. M, DCC, XXXVI.

letter from Mr. Read referring thereto, are preserved in the Collections of the "Connecticut Historical Society."

December 20th of the same year (1739) he sent the following memorial to the General Court of Massachusetts, "for a paper currency to introduce money" (specie*), addressed as follows:

To His Excellency Jonathan Belcher, Esq., Capt. Gen'l and Governor in Chief, the Honorable Council, and Representatives, in General Court Assembled:

20th December 1739.

The memorial of John Read, of Boston, gent.: Whereas Province bills were formerly introduced into trade here upon a par with money, and served some time as though so much money had been brought in among us. But, as the bills increased, the money we had gradually left us, and the falling and uncertain discount put upon bills effectually barred the return of money into our trade again. And yet money, by divine appointment the standard to measure the value of all things, still doth that office for us; for the merchant always sells for so much as will produce him the same sterling he gives, with reasonable advance to answer the depreciating of our bills, when to be paid him, the chance of markets when he shall come to them, and his reasonable profit upon the whole.

Now, therefore, since our bills are decreased and determined to be all speedily called in, it is time to contrive some means to introduce money again: and the only way to do that quietly is to fix some bills and money upon a par again, that as the bills sink the money may gradually return again, as it gradually departed from us.

To this end, I propose that a sufficient number of you and merchants put in bank 30,000 ozs. of sterling money at 29 shillings an ounce, the present rate of money in all our trade; add four times so much more in their bills payable, at four equal yearly payments in money, all making a bank of £217,500. Let out this money and bills in the same proportion annually at five per cent. interest paid in money, so far as it goes to supply the place of the bills paid off and sunk. After these bills are paid off, make new ones payable in

* Massachusetts Archives, "Pecu," Vol. 3, pp. 113, 114.

three years, then more payable in two years, then more payable in one year, and at the end of ten years seven tenths of this bank will be turned into money, and so money may be certainly and very gradually recovered and brought back into all our trade again. . . . Therefore I humbly propose to this honorable court, for so public a benefit, to grant the use of the sums aforesaid in Province bills, during the space above mentioned for the supply of this bank, gratis; in case His Majesty shall think fit to allow of it, and I can find sufficient undertakers for it. If this honorable court will so far favour and encourage it, I shall use my best endeavours, and have just ground to hope I shall bring it to effect.

I am, may it please yr Excellency and this Honorable Court, your most obedient humble servant,

JN^o READ.

This memorial of Mr. Read's was read in the Council Dec. 27th, and sent to the House, and there received two readings—Dec. 28th and March 19th—and was then returned to the Council. His scheme was one of several presented by eminent and wealthy men, to meet an exigency in the financial affairs of the Province. A plan was finally adopted, and in 1742 the following order was passed in Council:

Council Records, April 7, 1742.

John Read, Esq., having at the desire of this Board prepared the form of a Notification or Advertisement to all Persons lately concerned in either of the schemes for making a medium of Trade, immediately to bring in the sums they are engaged for, and have received, pursuant to the Act of Parliament made for that purpose, The said Advertisement was read and approved of, and the Secretary ordered to sign it in the name of the Governor and Council, and publish it in the several newspapers.

Mr. Read was a member of the Governor's Council in 1741 and 1742—the latter part of Governor Belcher's administration and the first part of Governor Shirley's. Governor Belcher, at the commencement of his administration, had persuaded his Council that upon the appointment of a new Governor it was necessary to renew all civil commissions.

The same was proposed in Council by Shirley, and the precedent brought up, but "Mr. Read, being then a member of the Council, brought such arguments against the practice that a majority of the board refused to consent to it."* "While he sat at that board he was their oracle, and was eminently useful to the country."†. . . . "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."‡

Mr. Read was a communicant at "King's Chapel," and one of the Wardens of the same for two years (1735-36). He died February 7th, 1749, leaving a large estate to his family.

Of his character, ability, standing and influence as a man and a lawyer, distinguished writers and statesmen have spoken.

Governor Hutchinson speaks of him, "as a very eminent lawyer, and what is more, a person of great integrity and firmness of mind."

President John Adams, in a letter to a friend, says, "that he had as great a genius and became as eminent as any man." And in his controversy with General William Brattle in 1773, on the "Independence of the Judiciary," speaks of Mr. Read as "that great Gamaliel," and General Brattle in the same controversy says, "Mr. Read was to every lawyer as highly esteemed for reforming and correcting the law and the pleadings as Justinian was at Rome."

* Gov. Hutchinson's History of Mass., Vol. 2, page 336.

† Elliott's Biographical Dictionary.

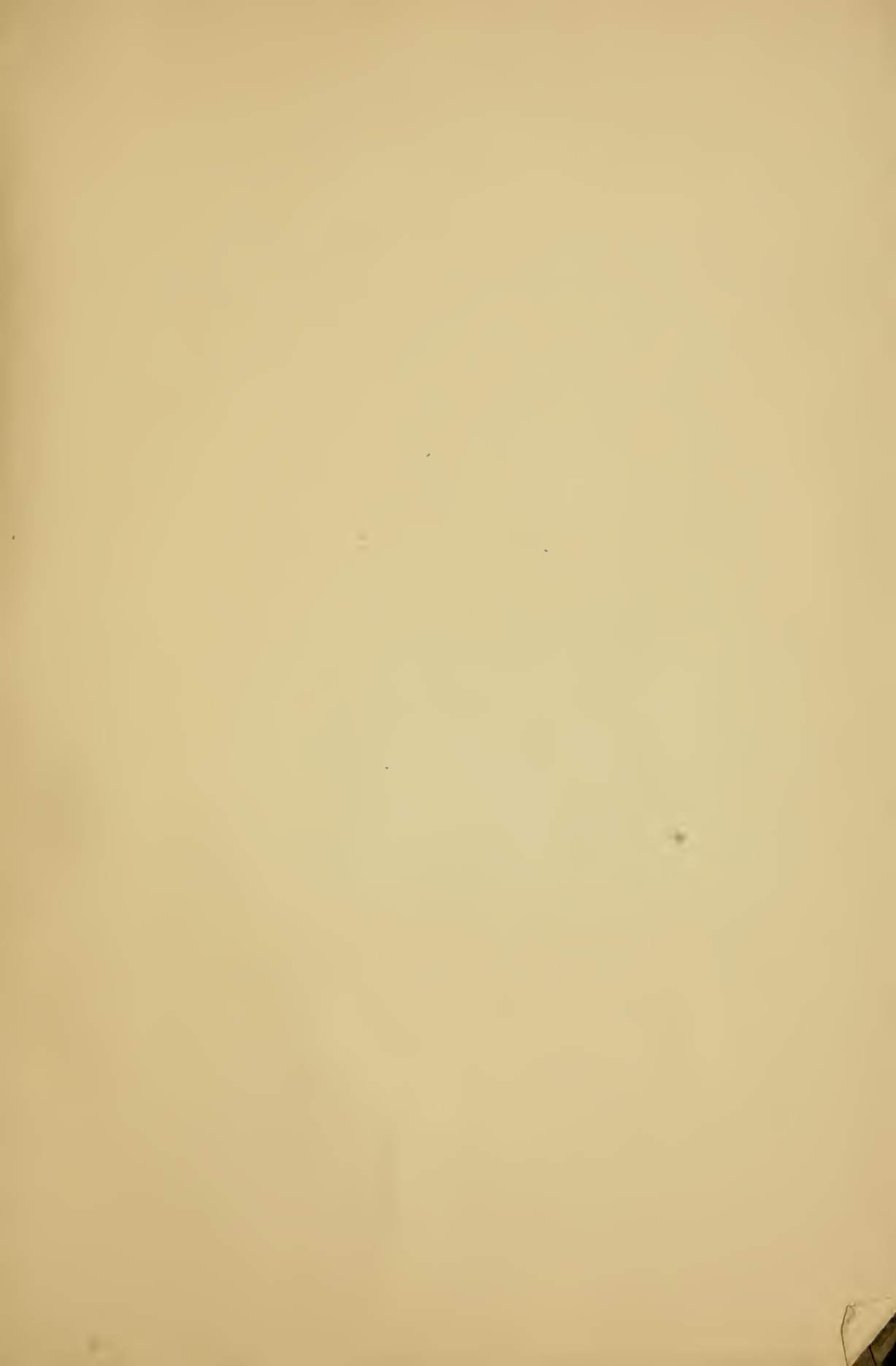
‡ Knapp's Biographical Sketches.

Mr. Stearns in his legal work on "Real Actions" says, "In the beginning of the 18th century, the administration of justice had been considerably improved and the proceedings assumed a somewhat more correct form. This improvement is chiefly ascribed to the efforts and influence of John Read, who is represented as a man of uncommon talents, profound learning, and in every point of view the first lawyer in Massachusetts in the early part of the last century."

Mr. Elliott in his Biographical Dictionary says, "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 ability 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."

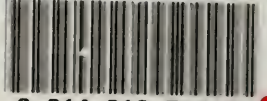
President Quincy speaks of him, "as one of the most eminent lawyers of that period in New England."

And Governor Washburn says, "that he filled a wide sphere in the affairs of the Province while he lived, and did much, perhaps more, than any one man, in introducing system and order into the practice of the Courts of Massachusetts."





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