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U.S. History I

**The Boston Massacre Trial**

**The Accused Murderers:**

 Thomas Preston Captain, 29th Regiment

William Wemms Corporal, 29th Regiment

John Carroll Private 29th Regiment

James Hartigan Private 29th Regiment

Mathew Kilroy Private 29th Regiment

William McCauley Private 29th Regiment

Hugh Montgomery Private 29th Regiment

William Warren Private 29th Regiment

Hugh White Private 29th Regiment

Hammond Green Customs Official

Thomas Greenwood Customs Official

Edward Manwaring Customs Official

John Munro Customs Official

**Testimony given at the trial of the soldiers, November 27-December 5, 1770**

**Richard Palmes, Merchant**

I saw a piece of ice or snow strike Montgomery’s gun. He fell back and fired his gun. Then I heard the word fire. Seven or eight guns were fired. Montgomery pushed at me, I struck him. Another soldier came at me with a bayonet and I ran.

I am sure Montgomery was not knocked down before he fired. He did not fall. I struck Montgomery and knocked him down just as the last gun fired.

**James Bailey, Sailor**

Montgomery was knocked down by a club or stick by one of the inhabitants and as soon as he got up he fired his gun. That was the first gun. I cannot be certain whether the first gun killed or hurt anybody. Montgomery fired about where the mulatto man fell. It was not seven or eight minutes before the firing that I saw the mulatto man at the head of about twenty-five or thirty sailors in Cornhill, they held their sticks up in the air cheering and whistling.

**John Danbrooke**

I saw Montgomery and I saw him fire. I saw no blow given or struck or anything thrown at him. I saw a little stick fly over their heads. I saw two men fall as he fired and before I heard any other gun. One was the mulatto man. I did not hear Attucks say anything. He stood leaning over a long stick which he had, resting his chest upon it.

**Andrew, Negro Servant of Mr. Oliver Wendell**

The people seemed to be leaving the soldiers when there came a great number from Jackson’s corner cheering and crying “Damn them, they dare not fire, we are not afraid.” One of these people, a big man with a long cordwood stick, threw himself in among them and struck at the officer. Whether he hit him, I know not. The big man turned around, struck the soldiers gun and immediately fell in with his club, knocking his gun away, and striking him on the head. The big man held the bayonet with his left hand, pulled at it and cried, “kill the dogs, knock them over.” The people crowded in. The soldier pulled back, recovered his gun, and began to lunge at the people. I turned to go away. When I had gotten a few feet I heard the word fire. At the word fire I thought I heard the sound of a gun. I saw the same soldier swing his gun and fire it.

I though and still think the big man who fell in and struck the soldier was the mulatto man. I then thought the soldier who was assaulted and who fired was Kilroy. I now think it was Kilroy from my best observation, but I cannot positively swear.

**Edward Langford, Town Watchman**

I knew Samuel Gray and he was just by me when the first gun went off. I stood so near that the soldiers might have reached me, and they did. A bayonet went through my clothes. I heard the word “fire” twice and the words “God damn you fire!” once. I don’t know who fired the first gun. I did not see anybody press on the soldiers with large cordwood sticks. I did not know the Indian who was killed.

I saw Kilroy fire and Samuel Gray fell striking my left foot. I knew Kilroy from before very well. I heard no gun but Kilroy’s at that time. Gray spoke to no one but me. He had no weapons. He threw no snowballs or anything. Gray’s hands were in his pockets. I was looking Kilroy right in the face and have no doubt that his gun killed Gray. I did not see that Kilroy aimed at Gray any more than me. He intended to kill us both, I suppose.

Why do you think the testimony given varies (is different)?

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Based on the testimony, what verdict (guilty/ not guilty) do you think the jury reached in this trial? Explain your answer using details from the testimony.

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**The Verdicts and Sentences**

Thomas Preston Not guilty

William Wemms Not guilty

John Carroll Not guilty

James Hartigan Not guilty

William McCauley Not guilty

William Warren Not guilty

Hugh White Not guilty

Hammond Green Not guilty

Thomas Greenwood Not guilty

Edward Manwaring Not guilty

John Munro Not guilty

Mathew Kilroy

Hugh Montgomery Both men were found not guilty of murder, but guilty of manslaughter on December 5, 1770. On December 14, 1770 the Sheriff of Suffolk County carried out the sentence of the Superior Court upon Private Hugh Montgomery and Private Mathew Kilroy by branding the right thumb of each soldier with a hot iron.