



THE MASSACHUSETTS JOURNAL

Or, Thomas's Boston Journal.



Do thou Great LIBERTY inspire our Souls—And make our Lives in thy Possession happy—Or, our Deaths glorious in thy just Defence.

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JOIN OR DIE



For the MASSACHUSETTS SPY.
To his Excellency THOMAS GAGE, Esq; Governor of the Province of Massachusetts-Bay, in New-England; &c. &c. &c.
Honourable his Majesty's Council, and the Honorable House of Representatives, in General Council assembled at Salem, June A. D. 1774. The petition being the third of us the Subscribers, in behalf of all those, who by divine permission, are held in a state of slavery, within the bounds of a free Country, &c. &c. &c.

THAT your petitioners apprehend they have in common with other men, a natural right to be free, and without molestation, to enjoy such property, as they may acquire by their industry, or by any other means not detrimental to their fellow-men; and that no person can have any just claim to their services without their consenting by contract to become servants; and were dragged by the cruel hands of power (some of us) from our dear connections, and others stolen from the bosom of tender parents, and brought hither to be enslaved. Thus are we deprived of every thing that has a tendency to make life even tolerable. The endearing ties of husband, wife, parents, children, friends, & children did we say? No sooner are they torn; but they are either sold or given away helplessly, without our consent, whereby we are rendered ignorant of them and they of us; and whenever any of our connections are forced amongst us, the pleasures are embittered by the cruel consideration of our slavery. By our deplorable situation we are rendered incapable of showing our obedience to the Supreme Governor of the Universe, by being obliged to conform ourselves to the duties which naturally grow out of such relation, how can a slave perform the duties of husband or parents, wife or child? We are often under the cruel necessity of obeying man, not only in omission of, but frequently in opposition to the laws of God, so inimical is slavery to religion! As we are hindered by our situation from an observance of the laws of God, so we cannot reap an equal benefit from the laws of the Land with other subjects.

There is no law of Great-Britain, nor yet in this province, whereby we can be held in slavery without our consent. We are sensible that many objections have, and may be objected against our liberation; but we with gratitude to their honorable gentlemen, who spoke so much in our favour last sessions though some may say we were amused, these with many other grievances we feel, we your humble petitioners hope your Excellency and Honours will again take up this our third petition, and cause an act or resolve to be passed to give your petitioners redress.

The candor and humanity of your Excellency, and the spirit we put in the honorable House, encourage us to hope, that some method will be taken upon to grant such a number of his Majesty's subjects, and a useful members of society effectual relief.

And your petitioners as in duty bound, shall ever pray.

The following is an authentic Copy of the Act of Parliament for making more effectual provision for the government of the PROVINCE of QUEBEC, in North-America.

WHEREAS his Majesty, by his royal proclamation, bearing date the seventh day of October, in the third year of his reign, thought fit to declare the provinces which had been made in respect to certain countries, territories, and islands in America, ceded to his Majesty by the definitive treaty of peace, concluded at Paris on the tenth day of February, one thousand seven hundred and sixty-three:

And whereas, by the arrangements made by the said royal proclamation, a very large extent of country, within which there were several colonies and settlements of the subjects of France, who claimed to remain therein under the faith of the said treaty, was left, without any provision being made for the administration of civil government therein, and certain parts of the territory of Canada, where fedentary fisheries had been established and carried on by the subjects of France, inhabitants of the said province of Canada, under grants and concessions from the government thereof, were annexed to the government of Newfoundland, and thereby subjected to regulations, inconsistent with the nature of such fisheries:

May it therefore please your most excellent Majesty, that it may be enacted; and be it enacted, by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present parliament assembled, and by the authority of the same, that all the territories, islands, and countries in North-America, belonging to the crown of Great-Britain, bounded on the south by a line from the bay of Chaleurs, along the high lands which divide the rivers that empty themselves into the river Saint Lawrence, from thence which fall into the sea, to a point in forty-five degrees of northern latitude, on the eastern bank of the river Connecticut, keeping the same latitude directly west, through the Lake Champlain, until in the same latitude, it runs to the river Saint Lawrence; from thence up the eastern bank of the said river to the Lake Ontario; thence through the Lake Ontario, and the river commonly called Niagara, and thence along by the Eastern and South-eastern bank of Lake Erie, following the said bank, until the same shall be so intersected by the Northern boundary, granted by the charter of the province of Pennsylvania, in case the same shall be so intersected; and from thence along the said Northern and Western boundaries of the said province, until the said Western boundary strikes the Ohio: But in case the said bank of the said Lake shall not be found to be so intersected, then following the said bank until it shall arrive at that point of the said bank which shall be nearest to the North western Angle of the said province of Pennsylvania, and thence, by a right line, to the said North western Angle of the said province; and thence along the Western boundary of the said province, until it strikes the river Ohio; and along the bank of the said river, Westward to the banks of the Mississippi; and northward to the southern boundary of the territory granted to the merchants adventurers of England, trading to Hudson's Bay; and also all such territories, islands, and countries, which have since the tenth of February, one thousand seven hundred and sixty-three, been made part of the government of Newfoundland, be, and

they are hereby, during his Majesty's pleasure, annexed to, and made part and parcel of, the province of Quebec, as created and established by the said royal proclamation of the seventh of October, one thousand seven hundred and sixty-three.

Provided always, That nothing herein contained, relative to the boundary of the province of Quebec, shall in any-wise affect the boundaries of any other colony.

Provided always, and be it enacted, That nothing in this act contained shall extend, or be construed to extend, to make void, or to vary or alter, any rights, title, or possession, derived under any grant, conveyance, or otherwise howsoever, of or to any lands within the said province, or the provinces thereto adjoining; but that the same shall remain and be in force, and have effect, as if this act had never been made.

And whereas the provisions made by the said proclamation, in respect to the civil government of the said province of Quebec, and the powers and authorities given to the Governor and other civil officers of the said province, by the Grants and commissions issued in consequence thereof, have been found, upon experience, to be inapplicable to the state and circumstances of the said province; the inhabitants whereof amounting, at the present, to upwards of sixty thousand persons, possessing the religion of the church of Rome, and enjoying an established form of constitution, and system of laws, by which their persons and property had been protected, governed, and ordered, for a long series of years, from the first establishment of the said province of Canada; be it therefore further enacted by the authority aforesaid, that the said proclamation, so far as the same relates to the said province of Quebec; and the commission under the authority aforesaid, to the government of the said province is at present administered, and all and every the ordinance and articles made by the Governor and Council of Quebec for the time being, relative to the civil government and administration of justice in the said province, and all commissions to judges and other officers therein; be, and the same are hereby revoked, annulled, and made void, from and after the first day of May, one thousand seven hundred and sixty-seven.

And for the more perfect security and ease of the minds of the inhabitants of the said province; it is hereby declared, that his Majesty's subjects professing the religion of the church of Rome, of, and in the said province of Quebec, may have, hold and enjoy the free exercise of the same, and of the church of Rome, subject to the King's supremacy, declared and established by an act made in the first year of the reign of Queen Elizabeth, over all the dominions and countries which then did, or thereafter should belong to the imperial crown of this realm; and that the clergy, of the said church may hold, receive, and enjoy their accustomed dues and rights, with respect to such persons only as shall profess the said religion.

Provided nevertheless, that it shall be lawful for his Majesty, his heirs or successors, to make such provision out of the rent of the said accustomed dues, and rights, for the encouragement of the protestant clergy; and for the maintenance and support of a protestant school within the said province, as he or they shall, from time to time, think necessary and expedient.

Provided always, and be it enacted, that no person professing the religion of the church of Rome, and residing in the said province, shall be obliged to take the oath required by the said statute passed in the first year of the reign of Queen Elizabeth, or any other oath substituted by any other act in the place thereof; but that every such person who, by the said statute is required to take the oath therein mentioned, shall be obliged, and is hereby required, to take and subscribe the following oath before the Governor, or such other person in such court of record as his Majesty shall appoint, who are hereby authorized to administer the same; to wit, I A. B. do sincerely promise and swear, that I will be faithful, and bear true allegiance to his Majesty King George, and his heirs and successors, to the utmost of my power, against all traitorous conspiracies, and attempts whatsoever, which shall be made against his person, crown, and dignity; and I will do my utmost endeavour to disclose all treasons known to his Majesty, his heirs and successors, and all traitorous conspiracies, and attempts, which I shall know to be against him, or any of them; and all this I do swear without any equivocation, mental reservation, or secret reservation, and renouncing all pardons and dispensations from any power or person whatsoever to the contrary. So help me God. And every such person, who shall neglect or refuse to take the said oath before mentioned, shall incur and be liable to the same penalties, forfeitures, disabilities, and incapacities, as he would have incurred and been liable to for neglecting or refusing to take the oath required by the said statute passed in the first year of the reign of Queen Elizabeth.

And be it further enacted by the authority aforesaid, that all his Majesty's Canadian subjects within the province of Quebec, the religious orders and communities only excepted, may also hold and enjoy their property and possessions, together with all customs and usages relative thereto, and all other their civil rights, in a large, ample, and beneficial manner, as if the said proclamation, commissions, ordinances, and other acts and instruments, had not been made, and as may consist with their allegiance to his Majesty, and subjection to the crown and parliament of Great-Britain; and that, in all matters of controversy relative to property and civil rights, resort shall be had to the laws of Canada, as the rule for the decision of the same; and all causes that shall hereafter be instituted in any of the courts of justice, to be appointed within and for the said province by his Majesty, his heirs and successors, shall, with respect to such property and rights, be determined agreeably to the said laws and customs of Canada, until they shall be varied or altered by any ordinances that shall, from time to time, be passed in the said province by the Governor, Lieutenant-Governor, or Commander in chief, for the time being; and with the advice and consent of the legislative council of the same, to be appointed in manner herein-after mentioned.

Provided always, that no thing in this act contained shall extend, or be construed to extend, to any and that have been granted by his Majesty, or shall hereafter be granted by his Majesty, his heirs and successors, to be holden in free and common socage.

Provided also, that it shall and may be lawful and for every person, that is owner of any lands, goods or credits in the said province, and that has a right to alienate the said lands, goods, or credits, in his or her life-time, by deed or gift, or otherwise, to devise or bequeath the same, at his or her death, by his or her last will and testament, any law, usage, or custom heretofore, or now prevailing in the province, to the contrary hereof; in any otherwise notwithstanding; such will being executed either according to the laws of Canada, or according to the forms prescribed by the laws of England.

And whereas the certainty and lenity of the criminal law of England, and the benefits and advantages resulting from the use of it, have been sensibly felt by the inhabitants, from an experience of more than nine years, during which it has been uniformly administered; be it therefore further enacted by the authority aforesaid, that the same shall continue to be administered, and shall be observed as law, in the province of Quebec; as well in the description and quality of the offence, as in the method of prosecution and trial, and the punishments and forfeitures thereby inflicted, to the exclusion of every other rule of criminal law, or mode of proceeding thereon, which did or might prevail in the said province before the year of our Lord, one thousand seven hundred and sixty-four; any thing in this act to the contrary thereof, in any respect notwithstanding; subject nevertheless to such alterations and amendments, as the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice and consent of the legislative Council of the said province, hereafter to be appointed, shall, from time to time, cause to be made therein, in manner herein-after directed.

And whereas it may be necessary to ordain many regulations for the future welfare and good government of the province of Quebec, the operations of which cannot now be foreseen nor without much delay and inconvenience be provided for, without intrusting that authority for a certain time, and under proper restrictions, to persons resident there:

And whereas it is at present inexpedient to call an Assembly; be it therefore enacted by the authority aforesaid, that it shall and may be lawful for his Majesty, his heirs and successors, by warrant under his or their signet, or sign Manual, and with the advice of the Privy Council, to constitute and appoint a Council for the affairs of the province of Quebec, to consist of such persons resident there, not exceeding twenty-three, nor less than seventeen, as his Majesty, his heirs and successors, shall be pleased to appoint; and, upon the death, removal, or absence of any of the members of the said Council, in like manner to constitute and appoint such and so many other person or persons as shall be necessary to supply the vacancy or vacancies; which Council, so appointed, and nominated, or the major part thereof, shall have power and authority to make ordinances for the peace, welfare, and good government of the said province, with the consent of his Majesty's Governor, or in his absence, of the Lieutenant-Governor, or Commander in Chief, for the time being.

Provided always, that nothing in this act contained, shall extend to authorize or empower the said legislative Council to lay any taxes or duties within the said province, such rates and taxes only excepted as the inhabitants of any town or district within the said province may be authorized by the said Council to assess, levy, and apply, within the said town or district, for the purpose of making roads, erecting and repairing public buildings, or for any other purpose respecting the local convenience and economy of such town or district.

Provided also, and be it enacted by the authority aforesaid, that every ordinance to be made shall, within six months, be transmitted by the Governor, or in his absence, by the Lieutenant-Governor, or Commander in Chief, for the time being, and laid before his Majesty, for his royal approbation; and if his Majesty shall think fit to disallow thereof, the same shall cease and be void from the time that his Majesty's order in Council thereupon shall be promulgated at Quebec.

Provided also, that no ordinance touching religion, or by which any punishment may be inflicted greater than fine or imprisonment for three months, shall be of any force or effect, until the same shall have received his Majesty's approbation.

Provided also, that no ordinance shall be passed at any meeting of the Council where less than a majority of the whole Council is present, or at any time except between the first day of January and the first day of May, unless upon some urgent occasion, in which case every member thereof, resident at Quebec, or within fifty miles thereof, shall be personally summoned by the Governor, or in his absence, by the Lieutenant-Governor, or Commander in Chief, for the time being, to attend the same.

And be it further enacted by the authority aforesaid, that nothing herein contained, shall extend, or be construed to extend, to prevent or hinder his Majesty, his heirs and successors, by his or their letters patent, under the great seal of Great-Britain, from erecting, constituting, and appointing, such courts of criminal, civil and ecclesiastical jurisdiction, within and for the said province of Quebec, and appointing, from time to time, the Judges and officers thereof, as his Majesty, his heirs and successors, shall think necessary and proper, for the circumstances of the said province.

Provided always, and it is hereby enacted, that nothing in this act contained, shall extend, or be construed to extend, to repeal or make void, within the said province of Quebec, any act or acts of the parliament of Great-Britain heretofore made, for prohibiting, restraining, or regulating the trade or commerce of his Majesty's colonies and plantations in America; but that all and every the said acts, and also all acts of parliament heretofore made, concerning or respecting the said colonies and plantations, shall be, and are hereby declared to be, in force, within the said province of Quebec, and every part thereof.

For the MASSACHUSETTS SPY.
The following is a copy of a letter, said to be written by Gen. Brattle, to the Commander in Chief, viz.

Cambridge, August 29, 1774.
MR. Brattle presents his duty to his Excellency Governor Gage, he apprehends it his duty to acquaint his Excellency from time to time with every thing he hears and knows to be true, and is of importance in these

troublesome times, which is the apology Mr. Brattle makes for troubling the General with this letter. Captain Minor, of Concord, a very worthy man, this mornig informed Mr. Brattle that there had been recently made pressing applications to him to warn his company, to meet at one minute's warning, equip with arms and ammunition, according to law, he had constantly denied them, saying, if he did not gratify them he should be constrained to quit his Farms and town; Mr. Brattle told him he had better do that than lose his life, and he hanged for a rebel; he observed that many Captains had done it, though not in the regiment to which he belonged, which was and is under Colonel Bluffe Jones, but in a neighbouring regiment.

Mr. Brattle begs leave humbly to enquire, whether it would not be best that there should not be one commission officer of the militia in the province.

This mornig the select-men of Medford, came and received their town stock of powder, which was in the arsenal on Quarry-Hill; so that there is now therein the King's powder only, which shall remain there as a secret deposit until ordered out by the Captain General.

To his Excellency General Gage, &c. &c. &c.

7th. PUBLIC.

I think but justice to myself to give an account of my Conduct, for which I am blamed; and to obviate some mistakes which are believed. His Excellency Governor Gage wrote me the words following: Sir, as I am informed there are several military stores in your charge, at Cambridge, I beg the favour of you to send me a return of them, as soon as convenient, specifying the different sorts of each. I. Gage. To Major General Brattle. Which order I obeyed; the like I did to Governor Pownall, Bernard and Hutchinson; in doing of which, every soldier will say, I did but my duty. But it is affirmed, I advised the Governor to remove the powder; this I positively deny, because it is absolutely false; I never so much as entered into my mind or thought. After I had made my return, I never heard one word about the affair till the night before last, when Sheriff Phelps came to my house, with the Governor's order to deliver him the Powder and guns, the keys of the powder-house I then delivered him, and wrote to Mrs. Mason, who had the care of the guns under me, to deliver them, which I suppose he did; I know I imagine were taken, but were transported I know no. I wrote to the Governor what is contained in the above letter; I did not write the Governor the grounds and reasons of the quest therein contained; but I will now mention them. They proceeded from a real regard both to the commission officers and the province; first, to the commission officers; I thought, and still think, it was best for them; many of whom I thought would be unwilling to issue their warrants, and if they did not, I apprehended they might meet with some difficulty; and those that did, if not convinced so great good would result therefrom, as if another method was taken: Secondly, I thought, and still think, it would be much better for the province; for supposing there was not one commission officer for the present in it, what damage could the province sustain? It may be answered, commission officers are supposed to be the most understanding in military affairs; I grant it: But supposing their commissions were vacated, supposing the respective companies in the province were dispersed and determined to do any one matter or thing, which they imagined to be for its safety; and proper persons were to be employed to lead them, &c: doth their not having commissions in the least unfit them from being employed in the particular services they may be chosen to execute and in this way cannot any one conceive that so bad consequences might be possibly prevented. Is it not easy to conceive, that the commission officers, leading their respective companies, &c: in the eyes of the people, are looked upon more as a military force, than as a civil force; and then they would be in the way of military officers, and did not act under commission? Might not the difference with respect to the province be too great, upon very great both at home and here. It was suggested that General Gage destroyed the towns stock of powder; this certainly he did not; the above order speaks for itself. As I would not have delivered the provincial powder to any one but to his Excellency, or order, so for the towns stock I would have delivered to none but the select-men, or their order, upon the proviso the treatment I have met with, my banker from my own house, the place of my nativity, my house being searched, though I am informed it was without damage, and the sense of the people, touching my conduct, &c: for the present cannot but be grievous, yet this proof is much lessened by the pleasure arising in my mind, from a consciousness that I am a friend to my country; and, in the above instances, that I really acted according to my best judgment for its true interest. I am extremely sorry for what has taken place; I hope I may be forgiven, and desire it of all that are offended, since I acted from an honest, friendly principle, though it might be a mistaken one.

W. BRATTLE.

COUNTRY NEWS.

FALMOUTH, Cape-Bay, August 27, 1774.
The following melancholy affair happened in this town, between the hours of one and four in the morning of the 20th instant, viz. A Soldier having been drummed out of a regiment at New-York, came here and hid himself to Mr. Staples; took this opportunity, in Mr. Staples's absence to commit a Rape on the body of his Wife, threatening at the same time, if she made any resistance he would cut her with a sharp knife, which he had in his hand, and prepared for that end. After the act he told her of his design of carrying her off to Quebec, hid her back up her cloaths, which she was obliged to do. The soldier taking her hand under his arm, threatening to kill her if she made any noise; but luckily the soldier stumbling fell down and disengaged her, on which she ran into an house it was near, and cried murder! seize the soldier I name him; on which the family jumping out of bed, mustered the neighbours, who went in search after him, and about seven the same afternoon found him asleep, seized him, carried him before a magistrate, where he confessed the fact, and is now in the prison, at Falmouth. N. B. Mrs. Staples was seven months gone in her pregnancy.