



MONDAY, April 8, 1771.

BOSTON, APRIL 4.

WEDNESDAY the Great and General Court or Assembly of this Province met at Harvard-College in Cambridge, according to Prorogation, The Representatives being assembled in the Chapel appointed a Committee to wait upon His Excellency and acquaint him that upwards of Forty Members were in the College Chapel, and that they were earnestly desirous His Excellency would be pleased to remove the General Assembly to its ancient and legal Place the Town-House in Boston.—His Excellency immediately sent a Message to the House by Mr. Secretary Flucker, to direct their Attendance in the Council-Chamber, where His Excellency was pleased to deliver the following **SPEECH** to both Houses, viz.

Gentlemen of the Council, and Gentlemen of the House of Representatives,
SINCE we were last assembled in General-Court the public Tranquility of His Majesty's Dominions has been in great Danger of being disturbed by the violent Proceedings of the Spanish Governor of Buenos Ayres, in dispossessing His Majesty's Subjects of their Settlement at Port Esmeunt. I have received repeated Assurances from the Right Honourable the Earl of Hillsborough, one of His Majesty's Principal Secretaries of State, that, it Mitters should come to Extremities, the Security of His Majesty's Dominions in America will be a principal Object of his most gracious Care and Attention. A Plan of Augmentation of His Majesty's Forces upon the British Establishment has already been determined upon, and His Majesty's Pleasure has been signified to me that I should exert my utmost Endeavours to give Efficacy and Dispatch to this Plan, by assisting His Majesty's Officers to raise such a Number of Recruits as shall be sufficient to complete the several Battalions now serving in America. I have with the Advice of His Majesty's Council, issued my Proclamation, inviting and requiring His Majesty's faithful Subjects in this Province to engage in and promote according to their several Stations and Capacities; a Service so essential to their Security and Defence.

It appears probable by the last Intelligence from England, that Satisfaction may have been made for this hostile Act of the Spaniards, but, as I have received no authentic Advice of it, and have no sufficient Reason to suppose that the proposed Plan of Augmentation will be receded from, I shall persevere in giving Encouragement to it, and if any Act of Legislation shall be found necessary I will recommend it to you, and readily concur with you in it.

I have no particular interior Business of the Province now to lay before you. The slated Season for the convening a new Assembly agreeable to Charter being so near I chuse to refer to that Time all Matters, except such as are of immediate Necessity, and will come before you of course. If you will give the Dispatch which is requisite on your Part, there shall be no Delay on my Part. I doubt not, as the most busy Season of the Year is just at hand, you wish to return to your respective Homes as soon as may be.

I may not omit acquainting you, in Form, that I have received His Majesty's Commission appointing me Captain-General and Governor in Chief in and over the Province—that it has been published in the usual Manner—that I have the most grateful Sense of the Honour done me by this Appointment, and that it is my sincere Desire and Resolution to employ the Powers; with which I am intrusted, for His Majesty's Service and for the best Interest of the People; and I will cheerfully join at all Times with the other Branches of the Legislature in such Measures as may tend completely to restore and constantly to maintain that State of Order and Tranquility upon which the Prosperity of the Province so much depends.

Council-Chamber,
Cambridge, 3d. April, 1771. **T. Hutchinson.**

ON Wednesday last His Excellency THOMAS HUTCHINSON, Esq; lately appointed Governor of this Province, on an Invitation from the Corporation of Harvard-College, was pleased to visit that Ancient Seat of Learning.

His Excellency with His Honour the Lieutenant-Governor, and the Honourable His Majesty's Council, in their Carriages, attended by the Sheriff of the County of Suffolk, and a Detachment of the Troop of Guards, went from the Province-House in this Town in Procession, and were received at the County-Line by the Sheriff of the County of Middlesex, and the principal Gentlemen of Cambridge in their Carriages. At the Steps of Harvard-Hall, His Excellency was received and congratulated by the President, Fellows, Professors and Tutors in their Habits.—In the Philosophy Chamber he was met and welcomed by the Honourable and Reverend Overseers.

The Chapel not being large enough to Accommodate the Gentlemen who were present on this Occasion, and the Members of the Society; His Excellency, with the Lieutenant Governor, the Overseers, Corpo-

ration, Officers of the College and the other Gentlemen, went in Procession from Harvard-Hall to the Meeting-House, preceded by the Students of the College, Graduates and Undergraduates.

The General Court being then sitting in the College, a Committee of the Corporation waited on the Honourable House of Representatives to their Attendance on the Exercises of the Day.—Which Invitation they were pleased to accept of.

The public Exercises began with a handsome Gratiulatory Oration in Latin pronounced by Mr. WETMORE, one of the Resident Graduates. To this his Excellency made an Elegant Reply in the same Language, testifying his Affection to the Seminary in which he had his Education, and his Regard to the Interests of Literature.

Then followed an ANTHEM, composed, set to Music and performed by the young Gentlemen of the College.

The Words of the Anthem.

WE have heard with our Ears, O Lord, and our Fathers have told of thy might!—Thy wonders which thou didst of old; how thou didst drive out the heathen from among them!

For they got not their land by their own sword; but it was thy right-hand, thine arm, and the light of thy countenance! O Praise the Lord forever and ever.

—How blessed are all they that fear the Lord and walk in his Ways, for thou shalt eat the labour of thine hands. — O well is thee, and happy shalt thou be.

Lo! thus shall the man be blessed that fears the Lord.

For thus shall the Lord, from henceforth, behold all nations shall call thee blessed; for thy RULERS shall be of thine own kindred; your NOBLES shall be of your selves, and thy GOVERNOR shall proceed from the midst of thee.

Awake! awake! Put on thy strength, O Zion,—break forth into joy with Hallelujah! for the Lord hath redeemed his People.

Blessing and glory, salvation and wisdom, thanksgiving and honor and power and might, be unto the Lord GOD Almighty, who sitteth on the throne, and unto the Lamb, forever and ever, Amen.

Praise the Lord.

When the Exercises were over, the Procession returned to the Hall, where a genteel Entertainment was provided for his Excellency, the Honourable and Reverend Overseers—the Honourable House of Representatives, and the other Gentlemen. The whole was conducted with the greatest Decorum and Elegance.

(*Mus. Gaz.*)

Monday last were deposited in a Tomb under King's Chapel, the Remains of the Honourable Lieutenant-General SHARLEY, formerly Governor of this Province and lately of the Bahama Islands: The Funeral Procession was from the House of John Erving, jun. Esq;—The Ancient and Honourable Artillery Company, commanded by Capt. Heath, attended and marched in Funeral Procession before the Corps, as also the Officers of the Regiment of Militia of this Town in their Regimentals with the usual mourning of black Crape: On the Coffin were two Swords placed saltierwise: The Pall was supported by His Excellency the Governor, his Honor the Lieutenant-Governor, two of the Honourable Judges of the Superior Court, and two of the Honourable his Majesty's Council; the Relatives, and a Number of Gentlemen and Ladies followed in Procession, and a great Number of Coaches and Chariots: The Corps being carried into the Chappel, a Sermon suitable to the Occasion was preached by the Rev'd Dr. CANNER, to great Acceptance, from those Words in Acts, xiii. 36. *For David, after he had served his own Generation by the will of God, fell on sleep, and was laid unto his Fathers, and saw Corruption:—* After the Corps was interred, and the Funeral Service ended, the Military Company fired three Volleys, and during the Procession, a Detachment of the Train of Artillery, lead by Lieut. Sellon, being marched to a proper Place, fired as many Minute Guns as the Deceased had lived Years, being Seventy-six.

FROM a Liverpool print of the 1st of February we have taken the following short extracts, viz. "That the Russians have retaken the isle of Lemnos, and all the Turks found there were put to the sword; they have also taken Dicharschewo, the last fortress the Turks had on the Danube, with a considerable slaughter. and 20,000 Tartars who submitted to the Russians last year, have taken arms against the Turks: That the earl of Sandwich, as first lord of the admiralty has declared, that no new lieutenants shall be

made in the royal navy, until all the half pay lieutenants are first provided for: That Mr. Justice Bathurst is appointed lord high chancellor of Great-Britain. William de Grey, Esq; is appointed chief justice of the common-pleas, in the room of Sir John Eardley Wilmot, who has resigned, and Mr. Serjeant Nairs is appointed a judge in the room of the lord chancellor; and it was said Mr. Serjeant Leigh will be appointed King's serjeant in the room of judge Nairs.—Mr. Thurloe is appointed attorney-general, and Mr. Wedderburn solicitor general: That it is said if peace should ensue, 25,000 seamen are to be retained in his Majesty's service for the future: That notwithstanding the agreement to our requisitions on the part of the court of Spain, it is said their ambassador will not continue long in England; and it is the opinion of many that the Spaniards are more politic than honest, and some say their intentions are hostile, though their professions are peaceful: That the Russians have taken and carried into Messina, seven ships of different nations, laden with the production of Egypt, and were bound to Constantinople: That the court of Spain had given orders to discharge every subject of Great-Britain from the naval service of Spain: That it was said all the military preparations in Great Britain are to be carried on till finished, and then to remain on that footing, and if England would keep 30,000 seamen in pay, perhaps we might not experience a war in the course of 30 years: And that orders were sent to Portsmouth to postpone the embarkation of the two companies of the royal train of artillery for Gibraltar, till further orders.

S A L E M, April 2.

Substance of a Proclamation issued by his Excellency the Governor last Thursday.

"Whereas His Majesty's Pleasure has been signified to me by the Right Honourable the Earl of Hillsborough, one of His Majesty's Principal Secretaries of State, that I should exert my utmost Endeavours to give Efficacy and Dispatch to a Plan of Augmentation of the King's Troops, by assisting His Majesty's Officers in raising Recruits within this Province:

"I have therefore thought fit, with the Advice of his Majesty's Council, to issue this Proclamation, requiring all the Civil Officers within this Province to be aiding and assisting to any Recruiting Parties for the Purpose aforesaid, and to their Recruits, and in all Respects, to conform to the Directions of an Act of Parliament, intitled, "An Act to amend and render more effectual in his Majesty's Dominions in America an Act pass in this present Session of Parliament, intitled, and for the better Punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters" as they would avoid the Penalties imposed by said Act for their Neglect. And I recommend to all his Majesty's good Subjects to endeavour, in their respective Stations and Capacities, to promote and forward His Majesty's most gracious Purpose for their Protection and Defence, as aforesaid."

It is with Pleasure we can inform our Readers, that the good People of this Province are so far re-inspired in the Royal Favour and Confidence, as that they may now have the Honour of recruiting that very Army, a Part of which, in Conjunction with a Squadron of his Majesty's Ships, not long since invetted our Metropolis. But whether these intended Recruits are to signalize their Loyalty and Valour in the Streets of Boston, in St. George's Fields, or in fighting the Spaniards, or all these in Rotation, will, in Concert with the very probably depend on the consummate Policy and inscrutable Sagacity of my Lord of H—h.

—Concord, Feb. 23. 1771.

Whereas Mary the Wife of me the Subscriber, now living in Topsfield, hath contrary to my Orders, contracted sundry Debts in my Absence to my Damage.—I do therefore forbid all Persons of what Condition soever, against entrusting her on any Account, for I do now Protest that I will not pay one Farthing that she shall contract after the Date hereof.

NATHAN HURBARD.

The following Observations are from *Johannes in Eramo*.

MR. HALL,

HAVING promised to make some Observations upon the Queries lately published, both of CLERICUS AMERICANUS and BRUTUS, I shall begin with those of the former. And

1. As to the first Query, this implies, as I take it, That the Liberty of a Freeman or an Englishman, which distinguishes him from a Slave, necessarily implies some sort of Right or Property of his own, which no Man has or can have a Right to without his Consent or actual Alienation of the same. This Proposition, as it is stated, takes it for granted, that a Freeman and an Englishman are synonymous, that is to say, that every Englishman by Birth and Privilege is a Freeman, entitled to and in Possession of the natural Right of Mankind: And also, that the Liberty of an Englishman distinguishes him from a Slave, which I think is most evidently true, if it may be said, that a Slave is the opposite of a Freeman as Darkness is of Light: And that this Liberty of a Freeman necessarily implies some Sort of Right & Property of his own, which no Man has or can have a Right to without his Consent or actual Alienation of the same, is so self-evident, that no Man, who claims any Sort of Right or Property of his own, above what belongs to or rather is possessed by an absolute Slave, can deny it to be true in Fact, if he has but the least degree of Understanding, or Exercise of Reason.

That all Men considered in a State of Nature (in a civil Sense) are equally free and possessed of certain personal Rights and Properties independently one of the other, I suppose all will allow; so that one cannot deprive another of his personal Right or Property without being guilty of Injustice or Robbery, or of doing directly contrary to that eternal Rule of Right, *all Things whatsoever ye would that Men should do to you, do ye even so to them*: And as civil States, Common-wealths or Kingdoms, considered as Bodies Politic, are not natural Bodies, or were not created by the Almighty Bodies Politic, we must look upon them as *voluntary Bodies*, originally formed by mutual Agreement or Compact, for the End of Protecting, defending and promoting the natural Rights and Properties of all the Individuals in each Confederation against the common Enemy, the Robbers of their Fellow Men.—Hence civil Government is constituted for the Good of the People, and as according to the British Constitution the Subjects have all their natural and essential Rights as Men secured to them, they are *Freemen*, though they hold themselves indispensably bound to submit to all the constitutional Laws of the State they belong to.

2. As to the second Query, this implies, That the free-born Subjects of his Britannic Majesty, or of any other Prince or State, have a Right of Migration, with their moveable Estates, out of their Sovereign's Dominions, into any other Dominion that they shall chuse.

It is one Thing to say, that Persons have a natural Right of Migration, and another Thing to say, that they have a Call in Providence to migrate, or that it is their Duty: And yet if Persons have not a natural Right of Migration, it will not easily be made to appear that they have under any Circumstances whatsoever, a Call in Providence to migrate; but if it can be made to appear, that under certain Peculiar Circumstances Persons have a call in Providence to migrate, it must follow that they have a natural Right to do it.

If the Subjects of any Prince or State are persecuted or are denied the natural Right of all Mankind, *Liberty of Conscience*, CHRIST has taught us, that such may flee into another State or Kingdom, where they may enjoy this Right, this Liberty, when he says, "But when they persecute you in this City, flee ye into another." But if Persons may warrantably, in a Time of Persecution, leave their native State and flee into another, and upon their becoming resident in another State, they are under Obligations arising from their Residence there to submit to the Laws and Authority thereof, then they have a natural Right of Migration.—And if the English Government were right in countenancing Persons fleeing from Persecution in divers other States into England for Refuge, in Times past; and if these Refugees, in Consequence of their Residence in his Britannic Majesty's Dominions, are subject to the Laws and Authority of the same, and enjoy the Liberties and Immunities of English Subjects equally with such as were born in his Dominions, then Persons may warrantably migrate in a Time of Persecution, & have a natural Right of Migration. And their civil Subjection to their native Prince or State determines or ceases upon their Migration and becoming resident in another State.

If Frenchmen or Germans or the Subjects of any other State may warrantably move into the British Dominions for the sake of enjoying the superior, civil Liberties and Immunities of English Subjects, then Persons have a natural Right of Migration.

If civil States are *voluntary Societies*, originally formed by Compact for the Protection & Defence of their natural Rights, it must follow, that if instead of enjoying this Protection and Defence of their natural Rights, they are deprived of them, the Compact is violated, and the Injured at Liberty to seek Protection where they chuse, or to move into what State or Quarter of the World they please.

3. As to the third general Query, this implies, That if one or more Families should migrate from his Britannic Majesty's Dominions, and set down in another's Dominions, they would then cease to be his Britannic Majesty's Subjects:—That as the first Settlers of Plymouth in New-England, migrated from England into Holland, and lived there ten Years, they were not considered in that Time as the King of England's Subjects, —they were not then governed by the Laws of England.—And they were not then taxed by the British Parliament, nor by themselves, to raise a Revenue to his Britannic Majesty, or to support any Government but that of Holland.

All this I take to be true in Fact; for Refugees from French Persecution, as soon as they became resident in London, or in Boston in New-England, their civil Subjection to the French State immediately ceased, and they were subject to the civil Government where they now resided.

4. As to the fourth Query, this implies, That the aboriginal Natives of North-America, were the proper Lords and Proprietors of these Lands before the English arrived.—That the English had no just Right to take Possession without purchasing the Lands of the Proprietors, or obtaining a Grant of them.—That the English Planters or Settlers did purchase the Lands, and that with their own Money, and not with the Crown of England's.—And hence that they had a Right to have set upon independent Government or State of their own;—and that if they had done it, Great-Britain could, in Justice, have claimed no more Right to their Possessions, and to impose Laws and Taxes upon them without their Consent, than they had to the States of Holland; at least, no more than they could have had to these first Planters, if they had continued in Holland in this very Day.

5. As to the fifth Query, this implies that the political Union, Connection, Dependence and Subordination of the original unconquered Colonies of North-America to the British Empire and Government, (who have all along supported and defended themselves at vast Expence) by which Union they become properly a branch of the British Empire, and in which they glory, as being fellow-subjects with and entitled to the same Rights, Liberties, and Immunities of Englishmen inhabiting Great-Britain, are entirely founded in the *Covenant and Compacts between Great Britain and these Colonies, which are contained in their Charters*.

If the preceding Propositions are Truths, then the two first Queries of BRUTUS must be answered in the Affirmative, viz.

1. That the civil Subjection of the People of this Province is founded in a *voluntary Compact* contained in the Charter.

2. That both Parties in this Compact are bound by it, so that a Breach on either Side necessarily infers a total Dissolution.

I beg leave to quote a few Passages out of the History of MASSACHUSETTS-BAY, wrote by Lieut. Governor Hutchinson: In V. I. P. 251, 252, speaking of the Sentiments of some of Influence amongst our Forefathers in New-England, upon civil Subjection; says, "They distinguished civil Subjection into *necessary and voluntary*; from *actual Residence* within any Government necessarily arose Subjection, or an Obligation to submit to the Laws and Authority thereof: But *Birth* was no necessary Cause of Subjection: The Subjects of any Prince or State had a *natural Right* to remove to any other State, or to another Quarter of the World; unless the State were weakened and exposed by such Remove, and even in that Case, if they were deprived of the *Right of all Mankind, Liberty of Conscience*, it would justify a Separation; and upon their Removal, their Subjection determined and ceased: That the Country to which they themselves had removed was claimed and possessed by *independent Princes*, whose Right to the Lordship and Sovereignty thereof had been acknowledged by the Kings of England [Marg. "Bartholomew Sharp the Buccaneer, was tried in England for Robbery and Piracy upon the Spaniards in South-America, and acquitted, because he had a Commission from the Indian Princes of Darien, Det. of Scots Settlement."] They therefore looked upon themselves obliged,

and accordingly, as appeared by their Records, actually had purchased for valuable Considerations, not only the Soil, but the Dominion, the Lordship and Sovereignty of these Princes, and without such Purchase in the Sight of God and Man, they had no Right or Title to what they possessed.—The King indeed, in Imitation of other Princes of Europe, who laid Claim to Countries merely from the Discovery of them, had granted this Country to certain of his Subjects, and the first Planters thought it proper to purchase the Title of such Grantees, to prevent Molestation from them or from other States, and they had also received a Charter of Incorporation from the King, containing a mutual Compact, from whence arose a new Kind of Subjection, to which they were held, and from which they would never depart.

This was what they called *voluntary, civil Subjection, arising merely from Compact*, and from thence it followed, that whatsoever could be brought into Question relative to their Subjection, must be determined by their Charter:—The Compact between the King and the City of London, as contained in its Charter, was not the constituting cause of Subjection in the Inhabitants there, because they were resident, and from thence necessary Subjection remained; but when Residence, the sole Grounds of this necessary Subjection, ceases, then it becomes voluntary and depends on Compact alone: By this Compact they acknowledged they were so bound that they were not at Liberty to subject themselves to, or to seek Protection from any other Prince, they were to pay a fifth Part of all Silver and Gold Mines, they were to make no Laws repugnant to the Laws of England; &c. but on the other Hand they were to be governed by Laws made by themselves, and by Officers elected by themselves, &c. But however pleasing these Principles were in Speculation, or whatever Foundation they may have in Nature, yet they could not continue to practice upon them, nor would they bear the Test when adopted by English Subjects. In a short Time—they were content fully to comply with the Oath of Allegiance without qualifying it,—and their Posterity, who claim by Birth-right as well as Charter, the peculiar Privileges of Englishmen, and who enjoy the Protection, are very sensible, that they likewise owe the Allegiance of English Subjects, which by a general Rule of Law is not considered as local, but perpetual and unalienable." And in P. 89. "I do not say, their Notions (of civil Subjection) were just, Allegiance in an English Subject is said to be perpetual and to accompany him wherever he goes." And in P. 114, says, "The House of Commons this Year passed a memorable Resolve in Favour of the Massachusetts Colony." Which begins thus, viz.—"Veneris 10 March 1642, Whereas the Plantations in New-England have, by the Blessing of the Almighty, had good and prosperous Success WITHOUT ANY PUBLIC CHARGE TO THIS STATE," &c. &c. In Reference to which his Honor says in the Margin, "I transcribe this Part of the Order with Pleasure. The Merit of our Ancestors, many of whom were personally known to the principal Members of Parliament, was fresh in their Remembrance: Length of Time has not lessened the Merit, Consequences so advantageous to the Nation have followed it, that in Reason it ought to strike stronger now than it did then."

From these Quotations, it appears to be true in Fact, that the aboriginal Natives were the proper Lords and Proprietors of this Country, this has been acknowledged by the Kings of England.—And therefore the King of England had no more a just Right to claim this Country from the Discovery of it and to grant it to certain of his Subjects, than MASSASOET, MANTINONO, UNGAS or any other Indian Prince in America, would have had to lay Claim to Great-Britain, and to grant the same to certain of their Subjects, because some of their Subjects discovered Great-Britain as they passed by in their Canoes, before the Subjects of some other Indian Prince.

(The Remainder will be in our next.)

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with a Barn and Out-Houses, situate in Dorchester, about a Mile from the Meeting-House, and about five Miles from Boston, and about twelve Acres of Land, suitable for a gentleman. For further Particulars enquire of Daniel Wiswell of Cambridge, or of William Bever, jun. living on said Premises. AL O.

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