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Received

24 April, 1897



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Massachusetts General Court.

SUPPLEMENT

TO THE

ACTS AND RESOLVES OF MASSACHUSETTS

WHICH WERE PUBLISHED FOR THE COMMONWEALTH UNDER
AUTHORITY OF CHAPTER 104, RESOLVES OF 1889

CONTAINING SUCH LEGISLATIVE PROCEEDINGS RECORDED IN THE
PUBLIC ARCHIVES AS ARE OMITTED IN THE AUTHORIZED
EDITION, TOGETHER WITH ADDRESSES, MES-
SAGES, LETTERS, AND PROCLAMATIONS

COLLECTED AND ARRANGED BY

EDWIN M. BACON

Vol. I. 1780-1784

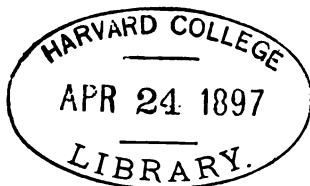
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INTRODUCTORY NOTE.

The compiler of this volume, having had occasion to examine the new State edition of the early Acts and Resolves of the General Court of this Commonwealth, was disappointed not to find included in that publication official matters of general historical interest; and he discovered that the work was practically only a reprint of the former text, naturally incomplete. This is true literally of the first volume of the series, while in subsequent volumes only a comparatively few omissions in the early impression have been supplied. It seemed therefore proper that some one should undertake to fill in the gaps which mar the symmetry of the work and render it inadequate as an authority; and, at the urgent request of others interested in having a complete compilation, the compiler has made an effort in the present volume to supply the deficiencies in the official publication covering the sessions of 1780-83, or the first two volumes of that work. Down to the time of the Treaty of Peace with England, and, indeed, for several years later, there were reasons of State why certain administrative and legislative proceedings should not be published, since such a course might seriously involve friends and allies abroad, and prove a source of annoyance, if not of injury, to some of our own citizens. This probably accounts for some omissions which the changed conditions of to-day make it desirable should be supplied, not only in the interest of history, but for offering a complete sequence of our legislative progress.

It may indeed be said that, since the Resolve for the new edition [Chap. 104, Resolves 1889] expressly requires the collation, indexing, and publication of the Acts and Resolves only, the omission of everything except formal acts and resolves would not be a non-compliance with the requirement; but this is not the general understanding of the purpose of that Resolve, nor have those who have thus far edited the publication so interpreted it, for besides acts and resolves the new issue contains some reports of committees, orders, legislative lists, and, in later volumes, speeches and messages. Undoubtedly, the limitation in the Resolve of 1889 was an inadvertence of the person or committee who drew it, unless it was supposed that the phrase "in a style similar to that in which the Blue Books, so called, are now published," was broad enough to cover all that is usually printed in the Blue Books in addition to the Acts and Resolves.

There are satisfactory reasons for including in the early series, although they may not appear in the original impression, other legislative matters than are printed in the current Blue Books, since the federal and foreign relations of the Commonwealth, before they were changed by the adoption

of the national Constitution, were the foundation of much legislation and official correspondence highly important to be known in order to a proper understanding of the constitutional development of the Commonwealth. The materials, also, for a knowledge of our relations to the Continental army and navy existing in the correspondence between the commander-in-chief, the president of the Continental Congress, and the governor of the Commonwealth, the president of the Senate and the speaker of the House, are largely preserved in the archives of the Commonwealth; and no good reason would seem now to exist for omitting them from a complete series of Acts and Resolves, as defined above. The compiler therefore has referred to such correspondence still to be found in the archives or in the contemporaneous press; but he regrets the absence of a considerable amount of matter of this class which has disappeared from the archives, and has eluded his search in other repositories. However, in the present volume, which, as has been stated, covers only the legislative years of 1780-83 inclusive (up to and through March, 1784), no less than fourteen letters of Washington are referred to, with other correspondence, which do not appear in Sparks's collected writings of Washington. Of these, the substance only is given in this compilation from a desire to avoid a needless increase in the size of the volume. But it is believed that in their abridgment and in that of letters by other personages nothing important has been omitted.

No attempt has been made to revise the legislative lists for the reason that it is understood that Mr. Tillinghast, the State Librarian, whose thoroughness and accuracy are well known, has for several years been engaged in perfecting all the lists from the first Assembly under the Constitution down to the present time. These will probably be separately printed. But the elections of councillors who were chosen by the joint ballot of the two branches are included with the elections of officers civil and military,—secretary of the Commonwealth, treasurer, commissary general, attorney-general, naval officers, collectors of excise, notaries public, and major-generals of the militia,—chosen in like manner. Delegates to the Continental Congress, who were also elected by the Legislature, are given under the appropriate years.

In style of typography and arrangement of titles and references, it will be noticed that the following pages differ essentially from all similar publications. These changes are for the purpose of compressing the work into as small a compass as is compatible with a clear presentation of the subject-matter. The chapters are numbered with Roman numerals continuously throughout each legislative year; and to each chapter a memorandum is prefixed, giving the chapter in the official series which it should follow according to its date. Against the number of the chapters so referred to, the italic letter *a* or *b* is placed, to show the sequence of the new chapter or chapters. Some difficulty in carrying out this arrangement has been found in the occasional irregular enumeration of the official series, which has obliged the compiler to follow the chapter in that series nearest the date of the new chapter without regard to the chapters misplaced. The compiler has not felt at liberty to

depart from the original spelling of the legislative proceedings which he here gives to the public. Herein he follows the example of the English commissioners on the publication of the Statutes of the realm, and the approved usage of the best modern compilers and writers on ancient laws. In the general index the style of type and arrangement of references adopted by the commissioners on the Public Statutes has been followed. If the encouragement extended to this work should warrant its continuation to the year 1806, which is the limit of the official series, there will be appended a full index of names both in this and in the official series, in the manner which has been found so useful in the admirable and invaluable series of the Province Laws, a model for all such works.

In the course of his researches for the material for this volume the compiler has been repeatedly moved by the discovery of most valuable and interesting matter, of which there is not found the slightest trace in works of history, general or local; and he feels confident that whoever reads attentively the following pages, especially if he reads them in connection with the legislative doings shown in the official series, will not fail to be struck by the novelty of many important facts here brought to light, and impressed with their value as bearing upon our civil history and the progress of our jurisprudence.



RESOLVES, ADDRESSES, MESSAGES,
LETTERS, PROCLAMATIONS

OCTOBER 25, 1780, TO MAY 19, 1781

1780.

RESOLVES

OF THE

General Court of the Commonwealth of Massachusetts.

[BEGINNING OCT. 25, 1780, ENDING MAY 19, 1781. THREE SESSIONS.]

1780. OCTOBER SESSION.

BEGUN AND HELD AT *Boston*, IN THE COUNTY OF *Suffolk* ON
WEDNESDAY THE TWENTY-FIFTH DAY OF *October*,
anno domini, 1780.

I.

ORDER APPOINTING A COMMITTEE TO CONSIDER THE MANNER IN WHICH THE
ELECTION OF GOV. HANCOCK SHALL BE PUBLISHED AND DECLARED; FOR
ADOPTING A FORM OF DECLARATION, AND PRESCRIBING HOW SAID DECLARATION
SHALL BE PUBLICLY ANNOUNCED.

IN SENATE:

Ordered, That Samuel Niles and Increase Sumner Esq^m be a
Committee with such as the Hon'ble House shall join to consider
in what manner the choice of the Hon'ble John Hancock Esq^r in
Case of his Acceptance of the Trust, shall be published, & declared.

IN THE HOUSE:

Read and concurred, & Gen^l Titcomb, Col^o Glover & Mr. Barrett
are joined.

COMMONWEALTH OF } In Conformity to the Constitution of the
MASSACHUSETTS. } Commonwealth of Massachusetts, the Senate
and House of Representatives having examin'd the returns for the
Several Towns within said Commonwealth respecting the Choice
of a Governor and having found that the Honorable John Hancock
Esq^r had a Majority of Votes for Governor we do now publicly
declare His Excellency John Hancock Esq^r to be Governor of

this Commonwealth and all Officers Civil & Military, are to take notice thereof, and Govern themselves accordingly.

God save the Commonwealth of Massachusetts.

Ordered, That the foregoing Declaration be publickly announced from the Balcony of the State House by the Secretary and repeated by the Sheriff of the County of Suffolk.

Oct. 25, 1780.

Chap. 17a.]

II.

ORDER OF NOTICE ON FRANCIS PEABODY TO APPEAR ON THE SECOND WEDNESDAY OF THE NEXT SESSION AND SHOW CAUSE WHY THE PETITION OF WILLIAM PEABODY SHOULD NOT BE GRANTED.

On the Petition of William Peabody,—

Resolved, That the said William Peabody, be and he hereby is directed to notify Francis Peabody mentioned in said Petition, by serving him with a Copy of this Resolve to appear on the second Wednesday of the next Session, of the General Court and shew cause (if any he has) why the prayer of said Petition should not be granted.

Approved Nov. 6, 1780.

Chap. 33a.]

III.

ORDER OF NOTICE ON THE TOWN OF MIDDLETON TO SHOW CAUSE ON THE SECOND WEDNESDAY OF THE NEXT SITTING WHY THE PETITION OF EZRA PUTMAN OF SAID TOWN SHOULD NOT BE GRANTED.

On the Petition of Ezra Putman [for relief from an excess of taxation for raising soldiers],—

Resolved, That the said Ezra Putman serve the said Town of Middleton with an Attested Copy of said Petition & this order thereon fourteen days before the second Wednesday of the next sitting of the General Court, to shew cause if any they have on the said second Wednesday why the prayer of said Petition should not be granted.

Approved Nov. 9, 1780.

Chap. 35a.]

IV.

REPORT REFERRING THE MATTER OF A SEAL FOR THIS COMMONWEALTH TO THE GOVERNOR AND COUNCIL.

The Commitee of Boath Houses* to whom was Committed the

* In the House of Representatives Nov. 4, 1780:

Ordered, That Col. Dawes & Col. Baldwin with such as the Hon. Senate shall join be a Committee to consider & determine upon a Seal for this Commonwealth.

Sent up for concurrence.

In Senate Nov^r 4th 1780:

Read & Concurred & Israel Nichols Esq^r is join'd.

determanation upon a Seal for this Comonwe'lth beg leave to report that the same be refeard to the Governer and Council which is Submitted.

Approved Nov. 10, 1780.

Chap. 54a.]

V.

RESOLVE ON THE PETITION OF ABEL PARTRIDGE AND OTHERS PRAYING THAT THE LINE BETWEEN MURRAYFIELD AND NORWICH MAY BE STRAIGHTENED, APPOINTING A COMMITTEE TO VIEW THE PREMISES, HEAR THE PARTIES &C., FIRST GIVING NOTICE OF THE TIME AND PLACE OF THE HEARING, AND REPORT AT THE NEXT SESSION OF THE GENERAL COURT.

The Committe of Boath Houses on the Petition of Abel Partridge and others living on the Easterly part of the Town of Murryfield Adjoyning Norwich Praying that y^e Line between Said Murrayfield and the Town of Norwich may be straightned the petitioners be annexed to the Town of Norwich for Reasons Sat forth in their said petition,—

Resolved, That the Prayer of Said Petition be so far granted that Caleb Strong Esq^r with such as the Honble House shall joyn be a Committe to repair to the Towns of Murrayfield & Norwich & view the Premises mentioned Said petition hear the parties & matters relating to the Same and make report the second Wednesday of the next Session of the General Court what they Shall think proper to be done in the Premises Said Commi^{tee} are to give Notice to all parties concerned of the Time and Place of their meeting for the purposes aforesaid the Cost and Expencc of Said Committe to be paid by the Petitioners all which is Submitted.

Approved Nov. 16, 1780.

To the above Committee Mr. Kingsley and Deacon Boies were joined on the part of the House.

Chap. 58a.]

VI.

ORDER REFERRING TO THE GOVERNOR AND COUNCIL THE ACCOUNT OF SAMUEL GOODWIN JUN. FOR BOARDING AND SUPPLYING SEVERAL PRISONERS OF WAR.

The Committee on the Account of Sam^l Goodwin jun^r for Boarding & supplying several Prisoners of war reported that the said Account be Committed to y^e Committee on Accounts which was Read and Accepted, sent up for Concurrence.

In Senate Read and nonconcurrred, and Ordered that said Account be referred over to the Governor & Council.

In House read & concurrred.

Approved Nov. 17, 1780.

Chap. 63a.]

VII.

RESOLVE FOR ALLOWING COMPENSATION TO CAPTAIN PHINEAS WALKER AND THE MEN WHO DID DUTY AS GUARDS AT RUTLAND, OCTOBER 1779, FOR THEIR SERVICES, AND FOR MAKING UP THE PAY-ROLLS ACCORDINGLY AND CHARGING THE AMOUNT TO THE UNITED STATES.

On the Petition of John Fessendon in behalf of Capt. Phineas Walker & the Men that did Duty as Guards at Rutland from Oct^r the 3^d to Oct^r 20 1779 praying for an allowance for Said Service,—

Resolved, That the Wages of the officers & men above named be as follows viz.—

Capt. Twelve pounds new money p^r Kellender month Serjeant Two pounds eight shillings new money p^r month, Corporal Two pounds four Shillings new money p^r month, a Private Two pounds new money p^r month.

And it is further *Resolved*, That the pay Rolls be made up accordingly paid & charged to the United States.

Approved Nov. 18, 1780.

Chap. 68a.]

VIII.

VOTE IN ACCORDANCE WITH THE REPORT OF A JOINT COMMITTEE, THAT AN EXTRACT FROM A LETTER FROM MAJOR ALLEN TO CAPTAIN SAFFORD, RESPECTING ALLEGED NEGOTIATIONS BETWEEN THE ENEMIES OF THE UNITED STATES AND THE INHABITANTS OF VERMONT, BE REFERRED TO THE GOVERNOR AND COUNCIL FOR ACTION THEREON.

The Committee of both Houses Appointed to Consider on the Negotiations said to be Carrying on between the Enemies of these United States and the Inhabitants of Vermont (so called) Report,

That as the Matter contained in the paper referred to said Committee, called an Extract of a Letter from one Major Allen to Cap^t Safford,* are of such a Nature as may in their Operation deeply affect the United States in General, as well as this State in particu-

* Extract of a letter from Major Allen dated Fort Vengeance Oct^o 30th, 1780 to Capt. Safford at Bethel Fort:

Dear Capt.

I received a Letter from Gen^l Allen last evening informing that the evening before he received a flag from the British Troops at Crown point with Letters of importance from the Commander in chief at Quebec. Maj^r Carlton hath pledged his faith that all hostilities on his part shall cease during the negotiation & he expects the same on our part. You are therefore carefully to observe the Rules of war & give strict orders to your scouts and troops to govern themselves accordingly. A copy of this Letter you will forward to the Troops stationed on your side the mountains in this state I shall inform you of every move necessary for your moving on this side of the mountains. If the spirit of this Letter was made known to the Inhabitants on Your side the mountains it would be well. I am sir

y^r humb Serv^t

EBEN^R ALLEN, Maj^r Command^t.

lar, the said Copy be referred to his Excellency the Governor & Council, desiring them to take such Measures relative thereto as they may Judge proper.

Approved Nov. 20, 1780.

Chap. 75a.]

IX.

RESOLVE ADVISING THE GOVERNOR TO ADDRESS A LETTER TO CONGRESS ASKING FOR THE TRANSMISSION OF CERTAIN PAPERS RESPECTING UNAPPROPRIATED LANDS TO BE CEDED TO THE UNITED STATES.

The Com^{tee} of both Houses appointed to take into consideration the Letter from Congress of Oct^r Ult^o, and also the Resolution of Congress of the tenth of the same Month, respecting the Unappropriated Lands that may be ceded or relinquished to the United States, have attended that service and find by Examination, that the Copies of the papers referred to, in the Resolve of Congress of the 6th of Sep^r last, with a Copy of a Resolve thereon have not come to hand, therefore take leave to report the following resolve.

Resolved, That his Excellency be desired to Address a Letter to Congress informing them that the Copies of said papers, and a Copy of the Report of Congress thereon, have never come to hand tho' said papers may have been transmitted to this State, and request said papers may be sent on as soon as may be.

Approved Nov. 22, 1780.

Chap. 75b.]

X.

RESOLVE CHANGING THE QUORUM OF DELEGATES TO CONGRESS FOR MASSACHUSETTS FROM FOUR TO THREE, AND VESTING A MAJORITY OF THOSE PRESENT WITH POWER TO GIVE THE VOICE OF THE COMMONWEALTH; AND DIRECTING THE SECRETARY TO FORWARD A COPY OF THE RESOLVE TO EACH DELEGATE.

Whereas a Resolve passed the General Assembly Oct^r 4th last vesting the Delegates from this State in the American Congress with certain Powers and directing four of the Said Delegates should be constantly present to give the Voice of the State and whereas great Inconveniences may arise in requiring the attendance of four of Said Delegates,—

Therefore *Resolved*, That not less than three of the said Delegates shall make a Representation of this Commonwealth the Majority of those present after Consultation to give the Voice of the Said Commonwealth the Resolve of the fourth of October last to the Contrary notwithstanding—And the Secretary is hereby directed forthwith to forward to each of the Said Gentleman a Copy of this Resolution.

Approved Nov. 22, 1780.

Chap. 100a.]

XI.

VOTE ACCEPTING THE REPORT OF A JOINT COMMITTEE ASCERTAINING THE MASSACHUSETTS QUOTA TO THE CONTINENTAL ARMY AND ADVISING THAT THE STATE COMPLETE THAT NUMBER OF MEN.

The Committee of Conference beg leave to report that they are satisfied that the number of men required by Congress of this State for the continental Army including what are already raised is 7460 & are of Opinion that it is expedient for this State to complete that number of men.

Approved Nov. 30, 1780.

Chap. 119a.]

XII.

RESOLVE REFERRING THE APPLICATION OF JOHN HOPKINS DEPUTY COMMISSARY GENERAL OF PRISONERS TO THE GOVERNOR AND COUNCIL AND REQUESTING THEM TO GIVE SUCH DIRECTIONS AS TO GUARDS AS THEY THINK PROPER.

On the application of John Hopkins Esq^r D : C : G : of prisoners,—

Resolved, That the same be referred to his Excellency the Governor and Council, & to request his Excellency in Council to take the matter into their Consideration & to give such direction with respect to Guards as they think proper.

Approved Dec. 4, 1780.

The application of Com^y Hopkins, D. C. G. of prisoners is dated Dec. 2, 1780 and was for a supply of money to enable him to enter upon the execution of orders of the Commissary General of prisoners to march upward of 100 prisoners from Rutland to New York, upon exchange, and for men to carry these orders into effect. The commissary writes:—"The Commissary of prisoners department at this post has never been supplied with the amount of a shilling from the continent since I have been acquainted with it, consequently its embarrassments are such at this moment as to render it impossible for me to comply with the requisitions of exchange which are now enforced upon me in the above recited instance. I am therefore induced to hope that your honors will make me such a grant as will be sufficient for the movement of the troops who are the objects of the present exchange as the intentions of the Commander in chief will herein not only be forwarded, but the interests of humanity will be promoted. I would further request your honors to order a party of one subaltern, two sergeants, 30 rank and file to be furnished as a guard to escort them through the country, as they are to be marched to New London in the State of Connecticut."

Chap. 119b.]

XIII.

RESOLVE DIRECTING THE SALE OF THE NEW STATE SHIP FOR SPECIE AT PUBLIC AUCTION THE PROCEEDS TO BE APPLIED AS BOUNTY TO SOLDIERS ENLISTING TO SERVE DURING THE WAR; ALSO APPLYING THE MONEYS FROM THE SALE OF THE MANUFACTORY HOUSE IN BOSTON TO THE SAME PURPOSE.

Whereas by Information of the Commissioners from this Commonwealth at the late Convention at Hartford, and of other persons, there is reason to suppose that

a considerable Number of the Soldiers of the Massachusetts line can be inlisted to serve during the War, for a bounty of fifty dollars in Specie; provided the money be immediately procured and sent to Camp,—

Resolved, That to Effect this in the most Speedy manner, The new State Ship lately Launched be Sold for Specie at Publick Auction on the 14th day of next month, and that Mr Speaker & Jon^a Glover Esq. with such as the Hon. Senate shall appoint be a Committee to advertize & conduct the Sale who may adjourn the Sale if necessary to some after day. That the Committee be instructed to expose the said Ship to Sale in such Manner and upon such Terms, as they shall judge most for the advantage of the Common Wealth, and that they require an Earnest of Ten per Cent on the amount of the Sales and the payment of one half of the residue within five days, and the other half within Twenty days after the Sale; the Vessell to be delivered when the Payments are completed, and the Earnest to be forfeited in case of Failure, and Major Lincoln is hereby appointed to receive of the Committee the Specie mentioned & therewith to repair to camp and apply it to the purpose of enlisting Soldiers to serve in the Massachusetts Line during the War, & that the [I]nlistments be taken & the Bounty's paid to the Respective Soldiers by the said Commissioner. That each Town be Credited for its proportion of the Soldiers so inlisted, according to its Quota of the Men to be raised agreeable to the late requisitions of Congress.

Resolved, That the monies arising from the Sale of the Manufactory House in Boston belonging to this Common Wealth be appropriated and applied for the same purpose and in the same manner of Inlisting Soldiers as is expressed in the foregoing Resolve.

Approved Dec. 4, 1780.

The resolve as originally reported by the committee provided for the sale also of the ship "Protector," and so first passed the General Court on the first of December; thereupon a protest was made by certain members of the Senate and recorded as follows:

Whereas, a Resolve passed the General Court the first instant directing the Sale of the Ship Protector and the New State Ship lately launched and it appearing to some gentlemen of the Senate that great detriment to this Commonwealth will arise therefrom, therefore Voted that the following Protest subscribed by them be permitted to be entered upon record as their Reasons for dissenting from said Resolve of the General Court.

Dissentient—

Because it being impossible to supply the Army & Posts in the Eastern parts of this Common Wealth with Provisions and military Stores by land we conceive that the Selling the Ships Protector and Tartar and leaving the Government without any ships of war will render the Supply of those posts so precarious and uncertain, that there is the greatest reason to fear that all the Country to the Eastward of Kenebec (sic) will fall into the hands of the enemy.

Secondly, because the trading interests who pay so large a proportion of the publick burdens are left without any protection — in consequence of which trade might languish the trading Towns be render^d unable to pay their proportion of the expences of Government and the community in general suffer by the rise of all imported goods and the whole Sea Coast be exposed to the depredations of the very smallest of the enemy's vessels which may reasonably be expected to Swarm upon the Coast.

Thirdly, because no Suitable provision is made for the payment of the debts due to individuals for the advances made by them to Government on those ships.

JER: POWELL
JNO PITTS
N. GORHAM
INCR^s SUMNER
CHARLES TURNER

1780. JANUARY SESSION.

BEGUN . . . ON WEDNESDAY THE TWENTY-FIFTH DAY OF *October*, *anno domini*, 1780; AND FROM THENCE CONTINUED BY PRO-ROGATION, TO THURSDAY THE FOURTH DAY OF *January*, *anno domini*, 1781, AND THEN MET AT THE SAME PLACE (BEING THE SECOND SESSION OF SAID COURT).

Chap. 4a.]

XIV.

VOTE ACCEPTING THE REPORT OF THE COMMITTEE ON FOREIGN AFFAIRS RESPECTING THE IMPORTATION FROM ST. EUSTATIA OF CERTAIN GOODS SHIPPED THITHER FROM HOLLAND, AND PROVIDING FOR PAYMENT FOR THE SAME.

The Committee on Foreign Affairs have attended the service assign'd them & report,—

That the said Committee write to Cornelius Stephenson Esq^r merchant in S^t Eustatius to whom the Goods ship'd from Holland are Consigned by Mr Austin not to ship the said Goods in any Vessells but those of the new Construction & well Armed, provided freight can possibly be procured upon such Vessels, & that they direct him not to make Insurance upon them, but that he Advise of the Vessels in which he shall ship them, & the Time of their Sailing.

That there be granted & paid out of the public Treasury to the s^d Committee, the sum of four Thousand One hundred & twenty five Pounds of the new Emission, & that the committee purchase Immediately Bills of Exchange for three Thousand Pounds Stirling & remit the same to John de Neufville Esq^r & son in payment for the Goods aforesaid, accompanied with the Warmest Acknowledgements of Obligations on the part of the Legislature of this State for this Generous & seasonable Exertion in this supply, & for all marks of Attention to the Interest of this & the United States.

Approved Jan. 12, 1781.

Chap. 36a.]

XV.

RESOLVE EMPOWERING ONE OR MORE OF THE DELEGATES FOR MASSACHUSETTS IN CONGRESS TO GIVE THE VOICE OF SAID COMMONWEALTH, UNTIL THE FURTHER ORDERS OF THE LEGISLATURE, ANY RESOLUTION TO THE CONTRARY NOTWITHSTANDING.

Resolved, That any one of the Delegates of this Commonwealth or a Majority of such of them as may at any time be in Congress, be authorized to represent & give the Voice of the s^d Commonwealth, untill the further Orders of the Legislature thereof, any Resolution to the Contrary notwithstanding.

Jan. 26, 1781.

See Chap. X., p. 9.

Chap. 44a.]

XVI.

RESOLVE REQUESTING THE GOVERNOR TO APPLY TO GENERAL WASHINGTON FOR THE PAY-ROLLS OF ALL THE SIX MONTHS MEN OF THE MASSACHUSETTS LINE IN THE CONTINENTAL ARMY SENT SINCE JUNE 30, 1781, AND FOR RETURNS OF ALL SIX MONTHS MEN FROM MASSACHUSETTS MUSTERED OUT OF THE ARMY ETC., AND TO WRITE TO THE PRESIDENT OF CONGRESS TO REQUEST CONGRESS TO PROVIDE FOR THE PAYMENT OF THE SIX MONTHS MEN SENT TO THE CONTINENTAL ARMY DURING THE SUMMER PASSED, THEY NOT HAVING BEEN PAID AND THE GENERAL COURT BEING UNDER THE NECESSITY OF REENLISTING THEM FOR THREE YEARS.

Resolved, That his Excellency the Governor of this Commonwealth be requested to write to his Excellency General Washington, requesting pay rolls may be sent to him for all the six months men that have been sent by this Commonwealth to the Massachusetts Line of the Army since the last day of June last past in Order that said men may be paid by this State for their service agreeable to the promise made to said men at the Time of their engaging in said service. & also a return of all the six months men that were mustered out of the Army on their arrival there designating therein the Particular Towns they were sent from, and also the Causes for which they were mustered out in order that equal & impartial Justice may take place between the several Towns of this Commonwealth.

And be it further *Resolved* that his Excellency the Governor of this Commonwealth be requested to Write to the President of Congress & Inform him that the six months men sent from this State to join the Continental Army the last Summer did not receive their pay for said service as usual, and that the General Court find themselves under the necessity of the Inlisting the same men for

three years or during the War. and to request Congress to remitt to this State the Amount of said Pay out of the Late requisitions for Cash made on this State or out of the four tenths of the new money which Congress have reserved in the Loan Office of this State.

Approved Jan. 27, 1781.

Chap. 53a.]

XVII.

RESOLVE DIRECTING THE COMMITTEE FOR THE SALE OF CONFISCATED ESTATES IN THE COUNTY OF WORCESTER TO SELL THE ESTATE OF JAMES PUTNAM SUBJECT TO CONDITION.

Whereas the Estate which lately belonged to James Putman Esq^r & has been confiscated to the Use of this Commonwealth has not only been leased by a Com^{tee} of the General Court to Jonathan Williams Esq^r but the said Williams has also a Demand on the said Estate for which the same was pledged to him by s^d Putman in the Year 1775 for the security of said Demand which Debt has been liquidated by Referees mutually chosen by the said Williams & Joseph Allen Esq^r Agent on said Estate & the said Williams is willing to release all his Demands on the same so that it may be sold for the use of government,—

Resolved, That the Committee for the Sale of confiscated Estates in the County of Worcester be directed to sell the Estate afores^d making it one Condition of Sale that somuch Money at the least shall be paid as may be necessary to discharge the afores^d Demands, of the said Williams the real Value thereof agreeable to the Rules prescribed by Law before the Deed is given & that the said Committee accordingly Discharge said demand & take a Release from said Williams of his Right to & Demands on said Estate.

Approved Jan. 30, 1781.

Chap. 53b.]

XVIII.

RESOLVE EMPOWERING THE COMMITTEE APPOINTED FOR SELLING ABSENTEES ESTATES IN THE COUNTY OF SUFFOLK TO SELL THE REAL ESTATE OF JOHN BLAIR LATE OF BOSTON, TO VICTOR BLAIR, BROTHER OF SAID JOHN, AND TO PAY INTO THE STATE TREASURY WHAT REMAINS OF THE PURCHASE MONEY AFTER THE DISCHARGE OF A MORTGAGE ON THE ESTATE AND THE COST OF SALE.

On the petition of Victor Blair,—

Resolved, That the Committee appointed for Selling of Absentees Estates in the County of Suffolk be, and they hereby are, authorized and impowered, to Sell the Real Estate of John Blair late of Boston, Baker an absentee; and give a deed of the same in behalf of this Common Wealth to Victor Blair Brother of said John, for reasons

set forth in his petition, at the Value that three sufficient Freeholders of the Town of Boston who shall be appointed by the said Committee and under Oath for said purpose shall determine. And the Committee are further directed, to pay off the Mortgage on said Estate, and the ballance (excepting the charges that may arise in consequence of said Sale) into the Treasury of this State, to be appropriated in such way & manner as this Court shall hereafter order.

Approved Jan. 30, 1781.

Chap. 77a.]

XIX.

RESOLVE PROVIDING FOR THE PAYMENT OF THE INTEREST ON THE NOTES ISSUED BY THE LATE COLONY AND STATE OF THE MASSACHUSETTS BAY AND TO BE REDEEMED WITH SPECIE BY THE COMMONWEALTH PURSUANT TO AN ACT PASSED AT THE FIFTH OF MAY LAST (1780).

Resolved, That his Excellency the Governor with Advice and Consent of the Council be & he hereby is requested forthwith to Issue his Warrant Authorizing and directing the Treasurer to apply the sum of six Thousand pounds in Specie, or such part thereof as may be necessary to pay the Interest of the Notes which were Issued by the late Colony & State of the Massachusetts Bay, and are to be redeemed with Specie by this Commonwealth pursuant to an Act of the said State passed the fifth of May last for calling in to be destroyed this States Quota of all the public Bills of Credit which have been emitted by Congress, and for other purposes Contained in the said Act.*

Feb. 6, 1781.

Chap. 116a.]

XX.

RESOLVE ADVISING THE CONTINENTAL COMMISSIONER OF LOANS FOR MASSACHUSETTS TO ADVANCE TO COLONEL JABEZ HATCH \$3000 AND DIRECTING COLONEL HATCH TO APPROPRIATE SUCH MONEY ONLY FOR THE SUPPORT OF COLONEL SHELDON'S REGIMENT OF DRAGOONS.

Resolved, That it be & hereby is recommended to the Continental Commissioner of Loans for Massachusetts to advance to Jabez Hatch, D: Q: M: G: on account of the Continent & out of the four Tenths belonging thereto, three thousand Dollars. And that Col. Hatch notify the Quarter Master General Immediately of this Measure requesting him to forward an Order as soon as may be on said Commissioner of Loans for the above Sum. And it is further Resolved that the said Jabez Hatch be & he hereby is

* See Province Laws, 1779-80, Chap. 40.

directed to appropriate said Money only for the Support of Col^o Sheldons Regiment of Dragoons cantoned in this Commonwealth.

Approved Feb. 16, 1781.

Chap. 116b.]

XXI.

RESOLVE PROVIDING FOR THE PAYMENT OF BACK PAY TO THE OFFICERS AND MEN IN COLONEL TYLER'S REGIMENT, AND OTHERS WHO HAVE FAILED TO RECEIVE PAY ON ACCOUNT OF THE WANT OF A WARRANT FROM THE PROPER CONTINENTAL OFFICER, IN RHODE ISLAND.

Whereas it appears that the Officers and Soldiers belonging to Col^o Tylers Regiment, in the Service of the United States at Rhode Island received no continental Pay from the last Day of August 1779 to the first Day of January 1780 there being no continental Officer at Rhode Island to give any Warrant for said Payment, and as the Officers and soldiers of said Regiment, and all others under similar Circumstances, must be great Sufferer's, if they receive only the nominal Sum due to them when they left the Service,—

Resolved, That the Officers in said Regiment, and all others under similar Circumstances exhibit their Pay Rolls on Oath to the Committee on Pay Rolls, for the Continental Pay and Rations that may be due to them for their Services, and the Committee are hereby directed to add to said Rolls, agreeable to the continental scale of Depreciation such a sum as to make them equal to the nominal sum due at the Time said Service was done, and charge the amount of said Rolls to the United States.

Approved Feb. 16, 1781.

Chap. 116c.]

XXII.

VOTE APPROVING THE REPORT OF THE JOINT COMMITTEE ON THE PETITION OF ALEXANDER SHEPARD AND OTHERS AGENTS FOR THE TOWN OF NEWTON PRAYING TO BE RELEASED FROM FURTHER CHARGE TOWARDS REPAIRING THE GREAT BRIDGE OVER CHARLES RIVER IN CAMBRIDGE, THAT THE PRAYER OUGHT TO BE GRANTED, AND THAT THE PETITIONERS HAVE LEAVE TO BRING IN A BILL FOR THAT PURPOSE.

The Committee of both Houses on the petition of Alexander Shepard & others agent for the Town of Newton praying to be released from any further charge towards repairing the Great Bridge over Charles River in Cambridge (having heard all parties concerned) after mature deliberation on the Premises & taking in View a Great Expence the Town of Newton are subjected to by reason of a large number of Bridges within said Town are Unanimously of Opinion that the Prayer of said Petition ought to be granted & that the Petitioners have leave to bring in a bill for that purpose.

Approved Feb. 16, 1781.

Chap. 127a.]

XXIII.

ORDER OF NOTICE ON THE FIRST PARISH IN READING TO SHOW CAUSE ON THE SECOND WEDNESDAY OF THE NEXT SESSION WHY THE PETITION OF THOMAS EATON SHOULD NOT BE GRANTED.

On the Petition of Thomas Eaton,—

Ordered, That the petitioner notify the first Parish in Reading by serving the Clerk thereof with an Attested Copy of this Petition and Order ten days at least before the next meeting of the General Court to shew cause if any they have on the second Wednesday of the next Session why the prayer thereof should not be granted.

Approved Feb. 19, 1781.

Chap. 127b.]

XXIV.

RESOLVE DIRECTING CALEB DAVIS, AGENT FOR THIS COMMONWEALTH, TO PROCURE TWO SUITABLE VESSELS FOR COAST GUARD, AND PROVIDING FUNDS TO MEET THE COST OF PURCHASE AND FITTING THE SAME.

Whereas by a Resolve of the General Court passed the first Inst, The Agent for this Common Wealth is directed to procure two Sloops to Mount Twelve four pounders each, and Whereas it may so happen that Two Vessels cannot be easily procured Exactly Suitable to Carry Such a Weight of mettle Therefore,

Resolved, That the Agent afores^d be directed to procure as soon as possible Either by hire or purchase (as he shall Judge most for the Interest of the Common Wealth) Two suitable Vessels for Guarda Coastas, neither of which to mount more than fourteen or less than ten Guns the resolve afores^d to the Contrary notwithstanding— And whereas no provishon has been made to enable the said Agent to procure and fitt out said Vessels, therefore *Resolved* that there be paid out of the Treasury of this Common Wealth to Caleb Davis the Agent as afores^d out of the money arising from the Sale of the Ship Tartar or otherwise, The sum of Five Thousand Pounds of the new Emission or as much of said sum as said Agent shall find necessary to procure the said Vessels, said Davis to be further *Resolved* that his Excell^y the Gov^r be & he is hereby re-Accountable for the sum he may receive And his Excellency the Governor is Requested to grant his Warrant accordingly, and it is quested to give Orders to the Commissary Gen^l of this Common Wealth to furnish such a Quantity of provisions ammuniton and any other articles as may be Necessary for fitting out said Vessels.

Approved Feb. 19, 1781.

Indorsed by Governor Hancock as follows: the Gov^r notices the omission as to the Warrant to the Advice of Council. He does not wish to take up the time of the Assembly in sending it back for the Amendments as he shall never put his name to a Warrant for money without the previous consent of Council as the Constitution points out.

Chap. 139a.]

XXV.

VOTE APPROVING THE REPORT OF THE JOINT COMMITTEE ON THE LETTER OF OLIVER PHELPS ESQ THAT THE MATTERS THEREIN MENTIONED ARE PROVIDED FOR BY TWO RESOLVES ALREADY PASSED.

The Committee of both Houses appointed to consider the Letter of Oliver Phelps Esq' have attended that Service & take Leave to Report that the several Matters mentioned in said Letter are fully taken up by Two Resolves that have lately passed — which is Submitted.

Approved Feb. 20, 1781.

1780. APRIL SESSION.

BEGUN . . . ON WEDNESDAY THE TWENTY-FIFTH DAY OF *October, anno domini, 1780*; AND FROM THENCE CONTINUED, BY PROROGATION AND ADJOURNMENT, TO WEDNESDAY THE ELEVENTH DAY OF *April, anno domini, 1781*, AND THEN MET AT THE SAME PLACE (BEING THE THIRD SESSION OF SAID COURT).

Chap. 22a.]

XXVI.

ORDER OF NOTICE ON THE TOWN OF GRANBY TO SHOW CAUSE ON THE SECOND MONDAY OF MAY NEXT WHY THE BILL ENTITLED "AN ACT FOR ALTERING THE DIVIDING LINE BETWEEN THE TOWNS OF SOUTH HADLEY AND GRANBY" SHOULD NOT BE ENACTED.

A Bill Entitled an "Act for altering the dividing Line between the Towns of South Hadley & Granby" read a second time & thereupon

Ordered, That the Town of South Hadley serve the Town of Granby with a Copy of this Bill, ten days at Least before the second Wednesday of May next to shew, cause, if any they have, why said Bill shall not pass to be Enacted.

April 18, 1781.

Chap. 46a.]

XXVII.

RESOLVE GRANTING THE PETITION OF CERTAIN INHABITANTS OF HOPKINTON TO BE SET OFF FROM SAID TOWN AND ANNEXED TO THE TOWN OF HOLLISTON, AND GIVING THE SAID PETITIONERS LEAVE TO BRING IN A BILL FOR THAT PURPOSE.

On the Petition of five of the Inhabitants of Hopkinton, praying to be set off from the Town of Hopkinton & annexed to the Town of Holliston,—

Resolved, That the prayer of the Petition be granted, and that the Petitioners have leave to bring in a Bill for that purpose.

Approved April 20, 1781.

Chap. 80a.]

XXVIII.

RESOLVE GRANTING THE PETITION OF THE INHABITANTS OF THE NORTH PART OF SHUTESBURY AND ERVINGSHIRE TO BE INCORPORATED INTO A TOWN, AND GIVING SAID PETITIONERS LEAVE TO BRING IN A BILL FOR THAT PURPOSE.

On the Petition of the Inhabitants of the North part of Shutesbury and Ervingshire in the County of Hampshire praying that they might be Incorporated into a Town for reasons set forth in their Petition,—

Resolved, That the prayer of said Petition be Granted and that the Petitioners have leave to bring in a Bill for that purpose.

Approved April 25, 1781.

Chap. 153a.]

XXIX.

RESOLVES FOR DESPATCHING IN AN ARMED VESSEL PROVISIONS FOR THE RELIEF OF THE GARRISON AT MACHIAS; FOR THE RAISING IN THE EASTERN PART OF LINCOLN COUNTY, BY VOLUNTEER ENLISTMENT, AN ADDITIONAL COMPANY OF SEVENTY MEN FOR THE DEFENCE OF THAT PART OF THE COMMONWEALTH, TO SERVE FOR TWELVE MONTHS, AND TO BE AT THE DISPOSAL OF THE COMMANDING OFFICER OF THAT DEPARTMENT; FOR FIXING THE WAGES OF THE OFFICERS AND MEN; AND FOR REQUESTING THE GOVERNOR, FOR THE PRESENT DEFENCE OF THE PARTS ADJACENT TO PENOBSCOT SOUND, TO ORDER OUT THE MILITIA, SUPPLY THEM WITH PROVISIONS AND AMMUNITION; FOR FIXING THEIR PAY; ALSO AUTHORIZING THE COMMITTEES OF CORRESPONDENCE, INSPECTION AND SAFETY IN SAID COUNTY TO APPREHEND DISLOYAL PERSONS, AND EXEMPTING THE COMMITTEE FROM PROSECUTION THEREFOR.

Resolved, That one of the Armed Vessels, ordered, by a resolve of the twenty-fourth of April last to cruise for the defence of the Eastern parts of this State, be Immediately dispatched with Thirty Barrels of Beef and Pork; & thirty barrels of Flour for the Relief of the Garrison at Machias.

And it is also *Resolved*, that one Company of Seventy Men, Officers Included, in addition to sixty five Matrosses, already ordered for the Garrison at Machias, be raised in the Eastern part of the County of Lincoln, by Voluntary Inlistment to serve for the term of Twelve Months from the first day of May Instant, unless sooner regularly discharged, for the defence of that part of the State, to be directed & posted from time to time by the Commanding Officer of that department in such manner as shall appear most for the Security & defence of that part of the Common Wealth.

And it is further *Resolved*, That each Sergeant in the aforesaid Company shall be Intitled to receive for his service, Twelve Silver dollars per Kalender month, each Corporal, drum and fife eleven, & each Private ten, or Bills of Credit equivalent according to the Current Exchange; the Commissioned Officers to be on Continental Establishment.

And for the Immediate Relief & defence of that part of the Eastern Country, between Kennebeck, and Penobscot Rivers, *Resolved*, That the Governor be & he hereby is requested to order out one or more Companies of men from the militia in that part of the Country to serve for the present defence of the parts adjacent to Penobscott sound, under the direction of the Officer appointed to Command in that Department; And also that he be requested to order a suitable Quantity of the Provision and Ammunition already sent forward to the Eastward for the supply of the Detachment; The pay of the Officers & Soldiers to be the same as that of the Officers & Soldiers Ordered to be raised for that department by a resolve of the twenty fourth of April last.

And whereas the local Situation of the County of Lincoln, its remoteness from the Seat of Government; the Contiguity of the Enemy, and other Circumstances attending said County, render the ordinary Execution of Law Ineffectual, for its Security and good management, Therefore *Resolved*, That the Committees of Correspondence, Inspection and Safety in said County, be & they hereby are Authorised & Impowered, with the Advice of the Commanding Officers of the American Troops in said County (when it can be obtained, and without it when it cannot) to apprehend & secure any Person or Persons whose Enlargement may to them appear dangerous to this Commonwealth, or promotive of the Enemy's Interest; And if it shall at any time appear expedient to any of the Committees aforesaid (and the Commanding Officer shall Advise to it) to send any Person by them apprehended to Boston; they shall at the same time forward the Evidence against said persons, reduced to Writing, which written evidence Authenticated by the Committee, shall be received as Valid in Boston, and shall be deemed effectual further to secure said person or persons, Provided the charges supported thereby, shall appear sufficient reason for their Confinement.

And it is *Resolved* that no Committee or Commanding Officer shall be subject to any suit or prosecution for their doings pursuant to the foregoing resolution.

May 9, 1781.

Chap. 153b.]

XXX.

VOTE APPROVING THE REPORT OF THE COMMITTEE APPOINTED TO CONSIDER THE SITUATION OF THE PRISONERS OF WAR WITHIN THIS STATE AND THE

CONDITION OF THE GARRISON AT RUTLAND, THAT FURTHER LEGISLATION ON THE SUBJECT IS UNNECESSARY.

On an order appointing a Committee,—

The Committee above mentioned [*i.e.* “to consider of the situation of the prisoners of War within this State & of the Garrison at Rutland & report such measures as are proper to be taken respecting the same”] beg Leave to report that they have conferred with the Deputy Commissary of Prisoners & are assured by him that the Prisoners confined at Rutland will be exchanged in a few Days & that the Post at Rutland in consequence thereof will be evacuated & that therefore any further attentions of this Court to the Subject will be unnecessary.

Approved May 9, 1781.

Chap. 180a.]

XXXI.

VOTE ACCEPTING THE REPORT OF A COMMITTEE OF CONFERENCE APPROVING A RESOLVE IMPOWERING THE JUDGE OF PROBATE OF PLYMOUTH COUNTY TO MAKE A NEW ASSIGNMENT TO SARAH THOMAS, WIFE OF NATHANIEL RAY THOMAS, AN ABSENTEE, OF ONE THIRD PART OF THE REAL ESTATE OF SAID NATHANIEL.

The Committee of Conference on the Resolve passed in Senate on the Eighth day of May instant, empowering the Judge of Probate of Wills for the County of Plymouth to make a new Assignment to Sarah Thomas Wife of Nathaniel Ray Thomas an Absentee, of One third part of the Real Estate of said Nathaniel, Have attended that Service and report unanimously as their Opinions that said Resolve be Concurr^d.

Approved May 16, 1781.

The above, although signed by John Hancock, is not a complete piece of legislation, but is the proceeding the outcome of which was 1780, April session, Chap. 151 Laws and Resolves . . . 1780-81, p. 448.

Chap. 201a.]

XXXII.

RESOLVE GRANTING HALF-PAY TO JONAS SHATTUCK A SOLDIER IN COLONEL BULLARD'S REGIMENT WHO LOST HIS LEG IN AN ENGAGEMENT ON DEMOND ISLAND.

On the Representations of John Lucas Commissary Continental Pensioners, in behalf of Jonas Shattuck a Soldier in Col^o Bullard's Reg^t Cap^t Rice's Com^y who lost his Legg in an Engagement on Demond Island, as appears by his Certificate & other papers Accompanying the same,—

Resolv'd, That the said Jonas Shattuck is Intitled to half pay to Commence from the 12 of August 1777 at which time his pay Ceas'd.

Approved May 18, 1781.

1780.

ADDRESSES AND MESSAGES.

PRELIMINARY ADDRESS OF THE GOVERNOR.

Nov. 2, 1780.

The members of the House of Representatives, and the Senators chosen by the several districts in this Commonwealth being convened in the State-House at 10 o'clock A.M. took and subscribed the Declarations, Oaths or Affirmations required by the Constitution, before the President and five of the Council of the former Constitution. After which the Senate made choice of the Hon. Thomas Cushing Esq^r for their President, and the House of Representatives of the Hon. Caleb Davis Esq^r for their Speaker. Andrew Henshaw Esq. was unanimously elected Clerk.—The two Houses then appointed a Committee to examine the Returns of the several Towns in this State for Governor, who reported that his Excellency JOHN HANCOCK Esq^r was elected Governor by a Majority of Votes.—A Committee of both Houses was then appointed to wait upon his Excellency to inform him thereof, and to request his Attendance at the Council Chamber, in Order of his being qualified for said Office.—His Excellency attended accordingly, waited upon by the honorable Committee preceded by the Independent Company, to the State House.—The honorable members of both Houses being assembled in the Council Chamber his Excellency addressed them as follows, previous to his taking the Oaths required of him, Viz.:

Honorable Gentlemen,

It would have ill become me at so early a Moment after being notified of my Appointments by the respectable Committee of this Honorable Assembly, to appear here to comply with the qualifying Requisitions of the Constitution, had not the Circumstances of the Returns made the Choice a Matter of public Notoriety some Weeks past, and receiving it from such Authority as confirmed its Reality, led me to contemplate the Subject; and although fully sensible of my Inability to the important Purposes of the Appointment, yet having, in the early Stage of this Contest, determined to devote my whole Time and Services to be employed in my Country's Cause to the utter Exclusion of all private Business, even to the End of the War, and being ever ready to obey the Call of my Country, I venture to offer myself; ready to comply with the Requisitions of the Constitution, as to external Qualifications, assuring you and my Country, that I shall endeavour strictly to adhere to the Laws of the Constitution, and regularly and punctually attend to the Duties of the Department in which my Country has been pleased to place me.

The Oaths prescribed by the Constitution were then administered to his Excellency by the President of the Honorable Senate, in the Presence of both Houses, and having taken and subscribed the Declaration and Oaths required, the Secretary declared His Excellency JOHN HANCOCK ESQ^R Governor of this Commonwealth, from the Balcony of the State-House, repeated by the Sheriff of the County of Suffolk.

1780. OCTOBER SESSION.]

GOVERNOR'S OPENING SPEECH.

Gentlemen of the Senate and Gentlemen of the House of Representatives :—

With a sincere and warm Heart, I congratulate you & my Country on the singular Favor of Heaven in the peaceable and Auspicious settlement of our Government, upon a Constitution fram'd by the Wisdom, and Sanctified by the Solemn Choice of the People, who are to live under it—May the supreme Ruler of the World be pleased to establish & perpetuate these new Foundations of Liberty and Glory.

Finding myself placed at the Head of this Common Wealth by the free suffrages of its Citizens, while, I most sensibly feel the Distinction they have Confer'd upon me, in this Election, I am at a loss to express the Sentiments of Gratitude with which it has impress'd me. In addition to my natural Affection for them, and the obligations they have before laid upon me, I have now a new and irresistible Motive, ever to consider their Happiness as my greatest Interest & their Freedom my highest Honor.

Deeply Impress'd with a Sense of the important Duties to which my Country now calls me, while I obey the Call, I most ardently wish myself adequate to these Duties, but can only promise in Concurrence with you Gentlemen, a faithfull and unremitting Attention to them, supported as I am by the Advice and Assistance of the Council happily provided by the Constitution, to whose Judgment I shall always pay the greatest Respect, and on whose Wisdom & Integrity I shall ever Rely. May Unanimity among the several Branches of this New Government consolidate its Force, and establish such Measures as shall most effectually advance the Interest and Reputation of the Common Wealth—This can never be done but by a strict Adherence in every Point to the principles of our excellent Constitution, which on my own part, I engage most sacredly to preserve.

Gentlemen, of all the weighty Business that lies before you a Point of the first importance and most pressing necessity is the Establishment of the Army in such consistency and Force, and with such seasonable and competent Supplies as may Render it, in conjunction with the Respectable Forces sent to our assistance by our

powerfull and generous Ally, an effectual Defence to the free Constitutions and Independence of the United States — You cannot give too early or too serious an Attention to that proportion of this Business that falls to the share of this Commonwealth. The mode we have too long practised of Reinforcing the Army by Inlistments for a short time, has been found to be at once greatly ineffectual and extremely burthensome — The Commander in Chief, in whose Abilities and Integrity we justly Repose the highest Confidence has repeatedly stated to us the great Disadvantages arising from it : and the necessity of an Army engag'd for the whole War and well provided is now Universally felt and Acknowledged — Nor should a moment of Time be lost in prosecuting every Measure for Establishing an Object so essential to the Preservation of our Liberties and all that is Dear to us. Care at the same time ought to be taken that the Necessary Supplies be committed to Men on whose principles and Affection to our great Cause as well as Capacity for such a service we may safely depend.

The support of the public Faith stands in close Connection with this Measure of defence, and indeed is absolutely Necessary to it, and to the whole Interest and Honor of the State — No expedient should be unexplor'd no necessary measure unattempted, no nerve in Government or the community unexerted to maintain our Credit, and remove all just Ground of Complaint from the Army that protects us, or from those who have in any instance Relied on the public Engagements.— What Friend to his Country would not cheerfully bear his full proportion of the Expence necessary for this purpose? And I doubt not you will take all possible Care that no more than such a Proportion be laid upon any Man or any Class of Men — This is not only a clear point of Justice, from which no Government can in any instance Recede without injuring & dishonoring itself, but is of particular importance to the internal Peace & good Temper, and consequently the Safety of the Common Wealth. Doth not this Safety also Require a stricter attention, than I fear has been paid to the Methods and Purposes of an Intercourse with Great Britain ; and that more effectual Measures may be Taken to prevent Flaggs of Truce from conveying Intelligence, or improper Persons to those who are prosecuting a War against us with great Insidiousness as well as Cruelty ; to Cut off a Correspondence between our secret enemies at home, and our declar'd ones abroad ; and to Restrain Prisoners of War from being at large among us, without prudent Checks, especially in our Sea ports — In all such Cases your Vigilance will discern, and your Fidelity provide where it may be needed a proper Guard to the public safety.

The present Situation of the Eastern Part of this State, and the Protection of our Sea Coasts, Navigation and Commerce, in all which not only the Interest of this and the United States, but that

of our Allies is deeply Concern'd, are important Objects that Require particular Attention.

If we Look to the Westward we See recent Incursions and Ravages of the Enemy; so that from every Quarter we are Loudly Call'd upon to employ the most speedy and strenuous Efforts for providing Funds that may be Depended on, and Establishing an Army sufficient by the Blessing of Heaven for the compleat Deliverance of our Country; Its Resources, improv'd with Judgment and Spirit are Adequate to such a purpose. Nor can I forbear to observe that we may Enter upon this Business, immediately with less Expence and greater Advantages than in any future Time.

You are fully sensible Gentlemen, that the Seperation which the Constitution has made between the Legislative and Judicial Powers, and that just Degree of Independence it has given the latter, is one of the surest Guards to the Persons, Property & Liberties of the Subjects of this Commonwealth, and accordingly, you are, I am thoroughly persuaded, heartily disposed to support this Independence, and the Honor & Vigour of the Supreme Judicial Department in its whole Constitutional Extent.—Sensible of the Importance of Christian Piety and Virtue to the order and Happiness of a State, I cannot but earnestly Recommend to you every Measure for their Support and Encouragement that shall not infringe the Rights of Conscience which I rejoice to See establish'd by the Constitution on so broad a basis—and if any thing can be further done on the same Basis for the Relief of the public Teachers of Religion and Morality, an Order of Men greatly useful to their Country and who have particularly suffered in the Defence of its Rights by the Depreciation of our Currency, as also for the Relief of Widows and Orphans, many of whom have been Distress'd in the same way, and who are particularly committed by Heaven to the Protection of Civil Rulers, I shall most Readily Concurr with you in every such measure.

A due Observation of the Lords Day is not only important to internal Religion but greatly conducive to the order and Benefit of Civil Society. It speaks to the Senses of Mankind, and by a solemn Cessation from their common Affairs, reminds them of a Deity, and their Accountableness to the Great Lord of all.—Whatever may be necessary to the support of such an Institution, in consistence with a Reasonable personal Liberty deserves the Attention of Civil Government.—

Manners, by which not only the Freedom but the very Existence of Republics are greatly affected, depend much upon the public Institutions of Religion, and the good Education of Youth. In both these instances our Fathers laid wise Foundations, for which their Posterity have had Reason to bless their Memory. The Public Schools and our University at Cambridge very early founded

by them have been no small support to the Cause of Liberty, & given no dishonorable Distinction to our Country. The advantages they are still capable of affording to the present and future Generations are unspeakable. I cannot therefore omit warmly to commend them to your Care and Patronage.—

The Laws will now Require to be accurately Revised ; & particularly that which Regulates the Militia, on which the Safety of a Commonwealth naturally rests. This Revision you cannot fail to attend to as early as Circumstances will allow, which will lead you not only to Adapt the Laws in the most perfect manner possible to the Defence of the State, but also for the Suppression of Idleness Dissipation Extravagance and all those Vices that are peculiarly inimical to free Republics, & for the Encouragement of those opposite Virtues that are particularly friendly to such a Form of Government.—

In such measures as I have now mentioned, and in every other tending to promote the Public Welfare, you may always Depend on my cheerful Concurrence with you, and giving every Dispatch in my power to the public Business. And I shall from time to time seasonably communicate to you such Informations and Proposals of Business as may be proper to lay before you —

May this New Government diffuse a new Animation through the whole Political Body.—

The People Expect much from it, perhaps more in some Points, than Circumstances will allow it to perform ; but standing as we do upon their Choice and Affections, & strenuously exerting ourselves as we ought for their Interest they may find it happily advanc'd —

May Heaven assist us to set out well, to brighten the Auspices of our Constitution to render it still more lov'd & Admir'd by the Citizens of this Commonwealth & to Recommend it to the whole World, by a wise & impartial, a firm and vigourous Administration of it —

JOHN HANCOCK.

Boston 31st October 1780.

REPLY TO HIS EXCELLENCY'S SPEECH.

Nov. 7, 1780.

A committee of both Houses of Assembly presented his Excellency the Governor with the following answer to his speech at the opening of the session.

May it please your Excellency,

We the Senate and Representatives of the People who constitute the free & Independent Commonwealth of Massachusetts in General Court assembled, beg Leave to address your Excellency on your Accession to the high & important office of its Chief Magistrate.

With grateful Hearts, we acknowledge, with your Excellency, the Goodness of the Great Lord of all, in the Steps of his Providence which have led to the present happy Revolution; and afforded to this People an Opportunity of framing a Constitution of Civil Government upon the Liberal & permanent Basis of Freedom & Independence, & with Such Powers and Barriers, as have a necessary Tendency “to Secure the Existence of the Body Politic, to protect it, & to furnish the Individuals who compose it with the power of Enjoying in Safety & Tranquility their natural Rights and the Blessings of Life”

A Government thus Constituted, if well administered, & supported by the People, being at certain Periods, revertable to them, who are the Fountain of Honor, the Last Resort of Power, & the Express Guardians of their own Lives Liberties & Properties, cannot fail to command Respect and answer the Ends of its Institution.

It is our peculiar Felicity to find that such a Constitution, originating with the People who are to live under it, & formed by Delegates of their own Choice, has met with so general and cordial a Reception; & that the first Elections have been conducted with the most perfect Order & Harmony; but more especially, that the Virtue & Patriotism of our Constituents have led them to the free & unbiassed Choice of a Gentleman to fill the highest Office in the Commonwealth, whose native and political Attachment to their Civil & religious Rights early & uniformly conspicuous, have been so illustriously distinguished, both by the first Honors of the supreme Council of these United States & by the earliest Proscription of the British Government.

As it is essential to a free Republic, that it be “a Government of Laws & not of Men,” so the Principles & Views of your Electors are fully confirmed, when, by your Excellency’s Speech from the Chair, they are incontestibly ascertained that, far from being elated by the Honors you have so justly merited & received, your Excellency regards the Station to which you are now advanced, although an honorable, yet as an arduous & extensive Sphere of Usefulness, & that you realize a proportionate Weight of Obligation & duty—

As the Powers vested in the Chief Magistrate are ascertained, Limited & restrained by the Constitution, so are they sufficiently competent to the Purposes, of commanding Respect to Government & Obedience to the Laws, & for calling forth the utmost Energy of Individuals for the necessary Service & protection of the Commonwealth.— While therefore you continue to discharge with Fidelity the duties incident to your exalted Station, “govern according to Law, execute Justice with clemency,” & duly Exert your civil & military Powers for maintaining the rights of the Subject you shall never fail of Support.

While the People over whom you are called to preside, descended

from republican Ancestors, well informed in the Principles of Government & animated by a generous & ardent Zeal for the Rights of Men & of Citizens, with a laudable Jealousy regard the Conduct of their Rulers, we trust they will find yours uniformly consistent with the Constitution.

We are happy in being able to assure your Excellency, that our Constituents disposed, as they now are & ever have been, to good order & a peaceful Subjection to Laws of their own making, will ever cheerfully exert themselves to Support a Constitution which ascertains to them personal Security, Liberty, & Property; and to render the arduous Services of those who *rule well*, as easy to themselves, & as conducive to the great Ends of Government “as the Lot of Humanity will admit.” While, from our long Experience of your Excellency’s Firmness on the one Hand, & from their Affection to, and Confidence in you on the other, we flatter ourselves that your Administration will exemplify in all Periods of the Commonwealth, that its utmost Powers may be called forth & exerted in a perfect Consistency with the Happiness of the Subject —

We beg Leave further to assure your Excellency, that relying, under God, upon the firm support of our Constituents, no Efforts or Assiduity of ours shall be Wanting to fullfill the Part assigned us by the Constitution — Happy should we be, could we perform it to their Expectations & to the Satisfaction of our own Minds —

But in Order thereto, we shall immediately enter upon the Consideration of the Important purposes for which we are convened — and especially those which your Excellency has recommended to our Attention.—

Sensible that no one valuable Object of Government can be either compleatly attained or enjoyed, unless the Defence of the State is first Sufficiently provided for; and that every Regulation of internal Police, which does not terminate in or facilitate the Accomplishment of this Grand Object, must be postponed to it; Our first & principal Attention Shall be paid to the Army — which, by the most vigorous & decisive Measures, we are determined to Compleat for the War, & accommodate, so far as our Proportion of Men & supplies shall extend, without a Moments Delay, & at any Expence — *resting no longer in those temporary Levies & occasional Provisions which have only tended to distress the People, enhance the Expence & protract the Period of the War.* And we doubt not, that the Result of the General Commission on this most interesting Subject, instituted by the last General Assembly under the late Constitution, executed as we trust it will be by the People of these States, will be such as shall enable the good People of America, cemented as we are by indissoluble Connection, & aided by the Forces of our powerful magnanimous ally, to bid perpetual Defiance to the utmost Power & Policy of our Enemies.

The Militia of the Commonwealth, upon which its' more immediate Security depends, we shall endeavour to place upon such an Establishment & under such Regulations & Provisions, as that we may be able, either to repel Invasion or to co-operate with the Army of the States or of our Ally's, on any Emergency, be it ever so sudden or unexpected taking the necessary Measures for their Pay & Subsistance as Occasion may require ; & forming such Arrangements in the Civil or Staff department, as that the Purchases & Distribution of the public Stores may be placed in Suitable Hands and conducted, both in the Army and in the Militia, upon just Principles & to proper Effect —

The General Court will also take effectual order for the Protection of our Sea Coasts ; & of that Navigation & Commerce with the Freedom & Extent of which the Opulence & Strength of the Commonwealth is most intimately connected, from the Insults, Interruptions & Depredations of the Enemy : while we shall guard with all possible Vigilance against a Trade clandestinely carried on by Flags of Truce, with the Subjects of that insidious & cruel Power, with which we are at War ; nor shall the impolitic and false Delicacy of admitting Prisoners of Distinction to go at Large make a Part of that Liberality, with which as Citizens of the World, in Time of profound Peace we might be inclined to treat those, to whom considered as Enemies, altho' we would shew every Office of Humanity consistent with the public Safety & with the Comfort of our Friends in Captivity, yet whose Residence with us in Time of War except in Confinement may be and often has been very injurious.

In Order to the Accomplishment of the Grand "Object of War & End of Victory" we assure your Excellency that we will critically examine into the State of our Finances & place them, in Addition to what has been already happily effected, upon so respectable a Footing as that the public Faith shall be fully restored & established. And [we] are very happy in finding that notwithstanding the Infamous practices of our Enemies to ruin our Cause by counterfeiting and depreciating our Currency, the real Debt of the Continent does not amount to more than half the sum which is annually Expended by them in supporting the War against us, in Addition to the Load of many Millions of national Debt.

While on this Head we sincerely regret with your Excellency that in the Course of Events many of the Creditors of Government, among which are unhappily a great Number of Widows and Orphans & of that patriotic and Valuable Order of Men the Clergy of our Brethren in Arms have been injured in their Property as well as in Consequence of the rapid Depreciation of our Currency: As the late Assembly have taken up the Case of the latter, so the present are going on to perfect their Relief ; while urged by all the principles of Justice, Honor & Humanity they

will do every Thing for the Redress of the former, which can be devised & Affected.

Convinced that the Means of supporting the War to any Period, are, under the Auspices of Heaven, within our own Power, we shall, by such Reforms in the Mode of Taxation as shall be found necessary, draw forth the large Resources of the Commonwealth in such just Proportions, as we have Reason to think have not heretofore been properly attended to, which will add to the Satisfaction & Cheerfulness with which our Constituents will contribute of their Property to the public Service, & ascertain to us seasonable & adequate supplies.

Nor can we admit a Doubt, that the same Genius of Liberty which at first inspired still animates the Freemen of Massachusetts; and that “not an Ability will be suffered to lay dormant, or be misapplied, not a necessary Measure be left unexplored, or a just one unattempted, nor a Nerve unexerted” until from the Wisdom of our Councils & the Vigor of our Arms, Glory & peace shall Crown the Contest.—

The Civil Matters which your Excellency has been pleased to recommend are Subjects of real & interesting Concern.

Deeply impressed with a Sense of the Importance of Religion to the Happiness of Men in Civil Society, to maintain its Purity & promote its Efficacy, we shall protect its Professors of all Denominations, “demeaning themselves peaceably and as good Subjects of the Commonwealth,” in the free Exercise of the Rights of Conscience; and shall exert ourselves to carry the wise & Equitable Provision of the Constitution for these Salutary Purposes into the fullest Effect—and as one necessary Measure shall Revise the Laws & make such Additions to or Amendments in them as may be necessary, & consistent with personal Liberty, for the due Observance of that Day which the SUPREME hath consecrated to his more immediate Worship & Service.

Inasmuch as Knowledge & Virtue are essential to the Preservation of Freedom in a State, we shall be happy in affording the highest Marks of Attention & Respect to all Seminaries of Literature, & yielding them all the support they may need & which it becomes the Representatives of a wise & free People to afford, especially our University at Cambridge; founded by the Wisdom and Virtue of our ancestors, approved by long Experience of its Utility, and honored by the many illustrious Characters which have adorned our Country, & who imbibed the first Principles of Science at that pure and copious Fountain.

Nor can the Schools throughout this Commonwealth be permitted to continue under such Inattention & Discouragement as they have for many years suffered but to the irreparable Injury of the present & future Generations, & to the indelible disgrace of a free Govern-

ment—We shall therefore hold ourselves obliged to form proper Establishments for restoring them to their primitive Dignity and Usefulness.

It gives us Singular Pleasure to find the Society of Arts &c. lately founded in this Commonwealth dignified and enriched by the Addition of many respectable literary Characters, & promising such happy Improvement—

Institutions which have a Tendency “to cherish the Interests of Literature and the Sciences, to extend & improve Commerce, to promote Agriculture, Arts, Trades & Manufactures & a natural History of the Country” are by the Constitution entitled to & cannot fail to find the Patronage and Protection of the Government.

We beg Leave to assure your Excellency that we shall make it our sincere Endeavour both by Precept & Example to countenance & inculcate Obedience to the Laws, with the Principles of Religion, Patriotism “Humanity, & general Benevolence, public & private Charity, Industry & Frugality Honesty & Punctuality in Dealing, Sincerity, Good Humour, and all Social Affections and generous Sentiments among the People”

And as the Dignity & Reputation of the Commonwealth, as well as the Interest of the Subject demand the Independence both of the Chief Magistrate & of the Justices of the Supreme Judicial Court, so it shall be among our first Acts of Legislation to provide & establish permanent & honorable Salaries for each

May it please your Excellency,

With all the Liberality & Candor Unanimity & Harmony which can Consist with the due Exercise of the Powers & Rights vested in the several Branches respectively, we shall now proceed to the Bussiness of the Session & shall forthwith attend to the Revision of the Laws and to the Framing such new Statutes as may be requisite for accomplishing the important Purposes of our Election—and shall at all Times pay that Respect to the Communications & Recommendations of your Excellency, and give that Dispatch to the public Bussiness which the Safety & Happiness of the Commonwealth may require and admit.

SPECIAL MESSAGES.

RESPECTING A LIGHTHOUSE IN BOSTON HARBOR.

Nov. 8, 1780.

The Secretary brought down a message from his Excellency the Governor to both Houses respecting the erecting of a Lighthouse in the harbour of Boston.

RESPECTING A NATIONAL THANKSGIVING.

IN SENATE, Nov. 8, 1780.

The Secretary by order of his Excellency came up with a message to Inform the Honble Senate that he was directed by his Excellency to read a letter received from Congress this day, with the Inclosed Proclamation appointing the Seventh of Dec^r next to be observed as a day of Thanksgiving.

*Circular.*PHILADELPHIA Octo^r 20th 1780

Sir,

Your Excellency will receive herewith enclosed a proclamation recommending Thursday the Seventh day of December next to be observed as a day of thanksgiving & prayer.

I have the honor to be
with the greatest respect

Your Excellencys

most obed^t humble serv^t

His Excellency
The Governor, or Supreme Executive
of Massachusetts

SAMUEL HUNTINGTON, President

PROCLAMATION

Whereas it hath pleased Almighty God the Father of all mercies, amidst the vicissitudes & calamities of war to bestow blessings on the people of these States which call for their devout & thankful acknowledgements; more especially in the late remarkable interposition of his watchful providence in rescuing the person of our commander in chief and the army from imminent dangers at the moment when treason was ripened for execution; in prospering the labours of the husbandmen and causing the earth to yield increase in plentiful harvests; and above all in continuing to us the enjoyment of the gospel of peace.

It is therefore recommended to the several States to set apart thursday the seventh day of December next to be observed as a day of public thanksgiving and prayer — That all the people may assemble on that day, to celebrate the praises of our divine benefactor — to confess our unworthyness of the least of his favours, and to offer our fervent supplications to the God of all Grace — That it may please him to pardon our heinous transgressions and incline our hearts for the future to keep all his laws — to comfort and relieve our brethren who are in any wise afflicted or distressed — to smile upon our husbandry & trade — to direct our public councils and lead our forces by land & sea to victory — to take our illustrious Ally under his special protection and favour our joint councils and exertions for the establishment of speedy & permanent peace — to cherish all schools & seminaries of education and to cause the knowledge of Christianity to spread over all the earth.

Done in Congress the eighteenth day of Oct. 1780 & in the fifth year of the independence of the United States of America.

Attest
 CHAS. THOMSON, Sec^y SAM^l HUNTINGTON, Presi^{dt}

For the Governor's proclamation, see Proclamations, p. 50.

ON THE MATTER OF RAISING THE COMMONWEALTH'S QUOTA OF
 THE CONTINENTAL ARMY.

Gentlemen of the Senate, & Gentlemen of the House of Representatives,

It will always afford me the highest satisfaction to Concur with you in every measure tending to promote the public Weal, being Confident at the same time that I shall stand excus'd when in a point of Duty I think myself obliged to lay before you the Difficulties on my mind respecting any Transactions of the Assembly previous to my passing upon them.

Your Resolution for the appointment of a Committee to set in the recess to consider the most effectual measures for raising this Commonwealth's Quota of the Continental Army during the present War, & for paying & supplying the same, was this morning laid before me, from whence I conclude that the Assembly do not mean to take any further measures on that Subject during the present Session —

The Letter from his Excellency General Washington was so very explicit, & the Call so very loud for an immediate Attention to this Subject, & the ill Consequences of a failure in a very speedy Compliance, so fully represented, that I could wish you might proceed before you rise, to put this Business in such a Channel, as would afford a more pleasing prospect of the early Establishment of a permanent Army. Certain I am no one Circumstance can more advance the Reputation of the States, nor have a better effect to Counteract the Views of the British Administration — I have no disposition to oppose the wish of the Assembly as to a Recess, but could not avoid, Consistent with my feelings, mentioning again the importance of the Business —

JOHN HANCOCK.

Boston, November, 9th 1780.

The joint committee appointed to consider the above message reported "as their opinion: That it contains such reasons for immediately taking measures to obtain a permanent Army, that a recess of the General Assembly is not expedient until that business is completed."

RESPECTING THE FIRST RECESS.

Gentlemen of the Senate and Gentlemen of the House of Representatives,

I am much at a Loss in what manner to conduct myself in consequence of your Message of this afternoon; you request a Recess

after this day; if it is your Wish to rise this night, I will conform to any hour that shall be agreeable to you, or to any time on the Morrow: a Signification of your pleasure in this instance shall meet my immediate attention.

JOHN HANCOCK.

December 4, 1780.

This message was in response to a message received by the governor through a joint committee instructed "to acquaint him the General Court are desirous of a Recess to the first Wednesday of Jan. and to request his Excellency to adjourn the Court after this Day; also to request his Excellency would be Pleased to issue a Proclamation directing the punctual attendance of the members at that time." Upon its reception a joint committee was appointed to wait on his Excellency to acquaint him that the Court "would wish to be adjourned this Night for which purpose as soon as the Business is compleated his excellency shall be acquainted therewith." Accordingly such notification was subsequently given, and the Secretary coming in and acquainting the Houses that his excellency had been pleased to consent to the three acts passed this session, which were named by their titles, it was "his pleasure that the General Court should be adjourned to the third day of Jan. next, then to meet in this Place & that it was adjourned accordingly."

1780. JANUARY SESSION [1781.]

GOVERNOR'S OPENING ADDRESS.

Gentlemen of the Senate & Gentlemen of the House of Representatives.—

Nothing new or important respecting the internal State of the Commonwealth, has Occurred since your Recess, but so many & Weighty are the Matters relating to the ensuing Campaign, which remain yet to be Accomplished, as rendered your Meeting at this Time absolutely necessary —

I shall direct the Secretary to lay before you some Letters I have lately receiv'd, by which you will see the present State of the Army, & be able to judge of the Adequateness of the Measures already taken for the Supplies of it, & in what manner those Measures have been Executed —

When I first met you, Gentlemen, in General Court, I urged in the most pressing Manner, the Establishment of the Army according to the late Plan & Requisition of Congress, & the warm Recommendation of the Commander in Chief; The necessity of the most speedy & Vigorous measures for fully Accomplishing this purpose is far from being Abated; It must fall with the greatest Weight upon every Mind; & as it deserves, I doubt not you are dispos'd to give it your first, & most serious attention. The Circumstances of these free States, the just Expectation of our great & generous Ally, who has already sent such a Force to our Assistance, & is still ready to afford us further Aid, our own Honor, our own Safety, all call upon us, to employ every Means for forwarding & complet-

ing our Military Preparations, the Efficacy of which, must in a great measure depend upon their being early made — The present Situation of our Country is critical; it demands the instant, the generous, the United & Animated Exertions of all that Wish well to it, & particularly of those in Government. Such Exertions would soon place it, by the Blessing of Heaven, into a secure & happy Condition, by Establishing & providing for an Army that may efficaciously Co-operate with our Allies for its Defence. Nor need I remind you, that we cannot fail in this Point without leaving the Field to our Enemies, & opening a Door for such Miseries to over spread the Face of our Country as cannot be thought of without Horror.

Gentlemen, I shall seasonably lay before you in separate Messages, such Branches of public Business as shall appear to me to deserve your Attention, and most readily concur with you, for the Dispatch of all —

JOHN HANCOCK.

Boston January 5th 1781.

SPECIAL MESSAGES.

RESPECTING THE PAY OF THE GARRISON AT CASTLE AND GOVERNOR'S ISLANDS.

Gentlemen of the Senate & Gentlemen of the House of Representatives,

By a resolve of the General Court of October fourth 1779, for establishing a Garrison at Castle and Governor's Island, provision is made that each Non Comissioned Officer & private shall receive one suit of Cloaths each Year they shall Continue in said Service, & also that the pay of each Officer & Soldier shall be made good, taking for a Measure the prices of the necessaries of Life set in an Act Intituled "An Act to prevent Monopoly & Oppression" & their several Accounts settled, & any Balances that may be due, paid once a year — These promises the soldiers have sometime since claim'd, as the Term of time is expired, & they now have discovered so much Uneasiness in Consequence of the delay, that two days ago they refus'd to do Duty until the Terms of their Inlistment were Complied with. Upon receiving an Account of this Conduct from Colonel Burbeck the Commanding Officer at the Castle, I immediately wrote him Advising the Men to return to their Duty, & pleg'd myself to lay their Case before the General Court, & assur'd them that the Court would do them ample Justice —

As it is necessary that a respectable Force should be kept up at Castle Island, I flatter myself the General Court will take the necessary steps for carrying into Execution the Terms of the Resolve referred to. —

JOHN HANCOCK.

Boston, Jan^y 11th 1781.

RESPECTING DEFENCE OF THE EASTERN COAST.

Gentlemen of the Senate and Gentlemen of the House of Representatives

In Consequence of your Request to me on Saturday Noon to make application to the Commander of the Fleet of his most Christian Majesty at Newport for the Aid of one or more Frigates in Conjunction with the Ship Mars belonging to this Commonwealth, to Cruize against our Enemies on the Eastern Coast, I Immediately dispatched an Express to the Admiral, with a Letter on the subject, and Yesterday Evening Received an Answer from him, which is Translated and which the Secretary will lay before you—I have given directions to Cap^t Sampson to use all possible dispatch to discharge his Cargo—and as soon as Effected to fit the Mars for the Sea with all Expedition.

JOHN HANCOCK.

March 7, 1781.

The letter referred to, as translated, was as follows :

ON BOARD THE DUC DE BURGUYNE, 5 March, 1781.

Sir,

Your Excellency, and the honorable Assembly in which you preside, cannot doubt of the extreme Desire I have to employ the Forces under my command to the greatest Advantage of the United States. The rigorous Proceedings of the Judges of the State of Massachusetts which in detaining from me fourteen Men as accused, or Witnesses, have almost disarmed one of my Frigates, diminish my strength without abating my Zeal. Accordingly I have sent Orders to the Frigate of the King the Astrea, now in the Port of Boston, to join the American Vessels of War for acting against the Cruizers that infest the Eastern Coast of the Massachusetts.

I earnestly wish it were in my Power to destine a more considerable Force for this Service; but your Excellency cannot be unacquainted that I am upon the Point of Sailing with my whole Squadron upon an Expedition that demands all my Strength and the Success of which is of the highest Importance to America.

I have the honour to be &c

DESTOUCHE.

RESPECTING DEFICIENCY IN SUPPLIES FOR THE EASTERN DEPARTMENT.

Gentlemen of the Senate and Gentlemen of the House of Representatives,

It is my Wish at all times to carry into Execution the Resolves of the General Court with such dispatch as shall Effect the purposes design'd, and in Consequence of your Resolve of Feb^r 9th was using every possible Means to furnish & forward the supplies Ordered for the Eastern Department, many of which are now ready, but notwithstanding every Exertion, there will be a Deficiency even in the Execution of that part of the supplies.

The Resolve of the General Court of March 6th Include a Requisition for a supply of Articles for the same Department more Exten-

sive than the former which if design'd as an Addition to the first, & to be Immediately furnished, will Certainly fail in the Execution. Not three hundred fire Arms are in the public Stores of this Commonwealth; I have sent to the Commissary of Military Stores to know what of the Articles Ordered, he can supply, he returns me for answer he can only afford the supply of Powder.— The means proposed by the Resolve are not Adequate to the purchases of the Deficient Articles, I cannot therefore sign the Resolve without the further Interposition of the General Court, lest I should be made Accountable and Censurable, when wholly out of my power to carry the Resolves into Execution, altho' much Dispos'd to Exert myself for the Welfare & safety of every part of the Commonwealth. I must request the General Court to give some Explanation of their Intentions as to the Immediate supply of the several Articles for the Eastern Department, and if the whole of the Warlike Stores Cannon &c mentioned in two Resolves of Feb^y 9th & March 6th are to be procur'd, that further means may be provided for the Obtaining them —

The several Resolves respecting the Militia I will endeavor to carry into Execution, but I must beg leave to request the Attention of the General Court to that which respects the Continental Troops in the three Eastern Counties, & the Impropriety of my Interfering in Officering or Arranging those Troops—If the whole supply of provisions is to be made, I shall be Obliged to send to M^r Baker for one hundred Barrels of the Pork, under his care, & appropriated for another purpose; the Disappointment to the Army & the charge of Land & Water Transportation, I submit to the General Court.

JOHN HANCOCK.

Council Chamber March 9th 1781

1780. APRIL SESSION [1781.]

GOVERNOR'S OPENING ADDRESS.

Gentlemen of the Senate and Gentlemen of the House of Representatives,

During your Recess nothing important has occur'd respecting the internal State of the Common Wealth.

I have Directed the Secretary to lay before you the Letters I have lately received which I Recommend to your Consideration.

I shall be Ready to Concurr with you in every measure for the public Interest, and to Give Dispatch to all Business that may be laid before me —

JOHN HANCOCK.

April 16, 1781.

SPECIAL MESSAGES.

RESPECTING THE SPEEDY DESPATCH OF PROVISIONS AND STORES
FOR THE EASTERN DEPARTMENT.

April 17th, 1781 In the House of Representatives

Ordered that Major Lithgow and Mr. Henshaw with such as the Honorable Senate shall appoint be a Committee to wait on his Excellency the Governor with the following Message

In the Senate, John Pitts joined.

May it please Your Excellency,

The General Court request to be informed what measures have been adopted during the Recess, by your Excellency, for the protection of the Eastern parts of this Commonwealth —

Gentlemen of the Senate and Gentlemen of the House of Representatives,

In Reply to your Message of yesterday, I am to inform you that the Provisions & Stores necessary for the Eastern Department are on board the Mars and the Galley, & they will Sail in two Days, & the necessary Orders for Guards are now Issuing. It was judg'd most Adviseable, for the Publick Interest, to Suspend the Execution of these Orders untill the present time, they will now be carried into immediate Effect —

JOHN HANCOCK.

April 18, 1781.

RESPECTING THE RESOLVE FOR EFFECTUALLY SECURING CERTAIN
PERSONS NAMED THEREIN.

Gentlemen of the Senate & Gentlemen of the House of Representatives —

Your Resolve of this Day requesting me to take measures for effectually securing certain persons therein nam'd points out a certain "Stephen Pembleton of Penobscot Sound who last Summer murder'd Mr Soal of Broad Bay," if it was proper in all other Respects, it would be necessary that I should be furnish'd with the Evidence of his being the Murderer, before I give any Sanction to the Resolve; but it seems to be against 25th Article of the Bill of Rights in the Constitution of this Commonwealth, I cannot therefore consistently Sign the Resolve —

JOHN HANCOCK.

April 26, 1781.

LETTERS.

1780. JANUARY SESSION [1781.]

ADDRESS FROM THE ARMY.

Nov. 12, 1780.

THE GENERAL AND FIELD OFFICERS OF THE MASSACHUSETTS LINE
ON THE NEW CONSTITUTION, AND ON THE SUBJECT OF A
PERMANENT ARMY.

*To the Honorable the Senate and House of Representatives of the Commonwealth
of Massachusetts in General Court assembled:*

On such an uncommon occasion as the establishment of a new Constitution, it becomes every constituent part of the community to express their sentiments on a matter so interesting to their future prosperity.

Upon this principle, the undersigned officers of the troops of Massachusetts, in our own names, and in the names of our brethren in the field, conceive ourselves obliged to declare, that we highly respect and approve, in general, the new constitution of the Commonwealth of Massachusetts. We are at a loss to find terms sufficiently expressive of our veneration and gratitude for that illustrious Convention, who prepared the form of government, in which the spirit of the ancient free republics is so admirably preserved, and adapted to the manners of the present day. We form the most auspicious omens of its free operation and prosperity, from the liberality of sentiment which pervaded the State in so cheerfully receiving it.

Having thus declared our ideas of the new system of government, and of the happiness we anticipate in residing under its protection, we cannot but feelingly regret, that it should have been thought improper to admit us to a declaration of our sentiments, on a subject with which our future welfare is so intimately connected. It would be uncandid to suppose, that our countrymen considered our being in the field a crime which should deprive us of our unalienable rights: We impute it to an inadvertent omission, rather than a deliberate design. We are obliged to wound our pride and consciousness of service, in preference to impeaching the justice of our country. We consider ourselves as citizens in arms for the defence of the most invaluable rights of human nature; and we beg attention to our assertion, that no honors of the field, however splendid, or pecuniary rewards, however great, would induce us to suspend, for a moment, our rights as citizens; and we conceive ourselves

bound to say, that, if one is to be the consequence of the other, we shall be constrained to transfer the defence of our country to persons who may hold such rights in less estimation.

Although we apprehend that we have been injured in this important transaction, yet we beg permission to express our firm reliance on your honorable legislature, as our fathers and guardians. We perfectly believe, that your attention to the rights of the members of the Commonwealth, will ever be so universal as to comprehend that part of them who are necessarily absent in arms, to obtain and secure, for themselves and their countrymen, the equal rights of citizens. The inflexible determination of America, even in the most critical situations, never to submit to Great Britain, but to form free governments, in which the human mind might dilate and expand to the utmost, have animated us to persevere through the vicissitudes and difficulties of the war. Indeed, it is impossible to return under the dominion of a power, which has given such numerous and flagrant proofs of unjust ambition and vindictive rage.

We are made peculiarly happy by the late acts of Congress, establishing an army for the war, without an alternative. These resolutions fully evince that no change of sentiment has taken place in the minds of the people,—but, that roused by the ill effects of former temporary expedients, we are determined to adopt the only system that can promise a speedy and honorable peace. If the legislatures of the respective Estates will vigorously carry into immediate effect the resolutions of Congress, the enemy will be deprived of their only well grounded hope of conquest; and be obliged to relinquish the attempt to acquire an object in which they have profusely lavished their blood and treasure. Surely the people of America, who deliberately referred their happiness to the decision of arms, rather than submit to an arbitrary power, cannot hesitate, for an instant, to prefer such rational measures as will successfully terminate the contest, to a mode expensive and hazardous, and which, if continued, must issue in the destruction of our liberties. Instead of any demur, we believe the wisdom of the requisitions of Congress will appear so evident, that all classes of men will press an immediate compliance with them. And if, in place of creating obstacles, the offspring of diffidence, the patriotism of 1775 should revive, all fancied difficulties would be overborne, and the process become easy to obtain the full number of men required.

Allow us to suggest, that no method appears to us so equal and consistent with the spirit of a free republic, of which every person ought to assist in the defence, as to establish classes throughout the community. We presume this mode, if fully investigated and fairly tried, will be found to be more equal and effectual, and less expensive, than any other that can be devised. Let the number required from each State be apportioned on the respective counties and

towns, each town to class its men according to the number it is to furnish. The men to be delivered to the proper officer by the day prefixed, or the deficient class obliged to be draughted indiscriminately; the certainty of which would probably operate so as to produce competent motives to some person to engage voluntarily. The classes to be made as nearly equal as possible in point of property. As an obligation on the classes to send proper men, and whose fidelity can be relied on, they should be obliged to supply the places of such as were refused by the inspecting officer, and all deserters. The Commonwealth that shall make this arrangement, will, in all circumstances, be able to exert its strength, support its armies, and force the enemy to respect its energy.

Suffer us to assure your honorable legislature, that a full determination to compleat your battalions, and properly supply them, would greatly inspirit the brave men in the field engaged for the war, and stimulate them to the highest exertions for the honor and interest of their country. We speak with the freedom of men, who, from the earliest stages of the contest, have had the honor to assist in the defence of the liberties of our country. We have too high an opinion of your wisdom, to suppose you can be offended with us for a manifestation of that spirit which is so diffusive throughout the constitution.

Camp, at Totowa, 12th November, 1780.

1780. APRIL SESSION [1781].]

FROM THE PRESIDENT OF CONGRESS.

IN SENATE, May 14, 1781.

The Secretary came into Senate with a message from the Governor and delivered a Letter to the President, Addressed to his Excellency the Governor from the President of Congress dated the first Instant, Inclosing a Resolve of Congress of same date. [Journal of the Senate May 14, 1781.

PHILADELPHIA, May 1, 1781.

Sir,

Your Excellency will receive enclosed, the Copy of a Resolve of Congress of the 27th of April, recommending to the Several States to which they belong, to make up the Depreciation of Pay to the Officers & Men now or late of the Regiment commanded by Colonel Baldwin —

I have the Honor to be, with the highest Respect
Your Excellency's most obedient
& most humble Servant

SAM^l HUNTINGTON President

His Excellency
Governor HANCOCK.

[Copy.]

By
The United States in Congress
Assembled April 27th 1781

A Report of the board of war on the memorial of the officers of Col Baldwin's Regiment of artificers was read whereupon

Resolved

That it be recommended to the States to which they respectively belong to make up the depreciation of their pay according to the real value of their wages at the time of their establishment to the officers and men now or late of the regiment of artificers commanded by Col. Baldwin —

Extract from the minutes

CHA THOMSON Secy

Report of the committee to whom the foregoing was referred, approved by the Governor, is 1780, April session, Chap. 188 [Laws and Resolves . . . 1780-81, pp. 466-467].

OPINIONS

1780. JANUARY SESSION [1781].]

BY THE JUSTICES OF THE SUPREME JUDICIAL COURT.

UPON THE SEVERAL POWERS OF THE TWO HOUSES OF THE LEGISLATURE IN THE SETTLEMENT OF A VALUATION.

In response to the Resolve 1780, January session, Chap. 127 [Laws and Resolves . . . 1780-81, p. 288].

IN SENATE, Feb. 22, 1781.

The Honble the Justices of the Supreme Judicial Court, came into Senate & delivered their several Opinions in Writing, relative to settling the Valuation.

OPINION OF WILLIAM CUSHING.

May it please your Honors

In Obedience to the special Order of the General Court of the Twentieth Instant to the Justices of the Supreme Judicial Court (with which they are honored) directing them to deliver their respective Opinions in Writing to each House of the Legislature upon their several Powers respecting the List of Valuation by the new Constitution; I have endeavoured for myself to form an Opinion as well as I could in the short space allowed. The Question, as far as I understand the matter Amounts to this *Viz* whether the Senate

have an equal right with the House of Representatives in examining the Lists of Valuation returned from the several Towns & adjusting the same, as a rule for their future conduct in making laws Imposing public Taxes? In Answer to which I would Observe that by the first Article of the first Section of the first chapter upon the frame of Government, the power of Legislation is Lodged in both Houses, each having a Negative upon the other — By the fourth Article of the same chapter — the General Court are Impowered to Impose & Levy proportional Assessments and Taxes upon all the Inhabitants &c and by the Same Article 'tis directed, that while the charges of Government Shall be assess'd on the Polls & Estates in the manner that has hitherto been practised, in order that Such Assessments may be made with equity, "There Shall be a Valuation of Estates within the Commonwealth taken anew once in every Ten Years at the Least & as much oftner as the General Court Shall Order." By the Second Section of the same Chapter, *The Senators* are to be elected by the Districts; who are to be proportioned upon them according to the Taxes paid by such Districts and the Inhabitants of the Several Towns (as also of unincorporated Plantations which are Taxable) having the requisite Qualifications of Voters, are to have a Voice in electing them — Now as the Senate are elected by the People & represent them as they have a joint power with the other branch to order a general Valuation whenever it Shall be taken; as they have a joint power, also, expressly to Impose & Levy proportional Assessments & taxes in order to which, it seems necessary that they should judge of the Rectitude of the Proportion by which such *Assessments* & Taxes, are to be Regulated; I conclude that the Senate must have a Right to examine the Lists of Valuation returned, and adjust the same for themselves, or to Concur in such Adjustment: and that whether it be considered as an Act of Legislation, or only as a necessary step to Legislation in Imposing proper proportional public Taxes; the Latter of which I am rather inclined to think *as to Originating* the enquiry into the Lists of Valuation — the clause that directs "that all Money Bills Shall Originate in the House of Representatives" does not appear to me to relate to it. For I suppose a Money Bill to be a Bill Imposing a direct Tax on the People; which the enquiry into the Lists of Valuation & settling the same, cant so properly be said to be, as it may be called the settling a Rule of Proportion by which each Branch of the Court will be Governed . . . when they proceed to pass Money Bills. If this be the case, then there being no other clause in the Constitution establishing a Precedence in this particular, the right of both Branches must be equal —

An Objection to what I have said, may arise from the Practice of the House of Representatives under the former Government, who solely settled the Valuation, in exclusion of the Council. But as

that Practice arose probably from a supposed Resemblance of the Council to the House of Lords in the British Government, who are not elected by the People, and do not represent them, but are a distinct Body, having a distinct Interest from the People, I apprehend no Application can thence be made to a Government framed upon a Plan so different and popular as ours is — As to that clause in the said fourth Article — Viz' "While the public Charges of Government or any part thereof shall be assessed on *Polls* & Estates in the manner that has hitherto been practised" It does not appear to me to relate to the former Practice of the House in settling the Valuation Lists — but to the Mode of raising Government charges Viz' upon Polls & Estates, rather than by Duties & Excises and by other methods than by a General proportional Tax upon the whole People —

I am your Honors most Obed^t Humble serv^t

WILL^m CUSHING.

OPINION OF NATHANIEL P. SARGEANT.

To the Honorable Senate of the Commonwealth of Massachusetts

Pursuant to your Honors directions, I have endeavoured to consider the subject mentioned in your Honors resolve as fairly and fully as the very short time allowed me would permit . . . perhaps If I had heard all the arguments that have been made use of, I might be of a different Opinion — but in Obedience to your Honors command, I must now express my mind on the Subject as clearly as I am capable of.

It seems necessary in the first place to consider whether this *Settlement of a Valuation*, is an Act of Legislation or not? It appears to me not to be an Act of Legislation, but the framing of a *Rule* to direct or assist in Legislation — The difference between a rule & a Law, is this, the Latter is Binding, & has an Obligatory Force in it, & the other has not. *The settlement of a Valuation only*, binds no Body; for while it rests there, no duty or Obligation is laid on the people; — And the Legislature cannot be bound by it, for they may alter or destroy it at pleasure. Therefore it appears to me, to be *only a Rule* to assist in Legislation. — The Act for making enquiry into the Estates of the Inhabitants is to be considered as an Act of Legislation because it *Obliges* the Assessors to give in a List of Estates in the Towns they belong to; and Obliges the Inhabitants to give in their Estates to the Assessors. — And in that view, and considered as *determining the subjects of taxation*, it may be considered as a Money Bill, and ought by the Constitution to Originate in the House of Representatives — in the same manner ought a *Tax Bill* for *collecting money from the several Towns* to be understood as a Money Bill, because these may strictly be considered as

Laws or Acts of Legislation ; but a Rule to Legislate by is of a different nature. By the Constitution, "the General Court" consisting of a Senate & House of Representatives, are to Impose "and Levy *proportional* and reasonable Assessments Rates & Taxes upon all the Inhabitants of, and Persons resident & *Estates* lying within the Commonwealth."— Now in order to do *that duty* it is necessary that the Senate & House of Representatives should know the Number of *Inhabitants* and *persons Resident* and *Estates* lying within the several Towns &c. in the Commonwealth, which can be only found by the Returns from the several Towns ; and no Senator or Representative can be satisfied that he Imposes a *proportionable Assessment* on any Town, unless he knows the *proportion of Persons & Estates* in the whole Commonwealth, and he has no *right* to Impose any but *Proportional Assessment*, so that it appears to me that the Senate & House of Representatives have an *equal right* to the Returns from the several Towns to form a *rule* for themselves respectively to *Legislate* by & *Impose Proportional Assessments*— whether the Public would be best serv'd by the Senate & House of Representatives joining in forming such a Rule, is a Question of expediency, which I apprehend does not belong to us to determine. If I am right in what I have advanced, the Clause in the Constitution, "that Money Bills shall Originate in the House of Representatives" does not apply because that respects *Acts of Legislation* only, as appears by the Clause Immediately after, that "the Senate may propose or Concur with Amendments" I apprehend the Ancient Usage can but have little Weight, because by the last mentioned Clause it appears to be Intended to make an alteration in former Usages. Formerly the Council were not Immediately the Representations of the People, but were subject to a Regal Negative— Now the Senate are Representatives of Larger, as the House are of smaller Districts— But why there was so strict an adherence to that rule then, I never was able to comprehend, the similarity between the House of Lords in England, and our Council, was not so great as to Warrant it— The last clause in Chapter first, Section first "That while the Public charges of Government, or any part thereof shall be assessed on Polls and Estates in the manner that has hitherto been practised" does not appear to me to have Weight, because the words "hitherto practised" seem to refer to the *Subjects of Taxation* only, & not to the manner of proportioning the Taxes on *those Subjects*, for the same clause directs "that a Valuation of the *Estates* shall be taken every Ten Years at least that the Assessments may be made with equality" upon those subjects. I have considered it as my duty to deliver my sentiments with Frankness, and trust your Honors will excuse my Freedom in Consideration that duty is of superior Obligation to Politeness. Remain your Honours most obedient Serv^t

NATHL. PEASLEE SARGEANT.

OPINION OF DAVID SEWALL.

May it Please the Honble Senate

In Obedience to the directions of the Honorable Senate of the twentieth Instant, respecting the Settlement of a rule of Valuation, I beg leave to Observe, that the power & Authority the Council of Massachusetts Bay held under the Charter of William and Mary, respecting Money matters were supposed to be Limited to a bare Assent or dissent; from the Idea, that the Representative Body were confined to the persons Immediately Elected by the People in their several Towns: these Deductions were doubtless drawn from the Analogy, between the great & General Court of Massachusetts Bay, and the Parliament of Great Britain— Therefore Precedents under the Charter upon similar Occasions, are no more a rule of Conduct now, than the similarity of the House, & Senate, under the present Constitution as to their Mode of Appointment, to the House of Commons & House of Lords in Great Britain. It was Supposed that the Grants of Money were the free Gifts of the people at large by their Representatives, & that there was a degree of unfitness or impropriety in other persons interfering in the *Quantum* or *manner* of making them. The Senate by the Constitution, are as much the Immediate Choice of the People, as the members of the House of Representatives & are apportioned on the several Districts they come from, in proportion to the Taxable Property contained in the District, and here it may not be amiss to observe that unincorporated Plantations (several of which are Taxed) have no immediate Voice in appointing a Representative at the General Court, unless the Senators for the District, in which such unincorporated Plantations are situated are the Representatives. The General Court of Massachusetts by a Paragraph in the fourth Article of the first chapter are Impowered “to Impose & Levy *Proportional* and reasonable assessments Rates and Taxes upon all the Inhabitants of, and persons resident, & Estates lying within the Commonwealth” And in another Paragraph in the same Article, it is Provided, that in Order that such Assessments may be made with equality, there shall be a Valuation of Estates taken anew once in every Ten years at the least, and each House having a Negative on the other, seems to make them equally Intitled to all the Documents necessary to make Proportional Assessments, upon the Rateable Property Taxed— By the seventh Article in the third Section “All Money Bills shall Originate in the House of Representatives, but the Senate may propose or concur with Amendments, as on other Bills” The settling a Valuation list, or an enquiry into the rateable Property of the Government, seems to be a previous Business, to the Originating a money Bill, & unless the Senate have a Voice in this enquiry, how can they as one Branch of the Legis-

lature, Impose & Levy *Proportional* Assessments The fixing an Invoice or Valuation of Property, that is or ought to be Taxable, does not appear to me to be Originating a Money Bill in the sense of the Constitution: for after such a Valuation is settled and finally adjusted, even on the supposition that both Houses join or Concur in doing it, no money is Raised Levied or Granted by it. I do not therefore at present see any Unconstitutional Impropriety in the two Houses joining in fixing and adjusting the Valuation which in other words is drawing a Comparison from the Returns made into the Secretary's Office, between the Ability of one Town & another in the Commonwealth to pay Taxes. But in case the two Houses cannot agree to join in such enquiry, each House has an equal right to enquire for itself — I am most respectfully your

Honors Obedient Humble Serv^t

DAVID SEWALL.

OPINION OF JAMES SULLIVAN.

To the Honorable the Senate of the Commonwealth of Massachusetts May it Please your Honors

Being served with a copy of a Resolution of both Houses of the Legislature, the Preamble whereof sets forth, that the House of Representatives are of Opinion that it is their exclusive right and duty, to Originate an inquiry into the returns made from the several Towns, and Plantations, for the purpose of settling a Valuation & finally to conclude upon the Proportion of rateable Property of each Town and Plantation in the State, & that the Senate conceive, that by the Powers given them in the Constitution, they have equal right & concern with the House, in compleating the settlement of a Valuation. And the Resolution directs, that the Judges of the Supreme Judicial Court, shall deliver in writing, to both Houses of the Legislature upon this day, their respective Opinions upon the above Question. I am very sensible of the Honor done to the Bench, by the command of the Legislature in this Instance — but am obliged to say, that in a Question so Complicated, and by such Magnitude, I could have Wished that a longer space than two days had been allowed me.

In the Address of the late Convention to their Constituents, it is expressly said, that the Senate are designed as the Representatives of the Property of the State; but that Address being an Act, neither Originating with, or Concurred by the People, it can be no part of the Constitution. Nevertheless, the Provision that the Number of Senators from each District, shall be in proportion to the Taxes there paid, strongly holds up the same Idea. The Constitution Provides that the Legislature shall "Impose and Levy, reasonable, and Proportionable Assessments, Rates, & Taxes upon all the Inhabi-

tants of, and persons resident, & Estates Lying within the Commonwealth." That "all Money Bills shall Originate in the House, but (that) the Senate may propose, or Concur with Amendments as upon other Bills." And that "while the public charges of Government, shall be Assessed upon the Polls, and Estates, in the Manner that has hitherto been practised, in Order that such Assessment may be made with Equality, there shall be a Valuation of Estates within the Commonwealth taken anew once in every ten years at the least : and as much oftener as the General Court shall Order." Upon these Clauses I conceive that the Question must be determined. The Taking a Valuation, in its first Progress is but an enquiry where the rateable property is : and here the entire Powers of Legislation are to [be] drawn into exercise, in the first place to declare what Species of Property shall be subject to Taxation, and Secondly, to direct the Mode of Investigating, where that Property is, or what proportion of it is held by each Town, and to compel a Compliance in the Subject with such Mode as they are pleased to direct ; And this I think is well supported by the Clause which provides for the taking a Valuation. But when the Evidence of what property is held by each, shall be returned to the Office of the Secretary, it is to be arranged and Adjusted, not by an Act of Legislation, but as a Basis whence a due proportion of Taxes may arise upon each Town. If this was to be done by a Solemn & formal Act of Legislation, it would become Indispensibly necessary in every Alteration in subsequent Taxes, to have a solemn and formal repeal of it, unless when a succeeding Tax Act should differ, it might be deemed a repeal of that part of the Valuation with which it Militated ; and this would render the Valuation an Act of very chargeable & fickle Existence — And so fluctuating is Property, that unless Taxes follow each other in very rapid Succession, there must be many Alterations in each.

The Settlement of a Valuation cannot be an Act of Legislation, because nobody is bound by it ; it relates to nobody but the two Houses, who can recede from it severally, when they Please. A Legislature cannot make Laws to Bind itself as such, and a Valuation before a Tax Act is past cannot lay an Obligation upon any Person whomsoever. And hence it appears that a Valuation, although Agreed upon by both Houses cannot be anything more, than a Mode of Conduct, to which they have both assented. And cannot be the Originating of a Money Bill, because the moment a Bill is Originated it must begin to Exist, and a Valuation may Exist forever without a Tax Act. And there fore as it is no Act of Legislation I can find no necessity arising from the Constitution, of its being the Act of both Houses as a Legislature, but nevertheless, as no Bill for Taxing the People can be passed without the concurrence of the Senate, & as the Constitution hath made it their *duty* as one Branch of the Legislature to see that the Assessment of

Taxes are proportionate and reasonable, they ought before they Act, to have such Evidence laid before them, as will Induce a Belief that the Tax Originated by the House, is Proportionable upon the Towns according to their Share of Property: which Evidence cannot be had in the Senate consistantly with the Claim of the House. For if the House is finally to settle and conclude upon the Proportion and solely to possess the Documents, and Evidence returned, in pursuance of an Act of the whole Legislature; the Senate must Act without due Light, and Information, & thereby be rendered dependent upon the House. The Constitution provides fully as I apprehend, against this Inconvenience, for the Senate may propose an Amendment in a Money Bill, which power cannot be Confined to the form of the Act alone, but must be extended to every part of the Bill. And they must be supposed to Act understandingly, and their Understanding, if they Act as an Independent Body, must arise from the returned Lists of Property, and not from the Arrangement, or Opinion of the House upon those Lists.

I am therefore of Opinion, that the Determination of what property shall be Liable to Taxation, & the Settlement of the Mode of Obtaining Evidence, of what Quantity of such Property each Town is possessed, are Acts of Legislation, and must be done by both Houses: and that when such Evidence is Lodged in the Secretary's Office, it is by force of the Constitution as other Documents & papers are, subject to the Controul of both Houses, and either may Order the Secretary to lay them upon their Table. But as the Arrangement of them, into what is called a Valuation, in Order to determine the proportion of Tax to be Assessed upon each Town is merely a Mode of acquiring Light from & rectifying Mistakes in the Evidence I can see no Necessity arising from any part of the Constitution, of its being an Act of both Houses of a Legislature, but they may from the Documents, make separate rules of proportion for themselves respectively.— Although it might be more convenient to do it jointly.

JAMES SULLIVAN.

The report of the joint committee appointed to consider these opinions, and "report the principles on which the valuation shall be taken," is given in 1780, January session, Chap. 228, Laws and Resolves . . . 1780-81, p. 359. The opinions are published in Massachusetts Reports, 126, Nov. 1878-May, 1879. (Supplement.)

PROCLAMATIONS.

Nov. 8, 1780.

FOR THE FIRST NATIONAL THANKSGIVING.

By his Excellency

JOHN HANCOCK, ESQ.

Governor and Commander in Chief in and over the Commonwealth of
Massachusetts.

A PROCLAMATION

FOR A DAY OF THANKSGIVING.

Where as it hath pleased Almighty God the Father of all Mercies, amidst the Vicissitudes and Calamities of War to bestow blessings on the People of these States which call for their devout and thankful Acknowledgements; more especially in the late remarkable Interposition of his watchful Providence, in rescuing the Person of our Commander in Chief, and the Army from imminent Dangers, at the moment when Treason was ripened for Execution; in prospering the Labours of the Husbandmen, and causing the Earth to yield its Increase in plentiful Harvests; and above all in continuing to us the Enjoyment of the Gospel of Peace.

I do therefore, by and with the Advice of the Council, recommend to the good People of this Commonwealth, to set apart THURSDAY the Seventh Day of DECEMBER next (*the Day recommended by the Congress to all the States*) to observe as a Day of Public Thanksgiving and Prayer:—That all the People may assemble on that Day to celebrate the Praises of Divine Benefactor,—to confess our Unworthiness of the least of his Favours,—and to offer our fervent Supplications to the GOD of all Grace, that it may please him to pardon our heinous Transgressions and incline our hearts for the future to keep all His Laws,—to comfort and relieve our Brethren who are in any wise afflicted or distressed,—to smile upon our Husbandry and Trade,—to direct our public Councils,—and lead our Forces by Land and Sea to Victory,—to take our illustrious Ally under His special Protection and favour our joint Councils and Exertions for Establishment of speedy and permanent Peace; to cherish all Schools and Seminaries of Education; and to cause the Knowledge of Christianity to spread over all the Earth.

Given at the Council-Chamber in Boston, the Eighth Day of November, in the Year of our Lord One Thousand Seven Hundred

and Eighty, and in the Fifth Year of the Independence of the United States of America.

JOHN HANCOCK.

By His Excellency's Command,

JOHN AVERY, *Sec'y.*

GOD save the people of the UNITED STATES.

Nov. 2, 1780.]

EMPOWERING ALL OFFICERS TO CONTINUE IN THE EXERCISES OF
THE TRUSTS REPOSED ON THEM TILL OTHERWISE ORDERED.

COMMONWEALTH OF MASSACHUSETTS

By His Excellency

JOHN HANCOCK, ESQ.

Governor of this Commonwealth, and Commander in chief of the Army and Navy, and of all the Military Forces of the State by Sea and Land.

A PROCLAMATION.

Whereas by the new Constitution of Government, the good People of this Commonwealth has been pleased to appoint me Governor and Commander in chief, in and above the Commonwealth of Massachusetts; which appointment hath been declared by the Honorable Senate and House of Representatives the Twenty-fifth of October last, and published,

I have thought fit, by and with the Advice of Council, to issue this Proclamation; hereby empowering and requiring all Officers to continue in the Exercise of the Trusts reposed in them by their respective Commissions until further Order. And all Persons concerned are required to conform themselves accordingly.

Given at the Council-Chamber in Boston, this Second Day of November, in the Year of our Lord One Thousand Seven Hundred and Eighty, and in the Fifth Year of the Independence of the United States of America.

JOHN HANCOCK.

By his Excellency's Command,

JOHN AVERY, *Sec'y.*

God save the United States of America.

Dec. 16, 1780.

REQUIRING THE PUNCTUAL ATTENDANCE OF THE GENERAL COURT
FOR THE SECOND SESSION.

COMMONWEALTH OF MASSACHUSETTS.

By His Excellency JOHN HANCOCK, Esq; Governor and Commander in Chief, in and over the Commonwealth of Massachusetts.

WHEREAS *the General Court of Commonwealth of Massachusetts, began and held at Boston, upon Wednesday the Twenty-fifth Day of October last, stands adjourned to Wednesday the third Day of January next, to meet at said Boston:—And whereas Business of the most important Nature renders it necessary that the said Court meet at the Time to which it stands adjourned:*

I do therefore require the punctual Attendance of the said General Court, at the Time and Place aforesaid. Whereof all the Members of the said Court are requested to take Notice and conform themselves accordingly.

Given at the Council Chamber in Boston, the Sixteenth Day of December, in the Year of our Lord One Thousand Seven Hundred and Eighty, and in the fifth year of the Independence of the United States of America.

JOHN HANCOCK.

By His Excellency's command.

JOHN AVERY, *Sec'y.*

Jan. 3, 1781.]

PROROGUING THE GENERAL COURT TO THE DAY FOLLOWING THAT
TO WHICH IT STOOD ADJOURNED.

COMMONWEALTH OF MASSACHUSETTS.

By his Excellency JOHN HANCOCK Esq' Governor and commander in chief in and over the Commonwealth of Massachusetts

A PROCLAMATION FOR PROROGUING THE GENERAL COURT.

Whereas the General Court of this Commonwealth aforesaid standing adjourned unto Wednesday the third day of January Instant at 10 oClock in the forenoon—and by reason of the Inclemency of the Weather the members of said Court are probably prevented in giving their attendance this day

I have therefore thought fit to prorogue the General Court of this Commonwealth and the said Court is accordingly prorogued to Thursday the fourth of January Instant at 10 oClock in the morning to meet at the State House in Boston—whereof all the members of said court are required to take Notice and govern themselves accordingly.

Given at the Council-Chamber in Boston the third day of January, in the year of our Lord One thousand & seven hundred and Eighty-one, in the fifth year of the Independence of the United States of America.

JOHN HANCOCK.

By his Excellency's command,

JOHN AVERY, Secy.

Jan. 9, 1781.]

COMMANDING THE APPREHENSION OF CERTAIN PRISONERS OF WAR,
IN ACCORDANCE WITH A RESOLVE OF THE GENERAL COURT.

THE COMMONWEALTH OF MASSACHUSETTS.

A PROCLAMATION.

Whereas a Resolve passed the General Court this Day for apprehending all Prisoners of War that have been captured by any armed Vessels of the United States, and have not taken Arms against the King of Great Britain under the Countenance and Direction of the Authority of said State :

I Do therefore in Consequence of said Resolve Command all Officers Civil and Military within this Commonwealth, without Delay, to apprehend all Prisoners of War within their respective Jurisdictions, of the Discription above-mentioned, and confine them in the County Goals ; and said respective Goal keepers are required where such Prisoners shall be confined, to deliver them without Loss of Time to the Comissary of Prisoners at Boston, in order that they may be duly exchanged for our Brethren who are now suffering the most rigerous imprisonment in the Hands of the Enemy.

Given at the Council-Chamber in Boston, the Ninth Day of January, in the Year of our Lord One Thousand Seven Hundred and Eighty-one, and in the Fifth Year of the Independence of the United States of America.

JOHN HANCOCK.

By his Excellency's Command,
JOHN AVERY, Sec'ry.

ELECTIONS

OF OFFICERS OF THE COMMONWEALTH.

CHOICE OF THE FIRST LIEUTENANT GOVERNOR UNDER THE CONSTITUTION.

Elected by the Senate from candidates chosen by the House of Representatives, there having been no choice by the returns of the towns.

The joint committee appointed to examine the returns of the towns in the Commonwealth for governor and lieutenant governor having reported that there was no choice for lieutenant governor the two Houses proceeded to the choice of a lieutenant governor "in the method pointed out by the Constitution."

Oct. 27, 1780.

From the Senate journal.]

Major Goodman came up with a Message from the Honble House to desire the Senate would send to the House a List of Candidates for a Lieutenant Governor for the Commonwealth of Massachusetts — Hon^l James Prescot Esq^r went down with a List of the Candidates accordingly, Hon^l James Bowdoin, James Warren, Art^r Ward, and Azor Orne Esq^r, attested by the secretary.

House journal.]

Ordered, That Mr. Lowell, Capt Ward, & Col^o Glover be a committee to collect, sort & count the Votes for two Candidates for the place of Lieutenant Governor, who reported that they had attended that service & that the Hon^l James Bowdoin & Azor Orne Esq^r had a majority of Votes, whereupon it was ordered that Mr. Lowell, Col. Dawes, Col Little, Major Goodman, Col^o Glover, Cap^t Higginson, and Captain Ward wait on the Honble Senate with a copy of the same.

Senate journal.]

John Lowell Esq^r, Col^o Dawes, Sam^l Ward, & Major Goodman, Col^o Glover and one other came up with a Message from the Honble House to inform the Senate that they have by Ballot elected the Hon^l James Bowdoin & Azor Orne Esq^r as Candidates for Lieu^t Gov^r of the Commonwealth of Massachusetts and were further directed to lay a List of said candidates upon the Table of the Senate.

Ordered, That the choice of a Lieu^t Gov^r be by Ballot and that Jabez Fisher and James Prescot Esq^m be a committee to collect & count and sort the votes for the Choice of a Lieu^t Governor for the Commonwealth of Massachusetts out of the Candidates elected by the Honble House agreeable to the Constitution, and to report to the Senate the Election that shall be made, who reported that the Number of Votes were 25 and that the Honble James Bowdoin Esq^r had 24 Votes and was accordingly chosen Lieu^t Gov^r of the Commonwealth.

Ordered, That Samuel Holten, Jabez Fisher, Moses Gill, Tim^o Danielson and Nathan Cushing Esq^r be a committee to wait upon the Honble House to inform them that the Senate by Ballot agreeable to the Constitution elected the Honble James Bowdoin Esq^r Lieu^t Governor of the Commonwealth of Massachusetts and were further directed to lay the same upon the table of the House.

Later the same day a joint committee was appointed “to acquaint the Honble James Bowdoin Esq^r of his being chosen Lieu^t Gov^r . . . and desire his attendance at the Council Chamber.” On the 31st the following letter was received from him declining the election :

BOSTON, Oct. 31, 1780.

To the Honorable the Senate and House of Representatives of the Commonwealth of Massachusetts Honorable Gentlemen,

By your Message yesterday, and a letter from the Secretary, I am acquainted that you have been pleased to elect me Lieutenant Governor, and a Senator, of this Commonwealth; leaving it optional with me, as I presume, to accept of either.

I have a due sense of the honour conferred upon me, which has excited in me the warmest sentiments of respect and gratitude to your honorable body. But it is my misfortune, and at this time especially I think it a great one, that by reason of a continued ill state of health, I am under a necessity to decline accepting the office, both the one and the other, to which, by your favour, I have had the honour to be elected. The recent and repeated experience I have had of the bad effect of attention to public business, has furnished me with the fullest evidence of the unfitness of my engaging in it, and the duty I owe to the public forbids me to engage in it while my health continues in so precarious a state. To this I would add, that in case my health had been no bar to it, I should have been under some difficulty about accepting either office, although conferred by so respectable a body as the General Court, if there be any reason to suppose from the returns of the votes of the several towns, that the acceptance would not be approved by the good people of the State; whose good will, without any regard to their suffrages, it would give me the highest satisfaction to merit.

To say so much on a subject merely personal, would greatly need an apology at another time, but at the present it may be proper, in order to explain the reason of my conduct, which I cannot but persuade myself your goodness will approve.

Most devotedly wishing the new Government may be succeeded by effecting the best good of the Commonwealth, I have the honour to be, with every expression of regard, honourable gentlemen,

Your much obliged, and

Most obedient humble ser^{vt}

JAMES BOWDOIN.

Nov. 2, 1780.

Senate journal.]

Ordered, That the Secretary lay a List of the Candidates for Lieu^t Gov^r of this Commonwealth upon the table attested by him — he laid a List of the same accordingly.

John Bliss Esq^r went down to the Hon^l House with a List of the Candidates viz. the Honble James Warren, Azor Orne, Artemas Ward, and Thomas Cushing Esq^r for Lieu^t Governor attested by the Secretary, and was directed to lay the same upon the Table of the House.

Nov. 7, 1780.

Mr. Austin and four others came up with a Message from the Hon^{ble} House to inform the Senate that they have by Ballot elected the Hon^{ble} James Warren and Azor Orne Esq^r as Candidates . . . and were further directed to lay a list of said Candidates upon the Table of the Senate.

Ordered, That the choice [etc.] be by ballot and that Israel Nichols & Edward Cutts Esq^m be a committee to collect, count and

sort the votes [etc]— who reported that the number of Votes were 19—and that the Hon^{ble} James Warren Esquire had 12 Votes & was accordingly chosen Lieu^t Gov^r of this Commonwealth.

A committee was appointed, as before, to wait upon the House to inform them of the Senate's action; and on the following day a joint committee was appointed to wait on Mr. Warren and acquaint him of his appointment. On the 10th the following letter was received from him:

BOSTON, Novem^r 10th, 1780.

Sir,

I Beg leave to make my acknowledgments to the Hon^{ble} Senate and the House of Representatives, for the Great Honor done me by Electing me Lieutenant Governor of this Commonwealth, at the same time that I feel with great Sensibility that Gratitude that is due to them, & my Country on this Occasion, it will give me pain to be obliged to decline an Honor which I owe more to their partiality than to my own merits.

My Local Situation being more than forty miles distant from the Seat of Government would make it Inconvenient & difficult to give such constant attendance as my country might expect, but this is personal, & therefore less regarded by me than Injuries or Inconveniences to the public by my Acceptance of this Honorable Appointment. I am now a member of the Navy Board, where two of three are necessary to Constitute a Board & render their Acts valid, if therefore it be Incompatible to serve in that office while I should be Lieutenant Governor (as is supposed) my own honor & the Justice I owe the public require me to Excuse myself from Accepting the appointment now offered me, to prevent a Total Suspension of business in that department, and in this Alternative, I rely on the Candor of my Country, to Justify the refusal I now make; permit me further to add, that I am so far from feeling any disaffection to the present administration of Government as the Insinuations of Malice & Intrigue have Industriously circulated without doors, that I sincerely wish every Blessing & happiness to those who are in the several departments, and as I am determined on all occasions to Treat them with every mark of respect due to their characters & rank, so I shall make it my Business so far as my abilities & Influence can extend to Support the Administration of Government here in every Instance where it shall be exercised Agreeable to the Constitution & to the Advantage of the people.

I have the Honor to be Sir
with the greatest respect for the
two Houses

Your Honors most
obed^t hum^{ble} Serv^t

J. WARREN.

Hon^{ble} Jeremiah Powell Esq^r.

The above letter was referred to a joint committee who reported (Nov. 11) that they "have considered the same, and by the Contents it appears to your Com^{tee} That the General has with Great Delicacy Declined accepting the office of Lieutenant Governor, further your Com^{tee} are of opinion that had he accepted said office (by the most fair & natural construction of the Constitution) his office at the Navy Board must have been Considered as vacated; which is humbly submitted."

Nov. 11.

Senate journal.]

Mr. Austin came up with a Message from the Hon^{ble} House to request a List of candidates for a Lieu^t Gov^r for [etc.] might be sent to the House.

John Bliss Esq^r went down to y^e Hon^{ble} House with the same, viz the Honorable Artemas Ward, Azor Orne, Tho^s Cushing & Jos^h Powell Esq^r.

Nov. 13.

Major Goodman and 5 others came up from the Hon^{ble} House with a list of candidates [etc.] viz. the Hon^{ble} Artemas Ward & the Hon^{ble} Thomas Cushing Esq^r.

Nov. 14.

Ordered, That Samuel Niles & John Bliss Esq^r be a committee to collect, count and sorth the votes for [etc] — who reported that the number of Votes were 19 and that the Honorable Thomas Cushing Esq^r had 14 Votes and was accordingly chosen Lieutenant Governor of this Commonwealth.

On Nov. 29 the committee appointed to acquaint M^r Cushing of his election reported verbally “that they had waited upon his Honor & he informed them that as he had just got to town from Hartford he would be glad that the Com^{te} would inform both Houses of his desire that he might have a little time given him previous to his answer.”

On the 30th the Secretary came into the Senate to communicate a letter from him accepting his appointment; whereupon a joint committee was appointed to request his attendance at the Senate Chamber “at 12 oClock to-morrow to take & subscribe the declaration & Oaths or affirmation prescribed by the Constitution previous to his executing the office of Lieu^t Gov^r of the Commonwealth to which he is elected by the Senate & House of Representatives.”

Dec. 1.

Senate journal.]

Samuel Phillips Esq^r went down with a Message to the Hon^{ble} House to inform them that the Hon^{ble} Thomas Cushing Esq^r was in the Senate Chamber, & was ready to take the Oaths prescribed by the Constitution, and to desire the attendance of the House in the Senate Chamber to hear him take said Oaths required and to see him subscribe the same.— the Hon^{ble} House attended accordingly and the Oaths were administered by the Hon^{ble} Jer^r Powell Esq^r President of the Senate — After which Jos^s Henderson Esq^r Sheriff of the County of Suffolk made Declaration of the appointment of the Hon^{ble} Thomas Cushing Esq^r Lieu^t Governor of the Common-

wealth of Massachusetts, agreeable to the order of the Houses, from the Balcony of the State House.

CHOICE OF NINE COUNCILLORS.

Oct. 27, 1780.

From the Senate journal.]

Cap^t Wales came up with a Message from the Honble House to acquaint the Senate that they were now ready to proceed to the Choice of Nine Councillors agreeable to the Constitution in the Same Way and manner that they proceeded to the choice of senators [to fill vacancies] yesterday.

Nath^l Gorham Esq^r went down with a Message to the Honble House to inform them that the Senate were also ready to proceed to the choice of Councillors in the way and manner prescribed by the Honble House — the Senate attended accordingly.

Ordered, That the Hon^{ble} Increase Sumner & Abr^m Fuller Esq^m John Lowell, Jonathan Greenleaf & John Fessenden Esq^m be a committee to collect count and sort the votes of the Senate together with the votes of the House for Nine Councillors to advise the governor in the Executive part of Government agreeable to the Method prescribed by the Constitution, and to report to the Hon^{ble} Senate & House the several elections that shall be made —

Ordered, That where it shall appear that more than two Councillors are chosen in any one County the Majority of Votes shall determine the choice.

The Committee reported that “the Number of Votes were 181 and 91 make a Vote — And that the

Hon^{ble} Thomas Cushing had 175 for the County of Suffolk

Honble Samuel Holten had 176 }
Azor Orne Esq^r had 158 } for the County of Essex

Honble James Prescot[t] Esq^r had 117 for the County of Middlesex

Honble Timothy Danielson had 102 for the County of Hampshire

Honble Nathan Cushing had 171 for the County of Plymouth

Honble Walter Spooner had 163 for the County of Bristol

Honble Benjamin Chadbourne had 118 for the County of York

Honble Moses Gill had 159 for the County of Worcester

The Senate after the above choice retired to the Council Chamber.

Oct. 28.

The Secretary by order of the Honble Senate went down to the Honble House with a letter directed to him from the Honble Gentlemen (excepting the Honble Thomas Cushing) who were yesterday appointed Councillors to advise the Governor in the Executive part of Government, which he was directed to read to the House & lay the same upon their Table.

Samuel Osgood Esq^r went down with a Message to the Honble House to inform them that the Councillors appointed to advise [etc] were ready before the House & Senate to take the Declaration & Oath prescribed by the Constitution if agreeable to the Honble House.

Major Goodman came up with Message from the Honble House to inform the Senate that they were ready to proceed to administer the oath prescribed [etc] to the Councillors elect in the Representatives Room & that the usual seats were assigned to the Honble Senate—they attended accordingly & the oaths were administered by the Honble Thomas Cushing Esq^r President, & after subscribing the same they retired to their own Room.

Ordered, That the Secretary inform his Excellency the Governor that the Councillors elected have accepted of the appointments to advise him in the Executive part of government & to give him a list of those gentlemen who have qualified themselves.

Thomas Cushing accepted by letter Nov. 2 and qualified the same day.

FIRST SECRETARY UNDER THE CONSTITUTION.

Oct. 27, 1780.

From the Senate journal.]

Col^o Dawes came up with a Message from the Hon'ble House to inform the Senate that they were ready to proceed to the Choice of a Secretary for the Commonwealth of Mass^{ts} in the same way and manner as they proceeded to the choice of senators and councillors if agreeable to the Honble House.

Azor Orne Esq^r went down with a Message to the Honble House to Inform them that the Senate were also ready to proceed to the Choice of a Secretary agreeable to the foregoing proposal of the House—the Senate attended accordingly.

Ordered, That the same Committee who were appointed to Collect, count, and sort the Votes for Councillors be a Committee to collect, count, and sort the Votes for a Secretary of the Commonwealth and report, who reported that the Number of Votes were 175 and 88 make a vote, and that John Avery jun^r Esq^r had 158 Votes and was Accordingly Chosen—Then the Senate retired to their room.

Oct. 28.

John Avery ju^r Esq^r took this Day the Declaration and Oaths or affirmation required by the Constitution to the Secretary Elect the same being administered to him by the President of the Senate in the presence of the Senate agreeably to a Resolution of the General Assembly passed this day.

60 1780.—ELECTIONS OF OFFICERS OF THE COMMONWEALTH

The text of the Resolution was as follows: "*Resolved*, That the President of the Senate be and hereby is impowered in presence of the Senate to administer the Declaration & Oaths or Affirmations required by the Constitution of the Secretary elect."

Approved, Oct. 28, 1780.

MAJOR GENERALS OF MILITIA.

April 20, 1781.

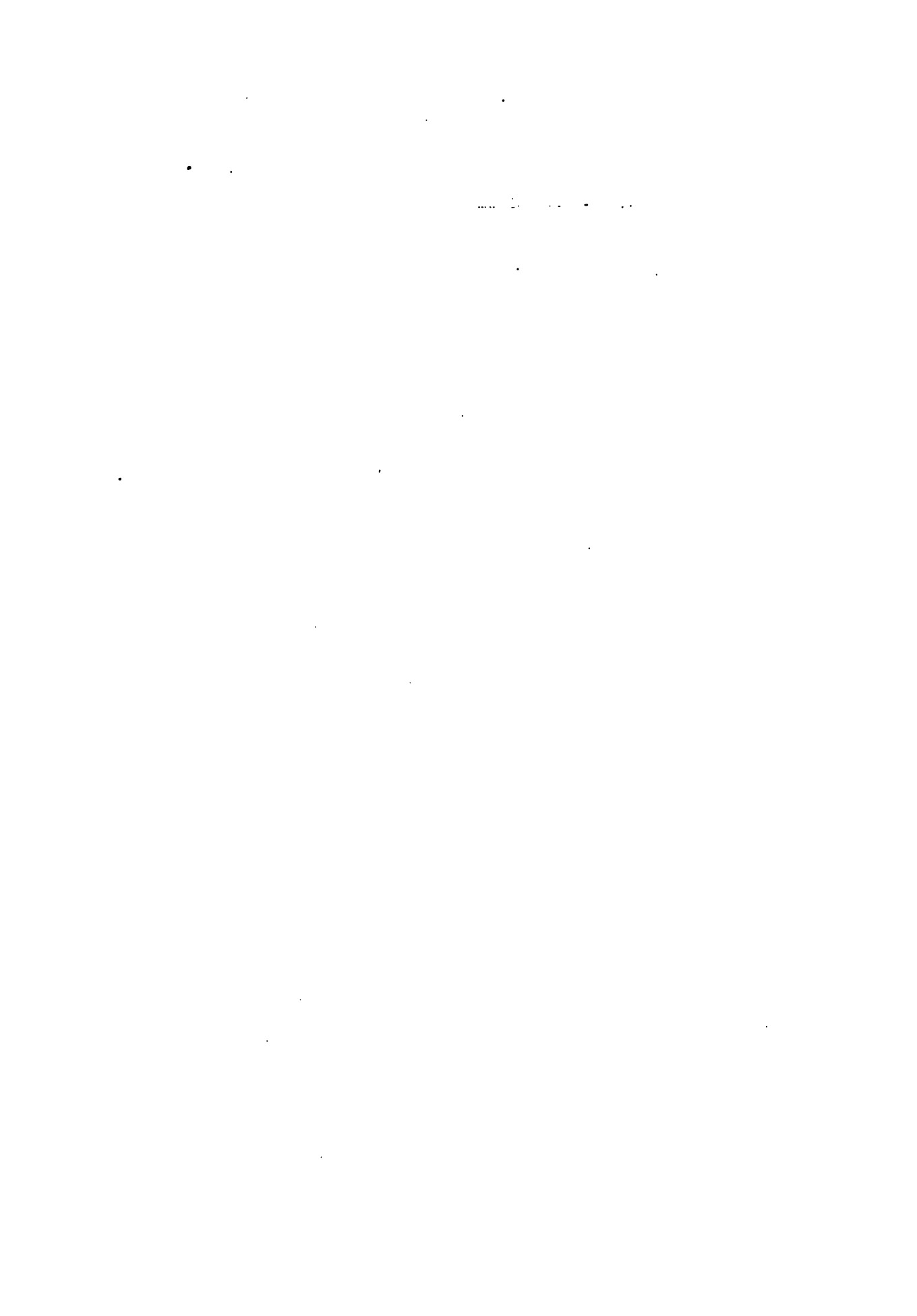
From House journal.]

The House agreeable to assignment proceeded to chuse three major Generals in this Commonwealth . . . [the committee appointed to collect, sort and count the votes] returned that the Hon^{ble} Oliver Prescott, Timothy Danielson Esq^r, and Jonathan Titcomb Esq^r were chosen.

On May 8 the Senate chose Michael Farley, Oliver Prescott, and Timothy Danielson, in which action the House concurred on the 10th. This election is recorded as Chap. 158, in 1780, April session, Laws and Resolves . . . 1780-81, p. 452.

RESOLVES, ADDRESSES, MESSAGES,
LETTERS, PROCLAMATIONS

MAY 30, 1781, TO MAY 10, 1782



1781.

RESOLVES

OF THE

General Court of the Commonwealth of Massachusetts.

[BEGINNING MAY 30, 1781 : ENDING MAY 10, 1782. FOUR SESSIONS.]

1781. MAY SESSION.

BEGUN AND HELD AT *Boston*, IN THE COUNTY OF *Suffolk*, ON
WEDNESDAY THE THIRTIETH DAY OF *May*,
anno domini, 1781.

Chap. 23a.]

I.

RESOLVE PERMITTING JONATHAN WOODBERRY OF NOVA SCOTIA, NOW RESIDING IN BEVERLY, TO GO TO NOVA SCOTIA AND RETURN WITH HIS FAMILY AND EFFECTS, HE TAKING THE OATH OF ALLEGIANCE TO THE STATE, AND GIVING BOND CONDITIONED THAT HE WILL NOT CARRY OUT OF THE STATE ANY EFFECTS OTHER THAN SUCH AS ARE NECESSARY FOR HIS SUBSISTENCE ON THE VOYAGE.

On the Petition of Jonathan Woodberry of the Province of Nova Scotia but now Residing at Beverly in this Commonwealth. Praying that he may have license to Return to Nova Scotia to bring up his family and effects,—

Resolved, That the said Jonathan Woodberry be & he is hereby permitted to go into the province of Nova Scotia, & to return into this State with his family & effects, provided that the said Woodberry shall, before some Justice of the peace within this State, take the Oath of Allegiance to the same, & shall convey such Justice's certificate of the same to the Secretary of this Commonwealth, and shall also give bond to the Treasurer, with two sufficient sureties, in the sum of One thousand Pounds condition'd that he will not

carry out of this State any effects, other than such as are necessary for his subsistence on the voyage.

Approved June 11, 1781.

Chap. 43a.]

II.

VOTE APPROVING THE ORDER DIRECTING THE SECRETARY TO PROCURE PRINTED COPIES OF THE RESOLVE FOR COMPLETING THE QUOTA OF MEN FOR THE CONTINENTAL ARMY, AND FOR THE COLLECTING AND SECURING THE MEN REJECTED OR MUSTERED OUT, FOR THE USE OF THOSE TOWNS THAT ARE DEFICIENT THEREIN.

Ordered, That the Secretary be directed to procure five hundred printed copies of the Resolve of the Gen^l Assembly for compleating the quota of men for the Continental Army; and five hundred Copies of the Resolve providing for collecting and securing the Men rejected or mustered out of the Continental army; for the use of those Towns that are difficient therein.

Also, Two hundred & fifty Copy's of the Resolve for raising five hundred Militia, for the Service at Rhode Island—for the use of the several Brigadiers within this Commonwealth.

June 18, 1781.

Chap. 43b.]

III.

RESOLVE ON THE PETITION OF JOHN BANE DIRECTING THE DELIVERY OF A QUANTITY OF PROVISIONS IN CONSIDERATION OF HIS HAVING SUPPLIED THE TROOPS OF THIS STATE AT FRENCHMAN'S BAY.

On the Petition of John Bane,—

Resolved, That the Commissary Gen^l of this Commonwealth deliver s^d Bane eight hundred weight of Salted Beef & Sixty Six Bushel of Indian Corn or the Value of s^d Corn in Flour or rice in Consideration the s^d Banes having Supply^d the Troops of this State under the Command of Co^l Campbel, at Frenchmans Bay with the affors^d quantity of Provision as appears by Col Campbels Certificate.

Approved June 18, 1781.

Chap. 75a.]

IV.

RESOLVE REQUESTING THE GOVERNOR TO FORWARD A LETTER FROM THE GENERAL COURT TO THE DELEGATES IN CONGRESS, RESPECTING THE PRESENT STATE OF THE PAPER BILLS OF CREDIT.

Gentlemen

The present State of the paper Bills of Credit is such & the Embarrassments we begin to feel from it so great & those we fear so much greater, that the two Houses of Legislature of this State have appointed us a Committee to write to you on the Subject—The Plan recommended to us by Congress in their Resolve of the eigh-

teenth of March 1780 was immediately adopted by us, & every Measure taken to carry it into perfect Effect; two Circumstances attended the Measure at first which proved greatly injurious to us; altho Congress seemed to be perfectly acquainted with past Depreciation, they did not appear to attend to the natural Progress of it in future; they supposed that their Resolve would immediately stop its Course & that the state of the old Bills & Silver & Gold would remain the same for several Months, while their Resolve was traversing the Continent, to be considered by the several State Legislatures, to be adopted by some doubted of by some, & rejected by others, but in this they were altogether mistaken, the Depreciation went on from 40 to 70 before the new Bills reached Massachusetts; Congress had inseparably united their old Currency with it at 40 per 1; 70 of the old was but equal to a Silver Dollar, of Course 2 new Bills were but of little more Value; this produced a very great Loss to our State in the first Emission of the Money, as we are bound to redeem & intend so to do as if it had been of the same Value it purports to be — another Error or accidental discussion in Congress took Place, notwithstanding we furnished them in Season with an Act of Legislature for calling in the old Money, they delayed to send us the new Bills so long, that a very considerable Sum of the old which we had received into our Treasury to be exchanged for it, was necessarily issued again, & our Taxes which would have sunk the whole, by this Means proved inadequate; however we have persevered; five Eights of it has been actually exchanged more than one eighth is collected for that Purpose, & the remaining fourth has been & is every Day received by our Collectors, our Agents for purchasing Beef, & our Agents for the Sale of the Effects of Absentees; the Measures of Finance which we had adopted had procured such a Stability to the Currency, that no Depreciation had taken Place for several Months; if the other States in the Union had pursued similar Measures we should have been safe, & we have no Doubt they would long before this Time have experienced the happy Effects of it themselves; but the Reverse has happened, & unless Congress interposes, & vigourously & immediately supports its own Measures, we shall be unretrievably ruined; we are already deeply wounded; immense Quantities of the old Bills have been thrown in upon us from Pennsylvania & the other southern States, we have the whole Proportion of Connecticut where it passes not at all, & probably a great part of that of some other States; we should not complain of its being brought here in the usual course of Trade, & the temporary effects would not alarm us; if the other States had redeemed their Proportion of these Bills we should have been satisfied; but instead of it, they continue to Emit bills of their own and so rapidly depreciate, like Pennsylvania and other States the old Money, or refuse it any currency like Connecticut, & then suffer

their Inhabitants to deluge us with Floods of it, & here purchase our valuable property we feel sore indeed; it is the opinion of our best judges that the whole personal property of this State has lessened one fourth Part within six weeks and what we have lost has been added to the property of the Inhabitants of these delinquent States.—When we consider that the only Advantage our neighbours have over us in this matter arises of their neglect of the Measures of Congress which by their own Solemn Acts of Legislature they plighted themselves to pursue, & by our Adherence to these Measures, we think it necessary to propose to you to lay this Matter immediately before Congress; our Respect for them, our wish to have the same Respect extended thro' the World, as well as continued here, in addition to the great Evils we labour under, influences us to ask their immediate Attention to this Affair; the Surplusage of this Money in the Hands of our People must not die there, nor be redeemed but at the Rate we have redeemed our Own, they are loudly clamorous at the apprehension of it, & a Delay will operate, as to them, in the Same Manner as a Refusal, for they cannot lay it up and wait the Issue of Slow Measures; We have lying on our Table an Act for finishing the Redemption of our Proportion of the old Bills at a short Day, & preventing their Currency here afterwards, but we are delicate on the Subject, it is the Money of Congress, & it is they & not we that ought to interfere; we are also doubtfull as to the Expediency of issuing more of the new Money; four tenths of it goes to the continental Treasury; more than two hundred thousand Pounds solid Money have we charged ourselves with the Debt of & they have rec^d it to their loss; shall we nearly double this Sum by proceeding, while the other States are free from such a Burthen; the system of March not only provides for the Redemption of the old Money, but for the loan of the new, the other States must therefore either immediately furnish their Part or we must be considered as having advanced so much beyond them towards the present Requisitions for 1781; we can never agree to be so disproportionately burdened with a heavy Expence, & have it thrown into the Mass of unadjusted Matters to be settled hereafter; when we speak of the other States we do not mean those where the Enemy are ravaging, & who are by that Means rendered unable to answer the Calls on them, we are willing to take our full share of their Burthens upon us; One of our greatest Difficulties we have not yet stated: as Things now stand, our new Money is in a most hazardous State; every private & publick Effort will be made to save it, for if its credit is not preserved, after the many Precautions & Measures we have taken to secure it, all our Credit will go with it — if we keep our Faith & hereafter redeem it while that loses its Credit when emitted, we are at once involved in an enormous Debt [without?] any Benefit from it, & such a Debt, in addition to

our other Difficulties will make our people despair ; to preserve this Credit, we must beg your unremitted attention to one Matter, the Interest of this Money, if demanded, is by the Resolve of Congress to be paid annually at the several Loan offices ; it will doubtless be demanded, if it be only as an Experiment to try the punctuality of Congress as to the Matter, & to determine the Degree of Faith to be put in their promises as to these Bills ; if it is not paid the whole Currency will be annihilated at a Blow, & the greatest Confusion ensue ; we should not have feared the timely Attention of Congress to this Matter, if twelve Months from the Time when the Money was proposed to have been issued had not already passed, & no Bills are arrived ; fortunately we fixed the Period of this Payment to the first of August at which Time nothing can atone for a Neglect if any shall unfortunately happen ; it must not happen ; our Peace & Safety greatly depend on this Point — let the Legislature be advised as soon as possible of the Measures of Congress on this Subject, our People look with Impatience for their Determination.

We are also instructed to mention to you that in Consequence of a Delegation from the Massachusetts Line of the Army, we have agreed with them as to all their Demands for Services in the year 1780, & on the Method of Payment we wish effectual Care may be taken to prevent their receiving it from any other Quarter, & that any Requisitions on the State for this purpose may be discharged accordingly ; if any Monies have been drawn from us therefore either from the Loan Office, or otherwise, that it may be passed to the Credit of some of the Requisitions on us for Cash for the current year — We have likewise large calls on us from the General & from Mr. Pickering, the Quarter Master General, & from other officers at the Head of Departments ; Some Method must be taken to give us Credit for them on the present Demands ; we cannot agree to their passing into the Sinking Fund ; we are sufficiently alarmed at the disproportionate Supplies made the last & present year, for if *we* do not furnish more than what we are called on to supply, if other States furnish less or none at all, we are injured in a very high Degree.

Resolved, That the names of the Committee who wrote the letter of which the foregoing is a copy, be annexed to the said Copy ; & his Excellency the Governor is hereby requested to forward the same by express to the Delegates of this State in Congress, for which purpose he is requested with advice of Council to draw money from the Treasury.

June 25, 1781.

The committee to report a form of letter, as appointed by the House June 11, 1781, consisted of John Lowell, Leonard Jarvis, and Colonel Timothy Robinson. On June 18 Henry Higginson was joined.

By Resolve of July 2 following [Chap. 104, Laws and Resolves . . . 1880-81, pp. 681, 682] the governor was desired to forward this letter "by the next post, and not by express, any request to the contrary notwithstanding."

Chap. 75a.]

V.

RESOLVE DIRECTING THE AGENT OF THIS COMMONWEALTH TO RESTORE TO PHILIP HODGKINS THAT PART OF SAID HODGKINS'S FISHING BOAT, WITH HER APPURTENANCES AND STORES, WHICH MAY BE IN HIS CARE.

On the Representation of Phillip Hodgkins [of New Bristol, Frenchman's Bay] Shewing that in the month of May last, he fitted out his small Fishing Boat of about Ten Tons burden for the Passamaquodiam Fishery, for the purpose of obtaining means wherewith to support his family, but unfortunately, she was not furnished with any papers, and for want thereof, she was taken by the State Ship Mars Cap Nevins.

Resolved, That the agent of this Commonwealth be, and he is hereby Directed, to Restore to the said Phillip Hodgkins that part of his Boat with her appurtenances and Stores which may be in his care.

Approved June 25, 1781.

Chap. 75b.]

VI.

RESOLVE REQUESTING THE GOVERNOR TO SIGN THE FOREGOING LETTER TO THE PRESIDENT OF CONGRESS [ON THE SUBJECT OF THE OLD AND NEW BILLS OF CREDIT], IN THE NAME AND ON BEHALF OF THE GENERAL COURT, AND TO FORWARD THE SAME BY EXPRESS.

Sir

The Legislature of this State lately wrote their Delegates at Congress on the Subject of the old & new Bills of Credit; The Insurmountable difficulties we meet with, in every Step we attempt to take towards complying with the requisitions of Congress, oblige us to forward by express a copy of that letter, which we have directed them to lay before Congress, and to urge their immediate attention to the same.

It gives us the greatest pain to find that our supplies of beef have not been regular, and we are filled with Anxiety from an apprehension that they are now at a Stand;—a Tax was issued by the Legislature, immediately on receipt of the requisition for beef, which was payable either in beef or money,—the price was such, that had the money continu'd in the State in which it had been, for many Months before the passing the Acts, the sum proposed would have been amply sufficient, to enable our Agents to purchase the full quantity of beef required, but, unfortunately, just at the period of payment, the credit of the old bills received such a shock, by large Sums being brought on a Sudden from other States into this, that the money in the hands of our public Officers almost instantly lost one half its value, & consequently the sum collected, proved altogether inadequate for the purpose intended;—The blame therefore, that would otherwise have been chargeable on us, is now due to

those States in the Union, who have not made seasonable Provision for calling in their proportion of the old money.

We are still determined to take every measure in our power that the Requisitions you have made, may be effectually complied with,—the Success of these measures will be greatly influenced by the determination of your honorable body, relative to the redemption of the old money and payment of interest on the new;—We have therefore directed our Delegates to detain the express, till they have the result of your deliberations on the Subject: We cannot doubt the attention of Congress to see that no part of the Community be permitted to suffer by their punctuality, and that the embarrassments, which, in consequence thereof we are now suffering, may be removed.

Resolved, That his Excellency the Governor be & he is hereby requested to sign the foregoing letter to the President of Congress, in the name & on behalf of the General Court;—and also to forward the same by express, for which purpose, he is requested with the advice of Council to draw money from the Treasury.

June 25, 1781.

Chap. 92a.]

VII.

RESOLVE ON THE PETITION OF JONATHAN GREENLEAF ESQ^R RESPECTING SETTLEMENT OF BALANCE DUE FOR BUILDING THE "PROTECTOR."

On the Petition of the hon^r Jonaⁿ Greenleaf Esq^r,—

Resolved, That the Board of War receive back from the said Greenleaf the Receipt he received of the said Board in the Name of the Treasurer in Favour of Mark Fitz Collector for Newbury Port being the Ballance due to him for building the Protector, and that the said Board return the same Receipt to the Treasurer of this Commonwealth, and that the said Board settle with the said Greenleaf and make him such an Allowance for Depreciation on the said Ballance as to them shall appear just and equitable—he the said Greenleaf having given said Board a Receipt in full to them notwithstanding.

Approved June 28, 1781.

Chap. 166a.]

VIII.

RESOLVE ON THE MEMORIAL OF NATHANIEL FOSTER GRANTING HIM FORTY-FIVE POUNDS OF THE NEW EMISSION AS COMPENSATION FOR HIS EXTRA SERVICES IN THE TREASURER'S OFFICE.

On the Memorial of Nathaniel Foster praying for an Allowance as a Clerk in the Treasurers Office for Extra Services,—

Resolved, That there be paid out of the Treasury of this Common-

wealth to the said Nathaniel Foster the sum of forty five pounds in Bills of the New Emission, as a Compensation in full for his Extra Services in said Office to this date.

Approved July 6, 1781.

Chap. 166b.]

IX.

RESOLVE CONTINUING ALL MATTERS PENDING IN THE PRESENT SESSION OF THE GENERAL COURT, TO THE NEXT SITTING OF SAID COURT.

Resolved, That all papers, matters and things that are pending in the General Court this present Session, shall be continued over, have day, & be acted upon at the next sitting of y^e s^d Court.

July 6, 1781.

1781. SEPTEMBER SESSION.

BEGUN . . . ON WEDNESDAY THE THIRTIETH DAY OF *May, anno domini*, 1781; AND FROM THENCE CONTINUED, BY PROROGATION, TO WEDNESDAY THE 12TH DAY OF *September* FOLLOWING, AND THEN MET AT THE SAME PLACE, BEING THE SECOND SESSION OF SAID COURT.

Chap. 182a.]

X

ORDER OF NOTICE ON NATHANIEL JENNISON AND OTHERS OF THE TOWN OF BARRE, TO SHOW CAUSE ON THE SECOND WEDNESDAY OF THE NEXT SESSION, WHY THE PETITION OF A COMMITTEE OF SAID TOWN FOR A CONFIRMATION OF AN ADJUSTMENT OF TAXES MADE BY A COMMITTEE OF SAID TOWN SHOULD NOT BE GRANTED.

On the petition of a committee for the Town of Barre praying for a confirmation of an adjustment of taxes made by a committee of said Town, and a remonstrance against the same by some inhabitants of the same town,—

Resolved, That the petitioners be directed forthwith to notify Nathaniel Jennison & others [remonstrants] to shew cause on the 2d Wednesday of the next session why the prayer of the petitioners should not be granted.

Sept. 24, 1781.

Chap. 184a.]

XI.

RESOLVE REQUESTING THE GOVERNOR TO GIVE EARLY NOTICE TO THE PRESIDENT OF NEW HAMPSHIRE OF THE CONTENTS OF GEN. HEATH'S LETTER OF THE 17TH INST. SO FAR AS RELATES TO THE MOVEMENTS OF THE ENEMY IN CANADA.

Resolved, That his Excellency the Governor be and he is hereby requested to give as early Notice as may be to the President of the State of New Hampshire of the Contents of General Heath's Letter of the 17th inst., so far as relates to the Movements the Enemy may be making in Canada.

Sept. 24, 1781.

Chap. 184b.]

XII.

RESOLVE REQUESTING THE GOVERNOR TO ORDER THAT NO GUARDS OR PARTIES OF SOLDIERS BE PERMITTED TO DISTURB THE GENERAL COURT WHILE SITTING, BY THE DRUM OR FIFE, AND THAT THE SAME BE OMITTED ON LORD'S DAY.

Resolved, That his Excellency the Governor be and he hereby is requested to order that no Guards or Parties of Soldiers be permitted to disturb the General Court while sitting, by the Drum or Fife, and that the same be omitted on Lord's Day.

Sept. 25, 1781.

Chap. 190a.]

XIII.

RESOLVE REQUESTING THE SENATORS FROM THE SEVERAL COUNTIES AND THE REPRESENTATIVES FROM THE TOWNS WITHIN THE SAME RESPECTIVELY, TO ADJUST THE PROPORTION OF THE TAX TO BE ASSESSED ON THE TOWNS, AND LAY THE SAME BEFORE THIS COURT.

Resolved, That the Members of the several Counties together with the Towns within the same respectively, do consult together if they see meet and adjust the proportion of Tax to be assessed on the Towns within their respective Counties, and lay the same before this Court for Consideration and Acceptance —

Sept. 28, 1781.

Chap. 224a.]

XIV.

RESOLVE AUTHORIZING THE GOVERNOR TO FURNISH MONS. DE L'ETOMBE WITH AN EXEQUATUR OR NOTIFICATION OF HIS QUALITY AS CONSUL GENERAL OF FRANCE.

On the Letter from the President of Congress, inclosing an Act of Congress of the 5th of September 1781 "making known to all whome it may concern that full Credence and Respect are to be paid to Philip Joseph de L'Etombe as Consul General of France for the States of New-Hampshire, Massachusetts, Rhode-Island and Providence Plantations and Connecticut; calling upon said States respectively to furnish the said Mons^r de L'Etombe with their Exequatur or Notification of his Quality,—delivering one Copy thereof to the said Mons^r de L'Etombe and causing another to be published in one or more Gazetts"

Resolved, That his Excellency the Governor be, and he hereby is authorized and requested to furnish the Mons^r de L'Etombe with an

Exequatur or Notification of his Quality as Consul General of France, agreeable to the Act of Congress aforesaid, and cause a Copy thereof to be published in one or more of the Gazetts of this Commonwealth. And it is further Resolved, that the Commission of the Sieur de L'Etombe be recorded in the Secretary's Office within this Commonwealth.

Approved Oct. 15, 1781.

Chap. 238a.]

XV.

ORDER OF NOTICE ON THE TOWN OF SOUTH HADLEY TO SHOW CAUSE ON THE THIRD WEDNESDAY OF THE NEXT SITTING WHY THE PETITION OF THE TOWN OF GRANBY SHOULD NOT BE GRANTED.

Report of the Committee of both houses appointed on the petition and Remonstrance of the Town of Granby. Read & accepted & thereupon

Ordered, That the Consideration of the said Petition and Remonstrance be accordingly referred to the third Wednesday of the next sitting of the General Court; and that the petitioners notify the Town of South Hadley by serving the Town Clerk thereof with an attested Copy of the said petition and this order twenty days at least before the said third Wednesday of the next sitting of the General Court, to shew cause, if any they have, on the said Wednesday why the prayer thereof should not be granted.

And be it further Ordered & Resolved that the operation of the Act of the Commonwealth for altering the dividing Line between the Towns of South Hadley & Granby be and hereby is suspended until the further order of the General Court.

Approved Oct. 18, 1781.

Chap. 238b.]

XVI.

RESOLVE COMMITTING THE ACCOUNTS OF OLIVER PHELPS ESQ^R, SUPERINTENDENT OF PURCHASES OF BEEF, TO THE COMMITTEE FOR STATING AND AUDITING ACCOUNTS, AND DIRECTING THEM TO REPORT A STATE OF THE SAME TO THE GENERAL COURT.

Resolved, That the Accounts of Oliver Phelps Esq^r Superintendent of purchases of beef be committed to the Committee for Stating & auditing the public Accounts who are directed to report a State of the same to the General Court as soon as may be.

Oct. 18, 1781.

Chap. 251a.]

XVII.

ORDER OF NOTICE ON THE TOWN OF GREAT BARRINGTON TO SHOW CAUSE ON THE SECOND TUESDAY OF THE NEXT SITTING OF THE GENERAL COURT,

WHY THE PETITION OF THE SELECTMEN OF THE TOWN OF ALFORD SHOULD NOT BE GRANTED; AND ALSO ORDERING THE TOWN OF GREAT BARRINGTON NOT TO CALL UPON THE TOWN OF ALFORD FOR ANY TAXES THAT HAVE BEEN ASSESSED ON SAID TOWN OR SHALL BE ASSESSED PREVIOUS TO THE SAID SECOND TUESDAY OF THE NEXT SITTING OF THE COURT.

On the Petition of the Selectmen of the Town of Alford,—

Ordered, That the Petitioners notify the Town of Great Barrington by serving the Town Clerk thereof with an Attested Copy of this Petition and order, twenty days at least before the second tuesday of the next Sitting of the General Court that they may shew cause if any they have on the said second tuesday why the prayer should not be granted—and the Town of Great Barrington are hereby ordered not to call upon the Town of Alford for any Taxes that have been assessed on said Town of Alford or that shall be assessed previous to the said second tuesday of the next sitting of the General Court.

Oct. 20, 1781.

Chap. 257a.]

XVIII.

VOTE ACCEPTING THE REPORT OF THE COMMITTEE OF BOTH HOUSES RESPECTING THE STATE'S QUOTA OF THREE AND FIVE MONTHS MEN FOR THE CONTINENTAL ARMY.

The Committee of both Houses, appointed to make Enquiries relating to the three & five month's men, beg Leave to report that they have not been able to ascertain the number of men sent forward to Camp for three months; but from the information they have received, they have no doubt in their minds but that eighteen hundred have marched forward. And as his Excellency General Washington has signified that *that* number wou'd be sufficient, notwithstanding the original Requisition was for twenty seven hundred: the Committee are of Opinion that it is no[t necess]*ary to adopt any measures for making [up de]*ficiencies of men for said three months.

[The]* Committee further report that they find by Enquiry, that the Militia belonging to the Counties of Hampshire and Berkshire, did march to Albany, but since their arrival there, have been ordered down the River, and in regard to the five months men, the Committee conceive that a Resolution passed the present Session of the General Court, for making up their deficiency, renders any further measures unnecessary.

Approved Oct. 23, 1781.

* Manuscript mutilated.

Chap. 264a.]

XIX.

RESOLVE ON THE PETITION OF NATH^L G. MOODY PROVIDING FOR A LICENSE TO HIM TO SELL SPIRITUOUS LIQUORS IN HIS HOUSE IN BOSTON.

On the petition of Nathl G. Moody,—

Resolved, That the prayer of said Petition be so far granted that two of the Justices of the Court of General Sessions of the Peace for the County of Suffolk be and are hereby empowered to grant the said Nath^L G. Moody a Licence to sell Spirituous Liquors in his house in the Town of Boston until the Term for granting Licences for the said County—he first obtaining approbation of the Select-Men and Entering into a recognizance to observe the rules and directions of the Law respecting retailers of Spirituous Liquors.

Approved Oct. 25, 1781.

Chap. 268a.]

XX.

ORDER OF NOTICE ON THE TOWN OF WILBRAHAM TO SHOW CAUSE ON THE THIRD WEDNESDAY OF THE NEXT SITTING WHY THE PETITION OF CERTAIN INHABITANTS TO BE SET OFF AS A DISTINCT PARISH SHOULD NOT BE GRANTED.

On the petition of a number of the Inhabitants of the Town of Wilbraham praying that they may be set off into a distinct Parish,—

Resolved, That Moses Stebbins, one of the Petitioners named in said Petition, be and he hereby is ordered and directed to Notify said Town of Wilbraham by serving the Town Clerk thereof with an attested Copy of the foregoing petition and order thereon twenty days before the third Wednesday of the next sitting of the General Court, then to shew Cause, if any they have, why the prayer of said petition may not be granted.

Oct. 26, 1781.

Chap. 306b.]

XXI.

ORDER OF NOTICE ON JOSEPH BAKER ESQ^R TO APPEAR ON THE THIRD TUESDAY OF THE NEXT SESSION TO MAKE ANSWER TO ALLEGATIONS IN THE MEMORIAL OF LEVI WARREN.

On the Memorial Of Levi Warren Intimateing that Joseph Baker Esq^r Late Purchasing Commissary has Imbezled the Publick Stores Praying that the Matter May be Inquired into,—

Resolved, That Joseph Baker Esq^r be directed to Appear on the third tuesday of the Next Sessions of the General Court to Make Answer to the Allegations Laid against him In the Said Memorial: & that the said Joseph Baker Esq^r be Served With a Copy of the

Said Allegations At least fourteen Days before the Said third tuesday of the Next Sessions of the General Court

& it is further Resolved that the Said Levi Warren be Called upon to Support his allegations & he is Hereby impowered & Directed To Summon Such Evidence as may be Necessary For that Purpose

Nov. 1, 1781.

Chap. 335a.]

XXII.

ORDER OF NOTICE ON THE TOWN OF GOSHEN TO MAKE ANSWER TO AND GIVE THEIR REASONS WHY THE PETITION OF MOSES DRESSER AND OTHERS TO BE SET BACK TO THE TOWN OF CHESTERFIELD SHOULD NOT BE GRANTED.

On the Petition of Moses Dresser and others, praying that they and their Lands and Tenements lately set off from Chesterfield & Incorporated with Chesterfield Gore into a Town by the Name of Goshen, might be set back to the Town of Chesterfield and be seperated from the said Town of Goshen,—

Resolved, that the Petition be so far granted that the petitioners notify the Town of Goshen by leaving an attested Copy of their Petition and this Resolve thereon with the Town Clerk of Goshen ten days at least before the next setting of the General Court that the said Town of Goshen may have oppertunity to make answer to and give their reasons why the prayer of the Petitioners should not be granted on the third Wednesday of the next Setting of the General Court.

Approved Nov. 2, 1781.

Chap. 335b.]

XXIII.

RESOLVE REFERRING ALL PAPERS, MATTERS AND THINGS BEFORE EITHER HOUSE THE PRESENT SESSION AND NOT FULLY ACTED UPON, TO THE NEXT SESSION.

Resolved, That all papers, matters and things that have been before either House of the General Court the present Session and not fully acted upon, be and they are hereby referred to the next Session of the General Court.

Nov. 2, 1781.

1781. JANUARY SESSION.

BEGUN . . . ON WEDNESDAY THE THIRTIETH DAY OF *May, anno domini*, 1781; AND FROM THENCE CONTINUED, BY PROROGATION AND ADJOURNMENT, TO WEDNESDAY THE 16TH DAY OF *January*, 1782, AND THEN MET AT THE SAME PLACE, BEING THE THIRD SESSION OF SAID COURT.

Chap. 338a.]

XXIV.

ORDER OF NOTICE ON THE RIGHT HEIRS OF THE LATE HON^{BLE} W^M DUMMER ESQ^R TO SHEW CAUSE WHY THE MEMORIAL OF CHARLES CHAUNCEY, DOCTOR OF DIVINITY, SHOULD NOT BE GRANTED.

On the memorial of Charles Chauncey DD.,—

Ordered, That Charles Chauncey, Doctor of divinity, be and he is hereby directed to notify the right heirs of the late Hon^{ble} W^m Dummer Esq^r dec'd of the tenor of his the said Chauncey's memorial by leaving with them an attested copy thereof, and of this order, that they shew cause if any they have, as soon as may be, why the prayer of said memorial should not be granted.

Jan. 19, 1782.

Chap. 353a.]

XXV.

ORDER OF NOTICE ON JOHN HALE TO SHOW CAUSE ON THE SECOND TUESDAY OF THE NEXT SESSION WHY THE PETITION OF JEREMIAH PEARSON FOR A TRIAL AT LAW ON THREE ACTIONS OF TRESPASS AGAINST HIM SHOULD NOT BE GRANTED.

On the petition of Jeremiah Pearson praying that he may be admitted to a tryal at law on three Actions of Trespass against one John Hale mentioned in his petition,—

Resolved, That the petitioner serve John Hale with an attested Copy of this petition and order thereon at least fourteen days before the next sitting of the General Court that he may shew cause if any he has on the Second Tuesday of the said next sitting of the General Court why the prayer thereof should not be granted.

Approved Jan. 25, 1782.

Chap. 358a.]

XXVI.

ORDER OF NOTICE ON THE TOWN OF LYNN TO SHOW CAUSE ON THE SECOND WEDNESDAY OF THE NEXT SESSION WHY THE PETITION OF DANIEL MANS-

FIELD AND OTHERS THAT THE NORTH PARISH IN LYNN BE ERECTED INTO A SEPARATE DISTRICT, SHOULD NOT BE GRANTED.

On the petition of Daniel Mansfield and others Committee from the North Parish in Lynn, praying that said North Parish may be erected into a Seperate District,—

Resolved, That the petitioners serve the Inhabitants of the said Town of Lynn with an attested Copy of said petition together with this Order thereon, by delivering it to the town Clerk of the said town of Lynn at least fourteen days before the second Wednesday of the next Session of the General Court, that they may then shew cause if any they have, why the prayer of said petition should not be granted.

Approved Jan. 26, 1782.

Chap. 375a.]

XXVII.

VOTE ACCEPTING THE REPORT OF THE JOINT COMMITTEE THAT THE PETITION OF JAMES NICHOLS, ASSISTANT PURCHASING COMMISSARY, FOR ALLOWANCE FROM THE TREASURY FOR SUMS ADVANCED AND PURCHASES MADE, CANNOT BE GRANTED WITHOUT A PROPER ORDER.

The Committee of both Houses, agreable to their Appointment, have considered the Petition of James Nichols assistant purchasing Commissary to Henry Champion Continental Deputy Commissary General, praying that a Debt due to him for Sums advanced & Purchases made in his aforesaid Capacity for the Use of the United States, and certified by said Champion as due to him, may be paid out of the Treasury of this Commonwealth and also that Depreciation may be allowed & paid him in like Manner for certain Sums of money by him paid on personal Securities which he the said Nichols gave on Account of the aforesaid Purchases; alledging that the said Champion has an order from the Commissioners of Congress upon this Commonwealth for Three Millions of Dollars, dated the 15th of April 1780 and that the Payment of his Debt will be considered as so much paid on the Order aforementioned.

Your Committee are of opinion that the Payment requested cannot be regularly made without a proper order therefor, nor Depreciation allowed without sufficient authority of Congress, neither of which has been produced by the Petitioner, nevertheless considering his peculiar Circumstances your Committee are of opinion that the Petition should lye upon the Table that so the Petitioner may have an opportunity hereafter to produce the necessary orders and also to withdraw such Papers accompanying his Petition as may be necessary for his procuring the same.

Approved Feb. 1, 1782.

Chap. 397a.]

XXVIII.

RESOLVE EMPOWERING THE JUSTICES OF THE SUPREME JUDICIAL COURT TO TRY THE CAUSE OF JAMES DICKSON OF PRESCOTT'S GRANT VS. WM. MANN.

On the petition of James Dickson of Prescott's Grant (so called) setting forth that he commenced an Action of Trespass against W^m Mann in the common pleas at Great Barrington, which cause was carried up to the Supreme Judicial Court, and they stayed by order of the General Court,—

Resolved, That the justices of the Supreme Judicial Court be impowered to try the cause mentioned.

February 8, 1782.

On the 13th inst. the House ordered "that the Secretary lay on the table the resolve relating to Messrs Dickson & Mann if his excellency has not signed the same"; and the following day "Secretary Avery came in and said the resolve he was directed to lay on the table is now before the governor."

Chap. 405a.]

XXIX.

ORDER OF NOTICE ON THE TOWNS OF LANCASTER AND STERLING TO SHOW CAUSE ON THE SECOND WEDNESDAY OF THE NEXT SITTING WHY THE BILL CHANGING THE LINE BETWEEN SAID TOWNS SHOULD NOT PASS INTO A LAW.

On the petition of Cyrus Fairbanks et al Inhabitants situate near the line lately established between the towns of Lancaster and Sterling,—

Order'd, That the Petitioners notify the several Towns of Lancaster & Sterling, by serving their respective Town Clerks with an attested Copy of a Bill now pending in the General Court, intituled "An Act for setting off all the lands belonging to Cyrus Fairbanks & ors, from the town of Sterling & annexing the said Lands to the Town of Lancaster & also for setting off Samuel Thurston & his Lands in the Town of Lancaster, & annexing him & his Lands to the Town of Sterling; & for annexing the Lands of Ebenezer Wilder, lying in Lancaster, to the Town of Sterling," thirty days at least before the second Wednesday of the next sitting of the General Court, then to shew Cause, if any they have, why the said Bill should not pass into a Law.—

Approved Feb. 11, 1782.

Chap. 422a.]

XXX.

RESOLVE ON THE PETITION OF JONATHAN WEBB AND JOSEPH BASS ON BEHALF OF A CLASS IN THE TOWN OF BRAINTREE EXTENDING THE TIME FOR PROCURING A MAN FOR SAID CLASS FOR THE CONTINENTAL SERVICE.

On the Petition of Jonathan Webb & Joseph Bass, in behalfe of a Class N^o 6 in the Town of Braintree, praying that they may have a further time to procure a man for s'd class for the Contenontal Service,—

Resolved, That Said Class be alowd the term of Thirty Days from

the date of this Resolve, to procure a man for the Contenontal three years Service; Said class paying the expence of the Execution Service and he the Superintendente be directed to muster and receive said man and receipt for the Same.

Approved Feb. 16, 1782.

Chap. 447a.]

XXXI.

ORDER OF NOTICE ON EZRA HOUGHTON OF STERLING TO SHOW CAUSE WHY THE PETITION OF FORTUNATUS EAGER AND OTHERS RELATIVE TO A SOLDIER HIRED FOR THREE YEARS, SHOULD NOT BE GRANTED.

On the petition of Fortunatus Eager and others relative to a soldier hired for three years,—

Resolve, directing the petitioners to serve Ezra Houghton Esq^r of Sterling with an attested copy of ye petition to shew cause [why the petition should not be granted].

Feb. 21, 1782.

Chap. 447b.]

XXXII.

ORDER OF NOTICE ON WILLIAM DINSMORE TO SHOW CAUSE WHY THE PETITION OF SILAS CUTLER AND OTHERS IN BEHALF OF THE TOWN OF TEMPLETON SHOULD NOT BE GRANTED.

On the petition of Silas Cutler and others in behalf of the Town of Templeton [relative to a man mustered by Wm. Dinsmore for the town],—

Resolve, directing said Town to serve William Dinsmore Esq^r with an attested copy of said petition, to shew cause [why the petition should not be granted].

Feb. 21, 1782.

Chap. 513a.]

XXXIII.

ORDER OF NOTICE ON A COMMITTEE OF THE PARISH OF BYFIELD TO SHOW CAUSE ON THE SECOND WEDNESDAY OF THE NEXT SITTING WHY THE PRAYER OF THE MEMORIAL OF CHARLES CHAUNCEY DD., SHOULD NOT BE GRANTED.

On the memorial of Charles Chauncey, DD.,—

Ordered, That Charles Chauncy, Doctor of Divinity, be, & he is hereby directed to notify the com^{ee} of the Parish of Byfield chosen agreeable to the Will of the late Hon^l W^m Dummer Esq^r dec'd of the Tenor of his the said Chauncy's memorial by leaving with them an attested Copy thereof & of this order of Court thereon, that they shew cause if any they have on the 2^d Wednesday of the next setting of the General Court why the prayer of said memorial should not be granted.

March 6, 1782.

Chap. 573a.]

XXXIV.

ORDER OF NOTICE ON THE TOWN OF MARSHFIELD TO SHOW CAUSE ON THE SECOND TUESDAY OF NEXT SESSION WHY THE PETITION OF NATHL CLAP AND OTHERS, AGENTS FOR THE TOWN OF SCITUATE SHOULD NOT BE GRANTED.

On the petition of Nathaniel Clap & others, agents of the Town of Scituate relative to the boundary line between the said Town of Scituate and the Town of Marshfield,—

Resolved, That the Petitioners notify the Selectmen or agents of the Town of Marshfield, by serving them with a copy of said Petition, to shew cause, if any they have, on the second Tuesday of next Session of General Court, why the prayer of said petition should not be granted.

March 8, 1782.

Chap. 575a.]

XXXV.

ORDER OF NOTICE ON THE TOWN OF GREAT BARRINGTON TO SHOW CAUSE WHY THE PETITION OF JOHN HILKCOX AND OTHERS OF SAID TOWN SHOULD NOT BE GRANTED.

On the petition of John Hilkcox and others, inhabitants of Great Barrington,—

Resolve, That the petitioners notify said Town of Great Barrington to shew cause [why said petition should not be granted].

March 9, 1782.

1781. APRIL SESSION.

BEGUN . . . ON WEDNESDAY THE THIRTIETH DAY OF MAY, *anno domini*, 1781; AND FROM THENCE CONTINUED, BY PROROGATION AND ADJOURNMENT, TO WEDNESDAY THE IOTH DAY OF *April*, 1782, AND THEN MET AT THE SAME PLACE, BEING THE FOURTH SESSION OF SAID COURT.

Chap. 583a.]

XXXVI.

RESOLVE REVIVING ALL PETITIONS & C PENDING IN THE LAST SESSION TO HAVE DAY IN THE PRESENT SESSION OF THIS COURT.

Resolve, reviving all papers pending in the last session and putting them in the same situation as though a prorogation had not been made.

April 16, 1782.

Chap. 584a.]

XXXVII.

RESOLVE EMPOWERING LEMUEL KOLLOCK ESQ^R TO BEGIN ANY ACTION OR ACTIONS THAT MAY BE NECESSARY, IN THE NAME OF THE COMMONWEALTH, TO OBTAIN A PARTITION OF A CERTAIN TRACT OF LAND IN OXFORD AND CHARLTON.

Whereas, there is a tract of land lying partly in the Town of Oxford and partly in Charlton in the County of Worcester a part of which belongs to this Commonwealth as being lately the Estate of William Brown Esq. and layeth in Common & undivided with the proprietors of the remaining part and a partition of the same is necessary for the obtaining of which a law suit may be necessary,—

Resolved, That Lemuel Kollock Esq. be and he hereby is empowered to commence any Action or Actions that may be necessary in the name and behalf of the Commonwealth seperately or in Conjunction with others Proprietors necessary to obtain a partition of the same according to Law and the same to prosecute to final Judgment and Execution with power of Substitution.

Approved April 18, 1782.

Chap. 606a.]

XXXVIII.

ORDER OF NOTICE ON JOHN BUFFINGTON OF SALEM TO SHOW CAUSE WHY THE PETITION OF CHARLES LE BALLISTER OF BRISTOL FOR REPEAL OF A RESOLVE OF MARCH 7TH LAST SHOULD NOT BE GRANTED.

On the petition of Charles Le Ballister [of Bristol] that a Resolve of March 7th last [removing the trial of the prize schooner Lark to the Supreme Judicial Court] may be repealed,—

Resolved, That said Charles Le Balister notify John Buffington [of Salem] to shew cause [why the said petition should not be granted].

April 26, 1782.

Chap. 617a.]

XXXIX.

ORDER OF NOTICE ON THE HON. TRUSTEES OF HARVARD COLLEGE TO SHOW CAUSE WHY THE PETITION OF GILBERT DENCH SHOULD NOT BE GRANTED.

On the petition of Gilbert Dench [relative to lands of Harvard College].—

Resolve, That the petitioner serve the Honorable Trustees of Harvard College with a copy &c to shew cause [why the petition should not be granted].

April 29, 1782.

Chap. 639a.]

XL.

ORDER APPOINTING A COMMITTEE TO GO TO THE BOUNDARY LINE BETWEEN SITUATE AND MARSHFIELD VIEW THE PREMISES AND HEAR AND EXAMINE

THE PARTIES INTERESTED IN THE DISPUTE CONCERNING THE LINE DETERMINED IN THE YEAR 1730; AND TO REPORT TO THE GENERAL COURT WHAT THEY SHALL JUDGE TO BE A FAIR AND EQUITABLE ADJUSTMENT OF SAID LINE.

On the Petition of Nathaniel Clap and others agents in behalf of the Town of Scituate,—

Whereas Disputes have arisen, concerning the Boundary Line, between the Towns of Scituate & Marshfield, which line was in the year 1730 determined to be, the Channel of the North River (so called), and the said Agents have petitioned that a Committee of General Court may be sent in order to the settlement thereof; due notification of which petition has been given to the adverse party and no objections made, therefore

Ordered, that Cotton Tufts Esq^r Charles Cushing Esq^r and Mr Nathan Mitchell, be and they are hereby appointed a committee to repair to the place view the premises, and hear and examine the parties, with their evidences avouchers, and report to this Court, what they shall judge to be a right and equitable adjustment of the Boundary Line between the Towns beforementioned, the Expences of the said Committee to be allowed & paid as the General Court shall hereafter order.

Approved May 4, 1782.

Chap. 661a.]

XLI.

RESOLVE DIRECTING THE COMMISSARY GENERAL TO FORWARD CERTAIN WARLIKE STORES AND CAMP UTENSILS TO LIEUT COL^o JAMES HUNTER FOR THE USE OF THE TROOPS UNDER HIS COMMAND IN THE EASTERN DEPARTMENT; ALSO EMPOWERING THE SAID LIEUT COL^o HUNTER TO DETACH FROM THE MEN UNDER HIS COMMAND SUCH NUMBERS AS ARE NECESSARY TO MAN ANY VESSEL BELONGING TO THIS COMMONWEALTH AND CRUISING AS A GUARDA COASTA ON THE EASTERN SHORE; ALSO DIRECTING THE FORWARDING OF BEEF FOR THE USE OF THE ABOVE SAID TROOPS.

On Application from Lieu^t Col^o James Hunter for provision & warlike Stores, agreeably to a Resolve of the seventh of March last, for the Troops under his Command in the County of Lincoln,—

Resolved, That Richard Devens Esq^r Commissary General for this Commonwealth be and he hereby is directed to forward to said Hunter, by the first suitable Conveyance, for the use of the Troops under his Command, the articles contained in the Schedule herewith, to be charged to the United States, and to be accounted for by said Hunter. And it is further *Resolved* that the said Commissary be and he hereby is directed to call on Col^o Samuel M^cCobb, who commanded in the Eastern Department the last year, to account for what warlike Stores, provisions and Camp Utensils were delivered the last year for the Use of the Department . . . And it is

further *Resolved* that the said Commissary be, and he hereby is directed to call on the several persons, who have received warlike Stores, provision, and Camp utensils in the County of Lincoln, immediately to account for the same.

Resolved, That the abovesaid Lieu^t Colonel Hunter be, and he hereby is impowered and directed [to] receive what warlike Stores, provisions & Camp utensils of every kind may remain in the hands of any person, who has received them in the County of Lincoln; the said Hunter to become accountable for the same, and to give duplicate receipts Specifying the Articles received, one of which to be lodged in the Secretarys Office as soon as may be —

And it is further *Resolved* that the said Lieu^t Col^o Hunter be and he hereby is directed and impowed from time to time to detach from the men under his Command such numbers as shall be consistent with the good of the service, and as may be requisite to man any Vessel belonging to this Commonwealth, & cruising as a Guarda Coasta on the eastern shore; said men to be detached but for a short and limited time, and to be intitled to equal benefits from prizes taken as the men who belong to the said Vessel . . . And that the Agent for receiving Beef in the County of Lincoln be and he hereby is impowered and directed to deliver Beef for the Use of the abovesaid Troops on application for that purpose from Colonel Hunter, to the amount of fifty Barrels —

May 9, 1782.

Minute in the "Court Record": "The follow^s are the Articles mention'd in the Schedule refer'd to in this resolve. Viz^t.

Guns &c. &c.
 10 Tents 20 Camp Kettles.
 Dragg Ropes, bowls & Buckets,
 Canteens, Knapsacks, Blankets, Intrenching Tools, a few Carpenter's Tools, Axes and Tomahawks, Cartridge Paper, writing paper, Ink Powder, Sealing Wax or Wafers, Soap & Candles — 2 Drums & 2 Fifes, 1 Doct^r Medicine Box, & provisions Whale Boat Nails, Canvass & Pitch —"

Chap. 661b.]

XLII.

ORDER REFERRING THE PETITION OF CALEB AMMIDOWN AND OTHERS OF CHARLTON FOR RELIEF FROM TAXES ON A CERTAIN LOT OF LAND LYING WITHIN SAID TOWN, AND THE RESOLVE THEREON, TO THE NEXT GENERAL COURT; AND DIRECTING THE TREASURER TO STAY HIS EXECUTION TILL THE FURTHER ORDER OF THE GENERAL COURT.

On the petition of Caleb Ammidown and others of Charlton [praying that said town may be relieved in respect of collecting taxes legally assessed upon a certain lot of land lying in said town and known by the name of Brown's Lot],—

Ordered, That the said petition and resolve thereon be referred to the next session of the General Court . . . and that the Treasurer be directed to stay his execution till the further order of the General Court.

May 9, 1782.

1781.

ADDRESSES AND MESSAGES.

1781. MAY SESSION.]

GOVERNOR'S OPENING ADDRESS.

Gentlemen of the Senate & Gentlemen of the House of Representatives :

As the circumstances of the Confederated States of America never requir'd more Prudence & Public Affection, more Firmness & Activity in those who are called by the Suffrages of their Fellow Citizens to Conduct their Public Affairs, than at the present moment, I feel myself happy at such a Crisis in meeting in the General Court the collective Wisdom & Patriotism of this Commonwealth — Many important Matters demand your particular Attention & Application : such of them as it may be incumbent on me to propose, I shall lay before you in successive Messages, & in such arrangement as according to my best Judgment may most conduce to their speedy & regular Completion.

At present, I shall only mention, & cannot forbear to recommend in the most serious & pressing manner to your immediate Attention, the proper & necessary means for the Defence of our free Constitution; against the persevering efforts of a powerful & enraged Enemy, a point which every Friend to our Freedom & Happiness must acknowledge to be of the first Importance, & which cannot but lay with uncommon Weight upon your own Minds. Nothing that I can say upon the Subject will so much add to this Weight as the communications I am now to make to you, particularly from his Excellency General Washington, & from Major General Heath, engag'd by the Commander in Chief upon this Weighty Business, by which you will at once see what is still to be done in this great Business, & the absolute necessity of carrying it into Execution in the most effectual manner & without a moments delay.

Upon this most interesting Point, every thing around us Demands, Gentlemen, your most awakened Attention, your Determined Resolution, & your utmost Exertions, in which, with a Heart warm with Love to my Country, & with Gratitude for the Confidence it continues to Repose in me, I cannot fail to bear my own part, to the Extent of my Ability, & in every way pointed out to me by the Constitution.

JOHN HANCOCK.

Council Chamber June 1, 1781.

The Secretary, in presenting this message, "informed the Senate that as his excellency was indisposed [he] requested that it may be an apology for his not attending upon both Houses in the Senate chamber, and therefore [the secretary] was directed to deliver," it "to both houses of Assembly; & that it was his Excellency's desire that the Letters refered to said Message after having been read by the Senate, they may be sent to the House and that *Secrecy* may be enjoined upon the several members of the Hon^l Senate." [Journal of the Senate, June 1, 1781.]

On the following day, June 2, these records appear in the Senate journal: "The Letters from the President of Congress, Gen^l Washington, & Gen^l Heath w^{ch} accompanied the Gov^{rs} Message delivered yesterday, were read together with the papers accompanying the Same & sent down to the Hon^{ble} House, it was ordered that the purport of these Letters &c be kept a profound secret by y^e Senate." "Mr Robins came up with a Message from the Hon^{le} House to inform the Senate that the House have laid themselves under an Oath of Secrecy respecting the Letter from Gen^l Washington of the 24th inst., & request the Hon^{ble} Senate to do the same, & John Bacon Esq^r went down with Message to inform the Hon^{le} House the Senate yesterday enjoind their members to Secrecy."

1781. SEPTEMBER SESSION.]

GOVERNOR'S OPENING ADDRESS.

Gentlemen of the Senate & Gentlemen of the House of Representatives.

I have directed the Secretary to lay before you several public Letters which I have receiv'd during the Recess & which I recommend to your Consideration; I have receiv'd other Letters which being less Interesting I have reserv'd them to be laid before you in detach'd Messages.

You will observe by the Letters from General Washington & other General Officers the great uneasiness that took place in the Army for want of "the regular Monthly Supplies of the Specific Articles, particularly the Article of Rum, of which there was not a Gallon in Camp. The very earnest Demand for a supply, gave rise to an application from several respectable Gentlemen of both Senate & House, (for it was a matter of very public Notoriety) to call the General Court together. This Application I immediately communicated to the Council, & as it was early after the recess took place, & at a Season that would be exceedingly disagreeable for the Members to be called from their Domestic Concerns, & at the same create a very heavy Expence to the Commonwealth, it was the Unanimous Opinion of Council, in which I was happy to join, that if possible the meeting of the General Court at that time should be prevented, & at the same time the Army be supplied — Upon Consultation with the Treasurer I found there was Money unappropriated which would Answer the purpose; under these Circumstances, & looking upon myself Justifiable upon every Principle, I ventured, with the Unanimous Consent & Advice of Council, to issue a Warrant for Eight hundred pounds in favor of Charles Miller Esq^r the purchasing Commissary for the purchase of Fifty hogsheads of Rum, which Money was expended for that purpose & the charge of Transportation, &

the Rum is gone forward, I flatter myself this Measure, when all its Circumstances are taken into Contemplation will meet your Approbation.

I have the Satisfaction to inform you that from the great Attention given by the purchasing Commissary Oliver Phelps Esq^r the Army is regularly supplied with the Article of Beef, & in sufficient Quantities; & from the exceeding great plenty of that Article there is not the least doubt but the supplies in succeeding Months will be equally regular.

It is with very great Reluctance, Gentlemen, that I am oblig'd to observe that there has been a very strange delay in Detaching & Marching the three Months Men, as also the Men for the Five Months Service at Rhode Island. To this Hour there are not more than three out of the Five hundred arriv'd there that were ordered for that Service. It may perhaps be owing in a good Measure to the unrecogniz'd State our Militia has been in since the Commencement of the present Constitution, & besides, there has been a report Industriously spreading through the State by some designing persons that these Men were not wanted—I have repeated my Orders again & again, & I must recommend to your serious Consideration a Revisal of the Militia Law, or that some Law may be established whereby your Resolutions respecting the Militia shall be more effectually & speedily complied with.

When the Requisition was made for Five hundred men to do duty at Rhode Island, there was no call to furnish Provisions or any other Articles, & the General Court being Silent on the Subject, the presumption with me was that the Continental Departments had furnish'd every requisite; but upon the Arrival of the first Detachment at Newport, there was not the least provision made for the Accommodation of the Troops, & they left the Island. Immediately upon receiving Information of this from the French General, & that he expected an immediate supply, I consulted with the Council, who were of Opinion that the Supplies must be made in the best possible manner. In this Emergency also I was oblig'd to issue a Warrant on the Treasury & the Money was expended for that Service; & I hope when the suddenness of the call, & the pressing necessity for a Supply is taken into Contemplation, that I shall stand acquitted by you, as it was solely done for the Public Good.

You will observe by a Letter from His Excellency Gov^r Trumbull his Apprehensions respecting an Attack upon the State of Connecticut by the British, & his Wish that under those Circumstances some Aid from the Western Militia of this Commonwealth might be afforded him, with a promise that should our Circumstances occasion the Aid of the Connecticut Militia he would immediately order them in. I therefore dispatch'd an Express to Major General Danielson requiring him to Issue his Order to the Militia of the

Counties of Worcester, Hampshire & Berkshire to be in readiness to March upon the call of Governor Trumbull in such numbers as General Danielson should judge necessary.

Not knowing how extensive the plundering Views of our Enemy might reach, & to Guard against them as much as I possibly could, I have given orders for the Militia in the Counties of Suffolk, Essex, & Middlesex, to be in readiness to March at a Moments' Notice of a serious Alarm. I have also order'd several Companies to be in readiness to proceed to the Castle & Governor's Island when call'd for; I have order'd down to the Castle Provision to serve Five hundred Men one Month, & have directed Joseph Baker Esq^r to send here One hundred Barrels of Beef & the same Quantity of Pork; There being no Flour in the Commissary's store, I must recommend to you to make provision for the purchase of a Quantity.

The Letters from Robert Morris Esq^r Superintendent of Finance, being of serious importance, I flatter myself they will meet your early Consideration—The Circumstances of the Widow & Family of the late Worthy General Thomas, being recommended to your Notice by Congress, which you will observe with the other Papers, I need say nothing upon to induce your Attention, as I am convinced the same Generosity of Sentiments will govern in this instance which is so characteristick of the General Court of Massachusetts.

There is one other Matter that I cannot forbear particularly mentioning & warning recommending to you, which is the distress'd Circumstances of the unhappy Citizens of Charlestown, South Carolina, lately arrived with their Families at Philadelphia who from a State of affluence are reduced to great Want. The early, decided, and active part which these Citizens took in favor of the rights of America, the generous Sympathy which they express'd for the Inhabitants of Boston when suffering in this Cause, & the great Distress to which they are now reduced by a relentless Enemy in Violation of plighted Faith, cannot but recommend them in the most forcible manner to your highest Esteem, & most Compassionate Attention.

I shall at all Times be ready to Concurr with you in every Measure tending to promote the Public Good, & shall give all possible Dispatch to the Business you shall please to lay before me.

JOHN HANCOCK.

Boston, Sept. 13, 1781.

SPECIAL MESSAGES.

RESPECTING THREATENED OPERATIONS OF THE ENEMY ON RHODE ISLAND.

IN SENATE, Sept. 21, 1781.

The Secretary came into the Senate & communicated a Letter from Colonel William Turner dated Head Quarters Butts Hill September 19th 1781 (addressed to his Excellency the Governor) together with a Copy of a Letter Signed Andrew Ward to Col^o Parsons at Lyme [with the following message].

Gentlemen of the Senate and Gentlemen of the House of Representatives,

I have directed the Secretary to lay before you Letters from the Governor & Lieutenant Governor of the State of Rhode Island expressing their apprehensions respecting the intentions of the Enemy & calling upon this State for Aid—I doubt not every provision in your power for preventing the Depredations of the Enemy on a Sister State will be made & you may rest assured that I shall Cheerfully concur in any measure that may contribute to their Safety, Peace and Welfare

JOHN HANCOCK.

Sept. 20, 1781.

RESPECTING ADVANCE OF FLOUR FOR TROOPS DURING THE RECESS — ALSO COMMUNICATING A LETTER FROM GENERAL HEATH.

Gentlemen of the Senate and Gentlemen of the House of Representatives,

During the recess of the General Assembly I have been repeatedly applied to by M^r Charles Miller D^y. C : G : of purchases, representing that this Department was destitute of Flour, and requesting that he might be supplied with money to purchase the same. M^r Richardson the Commissary of Issues has made a Representation which accompanies this Message that he has been obliged to borrow of M^r Edward Tuckerman, Baker, a large quantity of Flour in order to prevent the Troops at this post from suffering and the recruits from being detained for the want of Bread. I informed the Deputy Com^y Gen^l that there was not any money at present in the Treasury appropriated for this purpose, that it would be best to prevail with Mr Tuckerman to Continue to supply the Com^{rs} of Issues and I would recommend it to the General Court as soon as they came together to make provision for the reimbursement of Mr Tuckerman & for furnishing him with a Supply of money to procure what Flour might be necessary for this Department. I accordingly most earnestly recommend an immediate attention to this matter, otherways the Credit of Government may suffer greatly.

I have also directed the Secretary to lay before you a Letter which I received yesterday by express from Major Gen^l Heath purporting that the Enemy in Canada have for sometime past been making preparations & that their Designs were apparent to annoy the frontiers of this or some other of the States, which I recommend to your immediate Notice.

JOHN HANCOCK.

Boston, Sept. 24, 1781.

RESPECTING REPAYMENT FOR SUPPLY OF CLOTHING, RUM AND WET PROVISIONS TO THE ARMY DURING THE RECESS.

Gentlemen of the Senate and Gentlemen of the House of Representatives,

In your last Session, on application from the Deputy Quarter Master General, praying to be enabled to transport a Quantity of Cloathing ordered by his Excellency General Washington for the Use of the Army under his Command, you were pleased to pass a Resolution to supply the Quarter Masters Department with the Sum of One Thousand Pounds in State Certificates which certificates in the recess of the General Court were represented as insufficient to accomplish the designed purpose of conveying the much wanted Cloathing to the Army. Therefore upon the representation & the absolute necessity that Rum & wet provisions should be immediately transported to the Army from Springfield, the Council advised me to write to the Selectmen of several Towns in the vicinity of Springfield in the County of Hampshire, also to the Towns of Sturbridge, Sutton, Westboro' and Charlton in the County of Worcester, earnestly recommending to them to afford all the assistance in their power to the Quarter Master in this particular, and that I should assure them that at the then next sitting of the General Court, I would recommend the immediate payment of the Teamers who should cheerfully turn out to relieve the Distresses of the Army at such rates as the Teamers and the said Quarter Master should agree. The Service being thus performed it necessarily becomes my duty that the good people of the Commonwealth on similar Emergencies may not be discouraged in affording their timely assistance to acquaint you, herewith, earnestly recommending that provision may be made for their immediate payment which appearing so necessary and interesting to the Commonwealth, I cannot doubt of the due attention of the General Court to this particular.

I cannot omit reminding you of the Necessity of the Commissary Generals Department being supplied with a Quantity of Flour in order to furnish the Garrison at Castle Island which is now destitute, and more especially the Troops in the Eastern parts of this Commonwealth with that Article as the Commanding Officer in that

Department writes me that he shall be obliged to disband the men for want of Bread.

JOHN HANCOCK.

Sept. 26, 1781.

RESPECTING THE PRESERVATION OF MATERIALS FOR A PARTICULAR AND CLEAR HISTORY OF THE REVOLUTION.

Gentlemen of the Senate and Gentlemen of the House of Representatives,

I cannot omit to lay before you a Letter which I have received from Michael Hillagas Esq^r Member of the Assembly in the State of Pennsylvania, representing the steps that have been taken by the Government of Pennsylvania for preserving the Materials necessary to a particular and clear History of the American Revolution. Upon reading the Letter, you will, I am persuaded, be immediately convinced of the propriety and importance of adopting similar measures in this as well as the other States. Nor need I urge you to Contribute everything in your power towards the perfection of an History, which if just and faithful, must do immortal Honor to the Citizens of these States and to those who have been distinguished by their Confidence in Council and in Arms; An History that must yield uncommon Entertainment to the inquisitive and Curious, and at the same time afford the most useful and important Lessons not only to our own posterity, but to all succeeding Generations

JOHN HANCOCK.

Sept. 28, 1781.

RESPECTING THE ACKNOWLEDGMENT OF PHILIP JOSEPH DE L'ETOMBE AS CONSUL-GENERAL OF FRANCE.

IN SENATE, Oct. 2, 1781.

The Secretary by order of his Excellency the Governor came in with a Message & communicated a Letter from his Excellency Thomas M^cKean Esq^r President of Congress dated Philadelphia September 10th 1781 addressed to his Excellency the Governor inclosing an Act of Congress of the 7th acknowledging the Sieur Philip Joseph de L'Etombe as Consul General of France for New Hampshire, Massachusetts, Rhode Island & Connecticut—

RESPECTING TRANSPORTATION OF CLOTHING AND STORES TO THE ARMY.

Gentlemen of the Senate and Gentlemen of the House of Representatives,

The Secretary will lay before you a Letter Received John Moylan Esq^r Clothier General, inclosing a Copy of a Resolve of Congress of the 18th June last for the regulation of the Cloathing Department.

You will please to take such Order thereupon as you may think will best answer the purpose of Congress, and the good of the service. Mr. Moylan has also applied for assistance in transporting from Boston some cloathing and stores indespensibly necessary for the Army, and the Honorable Robert Morris Esq^r, the Financier General, has requested the aid of this Government upon this Occasion, as you will find by his Letter of the twentieth of September last which will accompany this Message— As the Cloathing is now ready for Transportation, and the Season of the year is fast advancing when it will be absolutely necessary for the Comfort and Security of our Troops, I earnestly recommend this matter to your immediate attention.

JOHN HANCOCK.

Oct. 18, 1781.

REPORTING THE SURRENDER OF LORD CORNWALLIS.

IN SENATE, Oct. 26, 1781.

The Secretary came in with a Message from his Excellency the Governor and communicated a Letter dated Providence 25th inst. 3 o'clock P.M, received p^r Express from Governor Bowen of Rhode Island, addressed to His Excellency the Governor, with the IMPORTANT INTELLIGENCE, of the Surrender of Lord Cornwallis and his Army and then withdrew with the same.

IN THE HOUSE, same day.

The Secretary came in and said that his Excellency had this morning rec'd a Letter by Express inclosing an hand bill containing an account of the surrender of Lord Cornwallis and his whole army of about 9000 men with emmense quantity of stores, several ships of force & about a 100 Transports, to his Excellency Gen^l Washington, which he was directed to read, & he accordingly read the same.

REGARDING THE CASE OF MR. JOHN TEMPLE.

Gentlemen of the Senate and Gentlemen of the House of Representatives,

In consequence of the late arrival here of Mr. John Temple from Great Britain, it was judged expedient that he should be enquired of respecting the reasons and motives that induced his going to England, & continuing there for at least Eighteen months, and then returning to this Commonwealth; accordingly a Summons was issued, and M^r Temple attended, and after being questioned on the Subject, he was desired to give his reasons in writing which was done; and were then taken into Consideration by the Council, and Questions of much magnitude arising, it was thought best to refer

the Case of M^r Temple to the General Court as they were now sitting, and I have received the advice of Council to that Effect, which I have directed the Secretary to lay before you, as also a Copy of M^r Temples reasons. And I am persuaded the General Court will take such Steps as they judge proper in this instance and will adopt such measures as the safety of the Commonwealth, and the peace of its Inhabitants requires and to prevent in future such frequent intercourse with our cruel Enemies during the Continuance of the present War.

JOHN HANCOCK.

Boston Oct. 31, 1781.

RESPECTING RENTAL OF THE HOUSE OCCUPIED BY SAMUEL ADAMS.

IN SENATE, Nov. 2, 1781.

The secretary came in with a message from his Exc^v the Governor & returned a Resolve of y^e 1st inst. ascertaining the sum w^{ch} should be paid by Sam^l Adams Esq^r for the Rent of the House lately occupied by Rob^t Hallowell Esq^r and at y^e same time ded^d from the Gov^r y^e following Message, viz

Gentlemen of the Senate & Gentlemen of the House of Representatives,

The Sec'y has laid before me a Resolve w^{ch} pass'd the two Houses the 1: inst, determining the House lately occupied by Benjⁿ Hallowell Esq^r now dec^d to be the property of Rob^t Hallowell Esq^r an Absentee. I have Reason to think that the House & Land are not the property of Rob^t Hallowell. Under these circumstances it cannot be expected that I should give my sanction to the Resolve until the property is ascertained, lest I should injure the creditors of the late Benjⁿ Hallowell Esq^r.

JOHN HANCOCK.

Boston, Nov. 2, 1781.

John Pitts Esq went down with a message to the Hon^{ble} House to propose an amendment in the Resolve on the mem^o of Sam^l Adams Esq viz to *delete* the words "belonging to" and insert "late in the occupation of." Col^o Thomas came up wth a message from the House to inform the Senate that they agree to the amendment proposed by the Senate in the Resolve referred to in the foregoing Message. [Senate journal.] Later, the Secretary came in with a second message from the Governor, "to inform the Senate that the Attestation of the Clerk of the Senate on the Resolve upon the mem^o of Samuel Adams Esq^r did not remove the Governor's difficulty—and read an article in the Constitution on which he founded his objection."

Subsequently the same day, a resolve providing that M^r Adams "be accountable the sum of £37.10/ for one year & six months house rent & from y^e 1st Oct^r last at the rate of £25 per ann.," passed the Senate, but was non concurred in the House. Thereupon further consideration of the matter was referred to the next session of General Court, when the Resolve of March 6 [Chap. 499 Laws and Resolves . . . 1780-81, p. 896] was passed.

The memorial of M^r Adams above referred to was dated Oct. 10, 1781 and addressed to both Houses as follows:

“Humbly shews

Samuel Adams, that by a Resolve of the General Assembly pass'd March 23^d 1780, he was permitted to continue to occupy the House he then dwelt in, belonging to Robert Hallowell Esq^r an Absentee, for one year after the first day of April following and to allow such Rent therefor as the General Assembly should thereafter order,—that he still continues to occupy the same House, and being desirous of knowing at what Rent he stands, he prays this Honorable Court would appoint a committee of meet persons to determine the same or take such other order as shall be judg'd most proper.” (Signed) S. ADAMS.

1781. JANUARY SESSION.]

PRELIMINARY ADDRESS.

Gentlemen of the Senate and Gentlemen of the House of Representatives,

My Indisposition has prevented my earlier attention to the Business of the Honble Assembly; but being now ready to make those Communications of public concerns which have occurred during the recess and it being my duty as well as inclination from respect to the two houses to make those communications in person;* and as the Chamber allotted for the Governor and Council is so small as not to admit of my meeting the General Assembly in that place, I shall be ready to meet them either in the Senate or Representatives Chamber as shall be most agreeable to the two Houses either this Afternoon or to Morrow Morning—

JOHN HANCOCK.

Jan. 2, 1782.

Upon the reception of the above message Resolve naming the Senate Chamber as the place of meeting [Chap. 341, Laws and Resolves . . . 1780-81, p. 811] was passed. Later in the day's sitting of the Senate “It was mov'd that the Question be put whether when his Excellency the Governor shall come into the Senate Room agreeable to the Vote of the General Court of this Day, the President shall keep the Chair of the Senate—And the Question being put, pass'd in the Affirmative. The President then proposed for the Consideration of the Senate that an Armed Chair shall be prepared for his Excellency the Governor & thereupon it was order'd that an armed chair be accordingly provided:—Upon motion order'd that when the Governor shall come into the Senate Room Jedidiah Preble Esq^r go down to the Hon^{ble} House & acquaint them thereof & that his Excellency is ready to deliver his Communications to the General Court” [Journal of the Senate, Jan. 22, 1781].

On the following day (Wednesday Jan. 23.) the secretary came in with a message “from his Excellency to acquaint the Senate that he had just receiv'd the Vote of both Houses agreing to his proposal for making Communications to them in person, & to attend him for that purpose in this Chamber, but that his bodily Indisposition and the Stormy weather prevents it, & he begs the Indulgence of the two Houses till tomorrow morning eleven o'Clock.” At the appointed hour,

* All addresses and messages had previously been delivered and read by the Secretary.

on Thursday the 24th, "Jididiah Preble according to order went down with message to the House to inform them that the governor is now in the Senate Room, and ready to deliver his communication to the General Court." Whereupon "Mr Robbins came up with Message from the House to acquaint the Senate that the House had informed his Excellency the Governor that when he should give notice when he was ready, the House would wait upon him." Then "Mr. Secretary Avery came in [to the House] and said his Excellency the Governor is in the Chair in the Senate Chamber, and requested the attendance of the House; and the House attended accordingly."

OPENING ADDRESS

Gentlemen of the Senate and Gentlemen of the House of Representatives:—

With particular pleasure I embrace this first opportunity to Congratulate you on the important and Glorious Success with which it has pleased Heaven to crown the Arms of these United States and those of our Illustrious Ally in the reduction of York and the Surrender of Lord Cornwallis and his whole Army. An Event that reflects signal honor upon the Counsel and plans of France and America and upon the skill and bravery of the Leaders and Forces who have so happily executed them, An Event that gives new lustre to the names of General Washington, the Count De Grasse and the Count De Rochambeau and forms an additional ground of Friendship and mutual Confidence between the Allied Nations.—

The pleasing prospect now opening to Our View is in no small degree brightened, by the memorable advancement of Our Armies through many Difficulties in South Carolina and Georgia; a fruit, under the divine smiles, of the abilities, firmness and perseverance of General Greene, and the gallant Officers & Men under his Orders—These Events together with the general face of the War in other Quarters of the Globe, must have their effect in humbling the Power with which we are Contending, and at the same time cannot but raise our own expectations of speedily seeing the Independence, Peace and happiness of these States established upon a solid Basis. But you are sensible, Gentlemen, as I can be, of the fatal Consequences that might still ensue, should We, in this moment of Victory and Joy, abate our vigilance and relax our efforts and thus give a new spring to the hopes and exertions of the Enemy. Our Claims, righteous as they are, have hitherto been supported only by force, not by any impression which their own manifest Justice have ever made upon the minds of our Enemies; and by force, tho' the favor of heaven, must these claims be finally established. The success of Our Negotiations in Europe, those Negotiations by which our Freedom, our rights of Commerce and Fishing, Our honor & happiness, and even our very being as a Nation will be determined, depends not altogether upon reasoning and Address, but greatly upon the strength and good condition of Our Armies in the

Field. The sword must give energy to Justice, & firmness and equity to peace. Our present Situation does therefore at once indispensably oblige and highly encourage us to add fresh Vigour to our Military Operations, immediately to compleat our Quota of the Continental Army with effective Men, and to make every provision that it may be well supplied. Accordingly I shall lay before you Gentlemen, every paper I have received during your recess, respecting this most essential Object, as well as others that concern the Order and Welfare of the State, fully persuaded that you will give every attention and Dispatch to the public Business which Circumstances will allow, and our Constituents have a right to expect; towards which you may be assured, nothing on my part shall be wanting—Gentlemen At the close of the last Session, when you had finished on your part the matters that were before you, a Number of Bills and many Resolves were brought to me with a pressing Desire that I might immediately decide upon them, and give you a recess, Upon this Occasion I found myself embarrass'd between a Desire not to detain you, & the Duty which I owe to the Commonwealth by giving a deliberate Consideration to matters of such length and importance; Your candid attention Gentlemen to this Circumstance in public Business, will I am persuaded, relieve me as much as may be, from any such future Embarrassment

JOHN HANCOCK.

SPECIAL MESSAGES.

COMMUNICATING CERTAIN LETTERS; ALSO RECOMMENDING MEASURES TO SECURE MEN FOR THE CONTINENTAL FRIGATE DEANE.

Gentlemen of the Senate, and Gentlemen of the House of Representatives,

I have directed the Secretary to lay before you some Letters, I have just received, of much importance, particularly from his Excellency General Washington, the object of which is so fully & clearly pointed out, as to supercede any additions of mine; I have therefore only to recommend its important contents to your immediate and deliberate Consideration.

The Secretary will also lay before you a Letter from John Brown Esq^r appointed by the Honble Robert Morris Esq^r Superintendant of Finance to Conduct the naval Department here, representing the Difficulties he meets with in obtaining the Complement of Men for the Continental Frigate Deane; she is in every other Respect fit for the Sea, and is in want of only fifty Men; and as import^t advantages to the United States may result from her early Departure, I recommend the Subject to your Consideration, and shall be ready to concur with you in such measures as shall have the best tendency

to promote those public advantages, in such manner as shall not infringe the Liberties of the people.

JOHN HANCOCK.

Boston, Feb. 8, 1782.

RESPECTING PUTTING THE CASTLE AND OTHER FORTS IN AND ABOUT
BOSTON HARBOR INTO A PROPER STATE OF DEFENCE.

Gentlemen of the Senate & Gentlemen of the House of Representatives

Agreeably to a Resolve of the two Houses of the 27th of Feb^r last requesting that I should order a List of all the articles now wanted to put the Castle & other Forts in & about the Harbour of Boston into a proper State of Defence to be laid before the General Court, I have directed the Secretary to lay before you an abstract of ammunition & Stores wanted for the Castle & Governor's Island.—It is with great pleasure I observe the two Houses have under their consideration, the putting the Castle & other Forts in and about the Harbour of Boston into a proper State of Defence as the Spring is fast approaching the sooner it is done the better and I doubt such measures will be immediately adopted & persued as will effectually answer so valuable a purpose.

JOHN HANCOCK.

Council Chamber March 7, 1782.

RESPECTING THE PROPOSITION FOR A RECESS, AND THE IMPOST BILL.

Gentlemen of the Senate & Gentlemen of the House of Representatives

Having received Information that the Members of the General Assembly are very desirous of having in a Recess this evening, & having a number of the solutions of the Assembly now before me: more particularly an Act entitled an Act for granting to the United States in Congress assembled a permanent Revenue for the purpose of discharging the Debts which have arisen & may arise in prosecuting the War with Great Britain, which require some time for Consideration, I cannot by any means act upon the same in case you expect a recess this Evening. I have some difficulties in my mind with respect to the Impost Bill which I shall not be able in so short a Space of time to State to the Assembly and yet I consider it of so great Importance to the United States that a Bill of a similar nature, should pass that I cannot resque suddenly offering my objection to it lest it should finally fail.—If, therefore Gentlemen, it should be your opinion that it is expedient and necessary that the Court should rise this Week I would Submit to your consideration whether it would not be most eligible to refer the Bill before mentioned to the next Session of the General Court, otherwise I shall be obliged to continue the present Session until I can have more time for the

consideration of public Bills and for stating objections if any should occur.

JOHN HANCOCK.

Boston March 8, 1782.

1781. APRIL SESSION.]

SPECIAL MESSAGES.

RESPECTING THE PETITION OF ISAAC SHERMAN, COM^Y AT DARTMOUTH AND THE RESOLVE THEREON; ALSO THE CALL FOR MEN FOR SOUTHERN SEA-COAST PROTECTION.

Gentlemen of the Senate and Gentlemen of the House of Representatives,

This day a Resolve of the Gen^l Court was laid before me by the Secretary, requesting me to order augmentation of the Garrison at Dartmouth in consequence of a petition from Isaac Shearman Com^Y for the Troops there, which petition holds up to the view of the Gen^l Court that I had taken upon me, contrary to the solemn Resolve of the last year, to reduce the Garrison, which had occasioned the present application. True it is that thirteen of the men doing duty there, were call'd to Boston, but it was done by me in consequence of the request of the Inhabitants of Dartmouth as they had no occasion for them & Guards being wanted at Boston, I availed myself of those men, which made a saving to the Commonwealth, as it is prevented my carrying into effect a Resolve authorizing me to inlist men for the very service these Men at Dartmouth performed here.

With the Letters I laid before the Gen^l Court at the opening of the present Sessions was one from Brig^d Gen^l Freeman requesting that a number of men might be engag'd for a certain term for the protection of the southern sea-coast & I would submit it to the consideration of the honble Court, whether it would not be expedient (should the Court adopt the measure recommended in Gen^l Freeman's letter) to order an additional number from the Militia in Dartmouth to augment the Garrison there, then to send the Men from the Artillery Corps there, more especially as the Court have indulg'd Some of that corps, as well as some of the troops at the Castle, to engage on board the Frigates, which has lessened the numbers of both, & by taking those Men to Dartmouth, there will not be left a Member competent to the duty necessary for the protection of the property of the Commonwealth, & will occasion the addition of Men here at a much greater expence than they could be obtained at Dartmouth for the security of their own Coast. That under the present circumstances I could not with propriety sign the Resolve until I had your further decision upon this Representation.

JOHN HANCOCK.

Boston 20th April 1782

RESPECTING THE CONDUCT OF MR JOHN TEMPLE.

Gentlemen of the Senate & Gentlemen of the House of Representatives,

In consequence of the Resolution of the General Court of November last respecting the conduct of Mr John Temple by the advice of Council, I transmitted the several papers on that Subject to the Attorney General with a request that he would make enquiry into the Matter & pursue such a Course of Procedure as is by Law prescribed. Since which I have rec^d a Letter from his Excellency the President of Congress wholly on the Subject of Mr John Temple's conduct expressive of their apprehensions & requesting that a thorough investigation may be had touching Mr Temple's Conduct. I have directed the Secretary to lay before you the Presidents Letters, & beg leave to submit it to the consideration of the General Court.

JOHN HANCOCK.

Council Chamber 24th April 1782

RESPECTING TROOPS ORDERED TO THE CASTLE, BOSTON HARBOUR.

Gentlemen of the Senate & Gentlemen of the House of Representatives,

Immediately after the Secretary laid before me your Resolve of the 7th Inst., I issued a Warrant and made application to the Treasurer for the Money to purchase the Materials necessary for the repairs of the Barracks at Castle Island, but could obtain none, the want of which will prevent me from carrying into effect your Resolve of April 26. requesting me to order the Recruits to the Castle — the Barracks in their present State being entirely unfit for their accommodation. Should the General Court think proper to make any other Disposition of those Men, I will use all possible means to have it executed.

JOHN HANCOCK.

Council Chamber, May 9, 1782

RESPECTING AN APPLICATION FOR REGISTERS TO BE SENT TO THE DEPUTY NAVAL OFFICER AT NANTUCKET.

Gentlemen of the Senate & Gentlemen of the House of Representatives,

I have this Day received An Application for a number of Registers to be sent to the Deputy naval Officer of the Island of Nantucket, but as the Naval Officer of that Port has lately dec^d, I presume the Deputation from him ceased at the time of the Death of the Principal. I do not therefor look upon myself justifiable in sending Registers to that port untill a Naval Officer shall be appointed by the General Assembly, the propriety of which appointment I submit to your consideration.

JOHN HANCOCK.

Council Chamber, May 2, 1782.

RESPECTING A DIFFERENCE WITH THE HOUSE AS TO THE TIME OF
HOLDING A BILL.

IN THE HOUSE, May 10, 1782.]

The Secretary came in and said he had in his hand the Impost Bill with his Excellency's objections to the same and was directed to lay them on the Table and he laid them on the Table accordingly,—and thereupon ordered that Mr Davis, Mr Hall, Mr. Choate Col. Thacher & Mr Jarvis be a Com^{ee} to wait on his Excellency the Governor & return him the Impost, and inform his Excellency that the House conceive that the Bill has laid before him a longer time than the Constitution provides before he return'd it to the House—and therefore the House apprehend it has become a Law, & consequently does not come properly before them.

[Subsequently] The Secretary came in and read the following message from the Governor, viz.—

Gentlemen of the House of Representatives,

Between the Hours of one & two o'clock this Day I received by a Com^{ee} of the House the Impost Bill with my objections returned, accompanied with a Resolve under the Signature of the Clerk of the House, informing me that the House conceive the Bill had laid before me a longer time than the Constitution provides before I returned it to the House, & therefore the House apprehend it has become a Law, & consequently does not come properly before them. — In no one Instance since my being honor'd with my present appointment can I be charged with a Deviation from the Principles of the Constitution, & in the Instance of the Impost Bill refer'd to by the House I feel myself as little open to the charge as in any former Instance—I must be allowed to know the time I rec^d it, as I note on Bills the precise time, and I must take leave to say that the House have a Conception of the time it has been under my Consideration very different from the real time, for when the Secretary delivered the Bill with my objections to the Speaker of the House, I do assert the time was not elapsed that the Constitution points out for the Consideration of Bills & Resolves, unless a circumstance should be urg'd which I would not presume could take place,—that the Representatives of this Common Wealth would ever bring into contemplation the Sabbath as a Day of Secular Business with me; which I cannot Submit to without a pressing urgency when the Representatives themselves & the whole General Court on every Saturday in a Session adjourn to meet in solemn assembly on the Sabbath agreeably to the Commands of Heaven & the universal practice of this Common Wealth. I therefore cannot admit the Bill to be a Law nor can I see a violation of the Constitution take place in any Instance without bearing my Testimony against it

JOHN HANCOCK.

Council Chamber, May 10, 1782.

RESPECTING THE PRESSURE OF IMPORTANT BILLS AND RESOLVES ON
THE EVE OF PROROGATION.

Gentlemen of the Senate & Gentlemen of the House of Representatives

The Secretary last evening laid before me several Resolutions which had passed the two Houses the same After Noon—I have been exceedingly pressed for time & have not been able to decide upon them, being much embarrass'd by Bills & Resolves of Importance passing at so late a Stage of the session, even within a few hours of your requesting a Recess, & not permitted time for the exercise of my own Judgment, altho competent time is pointed out by the Constitution.—I am therefore reduced to the necessity either of suspending a Decision upon the Resolves by granting a Recess, or claiming the time for consideration upon the Principles of the Constitution.

Your Resolve of Yesterday's date stating that by "sundry Letters from the Hon. Elbridge Gerry Esq' and papers accompanying the same he was denied a Privilege to which he was intitled as a member of that Hon Body according to their own Rules & orders &c. and directing the Delegates in Congress to make necessary enquiries relative to the Breach of privilege complained of by Mr Gerry, and such representatives to Congress in reference thereto as the Importance of the Subject requires" is of such Importance, and accompanied with such a variety of papers, & may involve in it very serious consequences & introduce an alteration between this Common Wealth & Congress (who most certainly have a right to Establish their own Rules, orders & Regulations) productive of many Evils, which at this Juncture I should wish to avoid,—that untill I have more time to peruse the papers & make up Judgment, I cannot consistent with the duty I owe this Common Wealth, give my Sanction to the Resolve,—that if the General Court are anxious for a Recess, the Resolves must fail with the Dissolution of the General Court which will soon take place, as must several other Resolves now laid before me, fifteen of which I did not receive untill five minutes before 12 O'clock this Day, many of which I have not had time to read. Such of them as I can get thro previous to the Recess, I shall sign, the others must be refer'd, if the General Court should not incline to remain sitting so as to give me opportunity to consider them.

JOHN HANCOCK.

Council Chamber May 10, 1782

To this message the General Court made reply as follows :

May it please your Excellency,

The two branches of the General Court have duly attended to your Message of this day and think it expedient to renew their Request that your Excellency would be pleas'd to prorogue the said General Court untill the twenty eighth day of May current.

LETTERS.

1781. MAY SESSION.]

FROM GENERAL WASHINGTON.

IN SENATE, June 9, 1781.

The Secretary came into Senate . . . with a Letter from General Washington dated 2 inst addressed to his Exc^y, which he [the governor] desires may be Communicated to both Houses of Assembly.

Calling for cannon and powder to be forwarded to Claverack.

FROM GENERAL ROCHAMBEAU — ALSO FROM GENERAL WASHINGTON.

IN SENATE, June 11, 1781.

Mr Secretary Avery brought in a Letter from Gen^l Rochambeau dated June 7th 1781, with an inclosed one from Gen^l Washington of the 4th of June 1781 . . . [Both addressed to the Governor.]

Relative to the protection of the French fleet at Newport, R.I. Rochambeau's letter is sent from Newport. "I intend to begin after tomorrow," he writes, "my movement to Providence, in two divisions, by the river, and I hope in three or four days to have evacuated this place, except the 400 men that I leave under the command of Mr. De Choisy, Brigadier General. You are acquainted with his experience and reputation, and I believe that General Washington desires that he should command the land forces that are to defend the fleet during the march of the French army upon the North river; I hope that your Excellency will send him either a Colonel or a Brigadier General of good military reputation to command under him the militia of the State of Boston [*sic*] and that you will at the same time give orders to the neighboring militia to be ready to march upon his requiring it in case the enemy should attack Rhode Island. . . ."

Washington writes from Head Quarters, New Windsor: "One thousand Militia, in addition to four hundred troops, having been deemed necessary to the security of the fleet in the harbour of New Port, after the departure of the land Forces, I am to request your Excellency to give orders for five hundred from the State of Massachusetts, to repair to Rhode Island as soon as they shall be demanded by His Excellency the Count de Rochambeau. The State of Rhode Island is to furnish five hundred more. They will be put under the command of Brigadier General de Cloissy who will remain in command at New Port. Should any attempt of the enemy make an additional number of Men necessary Mons^r de Cloissy will call for them, and it is my request that his requisition may be complied with. . . ."

Upon the reception of these letters the General Court promptly passed the Resolve printed as Chap. 40, 1781, May session, Laws and Resolves . . . 1780-81, pp. 625-628.

FROM THE PRESIDENT OF CONGRESS.

IN SENATE, June 11, 1781.

The Secretary came into Senate, & presented to the President a Letter from the President of Congress, dated 28 May last & papers accompanying the same, and addressed to his Exc^y the Governor,

which were Read & sent down came up Read, with the papers accompanying the same.

FROM THE PRESIDENT OF CONGRESS — SECRECY ENJOINED.

IN SENATE, June 13, 1781.

The Secretary came in . . . & presented a Letter from the President of Congress dated the 1st inst & address'd to his Excellency the Governor; with his Excellency's request, that as said Letter was of the greatest importance, the Contents thereof may be a profound Secret:— and a strong injunction of Secrecy was laid by the Senate accordingly:— The said Letter was Read, & sent down by Cotton Tufts Esq' who was directed by the Senate to acquaint the Hon'ble House that each Member or the Senate, individually, was injoin'd to the utmost Secrecy.

Capt Wales came up with a Message from the Hon'ble House to enquire, whether the Senate have laid themselves under an Oath, of Secrecy, relative to the Contents of the Letter referred to in the foregoing Message Cotton Tufts Esq' went down with a Message to the Hon. House to inform them that the Senate have not laid themselves under an Oath; but have individually ingag'd to keep the Matter referred to a profound Secret.

IN THE HOUSE, same day.

M^r Secretary Avery came into the House & informed them that his Excellency the Governor had just received a Letter from Congress which he had sent to the Senate with a request it might be sent down to the House as soon as read by the Senate—and as it contained Matters of the greatest consequence, his Excellency desired it might be kept a profound Secret.

Cotton Tufts Esq' brought down the Letter above referred to, & informed the House that the Senate were individually injoined to keep the Letter as Secret.

This letter not found in the Archives.

FROM GENERAL HEATH — ALSO FROM OLIVER PRESCOTT ESQ^r RESIGNING HIS APPOINTMENT AS A MAJOR GENERAL.

IN THE SENATE, June 13, 1781.

The Secretary presented a Letter from Gen^l Heath dated Roxbury 12th June inst, addressed to his Exc^y the Gov^r which was Read & sent down, with the papers accompanying the same.

The Secretary also presented a Letter from the Hon^{ble} Oliver Prescott[t] Esq^r resigning his appointment as one of the Major Generals of the Militia in this Commonwealth.

General Heath's letter with the papers accompanying it: relative to the condition of the Hospital, and urging the Legislature immediately to furnish necessary supplies.

FROM THE PRESIDENT OF CONGRESS.

IN THE HOUSE, June 14, 1781.

The Hon^{ble} Mr. Choate brought down a Letter from the President of Congress of the 19th May last, with a Resolution of Congress of the 17th May last.

FROM THE PRESIDENT OF CONGRESS — ALSO FROM GENERAL HEATH
INCLOSING A LETTER FROM GENERAL WASHINGTON.

IN SENATE, June 18, 1781.

The Secretary came into Senate with a Letter from the Presid^t of Congress, dated the 6th inst,—wth Resolve of Congress accompanying it, addressed to his Exc^t the Governor—also, a Letter from Gen^l Heath dated this day at Roxbury, inclosing a Letter [to him] from Gen^l Washington of the 8th inst:—addressed also to his Excellency which were Read and sent down.

The letter from the President of Congress, Samuel Huntington, enclosed a resolve of Congress of the 2d of June “directing that all bills which are issued in the respective States in pursuance of the resolution of the 10th of March 1780, after the expiration of one year from the time the interest on such bills begins to be completed, be stamped with the words or characters Int. p^d one (or 1) year. And that such of the said bills as have already issued, whenever the interest is paid, be stamped in like manner to prevent the necessity and expense of exchanging them. It is also the sense of Congress,” Mr. Huntington adds to this summary, “that the several States suspend, as far as possible, the issuing of such part of their quotas of said bills as remain to be issued.”

The letter from General Washington, enclosed in General Heath's letter, relates mainly to the pressing need of supplies of provision and clothing to the army, called for from the Eastern states. He wishes especially that certain salted provisions at Springfield “as well as the supplies of Rum and Cloathing” may be expedited as much as possible. “Not a drop of Rum,” he writes, “has yet come on—and the Physicians report that the Artificers (who work exceedingly hard) are falling sick for want of it—besides you must be sensible, that it is extremely [*sic*] necessary for other purposes—As to Summer Cloathing I request you to make known to the States, that almost every Article in the Public Store, which was of any value has been sent on to the Southern Army—and that there is no other possible alternative, but for the Troops to be provided with it by their own States or become literally naked. I am persuaded that you will not loose sight of the supply of Beef Cattle called for from the Eastern States—nor give a moments Quiet to them untill ample Provision is made for obtain^g the whole of it. . . .”

FROM GENERAL WASHINGTON — ALSO FROM GENERAL LINCOLN.

IN SENATE, June 21, 1781.

The Secretary came into Senate with a Letter from General Washington dated Head Quarters New Windsor the 15th inst; also one from Gen^l Lincoln dated New Windsor 15th inst—addressed to his Excellency the Governor—wth his Excellency rec^d this Morning pr Express—& desired might be Communicated to both Houses—Read & sent down.

General Washington's letter: urging the speedy completion of the quotas, and requesting the governor to give orders for the 2700 militia called for “to march in

such time that they may punctually join the Army by the 15th of July next." "I am convinced," he writes, "that I need not enter into a Repetition of the Arguments . . . to induce the most strenuous exertions to fill up the Continental Battalions. I will only say that our success will depend upon that being done. Without it there is not a Chance, and with it we have the fairest Prospect." He also expresses his hope that the Assembly will take effectual measures for supplying the quota of Beef called for in the requisitions presented by General Heath, for "our whole dependence for Provisions is upon the Exertions of the States"; and he particularly entreats the Governor's attention to his requests of the 25th ulto and 2d inst. for powder and cannon.

FROM THE WAR OFFICE AND FROM THE TREASURY OFFICE.

IN SENATE, June 21, 1781.

The Secretary came into the Senate with two Letters, addressed to his Exc^y the Gov^r—dated War Office May 30th ult^o— & Treasury Office the 4th inst; at Philadelphia which were Read & sent down, wth the papers accompanying the same.

The letter from the War Office accompanied resolutions of Congress of the 23d May and the 11th April, "by which," the writer observes, "you will discover that they depend upon the arrears of specific supplies from the last campaign which have not yet been furnished by the different States to make good their engagements with the Court of France. As the honor and faith of the United States is so materially concerned, there is every reason to expect the most decided exertions in the States to enable Congress to comply with their contracts. The Board request you will be pleased to acquaint them with your expectations on this head and what they may probably depend on." Signed, William Grayson.

The letter from the Treasury Office enclosed copy of an order of Congress dated the 29th May, "directing the sum of 224 dollars $\frac{3}{8}$ & $\frac{1}{4}$ to be passed to the credit of the State of Massachusetts, which is done, that sum having been found due to certain claimants, upon an adjustment of their accounts, for attending a Court-Martial upon the Trial of the gentlemen mentioned in the af^{sd} Order." The "gentlemen mentioned" were Col^o Mason, Col^o Smith, and Major Eayres. The sum was found due to the claimants "as presented by the selectmen of Springfield."

FROM GENERAL HEATH.

IN SENATE, June 26, 1781.

The Secretary came in with a Message & delivered a Letter from Gen^l Heath dated this day at Roxbury & address'd to his Exc^y the Gov^r which was Read & sent down.

Earnestly entreating that a quantity of Rum may be immediately sent for the relief of the Army, and followed by a regular supply in future. "As the comfort, the health, & spirit of the Army are essential to the public interest, and the want of them the certain source of disappointment and expence," he declares, "I persuade myself relief will not be longer procrastinated."

FROM THE PRESIDENT OF CONGRESS.

IN SENATE, June 30, 1781.

The Secretary came in with a Letter from the President of Congress dated — June inst— & address'd to his Excellency the Gov^r which he desires may be Communicated.

FROM THE PRESIDENT OF CONGRESS — ALSO FROM GENERAL
WASHINGTON.

IN SENATE, July 2, 1781.

The Secretary came in to Senate with a Letter from the Honorable President of Congress of y^e 15th & a Resolve of Congress of y^e 13th June last inclos'd & addressed to his Exc^y the Governor. Read & sent down.

Also with a Letter from Gen^l Washington dated N. Windsor June 25th last address'd to his Exc^y the Gov^r wth he rec^d p Express & desires may be communicated. Read & sent down.

The Resolve of Congress with the letter of the President of Congress: recommending to the several states to which the officers of hospital and medical department now in service respectively belong to settle their accounts for Depreciation on the principle established by the Resolution of Congress of the 10th April, 1780, and "to make provision for paying the balances that may be found due in the same manner with officers of the Line."

General Washington's letter: relative to the protection of the Northern frontiers. Being obliged to draw down all the Continental troops on these frontiers, and "as there is very great reason to apprehend an intursion of the enemy from Canada, I shall be obliged," he writes, "to keep a respectable force of Militia in that Quarter in addition to the State Troops of New York; I have therefore taken the liberty to order the quotas from Berkshire & Hampshire counties immediately to Albany where they will be dispos'd of agreeable to the directions of Brig. Gen^l Stark, who will take the General Command of the Northend. . . ."

FROM COLONEL ALLAN — ALSO FROM THE JUSTICES OF THE
SUPREME JUDICIAL COURT.

IN SENATE, July 2, 1781.

The Secretary came into Senate wth a Letter from Col^o Allan dated [Machias] June 16th 1781 address'd to his Ex^y the Gov^r — Read & send down.

Also a Letter from the Hon^l Justices of the Supreme Judicial Court dated & address'd to his Excellency — wth he desir'd may be Communicated.

Colonel Allan's letter: giving a detailed report of affairs in the Indian Eastern Department; respecting the cruise of the ship "Mars," conferences with the Indians, difficulties met in raising a company of men in the Eastern country on account of the absence of money or any provision for bounties, a meeting of the several committees, Colonel Allan having found "a great Jarr among the districts occasioned by the disaffected"; and news from Nova Scotia.

The letter from the justices of the Supreme Judicial Court not found in the Archives.

FROM TIMOTHY PICKERING, Q. M. G.

IN SENATE, July 5, 1781.

The Secretary came into Senate wth a Letter from Timothy Pickering Esq^r Q. M. G. dated Newburgh 25th June last, and ad-

dressed to his Excellency the Governor; to be communicated. Read & sent down.

Urging immediate compliance with the Resolution of Congress in forwarding supplies of provisions to the army; and respecting the mode of transportation at the expense of the State.

FROM GENERAL DE CHOISY.

IN SENATE, July 6, 1781.

The Secretary came into Senate with a Letter dated Newport July 3^d sign d'Choisy—address'd to his Exc^y the Gov^r which he requests may be Communicated—which was Read & sent down.

1781. SEPTEMBER SESSION.]

FROM GENERAL HEATH.

IN SENATE, Sept. 16, 1781:

The Secretary came into the Senate and Communicated a Letter from Major General Heath of the 10th ins^t addressed to his Excellency the Governor & then withdrew with the same.

FROM GENERAL PARSONS.

IN HOUSE, Sept. 26, 1781.

Mr. Secretary Avery came in and laid on the Table a Letter from Gen^l Parsons of Sept. 18 1781 addressed to the Governor which is sent up to the Hon^l Senate.

FROM GENERAL HEATH.

IN SENATE, Sept. 28, 1781.

The Secretary came into Senate . . . and Communicated a number of Letters from General Heath dated at—addressed to his Excellency.

FROM OLIVER PHELPS ESQ^r

IN SENATE, Sept. 29, 1781.

The Secretary came into the Senate . . . and Communicated a Letter from Oliver Phelps Esq^r [superintendent of purchases] dated Sept. 24th 1781, addressed to his Excellency the Governor.

FROM GENERAL HEATH.

IN SENATE, Oct. 11, 1781.

The Secretary came in . . . & communicated to the Senate two

Letters from the Honble Major General Heath dated the 3rd & 6th ins^t (addressed to his Excellency) and then withdrew with the same.

Respecting a speedy removal of the public clothing, etc., to Philadelphia, dated "Headquarters, Continental Village."

FROM THE PRESIDENT OF CONGRESS.

IN SENATE, Oct. 11, 1781.

The Secretary came in . . . & Communicated to the Senate a Letter from the president of Congress to his Excellency the Gov^r dated — and then withdrew with the same.

FROM THE PRESIDENT OF CONGRESS.

IN SENATE, Oct. 20, 1781.

The Secretary came in . . . and delivered to the President, a Letter from President M^cKean, dated Philadelphia September 29th 1781 addressed to his Excellency the Governor, which he requests after reading may be sent down to the House.

Enclosing an act of Congress of the 28th, respecting the pay of the general officers of this State. [House journal.]

FROM THE HON. JAMES SULLIVAN.

IN SENATE, Oct. 25, 1781.

The Secretary came in . . . and communicated a Letter from the Hon^{ble} James Sullivan Esq^r dated Groton, October. 24th 1781, addressed to his Excellency the Governor & then withdrew with the same.

Relative to his salary as a justice of the Supreme Judicial Court.

FROM THE PRESIDENT OF CONGRESS — ALSO FROM COLONEL
JOHN ALLAN AT MACHIAS.

IN SENATE, Oct. 31, 1781.

The Secretary came in . . . and presented to the President a Letter from Thomas M^cKean Esq^r President of Congress, dated the 17th inst., also a Letter from Col^o John Allan dated the 17th inst. at Machias; addressed to the Governor which his Excellency desired might be Communicated to both Houses and which were Read & Sent down to the House.

McKean's letter: enclosing an act of Congress "recommending to settle and pay the officers of the mustering department." [House journal.]

Col^o Allan's letter respecting affairs in the Indian Eastern Department.

FROM COLONEL SHEPPARD.

IN SENATE, Nov. 1, 1781.

The Secretary came in . . . and after reading a Letter from Col^o Sheppard, dated a Springfield the 25th Ult^o & addressed to his Excellency, he returned with the same.

Relative to "an Idiot who was sent on for a soldier from the county of Worcester & town of Oxford, named William Lewis." [House journal.]

FROM GENERAL HEATH REPORTING SURRENDER OF CORNWALLIS.

IN THE SENATE, Nov. 1, 1781.

The Secretary came in . . . and Communicated a Letter from the Honble Major General Heath, dated 28th Ult^o (addressed to his Excellency) which he just received by Express, purporting the surrender of Lord Cornwallis & his Army on the 19th Ult^o.

1781. JANUARY SESSION [1782].]

FROM GENERAL WASHINGTON.

IN SENATE, Feb. 12, 1782.

The Secretary came into Senate with a Letter from General Washington dated Philadelphia January 31th 1782 and addressed to his Excellency the Governor which he desired might be immediately communicated to both Houses.

Urging that measures be taken for the immediate completion of the quota for the Army to the full establishment, agreeably to the resolution of Congress of the 16th December: expressing himself forcibly on the subject, and "entreating in the most earnest manner that there may be a speedy, pointed, and effectual compliance with the requisitions."

FROM THE PRESIDENT OF CONGRESS.

IN SENATE, Feb. 21, 1782.

The Secretary came in with a Letter from the President of Congress dated Philadelphia 27th January 1782 and addressed to his Excellency the Governor, which he desired might be communicated to both Houses.

Enclosing an act of Congress of the 25th January recommending to the several legislatures to establish a speedy mode of administrating justice between the subjects of His Most Christian Majesty and the citizens of these States, and likewise to vest persons in the neighborhood of the Sea-coast with power to secure ship-wrecked property in the most effectual manner.

FROM ROBERT R. LIVINGSTON ESQ.—ALSO FROM ROBERT MORRIS ESQ.

IN SENATE, Feb. 28, 1782.

The Secretary came in with a Letter from Robert R. Livingston

Esq^r dated Philadelphia Novem^r 12th 1781, also one from Robert Morris Esq^r dated Office of Finance Feb^r 1782 addressed to his Excellency the Governor which he requested might be communicated to the House.

FROM ROBERT R. LIVINGSTON ESQ.

IN SENATE, March 8, 1782.

The Secretary came into Senate with a Letter from R^r Livingston Esq^r dated 18th February last & addressed to his Excellency the Governor; which he requests may be Communicated to the House . . . Read & sent down accordingly.

Transmitting several resolutions of Congress relative to the law of nations, and respecting "the limits claimed by the United States in the Resolution of the 19th of August 1779." Upon these resolutions Mr. Livingston writes: "While we hold any intercourse with civilized nations, we must conform to Laws which humanity has established, & which custom has conserved among them—On this the rights which the United States or their citizens may claim in foreign countries must be founded. The resolution No. 2 [Jan. 25, 1782] passed Congress in consequence of a convention about to be concluded between his most Christian Majesty and the United States of America which affords an additional reason for paying it the earliest attention. . . . The resolution No. 3 [Feb. 11, 1782] relates to your boundaries, & is designed as one means of ascertaining the territorial rights of the United States collectively, which can only be accurately known by each State exhibiting its claims & the evidence on which they found them. Your Excellency will therefore be pleased to direct that authentic copies from your records of all grants, charters, maps, treaties with the natives and other evidences be transmitted to this office as soon as you can conveniently collect them. . . ."

FROM THE PRESIDENT OF CONGRESS.

IN THE HOUSE, March 8, 1782.

The Hon^{ble} Mr. Durfee brought down a Letter from the President of Congress of the 18th Feb^r, including several resolutions of Congress.

1781. APRIL SESSION [1782.]

FROM GENERAL LINCOLN.

IN SENATE, April 26, 1782.

The Secretary came in and laid before the Senate a Letter (covering a Resolve of Congress) from General Lincoln dated Phil^a April 8, 1782, addressed to his Excellency the Governor which his Exc^y requested may be sent to the Hon^{ble} House.

Respecting clothing for the Massachusetts Line.

FROM THE HON. JAMES LOVELL.

IN SENATE, April 26, 1782.

The Secretary came in & read a Letter from the Hon^r James Lovell Esq^r to the Governor.

Dated Philadelphia April 9, 1782: stating that since his arrival some events have taken place which render it indispensably necessary for him to return to Boston. He entreats his Excellency "to endeavour to prevent my being exposed to the censure of depriving the State of a Voice in Congress by so unexpected a retirement." This note was accepted by the General Court as a virtual resignation of his seat as a delegate, and a new election was duly ordered. Subsequently, under date of May 1, he addressed a formal resignation to the President of the Senate, with some complimentary remarks "while I go from such a public trust to one more Continental in its form"; and a few days later he communicates his appointment as receiver of Continental taxes for Massachusetts, as noted under "In Senate, May 7."

FROM GENERAL LINCOLN — ALSO FROM ROBERT MORRIS ESQ^r

IN SENATE, April 30, 1782.

The Secretary laid before the Senate a Letter from Gen^l Lincoln dated War Office April 11th, 1782, address'd to his Exc^y the Gov^r also a Letter from Mr. Morris Esq^r dated Phil^a Apr^l 5th 1782, covering resolves of Congress, address'd to his Exc^y the Gov^r & which he requests may be sent to y^e Hon^{ble} House.

FROM LIEUT-COLONEL EZRA BADLAM.

IN SENATE, May 2, 1782.

The Secretary came in & communicated a Letter from L^t Col^l Ezra Badlam dated May 2^d address'd to his Excellency the Gov^r, with his request it may be sent to the Hon^{bl} House s^d Letter was Read & Sent down.

FROM THE HON. JAMES LOVELL.

IN SENATE, May 7, 1782.

The Secretary came in with a Letter from the Hon^{ble} James Lovell Esq^r dated the 6th inst covering his appointment from R^t Morris Esq^r as receiver of the Cont^l Taxes for this State; address'd to his Exc^y the Governor with his request they may be Communicated to the Hon^l House. The Letter accordingly was read & sent down.

Under the same date Mr. Lovell writes to the Governor asking "whether any direction is yet given by law for the payment of this States Quota of the eight million dollars or any part of it to the Superintendent of Finance or to his order."

FROM LIEUT-COLONEL EZRA BADLAM.

IN SENATE, May 9, 1782.

The Secretary came in with a Letter from L^t Col^o Ezra Badlam, dated the 8th inst and address'd to this Excellency the Governor which He requests may be Communicated to the Hon^{bl} House. Said Letter was Read & sent down.

PROCLAMATIONS.

July 23, 1781.]

FOR APPREHENDING DESERTERS FROM THE FRENCH FLEET AND ARMY.
COMMONWEALTH OF MASSACHUSETTS.

A PROCLAMATION,
FOR APPREHENDING DESERTERS.

By His Excellency
JOHN HANCOCK, Esquire

Governor of the Commonwealth of Massachusetts.

Whereas it has been represented to me by his Excellency Admiral DE BARRAS, that great numbers of seamen have deserted from the squadron of his most Christian Majesty, under his command, now in America, and requesting that effectual measures may be taken to detect them, and prevent any further desertations; and whereas duty as well as interest, call loudly upon the inhabitants of this State to afford every assistance in their power to maintain the said squadron in a condition to cooperate with the forces of America, against the common enemy:

I have therefore, by and with the advice of the Council, thought fit to issue this Proclamation, requiring all officers civil and military, and others in the Government whom it may concern, to do their utmost for apprehending and securing them according to law; and I do further require all Sheriffs, if need be, to raise the *posse* of their respective counties, in order to secure said deserters: And all commanders of armed ships and other vessels, are hereby cautioned against shipping or conveying away on board their ships or vessels any deserter or deserters from the fleet and army of his Most Christian Majesty, now in America; and all persons whatsoever are cautioned against harbouring or concealing any such deserters, as they would avoid the penalty of the law for so doing.

Given at Boston, the 23^d day of July, in the year of our Lord, 1781, and in the 6th Year of the Independence of the United States of America.

JOHN HANCOCK.

By his Excellency's Command,
JOHN AVERY, Sec'y.

Aug. 4, 1781.]

ORDERING THE COUNTY BRIGADIERS TO MARCH THE MEN CALLED FOR FOR SERVICE AT ONCE.

COMMONWEALTH OF MASSACHUSETTS.

Whereas it has been represented from several parts of this Commonwealth, that from some mistaken surmises, the three months men raised agreeable to a resolve of the General Court passed the 30th June last, have not marched, notwithstanding my express orders to the Brigadiers of the several counties: And whereas it is absolutely necessary that such men should be in the field to carry on the important operations of the present campaign, which by the smiles of a Kind Providence, may have a tendency to extirpate our cruel and inveterate enemy from these United States:

I therefore again order and strictly enjoin the Brigadiers of the several Counties, instantly, without any longer delay, to march the three months men of their respective counties to join the army at *West-Point*, or such other place as his Excellency General WASHINGTON shall direct.

I also require the Brigadiers who were heretofore ordered to raise and march the men for the service at *Rhode-Island*, to march such men raised in the respective towns, who are still delinquent without loss of time.

Given at the Council-Chamber in Boston, the fourth day of August, in the year of our Lord one thousand seven hundred and eighty-one, and in the sixth year of the Independence of the United States of America.

JOHN HANCOCK.

By his Excellency's Command,
JOHN AVERY, Sec'y.

Oct. 25, 1781.]

PROCLAIMING THE COMMISSION OF SIEUR PHILIP JOSEPH DE L'ETOMBE, AS CONSUL-GENERAL OF FRANCE.

COMMONWEALTH OF MASSACHUSETTS

By his Excellency

JOHN HANCOCK, Esq.,

Governor of the Commonwealth of *Massachusetts*.

It having been made to appear to me, that the SIEUR PHILIP JOSEPH DE LATOMBE, hath been commissioned CONSUL-GENERAL of France, in the States of New Hampshire, Massachusetts, Rhode-Island, Providence Plantations, and Connecticut; and

that the United States in Congress assembled, have acknowledged him, the said SIEUR DE LATOMBE, CONSUL-GENERAL as aforesaid, and caused his commission to be registered.

I DO therefore, by these Presents, make known to all concerned, That the Privileges, Pre-eminence, and Authority, legally belonging to the Character and Quality of Consul-General as aforesaid, are due to him the said SIEUR PHILIP JOSEPH DE LA TOMBE, within the Jurisdiction of this Commonwealth; and that I have ordered his Commission to be recorded in the Secretary's Office.

GIVEN *under my Hand and the Seal of the Commonwealth, This Twenty-Fifth Day of October, in the year of our LORD, One Thousand seven Hundred and Eighty-one, and in the Sixth Year of the Independence of the United States of America.*

JOHN HANCOCK.

By his Excellency's Command.
JOHN AVERY, jun. Secretary.

Jan. 12, 1782.]

FOR APPREHENDING CERTAIN DESERTERS FROM THE FRENCH FRIGATE
CIBELLE.

COMMONWEALTH OF MASSACHUSETTS.

By his Excellency

JOHN HANCOCK, Esquire

Governor of the Commonwealth of Massachusetts.

Whereas it has been represented to me by the Sieur de l'Etombe, Consul-General of France, that the following Sailors and Mariners have deserted from his most Christian Majesty's Ship Cibelle, viz. (Charles Savale, Louis le Marquis, Pierre Gerboux, Pierre Tillet, Jera Sapteste Vilgonain, Jean Toussaint Aubert, Antoine Thomas Sire, Nicholas Pierre Piquit, Jean Paris, Jerome Labour, Pierre Baudet, Saivat Casuave, and Jacques Rostin,) and requesting that effectual Measures may be taken to detect them and prevent any further Desertions. And whereas Duty as well as Interest call loudly upon the Inhabitants of this State to afford every Assistance requisite for apprehending & securing the Deserters aforesaid:

I have therefore by and with the Advice of the Council, thought fit to issue this Proclamation requiring all officers, Civil and Military, and others in the government whom it may concern to do their utmost for apprehending and securing the Deserters aforesaid, as well as all others who have heretofore or may hereafter Desert from any Ships or Vessels belonging to his most Christian Majesty. And all Commanders of armed Ships and other Vessels, are hereby cautioned against shipping or conveying away on board their Ships

or Vessels any Deserter or Deserters as aforesaid; and all Persons whatsoever are cautioned against harbouring or concealing any such Deserters, as they would avoid the Penalties of the Law for so doing.

GIVEN at Boston, the 12th Day of January, in the Year of our Lord 1782, and in the sixth Year of the Independence of the United States of America.

JOHN HANCOCK.

By his Excellency Command,
JOHN AVERY Secy.

ELECTIONS

OF OFFICERS OF THE COMMONWEALTH.

COUNCILLORS.

By joint ballot in the room of the House of Representatives.

June 1, 1781.

Voters present, 139. The committee [to collect, sort and count the votes] report that they . . . found the number of votes to be 135, and that

the Hon ^{ble}	Walter Spooner	Esq ^r	had	129
" "	James Prescott	" "	" "	134
" "	Samuel Holten	" "	" "	135
" "	Azor Orne	" "	" "	135
" "	Tim ^y Danielson	" "	" "	132
" "	Nathan Cushing	" "	" "	135
" "	Moses Gill	" "	" "	133
" "	Benj ⁿ Chadbourne	" "	" "	135
" "	Jerem ^h Powell	" "	" "	80

and all are chosen.

SECRETARY OF THE COMMONWEALTH.

Same meeting.

Voters present, 148. Votes cast, 146.

John Avery Jun^r Esq^r had 144 votes and is chosen.

COLLECTORS OF EXCISE.

Feb. 6, 1782.

For the County of Suffolk,	Samuel Henshaw.
" " " " Essex,	Jon ^a Webster.
" " " " Middlesex,	Sam ^l Henly.
" " " " Hampshire,	Elijah Hunt.
" " " " Barnstable,	W ^m Taylor.
" " " " Bristol,	Sam ^l Fales.
" " " " York,	Jon ^a Chesley Chadbourn.

1781.— ELECTIONS OF OFFICERS OF THE COMMONWEALTH 115

Feb. 8, 1782.

For the County of Plymouth,	Jeremiah Hall.
“ “ “ “ Worcester,	Caleb Ammidown.
“ “ “ “ Cumberland,	William Gorham.
“ “ “ “ Lincoln,	Joseph North.
“ “ “ “ Berkshire,	Cornelius Lyndes.

Choice for Dukes and Nantucket postponed.

TREASURER OF THE COMMONWEALTH.

May 6, 1782.

Members present, 108. Votes, 104.

Hon^{ble} Henry Gardner Esq^r had 64 votes, & is chosen.

COMMISSARY GENERAL.

Same meeting.

Members present, 94. Votes, 92.

Richard Devens Esq^r unanimously chosen.

ATTORNEY GENERAL.

Same meeting.

Members present, 90. Votes, 88.

Hon^{ble} Robert Treat Paine Esq^r unanimously chosen.

NAVAL OFFICERS.

Same meeting.

For the port of Boston,	Nathaniel Barber.
“ “ “ “ Salem,	Joseph Hiller.
“ “ “ “ Plymouth,	Thomas Mayhew.
“ “ “ “ Gloucester,	Solomon Gorham.
“ “ “ “ Marblehead,	John Gerry.
“ “ “ “ Newbury Port,	Michael Hodge.
“ “ “ “ York,	Richard Trevott.
“ “ “ “ Pepperrelboro',	Tristram Jordan.
“ “ “ “ Falmouth,	Thomas Child.
“ “ “ “ Townsend,	William McCobb.
“ “ “ “ Barnstable,	William Taylor.

Choice for Dukes and Nantucket postponed.

NOTARIES PUBLIC.

May 7, 1782.

For the county of Suffolk,	Ezkiel Price.
“ “ “ “ Essex,	Henry Allyne.
	Edward Norris.
	Joshua Orne.
	Peter Coffin jun.
	Captain Dan ^l Rogers.
	W ^m Atkins.

116 1781.— ELECTIONS OF OFFICERS OF THE COMMONWEALTH

For the county of Middlesex,	Tim ^r Trumbull.
“ “ “ “ Plymouth,	Eph ^m Spooner.
“ “ “ “ Barnstable,	Nath ^l Sheveruk.
	Richard Sears.
	W ^m Thayer
“ “ “ “ Bristol,	W ^m Toby.
	W ^m Brown.
“ “ “ “ York,	Tho ^s Cutts.
	Dan ^l Moulton.
“ “ “ “ Cumberland,	John Frothingham.
“ “ “ “ Lincoln,	Nath ^l Twing.
“ “ “ “ Dukes,	Nathan Smith.
“ Nantucket,	Stephen Hussey.

MAJOR GENERALS OF MILITIA.

June 20, 1781.

From House journal.]

Agreeable to the Constitution, the House made choice^A of *Jonathan Titcomb & Jonathan Warner^B Esq^r* for two of the major Generals of Militia in this Common Wealth.

Sent up for concurrence.

June 28, 1781.

Senate journal.]

The Senate concur with the Honble House in the election they have made of two Major Generals, with an Amendment at A.

At A dele the Word *Jonathan Titcomb* and, & insert the same a B together with the word and prefixed.

Sent down for Concurrence. Came up concurred.

RESOLVES, ADDRESSES, MESSAGES,
LETTERS, PROCLAMATIONS

MAY 29, 1782, TO MARCH 26, 1783

1782.

RESOLVES

OF THE

General Court of the Commonwealth of Massachusetts.

[BEGINNING MAY 29, 1782: ENDING MARCH 26, 1783. THREE SESSIONS.]

1782. MAY SESSION.

BEGUN AND HELD AT *Boston*, IN THE COUNTY OF *Suffolk*, ON
WEDNESDAY THE TWENTY-NINTH DAY OF MAY, *anno*
domini, 1782.

Chap. 2a.]

I.

VOTE ACCEPTING THE REPORT REFERRING THE PETITION OF THE TOWN OF
BARNSTABLE FOR RELIEF IN THEIR TAXES TO THE COMMITTEE APPOINTED
TO EXAMINE INTO THE CIRCUMSTANCES OF THE COUNTY OF BARNSTABLE.

*On the Petition of the Town of Barnstable praying to be relieved in their
taxes,—*

Ordered, That this petition and the petition therein referred to
be committed to the Hon Noah Goodman Esq^r & others a Com-
mittee appointed by the Gen^l Court to examine into the circum-
stances of the County of Barnstable.

Approved June 1, 1782.

Chap. 13a.]

II.

ORDER OF NOTICE ON SAMUEL TITCOMB AND OTHERS TO SHOW CAUSE WHY
THE PETITION OF JOSEPH TITCOMB OF NEWBURY THAT THE COPY OF THE
WILL OF HIS LATE FATHER MAY BE ESTABLISHED, SHOULD NOT BE GRANTED.

*On the petition of Joseph Titcomb of Newbury [praying that the copy of the
last Will and Testament of his late father, John Titcomb, may be established, the
original being lost],—*

Resolved, That said petitioner serve Sam^l Titcomb, mentioned in

said Copy & all others concerned with an attested copy of said petition & of the Copy therein mention'd, as also of this order fourteen days before the first day of the next session of this Court, and notify them to appear on the second Wednesday of the same session, to shew cause if any they have, why the prayer of said petitioner should not be granted.

June 5, 1782.

Chap. 13b.]

III.

RESOLVE DECLARING THAT THE IMPOST BILL HAD BECOME A LAW, HAVING PASSED ALL THE FORMS PRESCRIBED BY THE CONSTITUTION, BEFORE IT WAS RETURNED TO THE LATE HOUSE OF REPRESENTATIVES BY THE GOVERNOR WITH HIS OBJECTIONS.

Resolved, That the impost Bill so called was not returned by the Governor to the late House of Representatives where it originated, within five days after it was presented to him by the late General Court and therefore the same hath passed all the forms prescribed by the Constitution to Constitute it a Law of this Commonwealth.

June 5, 1782.

See the Governor's messages of June 3, 1782, p. 138, and June 4, 1782, p. 139. The above resolve was based on the report of a joint committee to whom was referred "the consideration of what is proper to be done with respect to the Impost bill or Act, & his Excellency's message of the 4th of June inst."

Chap. 14a.]

IV.

RESOLVES EXTENDING THE TIME FOR FILLING THE QUOTA OF MEN FOR THE CONTINENTAL ARMY, AND TO FACILITATE ENLISTMENTS.

Whereas by the Resolves of the General Court of the seventh of March and the twenty sixth of April last, the several Towns and Plantations within the Commonwealth were required and directed to raise their several proportions of the number of Fifteen hundred Men to serve in the Continental Army for the Term of three Years or during the war, and it appears to this Court from the returns made into the Secretary's Office, that several Classes in many of the Towns and Plantations aforesaid are still deficient, and whereas General Washington has earnestly requested this Commonwealth immediately to furnish their Quota of the Army to enable him to put a period to the War and Establish their independence and as men are wanted rather than Money,—

Therefore *Resolved*, That the time fixed by the Resolves aforesaid for the several Classes to furnish their men be and hereby is extended to the Twentieth day of June current and the time for making returns to the Secretary's Office to the twenty fifth day of the same June, the Time for Committing the Assessments upon deficient Classes to the Collectors to the tenth day of July next, and that the time for issuing executions against delinquent Collectors be extended to the twenty fifth of the same July and no

longer, at which time the Treasurer is hereby directed to issue his Executions according to the resolves aforesaid —

And to prevent further delay and to facilitate the raising the Men according to the aforesaid Resolves It is further *Resolved* that the delinquent Classes be and hereby are permitted to procure their Men from any Town or Plantation within the Commonwealth, Provided the men so procured have not be[en] previously engaged to serve for some other Town or Class, any law or Resolve to the Contrary notwithstanding, And that the Militia of this Commonwealth may be in the greatest possible Readiness to co-operate with General Washington and our Allies in concluding the present War,

Resolved that His Excellency the Governor be and he hereby is requested to appoint Militia Officers in any deficient Regiments or Counties, & issue his Orders to Officers commanding Brigades within this Commonwealth that they immediately take Order that their several Brigades be forthwith equiped in all respects according to the Militia Law.

And it is further *Resolved* that the Secretary be and he hereby is directed to publish these Resolves in Willis's and the Worcester News Papers —

Approved June 6, 1782.

Chap. 15a.]

V.

ORDER OF NOTICE ON STEⁿ CLEVELAND AND SAM^l CABOT TO SHOW CAUSE WHY THE PETITION OF THOMAS RUSSELL ON BEHALF OF CERTAIN INHABITANTS OF THE CITY OF ROTTERDAM, SHOULD NOT BE GRANTED.

On the petition of Thomas Russell Esq^r [as agent to a number of the subjects of their most High Mightnesses the States-General of the United Provinces, praying for an appeal to be allowed them from the sentence of the Supreme Judicial Court to Congress in a cause and for reasons mentioned in said petition].—

Resolved, That the said Russell notify Steⁿ Cleveland & Sam^l Cabot with an attested copy of s^d Petition & order thereon, that they shew cause [why the petition should not be granted].

June 7, 1782.

Chap. 15b.]

VI.

ORDER OF NOTICE ON THE TOWN OF SPRINGFIELD TO SHOW CAUSE ON THE SECOND WEDNESDAY OF THE NEXT SESSION WHY THE PETITION OF THE SECOND PARISH TO BE MADE A SEPARATE TOWN, SHOULD NOT BE GRANTED.

On the petition of the Inhabitants of the Second Parish in Springfield [praying that s^d Parish may be made a separate town].—

Resolved, That the petitioners notify sd Inhabitants [of the town of Springfield] to appear the second Wednesday of the next session to shew cause [why the petition should not be granted].

June 8, 1782.

Chap. 39a.]

VII.

ORDER OF NOTICE ON THE COMMITTEE OF THE THIRD PRECINCT IN CAMBRIDGE TO SHOW CAUSE WHY THE PETITION OF CALEB GANNETT AND OTHERS IN BEHALF OF THE FIRST PRECINCT SHOULD NOT BE GRANTED.

On the petition of Caleb Gannett and others of Cambridge in behalf of the First Parish of Cambridge [praying for a sum of money to be refunded them from the Second Parish in s^d Town for men raised by said First Parish more than their proportion],—

Resolved, That the com^{tee} of the 1st Precinct serve y^e Com^{tee} of the third Precinct in s^d Town wth an attested copy to shew cause [why the petition should not be granted].

June 17, 1782.

Chap. 52a.]

VIII.

VOTE APPROVING THE SUBSTITUTION OF THOMAS DURFEE ESQ^R FOR INCREASE SUMNER ESQ^R, EXCUSED, ON THE JOINT COMMITTEE TO VIEW THE CIRCUMSTANCES OF THE COUNTY OF BARNSTABLE.

Ordered, That Thomas Durfee Esq^r be & he hereby is appointed on the Committee of both Houses by a Resolve of the 30th Jan^r last to repair to the County of Barnstable & view the Circumstances thereof in the Room of Increase Sumner Esq who is excused.

Approved June 20, 1782.

Chap. 74a.]

IX.

RESOLVE APPOINTING A JOINT COMMITTEE TO BRING IN A BILL REMOVING THE HON^{BLE} HENRY GARDNER FROM THE OFFICE OF TREASURER OF THE COMMONWEALTH, AND ENABLING HIM, NOTWITHSTANDING SUCH REMOVAL TO PERFORM ALL ACTS NECESSARY TO THE COLLECTION OF SUCH PUBLIC TAXES AS WERE GRANTED BEFORE MARCH 1 LAST.

Whereas it appears to this Board that a speedy settlement of the public Accounts wth the Hon^{ble} H^v Gardner Esq. Treasurer of this Commonwealth is absolutely necessary & that the same cannot be effected while the s^d Treasurer is incumberd wth the Business of the said Office, & that therefore it is necessary that the said Treasurer should be excused from the said Office that he may have leisure to settle the s^d Accounts, therefore

Resolved, That Caleb Strong & Increase Sumner Esq^m wth such as the Hon^{ble} House shall join be a Committee to bring in a Bill to remove the s^d Treasurer from his office aforesaid & to enable him notwithstanding such Removal to do & perform all Acts that shall be necessary to the Collection of such public Taxes as were granted before the first of March last.

IN SENATE.

Sent down for concurrence Came up concurred & Gen^l Ward, Mr Sedgwick and Capt. Patch are joined.

June 25, 1782.

The result of the deliberations of the committee established by this resolve was the "act for the better regulation of the Treasury of this Commonwealth, and for appointing an assistant-treasurer." [1782, Chap. 12, Laws and Resolves . . . 1782-83, p. 34.]

Chap. 89a.]

X.

RESOLVE ON THE PETITION OF ROBERT ANDREWS JUN^R OF SHREWSBURY, GUARDIAN TO GERSHOM FLAGG, A PERSON NON COMPOS, EMPOWERING HIM TO SELL THE REAL ESTATE OF THE SAID GERSHOM FOR THE LATTER'S SUPPORT, UNDER CERTAIN CONDITIONS.

On the Petition of Robert Andrews Jun^r of Shrewsbury in the County of Worcester Guardian to Gershom Flagg a person Non Compos—praying for Liberty to Sell the Real Estate of said Gershom for his the said Gershom's Support—for Reasons set forth in his Petition,—

Resolved, That the prayer of the Petition be Granted and that he the said Robert Andrews in his capacity as Guardian to s^d Gershom be and he hereby is impowered to Sell the Real Estate of said Gershom and give and Execute a good Deed there of to any particular person who shall Offer to Support said Gershom comfortably in health and Sickness suitable to his degree and give him a decent burial after his Decease as set forth in the Petition Said person Giving Sufficient Sureties to said Town for the true performance thereof—provided the Town of Shrewsbury shall Consent therunto—But in Case said Town at a Legal Meeting shall not Consent to Such agreement and Sureties for the Surport of said Gershom the said Robert Andrews is impowered to Sell all said Real Estate for the Most the same will fetch and make and Execute a good deed or deeds to the purchaser or purchasers thereof he observing the Rules of the law, and Giving bonds to the Judge of Probate for said County of Worcester to account for the Expenditure of the proceeds of the Sale thereof.

Approved June 29, 1782.

Chap. 92a.]

XI.

RESOLVE ON THE PETITION OF JOHN JENKINS DIRECTING THE JUDGE OF PROBATE FOR THE COUNTY OF SUFFOLK TO ALLOW AND APPROVE THE COPY OF THE WILL OF ROBERT JENKINS, HIS FATHER, MENTIONED IN SAID PETITION.

On the petition of John Jenkins praying that the Judge of Probate of Wills &c for the County of Suffolk may be directed to grant him letters of Administration upon the Estate of Robert Jenkins Merchant (his father) late of Boston deceased and that the Copy referred to in said Petition may be established as the last Will and Testament of the said Robert Jenkins,—

Resolved, That the Judge of Probate and Wills &c for the County of Suffolk be, and he hereby is authorized and directed to allow of and approve the said Copy as the last Will and Testament of the

said Robert Jenkins. And it is further *Resolved* that the said Copy of said last Will and Testament with the Probate thereof as aforesaid shall forever hereafter be taken and deemed as good and effectual as if the same had been the original last Will and Testament of the said Robert with the Probate thereof in due form of law: and that the said Judge be, and he hereby is Authorized and directed to grant letters of Administration with the said last Will annexed to the said John Jenkins he observing the rules of law in such cases made and provided.

July 1, 1782.

Chap. 116a.]

XII.

RESOLVE DIRECTING THE RETURN OF CERTAIN LETTERS OF GENERAL WASHINGTON AND OTHERS TO THE GOVERNOR, AND REQUESTING HIS EXCELLENCY TO TRANSMIT TO THEM AN ACCOUNT OF THE PROCEEDINGS OF THE COURT ON THE MATTERS TOUCHED UPON.

Resolved, That the Letters laid before the Court from his Excellency Gen^l Washington, [Robert Morris Esq^r] and Robert R. Livingston Esq^r & the papers accompanying the same, be returned to his Excellency the Governor [; and that he be requested] to transmit an account of the proceedings of the Court on the matters touched upon to the gentlemen aforementioned.

July 4, 1782.

These letters were against a treaty with the enemy in a partial and separate capacity. The proceedings of the General Court are embodied in the Resolve "expressive of the determination of this Commonwealth to adhere firmly to the cause of the United States of America," passed the same day: printed as Chap. 109, 1782, May session, Laws and Resolves . . . 1882-83, pp. 243, 244.

Chap. 129a.]

XIII.

ORDER OF NOTICE ON THE TOWN OF READING TO SHOW CAUSE WHY THE PETITION OF JOSHUA EATON FOR A RECONSIDERATION OF THE REPORT OF REFERENCE ON AN ACTION BETWEEN HIM AND THE FIRST PARISH OF SAID TOWN, SHOULD NOT BE GRANTED.

On the petition of Joshua Eaton of Reading [praying that the report of reference on an action between him and the First Parish of the town of Reading might be reconsidered],—

Resolved, That the petitioner serve the clerk of s^d Town with a copy of the said petition &c. to shew cause [why the petition should not be granted].

July 5, 1782.

1782. SEPTEMBER SESSION.

BEGUN . . . ON WEDNESDAY THE TWENTY-NINTH DAY OF *May* 1782;
AND FROM THENCE CONTINUED, BY PROROGATION, TO WEDNES-
DAY THE EIGHTEENTH DAY OF *September* FOLLOWING, AND
THEN MET AT THE SAME PLACE, BEING THE SECOND SESSION
OF SAID COURT.

Chap. 2a.]

XIV.

RESOLVE DIRECTING THE SECRETARY OF THE COMMONWEALTH, THE CLERK OF THE SENATE, AND THE CLERK OF THE HOUSE OF REPRESENTATIVES, TO PERMIT JAS. SULLIVAN ESQ^R TO INSPECT ANY PAPERS IN THEIR SEVERAL OFFICES RELATING TO JOHN TEMPLE ESQ^R, AND FURNISH HIM WITH COPIES OF OR EXTRACTS FROM SAID PAPERS AS HE MAY REQUIRE; ALSO THAT SAM^L DEXTER ESQ^R PERMIT SAID JAS. SULLIVAN, TO INSPECT SUCH LETTERS OF THE LATE GOV^R HUTCHINSON AS ARE IN HIS POSSESSION RELATING TO SAID JOHN TEMPLE ESQ^R AND MAKE SUCH COPIES AS HE MAY THINK PROPER.

Resolved, That the Sec'y of this Commonwealth, the Clerk of the Senate, and Clerk of the House of Representatives be directed to permit Ja^s Sullivan Esq^r to inspect any papers in their Several Offices relating to John Temple Esq^r and furnish him with Copies of such of the said papers, or extracts from them as the said Ja^s Sullivan Esq^r may require, and that Sam^l Dexter Esq^r permit Ja^s Sullivan Esq^r, if he shall request it, to inspect such Letters of the late Gov^r Hutchinson as are in his possession relating to John Temple Esq^r & make such extracts from the same as he may think proper.

Sept. 20, 1782.

Chap. 9a.]

XV.

RESOLVE ADVISING THE GOVERNOR TO APPOINT AS SOON AS MAY BE A DAY OF PUBLIC HUMILIATION FASTING AND PRAYER THROUGHOUT THE COMMONWEALTH, AS THE SPIRIT OF WAR STILL RAGES, AND AN UNCOMMON DROUGHT GREATLY THREATENS THE LAND.

Whereas it has been the laudable Custom of our Ancestors in Times of Publick Distress jointly to offer up their prayers & intercessions to Heaven for relief and to humble themselves before GOD and as the Sprit of War still rages and the prospect of Peace seems to be farther removed from our view and a very uncommon drought greatly threatens our land with a scarcity of bread and strongly indicates the displeasure of Almighty GOD all which call on us by Humiliation Fasting & Prayer and an amendment of our lives to endeavor to procure his forgiveness and favour,—

Resolved, That the Governor be and hereby is desired to appoint as soon as may be a day [of] Public Humiliation Fasting & Prayer throughout this Commonwealth.

Sept. 24, 1782.

Chap. 26a.]

XVI.

ORDER OF NOTICE ON GEORGE JEWETT TO SHOW CAUSE ON THE SECOND WEDNESDAY OF NEXT SESSION WHY THE PETITION OF PAUL JEWETT AND OTHERS, SELECTMEN OF ROWLEY, FOR STAYING A CERTAIN EXECUTION, SHOULD NOT BE GRANTED.

On the petition of Paul Jewett and others selectmen of Rowley [for staying the execution mentioned till further order of the Court],—

Resolve, for George Jewett to shew cause on the second Wednesday of next session, [why said petition should not be granted].

Oct. 1, 1782.

Chap. 30a.]

XVII.

ORDER OF NOTICE ON THE ADVERSE PARTIES TO SHOW CAUSE WHY THE PETITION OF SAMUEL GOODWIN OF POWNALBORO FOR POWER TO BRING ACTIONS OF EJECTMENT AGAINST CERTAIN TRESPASSERS, SHOULD NOT BE GRANTED.

On the petition of Samuel Goodwin of Pownalboro [praying power from government to bring actions of ejectment against certain trespassers therein mentioned],—

Resolved, That the said Goodwin cause the adverse parties to be notified, by serving Asa Smith & Jos. Prince & others mentioned in the said petition with an attested copy of the petition, & this order thereon, to shew cause if any they have why the prayer of said petition should not be granted.

Oct. 2, 1782.

See 1782, January session, Chap. XXXIII.

Chap. 59a.]

XVIII.

RESOLVE ON THE PETITION OF MAJOR NATH^l HEATH DIRECTING THE TREASURER OF THE COMMONWEALTH TO PAY HIM THE FOOT OF HIS MUSTER ROLLS AS ANNEXED TO THE WARRANT SIGNED BY HIS EXCELLENCY JOHN HANCOCK.

On the Petition of Major Nath^l Heath Commander of a Company to do Duty about Boston praying that the Treasurer of s^d Commonwth may be directed to pay him the foot of his muster Roll for the Continental pay for said Service he having paid to the Soldiers under his Command nearly the whole of their Wages as appears by Receipts under their hands, & for the loss of three muskets Two of which were carried off by deserters the other Stole,—

Whereupon *Resolved*, That the prayer of the Petition be granted and the Treasurer of this Commonwealth be and hereby is directed to pay Major Nath^l Heath the foot of his muster roll as annexed to the warrant Signed by his Excellency John Hancock — any Law or Resolve to the Contrary notwithstanding.

Approved Oct. 16, 1782.

Chap. 71a.]

XIX.

ORDER OF NOTICE ON THE SELECTMEN OF THE TOWN OF DUXBOROUGH TO SHOW CAUSE WHY THE PETITION OF JOSEPH FREEMAN AND OTHERS OF SAID TOWN, THAT THE STREAM ON WHICH THEIR SAW MILL STANDS MAY NOT BE OPENED IN THE SPRING SEASON, SHOULD NOT BE GRANTED.

On the petition of Jos. Freeman, & Tho^r Porter & Steph^h Longfellow, owners of a saw mill in the town of Duxborough [praying that the stream on which said mill stands may not be opnd according to law in the Spring season],—

Resolve, to serve the selectmen of said Town with a copy of said petition to shew cause [why the petition should not be granted].

Oct. 19, 1782.

Chap. 76a.]

XX.

RESOLVE APPROVING THE PROCEEDINGS OF THE COMMITTEE APPOINTED TO RECEIVE DONATIONS FOR THE RELIEF OF CITIZENS OF SOUTH CAROLINA AND GEORGIA; AND DIRECTING THAT THE ACCOUNT OF THE SAME BE LODGED IN THE OFFICE OF THE SECRETARY OF THE COMMONWEALTH.

Resolved, That this Court approve of the proceedings of the Committee appointed to receive donations for the relief of the Citizens of South Carolina and Georgia and that the account of the same be lodged in the Office of the Secretary of the Commonwealth.

Oct. 21, 1782.

Chap. 85a.]

XXI.

ORDER OF NOTICE ON THE PROPRIETORS OF THE LAND MENTIONED IN THE PETITION OF BENJⁿ JAQUES & OTHERS, INHABITANTS OF THE PLANTATION OF WEST BOWDOINHAM, TO BE INCORPORATED INTO A TOWN, TO SHOW CAUSE ON THE SECOND WEDNESDAY OF NEXT SESSION, WHY SAID PETITION SHOULD NOT BE GRANTED.

On the petition of Benjⁿ Jaques & others, Inhabitants of the Plantation in the County of Lincoln called West Bowdoinham, [praying to be incorporated into a town],—

Resolved, That they notify the Proprietors of the land in said petition mentioned to shew cause on the 2^d Wednesday of next session [why the petition should not be granted].

Oct. 23, 1782.

Chap. 87a.]

XXII.

RESOLVE DIRECTING THE SECRETARY TO GIVE THE SEVERAL GENTLEMEN ELECTED DELEGATES TO REPRESENT THIS COMMONWEALTH IN CONGRESS, IMMEDIATE NOTICE OF SAID ELECTIONS.

Whereas, The Honble Samuel Holten Esq^r the Honble James Warren Esq^r the Honble Nathaniel Gorham Esq^r and the Honble Stephen Higginson Esq^r have this day by joint ballot of the Senate and House of Representatives assembled in one room, been elected Delegates to represent this Commonwealth in the United States in Congress assembled, agreeable to the Constitution to serve for one year to commence the first Monday of November next,—

Resolved, That the Secretary be and he hereby is directed to give the several Gentlemen above mentioned, immediate Notice of the said Elections.

Approved Oct. 24, 1782.

Chap. 100a.]

XXIII.

ORDER OF NOTICE ON CHARLES LE BALLISTER [OF BRISTOL] TO APPEAR ON THE FIRST OF NOVEMBER NEXT TO SHOW CAUSE WHY THE PETITION OF JOHN BUFFINGTON [OF SALEM] TO BE ALLOWED TO USE CERTAIN DEPOSITIONS IN A CASE WHEREIN HE AND SAID LE BALLISTER ARE PARTIES, SHOULD NOT BE GRANTED.

On the petition of John Buffin[g]ton [of Salem, praying to use certain depositions in a case wherein he and one Chas. L'Ballister are parties, said depositions having been taken for another case between the same parties, & the deponents having left the country],—

Ordered, That the Petitioner serve Charles Leballister (the adverse Party) with a Copy of this Petition and this order thereon that he may appear on Friday the first of November next at three o'Clock in the afternoon to Shew cause if any there be, why the prayer of the said Petitioner should not be granted.

Oct. 30, 1782.

See 1781, April Session, Chap. XXXVIII., p. 81.

Chap. 118a.]

XXIV.

RESOLVE FOR ABATING THE RATE OF ASSESSMENT ON CERTAIN TOWNS UNDER THE LAST VALUATION, AND FOR APPORTIONING THE AMOUNT THEREOF ON CERTAIN OTHER TOWNS; AND FIXING A SCHEDULE FOR FUTURE ASSESSMENTS ON SAID TOWNS.

On the Petitions of the Towns of Dorchester, Cohasset and Chelsea setting forth that they are set too high on the last Valuation and praying that they may be abated,—

Resolved, That twelve Shillings be abated to the Town of Dorchester, four shillings to the Town of Cohasset and three shillings to the Town of Chelsea in the Thousand pounds on the said Valua-

tion amounting in the whole to Nineteen Shillings and apportioned on the following Towns in manner following viz;—

Boston four shillings and sixpence, Roxbury one shilling, Milton Six Pence, Weymouth Six pence, Hingham one shilling, Braintree one shilling and six pence, Brookline eight pence, Dedham two shillings and three Pence, Needham one shilling and sixpence, Medfield three pence, Stoughton one shilling and six pence, Franklin six pence, Medway nine pence, and Bellingham nine pence in the thousand pounds, and that the Towns aforesaid stand in the Thousand Pounds on the said Valuation according to the annexed Schedule and be assessed in all future Taxes accordingly

Boston	56	14	6	Medfield	2	15	3
Roxbury	8	19	6	Stoughton	6	11	10
Dorchester	7	9	1	Wrentham	4	10	10
Milton	4	7	1	Walpole	2	16	6
Weymouth	4	6	7	Stoughtonham	2	15	2
Hingham	6	“	“	Cohasset	2	4	5
Braintree	9	12	3	Franklin	3	5	6
Brookline	3	11	2	Medway	3	4	1
Dedham	8	6	6	Bellingham	1	15	9
Needham	3	11	1	Chelsea	2	13	6

Approved Nov. 2 1782.

Chap. 132a.]

XXV.

ORDER TRANSMITTING A LETTER TO THE DELEGATES OF THIS COMMONWEALTH IN CONGRESS RELATIVE TO THE PROCEEDINGS OF THE STATE OF NEW YORK TOUCHING THE TERRITORY OF MASSACHUSETTS LYING TO THE WESTWARD OF THAT STATE.

On the Memorial of Samuel Barnes Esq^r relative to the Territory of this Commonwealth lying to the Westward of the State of New York and the proceedings of that State touching the same Territory,—

Ordered, That a letter as follows on that Subject be wrote to the Delegates of this Commonwealth in Congress.

Gentlemen,

The General Court of the Commonwealth of Massachusetts have received a Memorial setting forth that the State of New York have lately made a very large Grant of Land within our Territory to the Westward of that State, and that the same is already Located: and that measures are contriving to obtain the Sanctions of Congress in favour of those proceedings; all which may greatly tend to embarrass and defeat our Title and Claim to that part of the Continent. You are therefore directed diligently to Attend to the Subject; and as soon as may be, ascertain the whole Transactions of New York relative thereto.—And should you conceive it for the Interest of this Commonwealth, you are also immediately thereon,

to remonstrate to Congress against their proceedings in the most explicit and efficacious manner.

And it is also the direction of this Court, that Congress be informed that in Compliance with their Recommendation touching such Lands this Commonwealth have deferred the grants of large Tracts, which they might have made exceedingly consistent with Right and, that the delay in producing & proving our Claims is not to be attributed to any doubt of our Title, but to a pressure of Objects, of a still more general concern which is also the cause we have not as yet avail'd ourselves of certain evidence, that we still suppose attainable— And this Court will expect the earliest Information of any Act or event you may think material to the Subject of this Letter.

Nov. 6, 1782.

Chap. 145a.]

XXVI.

RESOLVE DIRECTING THE PUBLICATION OF ANY ACT RESPECTING EXCISES WHICH MAY PASS THE LEGISLATURE THIS PRESENT SESSION, IN CERTAIN NEWSPAPERS.

Resolved, That the Secretary of this Commonwealth be and he is hereby directed to cause any act respecting excises which may pass the Legislature this present Session to be published in the Springfield Worcester and Salem News Papers and in Willis's independent Chronicle.

Approved Nov. 9, 1782.

Chap. 174a.]

XXVII.

RESOLVE ON THE REPRESENTATION OF CALEB DAVIS ESQ^r AGENT OF THE COMMONWEALTH, DIRECTING HIM TO CHARGE THE UNITED STATES WITH THE AMOUNT OF THE CERTIFICATES LENT TO JABEZ HATCH ESQ^r DEPUTY QUARTER MASTER GENERAL, PROVIDED THE SAID HATCH SHALL FURNISH PROPER VOUCHERS; ALSO TO CALL FOR THE RETURN OF THE VESSEL DELIVERED FOR A PRISON SHIP.

On the Representation of Caleb Davis Es^a Agent of this Commonwealth,—

Resolved, That the said Caleb Davis be, and hereby is directed, to charge the United States with the amount of the Certificates, lent to Jabez Hatch Esq^r Deputy Quarter Master General, as mentioned in the said Representation being eight hundred twenty-five pounds . . . Provided that the said Jabez Hatch shall furnish the said Caleb Davis with such vouchers as shall be sufficient to procure an allowance of the same.

Resolved further, That the said Caleb Davis be, and he hereby is, directed to call upon John Hopkins Deputy Commissary of Pris-

oners, to return the Vessel delivered to him for a prisonship by virtue of an order of the General Court passed the sixteenth day of April last, and also to Supply him with vouchers sufficient to obtain an allowance of the Accounts of this Commonwealth against the United States for expences arising from furnishing the said Vessel as aforesaid.

Approved Nov. 12, 1782.

Chap. 174b.]

XXVIII.

RESOLVE ALLOWING JONATHAN WARNER AND COLONEL ASHLEY TWO PER CENT. FOR THEIR SERVICES IN RECEIVING, TRANSPORTING, AND PAYING TO THE LINE OF THE ARMY, THE GRATUITY ALLOWED THEM BY THIS COMMONWEALTH.

Resolved, That there be allowed to Jonathan Warner and Colonel Ashley two per cent for their Services in receiving, transporting and paying to the line of the Army the Gratuity allowed them by this Commonwealth agreeable to the Resolve passed January fifteenth 1781.—

It is further *Resolved* That the Committee [for settling with the army] who [were] appointed [July 2] to settle with said Warner and Ashley [be authorized] to allow them two per cent for all the money so payed which shall be in full for their time Services and expences in receiving, transporting and paying and Settling said accounts & any loss that attended the same.

Approved Nov. 12, 1782.

The Resolve of Jan. 15, 1781, above referred to, is printed as Chap. 9, 1780, January session, in Laws and Resolves . . . 1780-81, pp. 217, 218, with the date of Jan. 16.

1782. JANUARY SESSION.

BEGUN . . . ON WEDNESDAY THE TWENTY-NINTH DAY OF *May* 1782; AND FROM THENCE CONTINUED, BY PROROGATION AND ADJOURNMENT, TO WEDNESDAY THE TWENTY-NINTH DAY OF *January*, 1783, AND THEN MET AT THE SAME PLACE, BEING THE THIRD SESSION OF SAID COURT.

Chap. 2a.]

XXIX.

VOTE APPROVING THE ORDER TRANSMITTING THE COPY OF THE COMMISSION TO MR. OSWALD WITH THE MESSAGE OF THE GOVERNOR, TO THE SECRE-

TARY'S OFFICE, AND DIRECTING THE SECRETARY NOT TO PERMIT ANY COPIES OF THE SAME TO BE TAKEN.

Ordered, That the Copy of the Commission of Mr. Oswald this day communicated with the Message of His Excellency the Governor be transmitted to the Secretary's Office & that the Secretary be directed not to permit any copies of the same to be taken.

Approved Jan. 30, 1783.

The commission of Richard Oswald of Scotland, the British diplomatic agent, for signing a treaty of peace with the thirteen United States, of America. Sent to the governor by the American minister of foreign affairs.

Chap. 2b.]

XXX.

ORDER OF NOTICE ON THE DISTRICT OF CARLISLE TO SHOW CAUSE WHY THE PETITION OF DAVID PARKER THAT HIS LANDS BE RE-ANNEXED TO THE TOWN OF CHELMSFORD, SHOULD NOT BE GRANTED.

On the petition of David Parker [setting forth that he had been set off from the Town of Chelmsford to the town of Carlisle against his will, and praying that his lands might be reannexed to said Town of Chelmsford],—

Ordered, That the said David Parker notify the inhabitants of the District of Carlisle to shew cause, fourteen days at least before the 18th day of February next [why the petition should not be granted].

Jan. 30, 1783.

Chap. 16a.]

XXXI.

ORDER OF NOTICE ON NATHANIEL LOVELL TO APPEAR ON THE FOURTH WEDNESDAY OF THE PRESENT SESSION AND SHOW CAUSE WHY THE PETITION OF EZEKIEL ADAMS THAT A CERTAIN EXECUTION AGAINST HIM MIGHT BE STAYED, SHOULD NOT BE GRANTED.

On the petition of Ezekiel Adams [praying that a certain execution against him might be stayed until this court has heard the circumstances of his case],—

Ordered, That the Petitioner serve the said Nathaniel Lovell with a Copy of said Petition and this order seven days before the fourth Wednesday of the present Session of the General Court and Notify him to appear on the same Wednesday and shew cause if any he hath why the Prayer of the Petition should not be granted, and all proceedings on said Execution are stayed in the meantime.

Approved Feb. 6, 1783.

Chap. 20a.]

XXXII.

ORDER OF NOTICE ON JONATHAN METCALF, EDWARD RAWSON, AND DANIEL PERRY ESQ^s TO APPEAR ON THE LAST WEDNESDAY OF THIS INSTANT FEBRUARY, AND SHOW CAUSE WHY THE PETITION OF AARON CLAP AND OTHERS THAT THE COURT OF COMMON PLEAS FOR THE COUNTY OF SUFF-

FOLK MAY HAVE COGNIZANCE OF A CERTAIN AWARD RENDERED INTO SAID COURT, IN OCTOBER 1781, SHOULD NOT BE GRANTED.

On the Petition of Aaron Clap, Joshua Clap, & Joshua Clap, jun^r praying that the Court of Common Pleas for the County of Suffolk may have Cognizance of an award rendered into said Court held at Boston on the first Tuesday of October 1781 by Jonathan Metcalf, Edward Rawson, and Daniel Perry Esq^{rs} as particularly set forth in said Petition,—

Resolved, That the Petitioners notify the adverse party mentioned in said Petition by serving them with a Copy of said Petition and the order of Court thereon fourteen days before the last Wednesday of this instant February that they may then appear and shew cause if any they have why the prayer thereof should not be granted.

Approved Feb. 8, 1783.

Chap. 29a.]

XXXIII.

SECOND ORDER OF NOTICE ON ASA SMITH, JOSEPH PRINCE AND OTHERS, TO APPEAR ON THE FIRST FRIDAY IN JUNE NEXT AND SHOW CAUSE WHY THE PETITION OF SAMUEL GOODWIN OF POWNALBORO FOR POWER TO BRING ACTIONS OF EJECTMENT AGAINST CERTAIN TRESPASSERS THEREIN MENTIONED, SHOULD NOT BE GRANTED.

Whereas upon the Petition of Samuel Goodwin [of Pownalboro, praying for power to bring actions of ejectment against certain trespassers therein mentioned] an order passed this Court on the second of October last, that the said Goodwin cause the adverse parties to be notified, by serving Asa Smith and Joseph Prince and others, mentioned in the said Petition, with attested Copies of the Petition and the order thereon, to shew cause, if any they had, why the prayer of the said Petition should not be granted having miscarried,—

Ordered, That the Petitioner Samuel Goodwin cause the adverse parties aforesaid to be notified by serving the said Smith, Prince and others, with attested Copies of the said Petition, and this order thereon twenty days at least before the first Friday in June next, that they or either of them may on the said first Friday of June, shew Cause if any they have why the prayer of the said Petition should not be granted. Provided nevertheless that in case the said Joseph Prince be gone off the land referred to in the said Petition and be removed out of the County this order of Notification shall not extend to him.

Feb. 11, 1783.

See 1782, September session, Chap. XVII.

Chap. 49a.]

XXXIV.

ORDER OF NOTICE ON FRANCIS RITTAL TO APPEAR ON THE FIRST WEDNESDAY OF MARCH NEXT AND SHOW CAUSE WHY THE PETITION OF JOSEPH MCLELLAN FOR INDEMNIFICATION FROM A CERTAIN ACTION OF ASSAULT, BATTERY AND FALSE IMPRISONMENT BROUGHT AGAINST HIM BY SAID RITTAL, SHOULD NOT BE GRANTED.

On the Petition of Joseph M^cLallen [McLellan] praying that he may be indemnified from a certain action of assault, battery and false imprisonment brought against him by Francis Rittal at a Court of Common Pleas held in and for the County of Lincoln last September term apprehending said Francis among others by orders from General Wadsworth,—

Resolved, That the petitioner be directed to notify the said Francis to appear at this Court on the first Wednesday of March next (by serving him with an attested Copy of said Petition and this order at least twelve days before said first Wednesday of March) to shew Cause, if any he hath, why the prayer of said petition should not be granted.

Approved Feb. 14, 1783.

Chap. 81a.]

XXXV.

ORDER DIRECTING THE SECRETARY FORTHWITH TO NOTIFY SAMUEL ADAMS, GEORGE CABOT AND ARTEMAS WARD OF THEIR ELECTION AS DELEGATES TO CONFER WITH DELEGATES FROM OTHER STATES ON THE SUBJECT OF IMPOST AND EXCISE.

Whereas, This Court have made choice of the Hon^{ble} Samuel Adams, George Cabot and Artemas Ward Esq^rs as Delegates to confer with the Delegates from the other States on the subject matter of Impost and Excise,—

Ordered, That the Secretary be and he hereby is directed forthwith to notify the aforementioned Gentlemen of their Elections and request their answers respectively.

Feb. 21, 1783.

Chap. 101a.]

XXXVI.

ORDER DIRECTING THE SECRETARY OF THE COMMONWEALTH TO RECORD THE TREATIES OF ALLIANCE AND COMMERCE BETWEEN FRANCE AND THE UNITED STATES, AND BETWEEN THE STATES-GENERAL OF THE NETHERLANDS AND THE UNITED STATES, IN A BOOK TO BE ESPECIALLY APPROPRIATED FOR THIS AND SIMILAR PURPOSES.

Ordered, That the Secretary of this Commonwealth, be & he hereby is directed to record the Treaties of Alliance and Commerce between France and the United States of America, and also the Treaties of Amity and Commerce between the States General of the United Netherlands and the United States of America, in a book to be specially appropriated for this and similar purposes.

Approved March 3, 1783.

Chap. 102a.]

XXXVII.

ORDER DIRECTING THE LETTER OF THE GOVERNOR OF RHODE ISLAND DATED FEBRUARY 28, 1783, TO BE RETURNED TO THE OFFICE OF THE SECRETARY OF THE COMMONWEALTH.

Whereas the consideration of the letter of the Governor of Rhode Island, dated February 28th, 1783 appears to belong properly to the Executive department . . . therefore

Ordered that the said letter be returned to the Secretary's Office.

Approved March 4, 1783.

Chap. 130a.]

XXXVIII.

ORDER OF NOTICE ON PERSONS INTERESTED IN CERTAIN LOTS OF LAND IN THE KENNEBEC PURCHASE TO APPEAR ON THE FIRST FRIDAY OF THE NEXT SESSION AND SHOW CAUSE WHY THE PETITION OF HENRY ALLINE, CLERK TO THE PROPRIETORS OF SAID PURCHASE, RESPECTING CERTAIN EXCHANGES OF LOTS AND IMPROVEMENTS, SHOULD NOT BE GRANTED.

On the petition of Henry Alline, clerk to the Proprietors of the Kennebec Purchase from the late Colony of New Plymouth [praying, in behalf of said Proprietors, that they, or their committee, be enabled to lay out a road across certain large lots granted to them, and on said road to lay out settling lots contiguous to each other . . . and to dispose of the same in lieu of certain reserved lots for settlers of the same number and quantity, said reserved lots to become the property of said grantees],—

Ordered, That the petitioner be, and hereby is directed, to notify all persons interested in the said lots of land, by publishing an attested copy of the said petition, with this order thereon, in Willis's weekly news-paper, three weeks successively, that they may appear on the first Friday of the next session of the General Court, and shew cause, if any they have, why the prayer of the said petition should not be granted.

March 12, 1783.

Chap. 145a.]

XXXIX.

VOTE APPROVING AN ORDER PROVIDING FOR THE PROPER INDEX OF THE RESOLVES PASSED SINCE THE COMMENCEMENT OF THE PRESENT CONSTITUTION, AND FOR AN INDEX TO BE PRINTED WITH THE RESOLVES WHICH MAY HEREAFTER PASS.

Ordered, That the Secretary be and he is hereby directed to furnish the printer (who prints the resolves of the General Court) with a proper Index of all the Resolves which have passed since the Commencement of the present Constitution (and which have not had a proper Index printed with them) and the Secretary is also further directed to have a proper Index printed with the resolves which may hereafter pass the General Court.

Approved March 14, 1783.

Chap. 165a.]

XL.

RESOLVE ON THE PETITION OF ISAAC SEARS AND PALCHAL NELSON SMITH DIRECTING THE TREASURER TO CONSOLIDATE TWO NOTES OF THE LATE TREASURER GARDNER, WHICH NOTES WERE PAID BY THE COMMITTEE OF WAR TO THE PETITIONERS, AND TO ALLOW ON THEM THE SAME PREMIUM THAT IS ALLOWED ON OTHER PUBLIC SECURITIES CONSOLIDATED.

On the Petition of Isaac Sears & Palchal Nelson Smith, . . .

Resolved, That the Treasurer be directed to consolidate two notes of the late Treasurer Gardner dated August 14th 1779 and Numbered 77 which Notes were paid by the Committee of War to the Petitioners; and to allow on the said Notes the same premium that is allowed on other public securities consolidated.

Approved March 17, 1783.

Chap. 165b.]

XLI.

ORDER OF NOTICE ON THE CLERK OF THE SESSIONS OF THE COUNTY OF HAMPSHIRE TO SHOW CAUSE WHY THE PETITION OF THE SELECTMEN OF PALMER FOR THE RELOCATION OF A ROAD AND BRIDGE AT THE PUBLIC EXPENCE, SHOULD NOT BE GRANTED.

On the petition of the Selectmen of the Town of Palmer [praying that a road and bridge in said Town might be relocated at the public expense],—

Ordered, That the petitions be directed to serve y^e Clerk of y^e Sessions of the County of Hampshire with an attested copy of said petition 30 days before the first Tuesday of next session, to shew cause [why the petition should not be granted].

March 17, 1783.

Chap. 186a.]

XLII.

ORDER OF NOTICE ON THE ELDEST SON TO SHOW CAUSE WHY THE PETITION OF MARY ALMY OF DARTMOUTH, GUARDIAN OF HER CHILDREN, THAT THEIR REAL ESTATE MAY BE SOLD FOR THEIR SUPPORT, SHOULD NOT BE GRANTED.

On the petition of Mary Almy of Dartmouth, guardian to her children [praying that their real estate may be sold for their support],—

Order, to notify the eldest son to shew cause, why the petition should not be granted.

March 20, 1783.

Chap. 223a.]

XLIII.

RESOLVE APPOINTING CAPTAIN JAMES BANCROFT A COMMITTEE TO PROCURE AN AUTHENTIC PAY ROLL WHEREBY THE SUMS DUE THE NINE MONTHS

MEN RAISED FOR THE CONTINENTAL SERVICE MAY BE ASCERTAINED, AND TO ASCERTAIN THE NUMBER OF ARMS THAT HAVE BEEN FURNISHED BY THIS COMMONWEALTH SINCE THE FIRST DAY OF JANUARY 1777, IN ORDER THAT THE SAID WAGES AND ARMS MAY BE CHARGED TO THE CONTINENT AND JUSTICE DONE TO INDIVIDUALS.

Whereas it appears to this Court that there hath not be sufficient provision made for paying the wages of the Nine Months men raised for the Continental Service, agreeable to a resolve of the General Court of the eighth day of June 1779 and whereas many Soldiers have been furnished with arms at the expence of this Commonwealth, and others at their own expence which arms have been turned into the Continental Stores; and no proper measures having been taken to charge the same to the Continent,—it is therefore,

Resolved, That Captain James Bancroft, be, and hereby is appointed a Committee to procure, in the recess of the General Court, an authentic pay roll from some proper Officer or Officers of the Continental Army whereby the sums due to the said men may be ascertained.

And also to ascertain the number of arms that have been furnished by this Commonwealth, since the first day of January 1777 in order that the said wages and arms may be charged to the Continent and Justice done to individuals.

And it is also *Resolved,* That his Excellency the Governor be, and he hereby is requested to give such orders and directions relative to the business aforesaid, as he shall judge necessary, in order to forward and perfect the same.

Approved March 26, 1783.

Chap. 223b.]

XLIV.

ORDER GIVING ALL MATTERS AND THINGS HAVING HAD DAY IN THE PRESENT SESSION AND NOT PASSED UPON, THE SAME DAY IN THE NEXT SITTING.

Ordered, That all matters and things having had Day in the present Session of the General Court & not passed upon shall have the same day in the next sitting thereof.

March 26, 1783.

1782.

ADDRESSES AND MESSAGES.

SPECIAL MESSAGES.

ANNOUNCING THE BIRTH OF A DAUPHIN OF FRANCE.

June 3, 1782.

Gentlemen of the Senate, and Gentlemen of the House of Representatives,

With particular pleasure I take an early opportunity to lay before you, in a Letter from the Secretary of Congress for foreign affairs, the first Official Annunciation I have received of the Birth of a Dauphin of France.

You Gentlemen, as well as myself & all the good Citizens of this Commonwealth take a large part in the Joy which this happy event has given to his Most Christian Majesty, and to the whole Nation which engaged so early and warmly, & has so freely expended her Treasure & her Blood, in the Cause of America—I can only say, that I shall most readily & chearfully concur with you, Gentlemen, in every measure which your lively feelings shall dictate, and your Judgment determine to be proper, for expressing in some public manner our Common Joy upon this Auspicious Occasion.

JOHN HANCOCK.

Council Chamber June 3 1782.

RESPECTING THE IMPOST BILL OF THE PREVIOUS SESSION.

June 3, 1782.

Gentlemen of the House of Representatives,

In Answer to your Message this Moment Receiv'd "requesting information whether I had given Notice to Congress that an Act was passed in the last Session of the General Court empowering them to lay an impost upon all Goods, Wares & Merchandize imported into this State &c" I would inform you that as the Bill you Refer to was not Constitutionally pass'd, I could not without a most manifest Breach of the Trust Confided to me have Taken any Steps respecting it, for I have never Considered that Bill as pass'd into a Law.

JOHN HANCOCK.

Council Chamber, Boston, June 3^d, 1782.

EXPRESSING READINESS TO SIGN AN IMPOST BILL CONSISTENT WITH
THE PRINCIPLES OF THE CONSTITUTION.

June 4, 1782.

Gentlemen of the House of Representatives,

My Opinion grounded as I apprehend upon the Constitution remains full in force that the Impost Bill has not been Constitutionally passed into a Law—I am most earnestly Solicitous that a Bill of that nature should pass, as I judge it would be very Beneficial to the Commonwealth and I shall most readily & cheerfully concur with you in passing one that shall in every view be consistent with the principles of the Constitution; and upon a Signification of your pleasure to be possessed of the Bill it will be laid before you by the Secretary.

JOHN HANCOCK.

Council Chamber Boston June, 4th 1782.

MESSAGE TO THE GOVERNOR.—RESPECTING A CELEBRATION OF THE
BIRTH OF A DAUPHIN OF FRANCE.

IN SENATE, June 4, 1782.

Order'd, that Nathan Cushing and Jonⁿ Greenleaf Esq^m with such as the Hon^{ble} House shall join be and hereby are appointed a Committee to wait on his Excellency the Governor with the following Message

IN HOUSE OF REPRESENTATIVES, June 4, 1782.

Read & concurred & Cap^t Patch D^r Manning & M^r Goodell are joined.

May it please your Excellency,

The Senate & House of Representatives in General Court assembled have receiv'd with particular pleasure the Communication your Excellency has been pleased to make, that the Minister Plenipotentiary of his most Christian Majesty has announced to the United States in Congress assembled the Birth of a Dauphin of France.

We share in the lively joy which this happy Event has given the most Christian King and the Nation over which he reigns, a Prince in whom these United States have found a most faithful Ally, & a Nation who have freely expended their Treasure & their Blood in the Defence of the Rights of Mankind

We request your Excellency with advice of Council to take such Measures as in your Wisdom shall be thought proper to express in a public manner the common Joy upon this Auspicious Occasion—

And we also request your Excellency to express to the Minister Plenipotentiary of his most Christian Majesty our Congratulations on an Event which tends to the Stability of a Monarchy with which we are connected by every sentiment of Affection.

REPLY OF THE GOVERNOR TO THE FOREGOING.

*June 5, 1782.**Gentlemen of the Senate & Gentlemen of the House of Representatives,*

I feel myself under peculiar Difficulties in Determining with the Council the mode of Carrying into Effect your Message of this Morning with respect to the Public Expressions of Joy upon the Birth of a Dauphine of France As the Council with myself wish fully to comply with your Ideas on the Occasion, and as we may either fall short of, or exceed your Expectations in this instance, I take leave to request that the General Court would be pleased to point out that mode that they judge most agreeable to the Occasion, and they may depend their wishes shall be carried into full Effect.

JOHN HANCOCK.

Council Chamber Boston June 5, 1782.

TRANSMITTING PAPERS FROM THE HON. MR. LOVELL AFFECTING THIS COMMONWEALTH.

*June 5, 1782.**Gentlemen of the Senate & Gentlemen of the House of Representatives,*

Early upon the Arrival of the Honble M^r Lovell from Philadelphia, he communicated to me his Commission and other papers respecting his appointment from the superintendent of Finance, the whole of which I laid before the General Court. I have just receiv'd a Letter from M^r Lovell inclosing Copy of a Letter from the Superintendant, the Contents of which so materially affect this Commonwealth that I have judg'd it my duty to direct the Secretary to lay the papers before you, for your Consideration.

JOHN HANCOCK.

Council Chamber Boston June 5th 1782.

MESSAGE TO THE GOVERNOR—RESPECTING THE METHOD OF CELEBRATING THE BIRTH OF A DAUPHIN OF FRANCE.

IN SENATE, June 10, 1782.

Order'd, that Tim^o Danielson & Jed^h Preble Esq^m with such as the Hon^{ble} House shall join be & hereby are appointed a Committee to wait on his Excellency the Governor with the following Message.

Sent down for Concurrence S Adams Presidt.

IN HOUSE OF REPRESENTATIVES, June 10, 1782.

Read and concurred & Tristram Dalton, Will^m Phillips & Nath^l Tracy Esq^m are joined.

May it please your Excellency,

The General Court, on your Signifying to them the Intelligence receiv'd from the Secretary of Foreign Affairs, of the Birth of a Dauphin of France, were highly pleased with the Opportunity of manifesting their Participation in the General Joy; and were fully satisfied in submitting the mode to your Excellency. But since you have been pleased, by your Message of the 5th inst, to Communicate your desire that the General Court would be more explicit on that Subject; We wish to assure your Excellency, that, should you think proper to order a decent Collation in the Senate Chamber to-morrow at twelve o'Clock, at the public Expence for the Entertainment of your Excellency, the Hon^{ble} Council, both Branches of the Legislature, the Consul of France, and such Gentlemen of Rank as your Excellency may be disposed to invite, with such Firings as are usual on Similar Occasions, it will be perfectly agreeable to the Ideas and Sentiments of the General Court.

Subsequently the same day the Secretary came into the Senate, and suggested to the President that it was "the wish of his Exc^y the Gov^r that the Celebration of the birth of the dauphin be postponed to 12 o'Clock on Wednesday next — and the same was postponed accordingly."

RESPECTING DISTURBANCES IN HAMPSHIRE COUNTY.

June 17, 1782.

Gentlemen of the Senate and Gentlemen of the House of Representatives,

I have this morning received by Express some Letters from Gentlemen of Character in the County of Hampshire which I have directed the Secretary to lay before you. The Contents of these Dispatches are of such an Alarming nature as to require immediate attention. I therefore submit them to your Consideration, & you may Depend that such Resolutions as you shall judge proper to adopt for quelling the present Disturbances in that County shall be immediately carried into effectual Execution.

JOHN HANCOCK.

Council Chamber Boston June 17th 1782.

RESPECTING AN ACT REPEALING A CLAUSE IN AN ACT FOR APPORTIONING AND ASSESSING A TAX OF £200,000.

July 3, 1782.

Gentlemen of the Senate & Gentlemen of the House of Representatives,

The Secretary has laid before me an Act to repeal a Clause in An Act for Apportioning & Assessing a Tax of Two hundred Thousand pounds &c. This Act makes provision, that the Notes of the American Bank &c. & among others, the promises & Engagements of *Oliver Phelps & Company contractors*, shall be received by the

Collectors of the Tax in Satisfaction for a Sum equal to the Sum express'd in said Notes & Engagements — I am at a loss to know who the Company are who are Connected with Oliver Phelps, & by what means the different Signatures of the Company are to be distinguish'd from Counterfeits, for each one of the Company will have a right to Sign *Oliver Phelps & Company*, & it appears to me unless some further Explanation is made in the Bill, the insertion of *Oliver Phelps & Company* will operate to the prejudice of the good People of the Commonwealth. I would therefore submit it to your Consideration, Gentlemen, whether the Names of each one of the Company should not be inserted in the Bill, & whether the Signature to the Notes of M^r Phelps should not be confin'd to one hand Writing, & whether there would not be propriety in having the Notes Countersign'd — In the present state of the Bill I am at a loss about signing it, but shall cheerfully give my Sanction to it if you shall be pleased to make it more explicit.

JOHN HANCOCK.

Council Chamber Boston July 3^d 1782.

ON THE PRESSURE OF BUSINESS FROM THE ASSEMBLY WITH THE REQUEST FOR A RECESS.

July 5, 1782.

Gentlemen of the Senate and Gentlemen of the House of Representatives,

I have been so pressed with business from the Assembly yesterday & this day, that with the utmost Attention I have not been able even to peruse the whole of the Papers laid before me, that if the General Assembly expect I should Act upon them this session they must allow me to Avail myself of at least part of the Time allotted me by the Constitution for Consideration, in which case I cannot comply with the request of the General Court in giving a Recess this Evening. But if the General Court will be pleased to send for the papers that have not been Acted upon nor could be in point of Time, and will refer them to the next session I shall have no Hesitation in complying with the request of the Court as to a recess.

JOHN HANCOCK.

Council Chamber Boston July, 5 1782.

EXPRESSING READINESS TO APPROVE A RECESS, IF CERTAIN PAPERS ARE REFERRED TO THE NEXT SESSION.

July 6, 1782.

Gentlemen of the Senate and Gentlemen of the House of Representatives,

I am very far from wishing to continue the Session of the General Court contrary to the Inclination of the Members.

I have this moment perfected all the papers that have been laid

before me, excepting a considerable File which respects M^r John Temple and which I have not had opportunity to Act upon. I have perus'd some of the papers and find that this matter has for many Days taken up the Attention of the Two Houses, and that a variety of Opinions took place; under these Circumstances and considering the Nature of the papers, I am reduc'd to the Necessity of improving more time to Ripen me for a Determination on the Subject.

I shall be ready however to comply immediately with the request of the General Court for a Recess, if they shall be pleas'd to send for the papers & refer them to the next session.

JOHN HANCOCK.

Council Chamber Boston July 6th, 1782.

VETOING A RESOLVE APPOINTING A COMMITTEE TO ADVISE THE ASSISTANT TREASURER IN THE BUSINESS ASSIGNED HIM.

July 6, 1782.

Gentlemen of the House of Representatives,

I have Signed the Bill for the appointment of an assistant Treasurer, & the General Court have made Choice of a Gentleman who is universally Allowed to be fully Competent to the Execution of the Business. By a Resolve of the 5th inst. which is laid before me, three respectable Gentlemen are appointed "for the purpose of advising the Assistant Treasurer in the Arrangement of the Business assigned him & Conducting the Books & Entries necessary thereto"—As I am of Opinion that the Gentleman appointed Assistant Treasurer is fully Conversant in & Competent to every purpose mentioned in the Resolve, I feel myself unwilling to create any additional Expences to the Good people of this Commonwealth, when I cannot see the necessity of it, I therefore cannot sign the Resolve

JOHN HANCOCK.

Council Chamber Boston July 6th 1782.

The "three respectable gentlemen" appointed by Resolve referred to were William Phillips, Isaac Smith, and Edward Payne esqrs. Upon the receipt of this message the House "proceeded to reconsider the said Resolve and the question was put by yea & nays whether notwithstanding his [the governor's] expression the House would agree to pass the same, & was determined in the negative."

STATING OBJECTIONS TO TWO RESOLVES FOR RAISING GUARDS AT PLYMOUTH AND OTHER PLACES.

July 6, 1782.

Gentlemen of the Senate and Gentlemen of the House of Representatives,

The Secretary has laid before me two Resolves of the two Houses for raising Guards at Plymouth and other Places in several Counties

I am prevented giving my Sanction to them as by the Tenor of them the Command of Guards and Forts is taken from me, which I cannot submit to without violating the Constitution: should the two Houses be pleased to conform the Resolves to the Principles of the Constitution, I will most cheerfully sign them; altho in two or three instances in the Resolves I cannot think there is a necessity for Guards.

JOHN HANCOCK.

Council Chamber Boston July 6th 1782.

AGREEING TO A RECESS, THE TEMPLE PAPERS HAVING BEEN WITHDRAWN.

From the Senate journal, July 6, 1782.]

The Secretary came in and said he had a Message from his Excellency the Gov^r to acquaint the Senate that in consideration of the request of the two Houses, and they having sent for the papers relative to Mr Temple's Memorial, it was his pleasure to adjourn the General Court (a Resolve of the two Houses having been sent up which it was suppos'd could not have reach'd his Excellency at the time when the Secretary left him, it was thought prudent that the Secretary withdraw, and accordingly he withdrew a short time, & then return'd and read the heads of the bills approv'd of by the Governor viz. . . .

And then declared that it was his Excellency's pleasure that the General court be adjourned until Wednesday the 18th day of September next etc.).

1782. SEPTEMBER SESSION.]

SPECIAL MESSAGES.

COMMUNICATING LETTERS REGARDING THE MOVEMENTS OF THE
BRITISH ARMY AND FLEET AT NEW YORK.

Gentlemen of the Senate and Gentlemen of the House of Representatives,

I have directed the Secretary to lay before you three Letters which I rec^d this morning containing Intelligence respecting the movements and Destination of the British Fleet and Army at New York—I have thought it my Duty to Communicate this Intelligence to you previous to the Introduction of the Business I have to lay before you. I recommend the subject matter of these Letters to your immediate Consideration & shall be ready to concur with you in such measure as shall be judged necessary to advance the safety of this Commonwealth.

JOHN HANCOCK.

Council Chamber Sept. 19th 1782.

The three letters forwarded were from General Washington, dated Sept. 18, Lieut. Governor Bowen, Sept. 16, and General Varnum, Sept. 16, 1782. They were the occasion of the Resolve, Chap. 3, Laws and Resolves . . . 1782-83, p. 266.

ACCOMPANYING LETTERS RECEIVED DURING THE RECESS.

Gentlemen of the Senate & Gentlemen of the House of Representatives,

The several Letters and Papers which I have directed the Secretary to lay before you contain every material occurrence during the recess of the General Assembly; I submit them to your consideration & shall at all times be ready to adopt with you such measures as shall be judged most conducive to the publick Welfare.

JOHN HANCOCK.

Council Chamber Boston, Sept^r 20th 1782.

RESPECTING QUARTERS FOR THE OFFICERS OF THE ARMY OF COUNT DE ROCHAMBEAU EXPECTED SOON TO ARRIVE.

Gentlemen of the Senate and Gentlemen of the House of Representatives,—

Monsieur Dumas Deputy Quarter Master General of the French Army having represented that His Excellency Count de Rochambeau with his Army are soon expected to arrive in this State & has requested that Provisions may be made for quartering the officers of said Army &c., the Secretary will lay before you a Copy of this Representation that you may take such order thereon as you shall judge necessary.

JOHN HANCOCK.

Boston Nov^r 4th 1783.

See Resolve, Chap. 124, Laws and Resolves . . . 1782-83, p. 332.

ADVISING REFERENCE OF THE EXCISE BILL TO NEXT SESSIONS THAT SENTIMENT OF NEIGHBORING STATES MAY BE ASCERTAINED.

Gentlemen of the Senate and Gentlemen of the House of Representatives,

The Secretary has laid before me a Bill intituled an Act for repealing several Acts laying certain Duties of Excise on certain Articles therein mentioned, and for laying a Duty or Excise on certain Articles mentioned in said Bill.

I am clearly of Opinion that under present circumstances it is highly expedient, if not absolutely necessary to raise Money in some such Way as is pointed out by this Bill. Experience has taught us that we cannot avail ourselves of Money sufficient to carry on the War *solely* by the common Mode of Taxation. It is then of great importance that we should obtain all we can by Duties

and Excises. The more important this measure appears to be, the more necessary it is, that it should be done in such way, as to render it effectual and permanent, as well as conducted in such a Manner as to make it an equal law, and thereby render it agreeable to the People in General. I would submit it to your Consideration whether this can be effected without first consulting the neighbouring Governments and knowing whether they will adopt similar Measures. I therefore in Duty cannot refrain to recommend your referring this Bill to the next Sessions for further Consideration, and in the mean Time taking such measures as you may judge proper to obtain the Sentiments of neighbouring States upon this Subject

JOHN HANCOCK.

Boston Novem. 3rd 1782.

RESPECTING THE EXCISE BILL AND THE CALL FOR A RECESS.

Gentlemen of the Senate & Gentlemen of the House of Representatives,

In the evening of the 12th ins^t I received by a committee of the Gen^l Court a request to adjourn the Court at which time I had before me a Bill of very great importance to the people at large which had engaged the attention of the Gen^l Court for a considerable time, and had not been in my possession three days, besides a number of Resolves which the Secretary laid before me on the same day, I received the Message; and even at the very time the Committee were with me requesting the recess I received a number of Resolves from the Gen^l Court, for the consideration of which the constitution points out a suitable time. These circumstances I was under a necessity of represent^s to the General Court by the Secretary, and inform^s them I could not consistant with my duty to the public comply with the request of the Court that evening. The next morning I sent a written Message to the Court, stating I think in a decent manner my apprehensions with respect to the effect of the Bill, & in the mean time adopting such measures as the Court should judge proper to obtain the sentiments of the neighbouring States on the subject in order that the Bill might have an equal operation. Presum^s that this Message was under the consideration of the Court, and momentarily expecting an answer when I this day receiv^d another Message renewing the application for a recess, altho' a Resolve had been laid before me which had passed the Court just before I received the Message.

It is my wish at all times to have it in my power to comply with the request of the Gen^l Court, and to promote the interest of the Commonwealth & to lessen the public expences; & could I yesterday have rec'd the determination of the two Houses in consequence of my Message a recess would have taken place very soon after;

and I am even now disposed to adjourn the Court, agreeably to their request as I cannot in any the least degree feel myself liable to the charge of preventing the adjournment of the Court; for it cannot escape the notice of the two Houses that the Excise Bill has not been before me five days agreeably to the constitution & consequently cannot operate as an Act. However if the General Assembly are notwithstanding desirous of a recess; upon a signification of their pleasure I will immediately adjourn them.

JOHN HANCOCK.

Boston Nov^r 14th 1782

Upon the reception of this message in the House it was "*Ordered*, That the Secretary attend the House to inform them of the precise time at which he laid the Excise Act passed the present Session, before his Excell^y the Gov^r." Accordingly, the Secretary attended, "& said that he laid the said Act before his Excell^y a little past ten o'Clk Saturday morning—He was then Ordered to lay the minutes & proceedings of the Hon^{ble} Council before the House which he did, but the proceedings of this day not appearing to be made up the same were returned." [House journal, Nov. 14.

In the Senate it was "*Ordered*, That Charles Turner and Caleb Davis Esq^r with such as the Honble House shall join be a Committee to wait on his Excellency the Governor with the following Message [see below].

"Sent down for concurrence.

"Came up concurred & Mr. Sprague, Colonel Thatcher & Mr. Smead are joined." [Senate journal, Nov. 14.

MESSAGE TO THE GOVERNOR — THE EXCISE BILL DECLARED TO BE
A LAW.

May it please your Excellency,

The two branches of the General Court have taken into mature consideration your Message of this date and are clearly of opinion that the Excise Bill (so called by your Excellency) has been before you the full time prescribed by the Constitution: and is therefore become a law.

1782. JANUARY SESSION [1783].]

OPENING MESSAGE.

Gentlemen of the Senate and Gentlemen of the House of Representatives,

I had promis'd myself the Honor of Attending the General Court at their first meeting in Person but my Health not being perfectly established I flatter myself will plead my Apology.

Nothing material has occurred during your recess, nor have I received any other public Letters, than the one from the Minister for Foreign Affairs at Philadelphia, inclosing a Copy of Mr Oswald's Commission to Treat with the Thirteen United States of America which I have directed the Secretary to lay before you.

I shall communicate to you in separate Messages several matters that respect the internal Concerns of the Commonwealth, & shall

at all Times most chearfully Concur with you in every measure tending to promote the Public Weal.

JOHN HANCOCK.

Council Chamber, Boston January 30, 1783.

SPECIAL MESSAGES.

RESPECTING THE SAILING OF THE SLOOP WINTHROP.

Gentlemen of the House of Representatives,

In consequence of your Message just now received I am to inform you that the Sloop Winthrop sometimes since sailed upon a course under my orders copy of which I have directed the Secretary to lay before you agreeably to your request.

JOHN HANCOCK.

Council Chamber Feb^{ry} 1st 1783.

The message of the House was a request "to be informed by Message whether the sloop Winthrop hath sailed, & if so what was her destination & what orders were given to the captain."

ON CERTAIN RIOTOUS PROCEEDINGS IN THE TOWN OF UXBRIDGE.

Gent^{rs} of the Senate & Gent^{rs} of the House of Representatives,

On Saturday last I received a Letter from Col^o Nathan Tyler of Uxbridge in the County of Worcester giving me information of some unjustifiable & riotous proceedings of a number of the Inhabitants of that & the neighbouring Towns who appeared at a regular public sale & rescued the property from the Constable & delivered it to the original proprietors — This information I immediately laid before the Council & in consequence of their advice I issued my Warrant to the Sheriff of the County of Worcester for apprehending three persons who were very active in opposing the due execution of the Laws & were the Leaders in the riot, & directed the Sheriff to convey them to close custody in the Goal at Boston. The papers above referred to I have directed the Secretary to lay before you — And upon this occasion I cannot forbear submitting to the consideration of the Gen^l Court the propriety of adopting a mode more summary & speedy for the apprehending such opposers of lawful authority than applications to grand juries which often fail of having the effect wished for by the length of the process, when at the same time the conduct of persons may require immediate detection & punishment for the internal peace and safety of the Commonwealth. I shall not point out any particular method, being confident that the General Court will take such steps as shall remedy the present inconveniences.

JOHN HANCOCK.

Council Chamber Feb^{ry} 3^d 1783.

TRANSMITTING A LETTER AND PAPERS RESPECTING MR. THOMAS
BRATTLE.*Gentⁿ of the Senate & Gentⁿ of the House of Representatives,*

I have lately received two Letters from his Excellency Governor Greene of the State of Rhode Island with some Inclosures respecting M^r Thomas Brattle, which he requested me to lay before the Gen^l Court. I have directed the Secr^y to lay those Letters & Papers before you, & recommend them to your consideration.

JOHN HANCOCK.

*Council Chamber Boston Feb^{ry} 7th 1783.*EXPLAINING THE COURSE PURSUED WITH RESPECT TO THE SLOOP
WINTHROP.

IN THE HOUSE OF REPRESENTATIVES, Feb. 6, 1783.

The House proceeded upon the consideration of the report of the Committee on the Govr's Message respect^s the Sloop Winthrop and a motion being made the question was put whether a Message should be sent to his Excell^y the Governor which passed in the affirmative. The following Message was prepared & Voted to be sent viz.—

May it please your Excellency,

Your Excellency having in your Message of Saturday last laid before the House a copy of the Orders given by you to the Cap^t of the Sloop Winthrop you cannot we presume be surprised, when you compare those orders with a Resolve of the Gen^l Court passed Nov^r 11th 1782 approved by yourself, that the House feel anxious to be informed upon what principles your Excellency has thought yourself authorized to give such Orders. The House ever disposed to harmonize with the supreme Executive of the State, and entertaining all proper respect for your Excellency, yet as Guardians of the rights & safety of their constituents feel themselves constrained by this duty to make this enquiry. Some late informations from the Eastern Shore make us apprehensive that the measure taken by your Excellency may prove very injurious to the safety of that part of the State, but the apparent interference of the Executive, in this instance with the rights of the Legislature gives us much more serious concern; and we are satisfied your Excell^y must concur in sentiment that when such an interference appears, it is the duty of every Branch of Government to pay immediate attention to it; and we are also satisfied that your Excell^y will feel the propriety of entering into an explanation of this matter that undue jealousies may not arise between the Legislature & Executive or subsist in

the minds of the good people of this State as to the supposed encroachments of either of them.

It was then *Ordered* that M^r Lowell, M^r Dwight, M^r Sedgwick, M^r Otis & Gen^l Ward be a Committee to present said Message.

Gentlemen of the House of Representatives,

The principles held up in your Message which I received this day I most sincerely accord in, & had those principles been in any one instance by me designedly opposed and counteracted, I should not feel myself free from a liableness to censure. It ever has, & ever will be my study both in public & private life, strictly to adhere to the principles of the Constitution. Nor can I charge myself with a deviation from them—True it is, that after the receipt of your Message I was convinced of the existence of the Resolve you refer to in it, respecting the Sloop Winthrop, & had I been impressed with the particulars of the Resolve at the time I gave the orders to the commander of that Sloop, I most assuredly should have observed a different line of conduct respecting the destination of the Vessel; & I flatter myself that when my then unfortunate situation is taken into contemplation, that I was confined to my bed, & the Secretary obliged to sit by me, and from time to time read the Resolves, the House of Representatives will not so much wonder that I could not impress my mind with the course of public business nor pay that attention to it as was usual with me in a state of sound health; & that those circumstances will plead my apology for not recollecting the Resolves as at the time of giving the orders I was confin'd to my chamber.

With respect to the particular orders I gave, I was induc'd from several motives to frame them as I did. The applications that were made me in behalf of the Commander Cap^t Little, whose great exertions & successes on the Eastern Coast had recommended him to the notice of the Public, I must confess had a great effect upon me. I considered that he had most essentially prevented the depredations on that coast by capturing & sending into this Port near the whole of the arm'd force they possessed at Penobscot, & that the season was fast advancing when it would be impossible for him or the enemy to keep the Sea upon the Eastern Coast; & wishing that the Commonwealth & himself might be benefitted by the capture of some prizes, I determin'd that he should proceed first to the Eastern Shore, & if he found no enemy there, I consented he should take a cruise off Bermudas, or run to the West Indies, in hopes that the Commonwealth as well as himself might find an interest in the consequences of his cruise; & after cruising a limited time, I directed him to return to the Eastern Coast which would be at the season when she might be useful there. No per-

sonal motives, no private views, no wish to infringe the Prerogative of the Legislature influenced me, nor had I any other motive but the general good.

Thus, Gentlemen, I have given you a state of the matter referred to in your Message, & can't but flatter myself, circumstances considered, I shall stand free from any imputation with respect to my conduct as to the orders given to the Commander of y^e Sloop, as I really feel a consciousness that I had in this instance, as in all others the public weal in view.

JOHN HANCOCK.

Council Chamber Boston, Feb^{ry} 6th 1783.

RESPECTING ACCOUNTS FOR QUARTERING OFFICERS OF THE FRENCH
ARMY WHILE IN BOSTON.

Gentlemen of the Senate and Gentlemen of the House of Representatives,

The several Resolves of the General Court authorizing the Gentlemen Selectmen of the Town of Boston to prepare accommodations suitable to the rank of the Officers of the French Army upon their Arrival in Boston, have with great Attention and punctuality been attended to by the Selectmen, and I have the Satisfaction to inform you that the General of that Army, the Count de Viomenil, assured me, that he with the other General and Subordinate Officers, were Accommodated in a manner very agreeable, and that he with the other Officers were perfectly satisfied, and had a grateful Sense of the ready and polite Attention that was paid them in consequence of this Transaction.—Gentlemen considerable expences have arisen, and agreeably to the Resolve of the General Court, I have by Advice of Council drawn a Warrant on the Treasurer for Five hundred pounds in part. I have directed the Secretary to lay the several accounts relative to this Transaction before you by which you will observe that there remains a balance due for this Service of Four hundred and nine pounds three shillings and sixpence. And as the persons who are to receive this Ballance have applied many times for payment I beg leave to refer the Settlement of it to your Consideration.

JOHN HANCOCK.

Council Chamber Boston Feb^{ry} 10th 1783.

RESPECTING THE CLAIM OF THIS COMMONWEALTH TO TERRITORY
BELONGING TO IT, MORE PARTICULARLY THE EASTERN PARTS.

Gentlemen of the House of Representatives,

The Governor & Council, in pursuance of the Resolve you refer to in your Message of Yesterday, took under their Consideration

what was necessary to be done to ascertain & support the Claim of this Commonwealth to the Territory belonging to it, & thereupon directed the Secretary to cause all such Papers & proceedings of the General Assembly of this State as were upon Record, & related to the boundaries of this State, more particularly the Eastern parts of it, to be fairly Copied & transmitted to the Ministers Plenipotentiary of the United States in Europe, which was accordingly done by the Secretary as soon as they could be Copied; & M^r Lowell, one of the Delegates of this State, was also furnished with a Triplicate of said Papers to carry with him to Congress. The Secretary will lay before you a List of the Papers & proceedings above referred to, so that in case you should think any thing further necessary to be done respecting this matter you may take such order thereupon as you may judge proper.

JOHN HANCOCK.

Boston 15 Febr^y 1783

[The list of Papers and Proceedings.]

Papers Transmitted to the American Ministers in Europe as also delivered to the Honble John Lowell Esq^r to take with him to Congress.

The Two Charters

- 1759
May 23^d Province of Massachusetts Bay, Penobscot Dominions of Great Britain Possession confirmed by Thomas Pownall Governor.
- 1760
April 29 Terms of Agreement and accomodation granted the Penobscot Indians by the Government of the Province of Massachusetts Bay.
- 1762
Feb^y 27 Grant of Mount Desert to Francis Bernard Esq^r.
March 6 Grant of Land to Brig^r Waldo's Heirs
Jan^y 26 Committee's report for Settling bonds of Eastern Lands.
March 2 Petition of David Bean and others
Petition of Moses Twitchell & others
David March and others
Ebenezer Thorndike & others
Wait Wadsworth & others
Order respecting the 12 Townships granted Eastward
March 6 Committee to lay out the 12 Townships Eastward
April 17 Committee to run the line between this Province and Nova Scotia.
June 8 Governor's Message thereon.
" 12 Houses answer to the Message
" 15 Commissioners to proceed in fixing Nova Scotia Bounds.
Sep^r 9 Committee relating to Eastern Boundary
" 11 Do . . . Report thereon.
- 1763
Jan^y 20 Plan of six Townships Eastward
" 24 Order respecting Grantees of six Townships Eastward
" 29 Plan of Eastern Townships accepted
Feb^y 8 Grant of Penobscot Township N^o 3
Deed to Grantees of six New Townships Eastward of Penobscot
A Brief State of the Title of the Province of Massachusetts Bay to the Country between the Rivers Kenebec & St Croix

- 1764
 Feb^y 1 Resolve for Surveying the Country east of Mount Desart [*sic*] River.
 “ 3 Committee to explore lands East of Mount Desart River
 “ 6 Governor’s Message about Townships East of Mount Desart.
 “ 7 Order for surveying Lands Eastward
 “ 9 Committee to explore Eastern Country.
 “ 22 relative to Settlements East of Penobscot River
 Plan of Township of Machias Order thereon

- 1773
 Feb^y 25 Petition from Proprietors of Penaquid Order thereon.

Attest

JOHN AVERY, Sec’y.

The message to which the foregoing was a reply was by order of the House, February 14, as follows :

Ordered that Mr. Sedgwick, Gen^l Ward & Mr. Tracy be a committee to deliver the following Message to his Excellency the Governor & the Hon. Council, viz—

May it please your Excellency and Honors,—

The House desire to be informed by your Excellency and Honors, what measures were taken by the Governor & Council in pursuance of a Resolve of the General Court of the 4th of Dec^r 1780 requesting His Excell’y the Governor & the Hon. the Council to confer with the Delegates of Congress then in this Commonwealth, & to take such measures as might be necessary to ascertain & support the claim of this Commonwealth to the territory belonging to it, & to communicate what they might think necessary respecting the same to Congress & to the Minister plenipotentiary of these States then in Europe.

RESPECTING AN ACT APPOINTING A TIME AND PLACE FOR HOLDING
 THE SUPREME JUDICIAL COURT IN THE COUNTY OF SUFFOLK.

Gentlemen of the Senate & Gentlemen of the House of Representatives,

Yesterday afternoon the Secretary laid before me a Bill which had passed the two Branches of the General Court, appointing a time & place for holding the Supreme Judicial Court in the County of Suffolk. The Bill determines that the s^d Court shall be held at Boston on the third Tuesday of Feb^y instant, being this day, & confines the s^d Court to one Session only in the year—at least no further provision is made by the Bill. I confess myself at a loss for the reasons that operated to induce the passing the Bill & wish to be ascertain’d of the necessity of the Bill, which I flatter myself the Gen^l Court will indulge me with when I will immediately sign the Bill

JOHN HANCOCK.

Council Chamber Boston, 18 Feb^y 1783

To this message reply was made the same day through a joint committee,—John Lowell of Boston, General Ward of Shrewsbury, and Timothy Dwight of Northampton on the part of the House, and William Seaver and Samuel Phillips junr on the part of the Senate,—as follows :

May it please your Excellency—

The two Branches of the General Court taking into consideration your Excellency's Message of this day are very sorry that so important a Matter as the sitting of the Supreme Judicial Court for the County of Suffolk should at this time depend on the Legislatures entering into an explanation which they apprehend they cannot do in the way proposed by your Excellency without a deviation from the Method which the Constitution points out for passing Acts; especially as the necessity of this Bill appears so evident that they think information thereof might have been easily procured in another Mode.

The bill referred to is the act, 1782, Chap. 38 [January session, Chap. 5], printed in Laws and Resolves . . . 1782-83, pp. 111, 112.

RESPECTING CERTAIN DISTURBANCES IN WORCESTER COUNTY.

IN SENATE, Feb. 24, 1783.

Ordered that William Sever Charles Turner & Ebenezer Bridge Esq^r be a Committee to wait on his Exc^y the Governor, with the following : Message : viz.

May it please Your Excellency

The Senate have attended to the Letter of the Committee of Correspondence of the Town of Worcester and the papers accompanying the same; and are of Opinion that they are matters which properly fall within the department of the Supreme Executive and deserve Immediate Attention. The Senate therefore expect that your Excellency with the advice of Council, will take effectual care that the Laws and Ordinances of the Legislature be forthwith carried into Execution.

Gentlemen of the Senate,

I was fully Sensible that the matters referred to in your Message just received fell within the Department of the Supreme Executive, and wou'd have been acted upon, had I not been prevented from a Motive of Respect to the General Court before whom I some days past had laid several Letters on the same Subject, and which by information I learn'd were under the Consideration of a Committee of both Houses, and that a bill was preparing to remedy the evils complained of; these considerations induced me to lay before the General Court some additional proofs I have since received of the continuance of the disturbances complained of in the first letters.

I shall however lay the Papers before the Council and shall take such measures with their advice as will effectually carry into execution the laws and ordinances of the Legislature, as far as the present System of Laws will admit, as has always been my practice—

JOHN HANCOCK.

Council Chamber Boston Feb^y 25th 1783

RELATIVE TO THE EXPENSE OF QUARTERING THE FRENCH ARMY.—
MESSAGE TO THE GOVERNOR AND HIS REPLY.

Senate journal, March 14, 1783.]

Ordered that Sam^l Phillips j^r & John Bacon Esq^r wth such as the Hon^{ble} House may join be a Committee to wait on his Excellency the Governor wth the following Message.

Sent down for Concurrence came up Concurred, & Mr Dwight Mr Cranch & Cap^t Wales are joined.

Message is as follows — viz.

May it please your Excellency

Your Message to both Houses of the 10th of February last relative to the Accounts of the Selectmen of Boston for providing Quarters for the Officers of the French Army, hath been maturely considered by the Legislature. The Resolves in Consequence of which y^r Excell^y intimates, these Quarters were provided, impower & direct the Selectmen of Boston *to provide convenient Quarters for the Gen^l Officers & Staff of the French Army under the Command of his Exc^y Count de Rochambeau which were soon expected in this Town; and to lay their Accounts of Expence before the Gov^r & Council for Examination & Allowance.*

Since the Time of receiving y^r Excell^ys Message the Gen^l Court have been informed by those who conducted the Business aforesaid, that, agreeable to orders received from y^r Excell^y, they provided quarters for a great Number of Officers other than those described in the aforesaid Resolves.

The Legislature can by no Means believe that your Excell^y hath issued such Orders, unless in a Case of unforeseen, & extreame Necessity: And had you been constrained to adopt a Measure of this kind, they are unwilling to believe you would not have embraced the earliest Opportunity of certifying the same to the Gen^l Court, together with the Reason impelling thereto.

The Legislature have no *authentick Evidence*, that any of the Accounts above mentioned have been examined and allowed by the Governor & Council, as agreeable to the Resolve of th 7th of Nov^r last, of this no mention is made in your Excell^ys Message; nor doth it appear that the whole of the said Accounts have ever been submitted for that purpose; altho' payment hath been ordered by your Excellency, and a considerable Sum of Money drawn out of the Treasury towards completing the same. It is the Request of the General Court, that your Excellency would be Explicit on these points, that so they may be enabled to judge of the Expediency of making any further Grant for defraying the Expence that hath arisen, & also, of the Propriety of charging the same to the United States.

Gentlemen of the Senate & Gentlemen of the House of Representatives,—

In reply to your Message of yesterday I am to inform you that the Governor & Council strictly adhered to the resolve of the General Court respecting Quarters for the General & Staff Officers of the French Army under the Command of His Excellency Count de Rochambeau which were soon expected in the Town of Boston; But the Commanding Officer of that Army having found it necessary to alter his Original Plan, application was made by him thro' the Quarter Master General for One Thousand Men, & of Course an additional number of Officers, and indeed a number of those Officers arrived in Town, and being destitute of Quarters, and some of the Officers being of the first families of France, I laid the matter before the Council & in consequence of their Advice issued a recommendation to the Selectmen, Copy of which I have directed the Secretary to lay before you, as also a Copy of the Application of Monsieur Dumas the Quarter Master General—In this instance I had the honor of this Commonwealth so much at heart, and was so fully confident of its meeting the Sentiments of the General Court, more especially as this respectful notice was extended to an Army of His most Christian Majesty, who by his orders were employ'd & fought & bled in defence of these United States, and who were returning crown'd with victory, that I flatter myself the Governor and Council would have been Justified in this instance, as the circumstances attending rendered the measure in the opinion of the Council & myself necessary—I am exceedingly sorry that exceptions should be taken, that the General Court were not earlier certified of the measure, it was not from a want of respect, but I waited until the accounts were ready, and as soon as they were delivered by the Selectmen and had undergone an examination by the Council, I laid them, accompanied with a Message, before the General Court, the whole of which accounts were examined agreeably to the resolve, & by the advice of Council I laid them before the General Court, and by the same resolve and advice I drew the Warrant on the Treasurer for five hundred pounds, the disposition of which money the Selectmen are to account for, and I have drawn for no more than that Sum which the resolve authorized, in consequence of those expences —

JOHN HANCOCK.

Council Chamber, Boston, March 15, 1783.

This message was referred to a joint committee for consideration; and on the 21st a draft of a message from the Court in answer thereto was reported in the Senate, which was sent down to the House with an order appointing a joint committee to deliver it to the governor. But the House non-concurred, and, after obtaining from the Senate the accounts of the selectmen in question, passed a Resolve "granting to Jn^o Scollay & others Selectmen of said town four hundred & nine pounds $\frac{3}{6}$ ^d being the balance of said accounts." In this action the Senate non-concurred, adopting instead (on the 24th) an order committing the accounts to the committee on accounts, and directing them "to

examine the same and make report thereon after they shall have been stated and vouched in such a manner as that they may be properly charged to the United States." The House evidently found this order satisfactory, for it promptly concurred. On the 26th a second draft of a message to the governor "respecting his ordering quarters for certain officers and soldiers of the French army while in Boston" was sent from the Senate to the House, with an order "appointing a committee to deliver the same"; but the House refused to concur. On July 9, during the May session, the Resolve granting the selectmen's account to be paid out of the treasury of the Commonwealth, and to be charged to the United States (printed as Chap. 90, 1783, May session, Laws and Resolves . . . 1782-83, p. 723), was passed.

RESPECTING THE FITTING OF THE SLOOP WINTHROP FOR SEA.

Gent^l of the Senate & Gent^l of the House of Representatives,

Upon the arrival of the armed Sloop Winthrop in this port from her cruise, I gave early directions to the Com^y Gen^l to fit as quick as possible the said Sloop for the sea that she might be employ'd for the protection of the Eastern Coast; by a Letter I have this day receiv'd from the Com^y Gen^l which I have directed the Sec^y to lay before you, I find the Com^y is not able to compleat the business without further means. I am there[fore] under the necessity of requesting the attention of the Gen^l Court to the situation of the Sloop, as with their aid the Sloop may be at sea in a few days.

JOHN HANCOCK.

Council Chamber Boston March 24th 1783.

RESPECTING A RECESS OF THE GENERAL COURT.

Gent^l of the Senate & Gent^l of the House of Representatives,

I feel a satisfaction in being able to inform you in consequence of your Message this morning received that I have no Bills or Resolves before me which have passed the General Court this Session, that will occasion any delay to the completion of the wishes of the General Court & if no business of importance remains still to be laid before me I shall be ready to comply with the request of the General Court for a recess upon the first signification of their pleasure on that subject.

JOHN HANCOCK.

Council Chamber Boston 25, March 1783.

LETTERS.

1782. MAY SESSION.]

FROM ROBERT R. LIVINGSTON, ESQ^r, GEN^l WASHINGTON, AND ROBERT MORRIS, ESQ^r.

IN THE HOUSE, June 3, 1782.

The Secretary brought down a Message . . . accompanied with the following Letters, viz., one from Rob^t R. Livingston Esq^r, Secretary for Foreign Affairs, dated 2 May 1782 inclosing a Resolve of Congress respecting foreign affairs; one from Gen^l Washington dated Head Quarters May 4, 1782, inclosing returns of the Army; & one from Rob^t Morris Esq^r dated May 9, 1782.

FROM RICH^d DEVENS, COMMISSARY GENERAL.

IN SENATE, June 5, 1782.

The Secretary came in & acquainted the Senate that he had in his hand a Letter of the 5th inst. from Rich^d Devens Esq^r Commissary General—address'd to his Excellency the Governor, with the Gov^{rs} request that the same be communicated to the House—said Letter was read and sent down.

Praying for a supply of various articles.

FROM THE HON MR LOVELL AND ROBERT MORRIS ESQ^r.

IN THE HOUSE, June 5, 1782.

The Secretary came down with a Message . . . communicating a Letter from the Hon. M^r Lovell concerning the payment of the Continental taxes, inclosing a Letter from Robert Morris Esq^r on the same subject dated May 14th 1782.

FROM COL^o JOHN ALLAN, INDIAN EASTERN DEPARTMENT.—ALSO
FROM CHARLES THOMSON.

IN SENATE, June 13, 1782.

The Secretary came in & laid before the Senate a Letter dated (Indian Eastern department, Machias) June 4th 1782 from Col^o John Allan address'd to his Excellency the Governor. Also, a Letter dated Secretary's Office May 23rd 1782, from Ch^s Thomson Esq^r (concerning a Resolution of Congress of y^e 21st ult^o &c.) address'd

to his Excellency the Gov^r — with his request that said Letters &c. be communicated to the Hon^{ble} House — and said Letters were Read & Sent down.

The resolution of Congress of the 21st May, enclosed in Charles Thomson's letter: authorizing the executives of the several States to suspend the commissions of captains of private armed vessels.

FROM THE PRESIDENT OF CONGRESS.

IN SENATE, June 20, 1782.

The Secretary came in & Communicated a Letter of the 28th ult^o from the President of Congress — addressed to his Excellency the Gov^r wth his request it may be communicated to the Hon^{ble} House — & the s^d Letter was then Read & sent down.

With a Resolve of Congress of May 27, recommending to the several States to keep up a constant representation in Congress.

FROM COL^o ELISHA PORTER OF HADLEY.—ALSO FROM BRIG^r GEN^l PARKS.

IN SENATE, June 21, 1782.

The Secretary came in & communicated two Letters of the 18th inst. from Col^o Elisha Porter of Hadley, also a Letter of the same date from Brig^r Gen^l Parks (addressed to his Excellency the governor) which his Excellency just rec^d pr Express — & requests may be communicated to the Hon^{ble} House.

Both letters relative to an insurrection in the north part of Hampshire County.

FROM JOHN CONCOPOT (INDIAN).

IN SENATE, June 24, 1782.

The Secretary came in & communicated a Letter of this day signed John Concopot addressed to his Excellency the Gov^r — w^{ch} Letter was Read.

FROM THE HON. JAMES LOVELL.

IN SENATE, June 28, 1782.

The Secretary came in and Communicated a Letter from the Hon^{ble} James Lovell Esq^r of y^e 26th inst. (inclosing a Letter from J. Hatch Esq^r D. Q. M.) addressed to his Exc^y y^e Governor, wth his request it may be communicated to the Hon^{ble} House — which Letter was Read & sent down.

1782. SEPTEMBER SESSION.]

FROM THE PRESIDENT OF CONGRESS — ALSO FROM ROBERT MORRIS.
IN SENATE, Sept. 20, 1782.

Message from the governor, with Letters from the President of Congress concerning illicit trade with the enemy, & Letter from R^t Morris of July 17, 1782 on the same subject.

FROM ROBT R. LIVINGSTON ESQ^R — ALSO FROM ROBERT MORRIS ESQ^R.
IN SENATE, Oct. 3, 1782.

The Secretary came in with a message from his Exc^y the Governor and communicated several Letters which he received last evening pr. the post. . . .

Letter from Rob^t R. Livingston Esq^r Sec^y of Foreign Affairs dated ye 15th Sep^r last & address'd to his Exc^y the Governor — informing of the Acknowledgment of the Hon^{ble} Mr. Adams Minister of America to the United Provinces.

Letter from Rob^t R. Livingston Esq^r of y^e 12th Sep^r last address'd to his Exc^y the Gov^r relating to returns of property carried off by the Enemy.

Letter from Robert Morris Esq^r Financier Gen^l of y^e 12 Sep^r last addressed to his Exc^y the Gov^r.

The latter enclosing certain acts of Congress respecting the quota for the payment of interest on the public debt.

FROM CALEB HYDE ESQ^R, SHERIFF OF BERKSHIRE.

IN SENATE, Oct. 14, 1782.

The Secretary came in & Communicated a Letter from Caleb Hyde Esq^r Sheriff of the County of Berkshire, dated the 2^d inst. & address'd to his Excellency the Governor.

Giving information of certain disturbances having arisen in that county.

FROM ROBT MORRIS ESQ^R.

IN SENATE, Oct. 16, 1782.

The Secretary came in & communicated a Letter dated the 20th Sep^r last, from Rob^t Morris Esq^r address'd to his Excellency the Governor & w^h he requested may be communicated to the Hon^l House.

FROM ROBT MORRIS ESQ^R.

IN SENATE, Oct. 21, 1782.

The Secretary came in & communicated a Letter from Rob^t

Morris Esq^r dated Office Finance Oct. 5th inst—address'd to his Exc^y the Gov^r wth his request it may be communicated to the Hon^{ble} House.

With act of Congress of the 1st inst., respecting payment of arrears due the army.

FROM THE HON. BENJ. LINCOLN.

IN SENATE, Oct. 24, 1782.

The Secretary came in & communicated a Letter from the Hon^{ble} Benj. Lincoln Esq^r, Sec^y at War, dated War Office Oct^r 9th 1782, covering a resolution of Congress of the 4th inst. addressed to his Exc^y the Gov^r wth his request that the same may be communicated to y^e Hon^e House.

The resolution of the 4th inst.: declaring against the discussion of any overtures of peace from the enemy "but in confidence and in concert with his most Christian majesty."

FROM LORD STIRLING.

IN SENATE, Nov. 6, 1782.

The Secretary came in & communicated a Letter signed "Sterling," from Lord Stirling, dated Albany Oct. 14, 1782, address'd to his Excellency the Gov^r which he desir'd may be communicated to the Hon^{ble} House, w^{ch} Letter was read & then sent down.

Giving intelligence of preparations making in Canada by the Enemy for invading New York, and submitting to the governor "whether it will not be prudent and proper to order such of the regiments of your State as lye most contiguous to the avenue between this State and Canada, and to the country called Vermont, to be in readiness on the first notice they may receive from me of the actual movement of the Enemy, to march to such place of rendervous as I shall set . . . with provision sufficient to carry them to Saratoga or Fort Edward." This letter was the occasion of the Resolve passed Nov. 9 and printed as Chap. 158, 1782, September session, Laws and Resolves . . . 1782-83, pp. 350, 351.

1782. JANUARY SESSION [1783].]

FROM ROBERT MORRIS.

IN SENATE, Jan. 31, 1783.

Letter from Robert Morris Esq^r dated Office of Finance, 21st Oct^r 1782.

FROM THE SPEAKER OF THE RHODE ISLAND HOUSE OF ASSEMBLY.

IN THE HOUSE, Jan. 31, 1783.

A Letter from the Hon^{ble} W^m Bradford Esq^r Speaker of the House of Assembly of Rhode Island, dated October sessions 1782, relative to the payment of the hire of the sloop Polly hired by the Con^d Com^y of Prisoners.

FROM JOSEPH NORTH ESQ^r, HALLOWELL.

IN SENATE, Feb. 4, 1783.

Letter from Joseph North Esq^r dated Hallowell Jan. 24, 1783 addressed to the Hon^l Sam^l Adams.

Relative to the state of the Eastern counties.

FROM THE MINISTER OF FRANCE.

IN SENATE, Feb. 4, 1783.

The Secretary came in & communicated a Letter from Mons^r Luzerne, Minister of France, dated Philadelphia—address'd to his Exc^o the Governor which he read and then withdrew with the same.

FROM COL^o LITHGOW.

IN SENATE, Feb. 7, 1783.

The Secretary came in & communicated a message from his Excellency . . . inclosing a Letter from Col^o Lithgow of the 25th ult^o, addressed to the Governor, relative to the Penobscot Indians.

TO GENERAL WASHINGTON RESPECTING THE EASTERN PARTS
OF THIS COMMONWEALTH.

The Committee of both Houses Appointed to consider the papers relating to the situation of affairs in the eastern parts of this Commonwealth & to report what measures are proper to be adopted in consequence of the information contained in the said papers, beg leave to report the draught of a letter to be transmitted to General Washington.—

BOSTON, Feb. 8th 1783.

Sir,

In the year 1779 the enemy made a lodgment on the banks of Penobscot river about an hundred miles west of the eastern bounds of this Commonwealth a post too beneficial to them and too dangerous to the safety of this and the other States in the Union to suffer us to remain indifferent, passive observers of their measures. —Pursuing the same vigilant and determined spirit, which first induced an opposition, this State immediately sent such a force against the enemy, as they supposed would be sufficient to dislodge them from that part of the country. They were urged to this from a well founded idea, that a post at that place would enable the forces of his Britanic Majesty to furnish themselves with masts, necessary for the repairs of their ships in America and every species of

lumber for the supply of their West India Islands ; as well as effectually prevent the inhabitants of Boston and all our other Sea-ports from receiving that supply of wood and lumber which seemed necessary to their existence. Unfortunately for this and the united States at large the expedition ended in our defeat. Soon after this event the southern States became the object of invasion. Sensible that the sufferings of our brethren exceeded the severities of our own, our whole attention from that period to the present has been drawn from our own and fixed on their more dangerous and distressed situation. We have been constantly throwing in forces and supplies to their assistance even where enemy ravaged within our own borders.— This we did readily and we did no more than our duty ; for the enquiry with us was, as it ought to have been, not merely who suffered, but who suffered the most. This Commonwealth have only to ask your Excellency in return, that as the enemy have now left the southern States, and as there is no particular object, that seems to engage the attention of the army, that we may on our part receive that assistance, we have uniformly given our sister States, when suffering in a similar manner with this.

By the information we have received of the conduct of the enemy we are apprehensive that they will in the spring, take possession of the river Kenebeck. We therefore ask the assistance of the united States and that your Excellency would be pleased to send a number of Regiments to the eastward sufficient to dispossess the enemy, or at least such a number as will confine them to their present possessions. Danger full in view we feel ourselves extremely interested in this request. It will be unfortunate for us we conceive in treating of a peace that the enemy should possess a single post within the united States. This misfortune must be aggravated in proportion to their number of possessions.— Conceiving as we do that the enemy may be easily driven from our borders, a sense of duty to ourselves and the States in Confederation have urged this application to your Excellency.

Fully confident of the justness of this representation we cannot but indulge an equal confidence, that such ample assistance will be given us as the wisdom of your Excellency shall determine to be adequate to our dangerous situation.— We should in foregoing have been more particular, had we not in our power, a mode of communication which we esteem more eligible. We therefore refer you to M^r Higginson, a delegate from this Commonwealth to Congress, on whose representation may be placed the fullest reliance, and also to Major General Lincoln who is well known to your Excellency.

We have the Honor to be, &c.

The foregoing Letter was signed by the president of the Senate and the spker of the House of Representatives.

Senate journal, Feb. 8, 1783.

Col^o Dawes came up with a message from the Hon^{ble} House to acquaint the Senate that they have enjoined their Members to Secresy upon the letter to General Washington.

The Senate laid themselves under the same Injunction.

FROM THE HON. JABEZ BOWEN, RHODE ISLAND.

IN SENATE, Feb. 11, 1783.

The Secretary came in & communicated a Letter from the Hon^{ble} Jabez Bowen Esq^r dated Providence Feb^y 3^d 1783, address'd to his Excell^y the Governor with his request the same may be communicated to the Hon^{ble} House.

Relative to the disturbances at and about Douglas.

FROM THE SECRETARY OF WAR.

IN SENATE, Feb. 13, 1783.

The Secretary came in and communicated a Letter from the Secretary of War, dated War Office Phil^a—1783, address'd to his Exc^y the Gov^r and then withdrew with the same.

FROM THE COMMISSARY OF PRISONERS.

IN THE HOUSE, Feb. 13, 1783.

The Secretary came down & read a Letter address'd to the Governor from the Commissary of Prisoners informing of a general cartel being settled for their exchange.

FROM LIEUT. GOVERNOR BOWEN OF RHODE ISLAND.

IN SENATE, Feb. 18, 1783.

The Secretary came in and communicated a Message . . . also a Letter from Lieut-governor Bowen address'd to his Exc^y relative to M^r Prentiss's escape.

FROM THE HON. SAMUEL HOLTEN.

IN SENATE, Feb. 20, 1783.

The Secretary came in & communicated a Letter from the Hon^{ble} Samuel Holten Esq^r dated Philadelphia Feb. 5, 1783 (address'd to his Excellency the Governor) and then withdrew with the same.

FROM GEN. LINCOLN.

IN SENATE, Feb. 21, 1783.

The Secretary came in with a Message from his Excellency . . . covering a Letter from Gen^l Lincoln.

FROM SAMUEL FREEMAN ESQ^r—ALSO FROM THE COMMITTEE OF CORRESPONDENCE OF THE TOWN OF WORCESTER.

IN SENATE, Feb. 24, 1783.

The Secretary came in & communicated a Letter from Sam^l Freeman Esq^r dated 5th inst. and address'd to his Exc^y the Gov^r w^{ch} he requests may be communicated to the Hon^{ble} House: also a Letter from Jos Allen & o^rs Com^{tee} of Correspondence &c of the Town of Worcester, dated 21st inst.—& address'd to the Exc^y the Gov^r to be also communicated.

Freeman's letter: respecting the state of the Eastern country. The letter of the Worcester Committee of Correspondence complaining of certain disturbances in Worcester County.

FROM THE DELEGATES IN CONGRESS.

IN SENATE, Feb. 25, 1783.

The Secretary came in with a Message, . . . and also communicated a Letter from the Delegates at Congress signed S. Holten, Sam^l Osgood, Nath^l Gorham, address'd to his Exc^y the Gov^r wth his request it may be communicated to the Hon^{ble} House.

Dated 11th Februy: on the subject of old emission money. A letter addressed to the Hon^{ble} President of the Senate and Hon^{ble} Speaker of the House under the same date was received from Samuel Osgood.

FROM GOVERNOR TRUMBULL OF CONNECTICUT—ALSO FROM GOVERNOR GREENE OF RHODE ISLAND.

IN SENATE, March 3, 1783.

The Secretary came in and communicated a Letter from Gov^r Jon^s Trumbull of the 25th ult. address'd to his Exc^y the Governor (which he requests may be communicated to the Hon^{ble} House). Also a Letter from Gov^r Greene of Rhode Island dated the 24th ult.

Trumbull's letter: in answer to a letter of Hancock (in accordance with Resolve of Feb. 8 [not 10], printed as Chap. 21, Laws and Resolves, 1782-83, p. 372), respecting the admission of Richard Smith, a proscribed absentee of Massachusetts, to citizenship in Connecticut.

Greene's letter: relative to "the rioters at Douglas."

FROM GENERAL WASHINGTON IN REPLY TO THE LETTER OF FEBRY 8.
IN SENATE, March 6, 1783.

Letter from His Excellency George Washington Esq^r dated Head Quarters Newburgh Feb. 22, 1783 — address'd to the Hon^{ble} Samuel Adams Esq^r president of the Senate and Tristram Dalton Esq^r Speaker of the Hon^{ble} House of Representatives.

In answer to the letter of the General Court dated the 8th day of the same month [see p. 162] relative to the state of the County of Lincoln. "Ever disposed," he writes, "to give the utmost succour to every part of the United States (which the means intrusted to my care will enable me to do) when invaded or menaced by the Enemy I can never fail to pay a due consideration to the calls of a State whose exertions have been so great & meritorious as those of Massachusetts. There are, however, two things in expectation which do at this time prevent my giving any positive Answer to the proposition in question, and which may, in case either of them take place, eventually supersede the necessity of taking any further measures on the subject: the first is (the most desirable of all events) a general Pacification — the second (should the first mentioned event not happen) is a project for attacking the Garrison of New York with an intention to reduce or exterminate the Enemy by a single decisive Effort; should this be resolved on, as the most eligible measure after the maturest deliberation, it will doubtless be conceded on all hands that while our resources ought to be open for the attainment of this object every subordinate consideration must of course give place to one of almost infinitely greater magnitude. But as these Matters are now before Congress to whom I have had the honor of submitting them, and whose decision respecting offensive or defensive operations I shall await for the government of my future conduct; I can only add that altho I do not conceive how a serious Expedition could with any prospect of success be attempted against the Enemy at Penobscot without a Naval cooperation on account of the heavy expense and consequent impracticability of land transportation for the Artillery, Stores &c.; I beg it may nevertheless be understood I shall always be ready to give my concurrence to any judicious Plans which will contribute to the security of the exposed extremities of your Commonwealth whenever the circumstances will admit & whenever an object of confessedly higher consideration and importance shall not occur to prevent it." . . . An injunction of secrecy was laid upon the members of the General Court respecting the contents of this letter.

FROM THE PRESIDENT OF NEW HAMPSHIRE AND THE GOVERNOR OF
CONNECTICUT — ALSO FROM ROBERT MORRIS ESQ^R.

IN SENATE, March 17, 1783.

The Secretary came in with a Message and communicated several letters address'd to his Excellency the Governor which he had just received by the post, & requested might be communicated to the Hon^{ble} House.

Including letters from Meshick Weare, president of New Hampshire, dated the 6th inst., and from Jonathan Trumbull, governor of Connecticut, dated the 8th inst., both relative to the appointing of delegates from several States on the subject-matter of Impost and Excise; and a circular letter from Robert Morris, dated Office of Finance, 22^d Feb'y, covering resolves of Congress of the 12th, 17th, and 18th of February, "for ascertaining an estimate to apportion the public expenses upon the several States in the Union," etc.

FROM ADMIRAL DIGBY.

IN SENATE, March 18, 1783.

The Secretary came in and communicated a Letter from Admiral Digby at New York address'd to his Exc^y the Gov^r, and withdrew with the same.

FROM COMMISSARY DEVENS.

IN SENATE, March 24, 1783.

The Secretary came in with a Message . . . also with a Letter from Commissary Devens.

FROM GOVERNOR GREENE OF RHODE ISLAND.

IN THE HOUSE, March 24, 1783.

The Secretary came down with a Letter from his Excell^y Gov^r Greene relative to the subject of appointing commissioners to mete on the subject of Impost and Excise.

PROCLAMATIONS.

Aug. 23, 1782.]

FORBIDDING ALL OFFICERS NOT APPOINTED UNDER THE NEW CONSTITUTION TO ACT UNDER THEIR COMMISSIONS.

COMMONWEALTH OF MASSACHUSETTS

By his Excellency

JOHN HANCOCK, ESQ;

Governor and Commander in Chief, in and over the Commonwealth of Massachusetts.

Whereas a Proclamation was issued the second day of November, in the Year of our LORD, One thousand seven Hundred and Eighty, empowering and requiring all Officers, both Civil and Military, to continue in the Exercise of the Trust reposed in them by their respective Commissions until further Order:— And whereas it is found expedient that said Order should no longer be in Force:—

Therefore I have thought fit, by and with the Advice of Council, to issue this Proclamation, forbidding all Officers who have not been

appointed under the New Constitution of Government of said Commonwealth, from acting under their former Commissions. And all Persons concerned, are required to conform themselves accordingly.

Given at the Council Chamber in Boston, the Twenty-third Day of August, in the year of our LORD, One Thousand Seven Hundred and Eighty-two, and in the Seventh Year of the Independence of the United States of America.

JOHN HANCOCK.

By his Excellency's Command
with the Advice and Consent
of Council.

JOHN AVERY, Secretary.

Oct. 16, 1782.]

ANNOUNCING THE ACKNOWLEDGMENT OF JOHN ADAMS, AS MINISTER
PLENIPOTENTIARY, BY THE NETHERLANDS.

By his Excellency

JOHN HANCOCK, ESQ:

Governor and Commander in Chief in and over the Commonwealth of
Massachusetts.

A PROCLAMATION.

WHEREAS *their High Mightinesses the States-General of the United Provinces of the Netherlands, have received and acknowledged the Honorable JOHN ADAMS Esq: in quality of Minister Plenipotentiary of the United States of America, an event which widens the basis of our independence, and connects us with a nation not only powerful in arms, but brave in military prowess, but who abounds in wealth by their indefatigable application to trade and extensive commerce, pursued upon the principles of honor and universal benevolence, whose origin and constitution in many circumstances, bears so much analogy to our own, which must greatly endear their alliance to us; while His Most Christian Majesty, our most illustrious ally, must have the pleasing satisfaction to see the increase of our alliance for the general good:*

Therefore I have, by and at the request of the two Houses of the General Assembly, and with the advice of Council of said Commonwealth, thought fit, and do hereby proclaim and make known the aforesaid great and important event to the good people of the Commonwealth, that they may have the great pleasure of knowing the amity subsisting between the United States of America, and the Netherlands: And to signify the high sense this Commonwealth entertain of the kindness and benevolence of their High Mighti-

nesses, the States-General, I hereby strictly charge and require all officers civil and military of this Commonwealth to aid and assist the citizens and subjects of the States-General according to the laws and customs of nations in alliance.

Given under my hand at Boston, this sixteenth day of October in the year of our Lord One Thousand Seven Hundred and Eighty-two, and in the Seventh Year of the Independence of the United States of America.

JOHN HANCOCK.

By his Excellency's Command,
JOHN AVERY, Sec'y.

April 23, 1783.]

FOR A PUBLIC FAST-DAY.

COMMONWEALTH OF MASSACHUSETTS.

By His Excellency JOHN HANCOCK Esq ;
Governor of the Commonwealth of Massachusetts.

A PROCLAMATION

for a day of public *Fasting* and *Prayer*.

It has been the laudable practice of this country, to open the business of the year, by setting apart a day for religious exercise, thereby to implore the blessing of GOD upon all the undertakings of his people; this usage hath been peculiarly suitable to the interesting and alarming state of our public affairs during the war, when amidst our prayers for the common and ordinary blessings of life, we continually have had occasion to supplicate the extraordinary aid and protection of the Almighty against the imminent dangers to which we have been exposed, from the attempts of those who have risen up against us: He hath been graciously pleased to hear our prayers, and not only to deliver us from the destruction with which we were threatened, but also to remove all further apprehensions of danger, by disposing the King of Great Britain to acknowledge the independence of the United States of America, and together with the other belligerent powers, to agree upon the terms of Peace, which under divine providence, will lay a firm and lasting foundation for our security; at such a time then, it is peculiarly fit and becoming for us as a people, while we express our gratitude to Almighty GOD for his numerous and unmerited favours, to humble ourselves before Him, for our manifold sins, and to profess our entire dependence upon his paternal care, beseeching Him to give us his grace that we may be enabled to improve his mercies to his honour and glory:

Wherefore, I have thought fit to appoint, and with the advice and consent of the Council, I do hereby appoint THURSDAY the FIF-

TEENTH DAY of May next ensuing, to be a day of FASTING and PRAYER throughout this Commonwealth, calling upon Ministers and people of all denominations to assemble together on that day and with one heart and one voice to humble themselves before the throne of grace, confessing their sins and imploring forgiveness of the same, and beseeching Almighty GOD, that he would be pleased to continue his gracious providence over us; especially, that he would prosper the Councils of the Congress, and of the General Assembly of this State, giving them wisdom, firmness and unanimity, and directing them to the best measures for the public good: That he would please to preserve and strengthen our union, bless our allies, and render the connection formed by the United States and those nations, a mutual and lasting benefit to all: That he would be pleased to inspire all our magistrates with wisdom and integrity, and the people with a fervent and disinterested love for their country, and with a spirit of unity, that so being mindful of the great things that GOD has done for them during the war, they make a right use of the blessings of PEACE: That He would be pleased to bless our husbandry, to revive and prosper our trade, navigation and fishery: And that he would crown the year with his goodness, and bless us with health and plenty: That he would bless all schools and seminaries of learning, and above all that he would be pleased to give us true repentance, to forgive all our sins and indue us with his grace, that we may amend our lives according to his word: And finally that he would over-rule all events to the advancement of the Redeemer's kingdom, and the establishment of universal peace and good will among men.

And it is earnestly recommended to all people throughout this Commonwealth, to observe said day as a day set apart for religious worship and to abstain from all servile labour or recreation thereon.

GIVEN at Council Chamber in Boston, this Twenty-third day of April, in the year of our LORD, One Thousand Seven Hundred and Eighty-three, and in the Seventh year of the Independence of the United States of America.

JOHN HANCOCK.

By his Excellency's Command
With the advice and consent
of the Council.

JOHN AVERY, jun. Secretary.

GOD SAVE THE UNITED STATES OF AMERICA.

ELECTIONS
OFFICERS OF THE COMMONWEALTH.

COUNCILLORS.

May 30, 1782.

Members present, 129. Number of votes, 124.

Jeremiah Powell had	123
William Sever	108
Benj ⁿ Chadborn	122
Walter Spooner	123
James Prescott	122
Samuel Holten	123
Azor Orne	123
Moses Gill	120
Joseph Hawley	101

And all are chosen.

June 14, 1782.

Number of votes, 99.

Timothy Danielson	67
Jonathan Greenleaf	65
Nathan Cushing	56

Elected in room of Azor Orne, William Sever, and Joseph Hawley, resigned.

SECRETARY OF THE COMMONWEALTH.

May 30, 1782.

John Avery jun, unanimously chosen.

ASSISTANT TREASURER.

July 3, 1782.

Thomas Ivers, unanimously chosen.

Elected treasurer, October 10, 1782, in the room of Henry Gardner, deceased. See Chap. 41, 1782, May session, Laws and Resolves . . . 1782-83, p. 287.

NAVAL OFFICERS.

Elected by joint ballot.

Sept. 28, 1782:

For the port of Plymouth William Watson.
In the room of Tho^s Mayhew, deceased.

Nov. 7, 1782:

For the port of Machias Stephen Smith.



1783.

RESOLVES

OF THE

General Court of the Commonwealth of Massachusetts.

[BEGINNING MAY 28, 1783: ENDING MARCH 25, 1784. THREE SESSIONS.]

1783. MAY SESSION.

BEGUN AND HELD AT *Boston*, IN THE COUNTY OF *Suffolk*, ON
WEDNESDAY, THE TWENTY-EIGHTH DAY OF *May*,
anno domini, 1783.

Chap. 14a.]

I.

ORDER OF NOTICE ON SILAS RICE AND DANIEL FISK TO APPEAR ON THE
FOURTH TUESDAY OF THE PRESENT SESSION AND SHOW CAUSE WHY THE
PETITION OF JAMES FREELAND SHOULD NOT BE GRANTED.

*On the petition of James Freeland of Westfield [praying that a clerical error
in a judgment of the Supreme Judicial Court may be corrected],—*

Ordered, That the said James Freeland be and hereby is directed
to notify Silas Rice & Daniel Fisk to appear on the fourth Tuesday
of the present session of the General Court to shew cause (if any
they have) why the prayer of said Petition should not be granted,
and that he serve the said Silas and Daniel with an attested Copy
of his Petition and this order at least ten days before the fourth
Tuesday aforesaid.

June 6, 1783.

Chap. 14b.]

II.

ORDER OF NOTICE ON THE TOWN OF SCARBOROUGH TO SHOW CAUSE ON THE
SECOND WEDNESDAY OF THE NEXT SESSION WHY THE PETITION OF GEORGE
LIBBEY FOR ASSISTANCE IN REDEEMING AN ESTATE MORTGAGED BY HIM
WHILE COLLECTOR OF TAXES, SHOULD NOT BE GRANTED.

On the petition of George Libbey, of Scarborough [praying the assistance of the Court in redeeming an estate mortgaged by him while collector of taxes],—

Order, for the adverse party [the said town of Scarborough] to shew cause on the second Wednesday of the next session [why the petition should not be granted].

June 6, 1783.

Chap. 20a.]

III.

ORDER OF NOTICE ON MR. WOODWARD TO SHOW CAUSE ON THE SECOND WEDNESDAY OF JUNE INST. WHY THE PETITION OF ROBERT TRITTEN JUN. FOR A REVERSAL OF A JUDGMENT OF THE MARITIME COURT IN A CASE MENTIONED, SHOULD NOT BE GRANTED.

On the petition of Robert Tritten jun. [praying for liberty to enter his claim to the brigantine Jane, and her cargo, and for a reversal of a judgment of the Maritime Court thereon],—

Order, for Mr. Woodward and others to shew cause on the second Wednesday of June inst. [why the petition should not be granted].

June 14, 1783.

Chap. 25a.]

IV.

ORDER PROVIDING FOR PRINTING THE ACTS AND RESOLVES OF THE PRESENT YEAR.

Ordered, That Messieurs Adams & Nourse be employed to print the acts and resolves of the General Court for the present year: allowing them 1^d $\frac{1}{2}$ per sheet.

June 18, 1783.

Chap. 29a.]

V.

ORDER OF NOTICE ON THE ADVERSE PARTIES TO SHOW CAUSE ON THE SECOND WEDNESDAY OF THE NEXT SESSION, WHY THE PETITION OF SAMUEL GOODWIN SHOULD NOT BE GRANTED.

On the petition of Samuel Goodwin,

Order, directing the said Sam^l to cause the adverse parties to be notified to shew cause y^e second Wednesday of the next session [why his petition should not be granted].

June 20, 1783.

Chap. 43a.]

VI.

ORDER DIRECTING THE COMMISSARY GENERAL TO DELIVER TO EACH NON COMMISSIONED OFFICER AND SOLDIER NOW IN THE TOWN OF BOSTON, BELONGING TO THE CONTINENTAL ARMY, ONE WEEK'S RATIONS.

Ordered, That the Commissary General be, and he is hereby directed to deliver to each non Commissioned Officer & Soldier, who are now in the Town of Boston and do now belong to the Continental Army, or have been lately discharged therefrom, except those who have already received such rations, one weeks rations, taking an account of the names of all to whom he shall deliver rations as aforesaid, with the company and Regiment to which they did, or do now respectively belong, the same to be charged to the United States.

June 25, 1783.

Chap. 45a.]

VII.

ORDER DIRECTING THE FORWARDING OF THE FOREGOING LETTER TO THE DELEGATES OF THIS COMMONWEALTH IN CONGRESS RELATIVE TO THE PAYMENT OF THE WAGES DUE TO THE DISCHARGED SOLDIERS.

BOSTON, June 26th 1783.

Gentlemen,

Within these few days, in addition to the many and great embarrassments that have greatly attended the Legislature of this Commonwealth, they have met with a new one, which *at present* is by no means inconsiderable, and if not immediately [attended] to, will probably be followed with very serious consequences:—Almost every hour in the day, the Assembly is interrupted by the application of Soldiers returning from the Army, after a long and faithful Service, not only without a single month's pay, but even an order on the State therefor, or so much as the means to carry them to their respective homes:—The *various* hardships of their lot, from their first engagement to the public, we need not enumerate to you, because you are already perfectly possessed of them:—and you won't doubt, but they are *all fresh* in the minds of the sufferers themselves, and represented with *all their aggravations*. It is suggested that it has been in contemplation to pay them in the notes of Financier, at twelve months sight, and that private Gentlemen, are or will be engaged to negotiate the business: but this measure we deprecate!—on account of the loss which the Soldier in that case would inevitably sustain;—and that by reason of the great amount of the notes that would be put into circulation at once, and the absolute necessity upon the holders, to part with them immediately, on such terms as may be in their power; The dissatisfaction and complaints which would infallibly ensue upon this, in addition to the very general and growing uneasiness on account of our Treatment with respect to the old money, and the other obstructions which already lay in the way of collecting taxes, would greatly impede if not effectually prevent the completion of this work;—and till the present taxes are collected it would be in vain to grant

others;—at the same time, no one advantage can possibly arise to the United States.—It is therefore found absolutely necessary to instruct you to make immediate application to Congress, or to M^r Morris (as propriety shall dictate) for an order to M^r Lovell, to pay to that part of the Continental Army, which belongs to this Commonwealth, out of its Continental tax for the year 1782, the wages that are due to them, or at least one year's amount of them.—This measure we conceive to be consonant with the principles of reason and sound policy;—for it cant be doubted, that this tax was amply sufficient for the purpose of defreying the whole expence of that year;—and why the Officers and Soldiers, should not have orders on their respective States, for the payment of the wages due for *that year's* Service, at least it is hard to imagine.—While the other measures would prove so great an obstruction to the collection of taxes, *this* would greatly facilitate and accelerate their payment;—for many discounts might be made in favor of those who have advanced for the support of the families of Officers and Soldiers in their absence, as well as in numerous other ways: Whereas if the people who have thus advanced, find there is no prospect of receiving their dues, from that tax on which they made their dependance, and which (from its appropriation) *they had a right* to depend, while the Collection is calling on them frequently, for the discharge of their part of this very tax;—and if the Officers and Soldiers find themselves, not only unable to answer those demands, which, from their peculiar nature, they will be powerfully urged to, by *every principle of gratitude* as well as Justice, but entirely destitute of credit, and the means of obtaining daily subsistence (unless at the expence of the heavy discount which will attend their notes) the consequences may be more easily conceived than described.

From the nature & magnitude of this object we rely on your immediate and incessant attention to it, untill a final decision be obtained, and that you will give the earliest notice of your Success. We are, Gentlemen, &c. &c.

In Senate . . .

Ordered, That the foregoing Letter be transcribed, signed by the President of the Senate and Speaker of the House of Representatives and forwarded as soon as may be.

In the House of Representatives, read and concurred.

Addressed to the delegates of Massachusetts in Congress. Drawn by an Order of the Senate of the same date, "That Samuel Phillips jun^r & Nath^l Wells Esq^{rs} be a committee to draft a Letter (relative to the soldiers returning from the army) to the delegates in Congress." The draft being reported, it was "read and accepted, transcribed & Signed by the President of the Senate & Speaker of the House — and forwarded *This Day* by the Post." [Senate journal.

Chap. 70a.]

VIII.

ORDER APPOINTING A JOINT COMMITTEE TO REQUEST THE USE OF FANEUIL HALL FOR THE ENTERTAINMENT THE GOVERNOR IS REQUESTED TO ORDER FOR THE CELEBRATION OF THE FOURTH OF JULY.

Whereas it will not be convenient that the Entertainment the Governor is requested to order for the celebration of the fourth of July, should be in the Senate Chamber—

Thereupon,

Ordered, That John Pitts Esq^r with such as the Hon^{ble} House shall join be a Committee to request of the Selectmen of the Town of Boston the use of Faneuil Hall for that purpose.

Sent down for Concurrence, came up Concurred, & Mr Davis & Mr Phillips are appointed upon the part of the House.

July 3, 1783.

See 1783, May session, Chap. 64, Laws and Resolves . . . 1782-83, pp. 707, 708, for celebrating the anniversary of the independence of the United States of America.

Chap. 79a.]

IX.

ORDER OF NOTICE ON JOHN SANGER AND MICHAEL HOLBROOK TO SHOW CAUSE ON THE SECOND WEDNESDAY OF THE NEXT SITTING OF THE GENERAL COURT, WHY THE PETITION OF JOHN AMES FOR A NEW TRIAL IN A CASE THEREIN MENTIONED, SHOULD NOT BE GRANTED.

On the petition of John Ames [praying for a new trial in a case therein mentioned],—

Ordered, That the Petitioner notify John Sanger and Michael Holbrook within named by serving them with an Attested Copy of the said Petition and this order thereon fourteen days before the second Wednesday of the next sitting of this Court, that they shew cause, if any they have, on the said day why the prayer of the said Petition should not be granted. And that Executions against the said Eames [*sic*] be stayed in the meantime.

July 7, 1783.

Chap. 111a.]

X.

ORDER DIRECTING THE FORWARDING OF THE FOREGOING LETTER TO THE PRESIDENT OF CONGRESS PROTESTING AGAINST THE EXTRAORDINARY GRANTS AND ALLOWANCES MADE TO CIVIL AND MILITARY OFFICERS.

COMMONWEALTH OF MASSACHUSETTS, BOSTON July 11, 1783.

Sir,

The Address of the United States in Congress Assembled, has been received by the Legislature of the Commonwealth of Massachusetts; and while they consider themselves as bound in duty to give Congress the highest Assurance, that no measure consistent

with their Circumstances, and the Constitution of this Government, and the federal Union, shall remain unattempted by them, to furnish those Supplies which justice demands, and which are necessary to support the credit and honor of the United States, they find themselves under a necessity of addressing Congress in regard to the Subject of the half pay of the Officers of the Army, and the proposed Commutation thereof; with some other Matters of a similar nature, which produce among the people of this Commonwealth the greatest concern & uneasiness, and involve the Legislature thereof in no small embarrassments. The Legislature have not been unacquainted with the sufferings, nor are they forgetful of the virtue and bravery of their fellow Citizens in the Army; and while they are sensible that Justice requires they should be fully compensated for their services & sufferings, at the same time it is most sincerely wished that they may return to the Bosom of their Country, under such circumstances, as may place them in the most agreeable light with their fellow Citizens,—

Congress, in the year 1780 Resolved that the Officers of the Army, who should continue therein during the War, should be intitled to half pay for life; and at the same Time resolved that all such as should retire therefrom, in consequence of the new arrangement which was then ordered to take place, should be intitled to the same benefit; a Commutation of which half pay has since been proposed. The General Court are sensible that the United States in Congress Assembled are, by the Confederation, vested with a discretionary Power, to make provision for the support and payment of the Army, & such civil Officers as may be necessary for managing the General Affairs of the United States; But in making such provision, due regard ever ought to be had to the welfare and happiness of the people, the rules of equity, and the spirit and general design of the Confederation— We cannot on this occasion avoid saying, that, with due respect, we are of Opinion, that those principles were not duly attended to, in the grant of half pay to the Officers of the Army; that being in our opinion a grant of more than an adequate reward for their Services, and inconsistent with that equality which ought to subsist among Citizens of free and republican States.— Such a measure appears to be calculated to raise and exalt some Citizens in wealth and granduer, to the injury and oppression of others. Even if the inequality which will happen among the Officers of the Army who have performed from one to eight years service should not be taken into consideration.

The observations which have been made, with regard to the officers of the Army, will in general apply to the Civil Officers, appointed by Congress, who in our opinion have been allowed much larger Salaries than are consistent with the State of our Finances, the rules of equity, and a proper regard to the public good. And

indeed if the United States were in the most wealthy and prosperous circumstances, it is conceived that œconomy and moderation with respect to grants and allowances, in opposition to the measures which have been adopted by Monarchical & Luxurious Courts, would most highly conduce to our reputation, even in the eyes of Foreigners; and would cause a people, who have been contending with so much ardour and expence, for Republican Constitutions and Freedom, which cannot be supported without frugality and virtue, to appear with dignity and consistency; and at the same Time would in the best manner conduce to the public happiness—It is thought to be essentially necessary, especially at the present Time, that Congress should be expressly informed that such measures as are complained [of] are extremely opposite and irritating to the principles and feelings which the people of some Eastern States, and of this in particular inherit from their Ancestry—The Legislature cannot without Horror entertain the most distant Idea of the dissolution of the Union, which subsists between the United States, and the ruin which would inevitably ensue thereon; but with great pain they must observe, that the extraordinary grants and allowances, which Congress have thought proper to make to their Civil & Military Officers, have produced such effects in this Commonwealth, as are of a threatening aspect. From these Sources, and particularly from the grant of half pay to the Officers of the Army, and the proposed Commutation thereof, it has arisen that the General Court has not been able hither to agree in granting to the United States, an Impost duty agreeable to the recommendation of Congress; while the General Assembly at the same time, have been deeply impressed with a sense of the necessity of speedily adopting some effectual measures, for supplying the Continental Treasury, for the restoration of the public credit, and the Salvation of the Country.—And propose as the present Session is near terminating, again to take the Subject of the impost duty into consideration early in the next—

From these observations you may easily learn the difficult and critical situation the Legislature is in, and they rely [on] the wisdom of Congress to adopt and propose some measures for relief in this extremity.—

In the name and by order of the General Court—

We are &c.

In the House of Representatives

Ordered, That the foregoing address be taken into a fair draft signed in the usual manner and forwarded to his Excellency the President of Congress to be communicated

In Senate read & concurred.

July 11, 1783.

Signed by the president of the Senate and the speaker of the House, in accordance with an order adopted Nov. 1, 1782, providing that the letters to the president of Congress and to the delegates of this Commonwealth, dated October 21 [printed as Chap. 74, 1782, September session, Laws and Resolves . . . 1782-83, pp. 304, 307], be so signed (instead of by the governor, as had previously been the general custom), and that "all letters written in the Name of the General Court in future be signed in like manner."

On the same day (July 11) a committee was appointed by order of the two houses, consisting of Samuel Adams on the part of the Senate, and John Rowe of Boston and Nathaniel Appleton of Boston on the part of the House, "to correspond with the Delegates of this Commonwealth at Congress more especially on the subject matter contained in their late address to the several States in the Union respecting an impost and half pay and proposed Commutation with the Officers of the Army and any other important matter that relates to the being and welfare of these United States and report at the next Session of the General Court." On October 25, the last day of the September session through which this committee was continued, Mr. Adams was excused, "agreeably to his request from any further service" upon it.

1783. SEPTEMBER SESSION.

BEGUN AND HELD . . . ON WEDNESDAY, THE TWENTY-EIGHTH DAY OF *May, anno domini, 1783*; AND FROM THENCE CONTINUED, BY ADJOURNMENT, TO WEDNESDAY, THE TWENTY-FOURTH DAY OF *September* FOLLOWING [BEING THE SECOND SESSION]

Chap. 1a.]

XI.

VOTE ACCEPTING THE REPORT OF THE JOINT COMMITTEE APPOINTED TO SETTLE AND ADJUST THE ACCOUNTS OF COLONEL JOHN ALLAN, SUPERINTENDENT OF INDIAN AFFAIRS IN THE EASTERN DEPARTMENT, AND COMMANDER OF THE POST AT MACHIAS.

The Committee appointed by the Honble Court by their resolve of the third of July 1783 to settle and adjust the accounts of Colonel John Allan Superintendent of indian affairs in the eastern department, and commander of the Post at Machias have attended that service— They have carefully collected & examined all the charges against him in Cash and Supplies received from the late board of War, the Commissary General &c.—they have also particularly examined all his accounts and returns for the expediture of the same, with his vouchers to support said charges, And we find that he has been peculiarly attentive to the business committed to his charge, very regular & correct in keeping his books and accounts, and after critically examining the same, and every voucher: We find his accounts right cast and well vouched, and that on a final settlement which we have made with him there remains a balance due to him of sixteen hundred and fourteen pounds nineteen shil-

lings specie, for which we have given him a Certificate. All which is submitted.

£1614. 19. 0

BOSTON *Sept*, 24th, 1783

THOMAS WALLEY }
PETER BOYER } *Committee.*
JOHN DEMING }

In Senate, read and accepted. Sent down for concurrence.

In the House of Representatives, read and concurred.

Approved, Sept. 25, 1783.

In accordance with this report, Resolve, Chap. 7, 1783, September session, Laws and Resolves . . . 1782-83, pp. 739, 740, was passed.

Chap. 1b.]

XII.

ORDER OF NOTICE ON JOHN CAMPBELL OF OXFORD TO APPEAR ON THE THIRD WEDNESDAY OF THE PRESENT SESSION AND SHOW CAUSE WHY THE PETITION OF JOSEPH BUFFAM OF SMITHFIELD, RHODE ISLAND, THAT HE MAY BE ENABLED TO ENTER A CERTAIN COMPLAINT AGAINST THE SAID CAMPBELL AT THE NEXT SUPREME JUDICIAL COURT TO BE HOLDEN AT WORCESTER, SHOULD NOT BE GRANTED.

On the Petition of Joseph Buffam of Smithfield in the County of Providence in the State of Rhode Island praying that he may be enabled to enter a certain complaint against John Campbell of Oxford in the County of Worcester at the next Supreme Judicial Court to be holden at Worcester within & for the County of Worcester aforesaid,—

Ordered, That the Petitioner notify the adverse Party to appear on the third Wednesday of the present Session of the General Court & shew cause if any he has why the prayer in the said Petition should not be granted,—by leaving an attested Copy of the said Petition with this order thereon at the last & most usual place of abode of the said John within this Commonwealth seven days at least before the said third Wednesday of the present Session.

Sept. 25, 1783.

Chap. 1c.]

XIII.

VOTE ACCEPTING THE REPORT OF THE COMMITTEE APPOINTED TO SETTLE AND ADJUST THE ACCOUNTS OF CAPTAIN STEPHEN SMITH AS A COMMISSARY AND TRUCK MASTER FOR THE EASTWARD DEPARTMENT.

The Committee appointed by a resolve of the General Court of the ninth of July 1783 to settle and adjust the accounts of Captain Stephen Smith as a Commissary & Truck master for the eastward Department, have attended that Service, they have charged him with the several sums of money he has received from the Treasurer,

and the late Board of War, also with the sundry supplies made him in specific articles by said Board of War & Commissary General &c.—they have carefully examined his accounts, and returns for the Expenditure of the same, with the vouchers to support the charges, they find his accounts regularly kept & well vouched, and upon a final adjustment of his account current with this Commonwealth, they find a balance due to him of One hundred & sixty three pounds fifteen shillings and six pence $\frac{1}{4}$ which they have Certified accordingly. All which is submitted.

JOHN DEMING
THOMAS WALLEY
PETER BOYER.

BOSTON, *Sept. 26, 1783.*

In Senate, read & accepted. . . .
In the House . . . read and concurred

Sept. 26, 1783.

In accordance with this report, Resolve, Chap. 6, 1783, September session, Laws and Resolves . . . 1782-83, p. 739, was passed.

Chap. 2a.]

XIV.

ORDER DIRECTING THE COMMITTEE ON ACCOUNTS TO DISCHARGE THE ACCOUNT OF CAPTAIN SAMUEL LAHA, KEEPER OF THE HOSPITAL AT RAINSFORD ISLAND, BY MAKING PAYMENT OUT OF THE PUBLIC MONEY IN THEIR HANDS.

On the Account of Captain Samuel Laha keeper of the Hospital at Rainsford Island,—

Ordered, That the Committee on accounts discharge the within account amounting to two hundred twenty eight pounds two shillings and ten pence by making payment of the same out of the public money in their hands to the said accomptant Samuel Laha.

Sept. 27, 1783.

Chap. 2b.]

XV.

ORDER OF NOTICE ON THE TOWN OF STOUGHTON TO SHOW CAUSE ON THE THIRD WEDNESDAY OF THE PRESENT SESSION WHY THE PETITION OF SOLOMON MORSE AND OTHERS OF SAID TOWN TO BE INCORPORATED WITH THE TOWN OF FOXBOROUGH, SHOULD NOT BE GRANTED.

On the Petition of Solomon Morse and others [inhabitants of Stoughton, praying to be incorporated with the town of Foxborough],—

Ordered, That the Prayer of the Petition be so far granted that the Petitioneres notify the Town of Stoughton by serving their Town Clerk with an attested Copy of their Petition and this order there on eight days at least previous to the third Wednesday of

the present Session of the General Court, then to shew cause if any they have why the prayer thereof should not be granted.

Sept. 27, 1783.

Chap. 2c.]

XVI.

ORDER DIRECTING THE FORWARDING OF THE FOLLOWING LETTER TO THE DELEGATES OF THIS COMMONWEALTH IN CONGRESS RELATIVE TO A PLACE FOR THE PERMANENT RESIDENCE FOR CONGRESS.

Ordered, That the following letter to the Delegates of this Commonwealth at Congress, be transcribed and signed by the President of the Senate and the Speaker of the House of Representatives & forwarded as soon as may be.

In the House of Representatives Read & concurred.

Sept. 27, 1783.

Gentlemen,

The Legislature of the Commonwealth of Massachusetts being acquainted by Congress, that they have assigned a time for the determination of the place of their permanent residence, and having taken the subject into their mature consideration are of opinion, that either the Town of Princeton, or some other convenient and healthy part of the State of New Jersey, or the Town of Kingston in the State of New York, is (all circumstances considered) the most eligible and proper, for the permanent residence of Congress — In the name & behalf of the General Court, We are

Gentlemen, your humble servants.

To the Delegates of this Commonwealth in Congress.

Chap. 7a.]

XVII.

ORDER TO PAY JOHN TUDER FOR WHARFAGE &C. FOR THE SHIP JASON SO MUCH AS HE REASONABLY DESERVES TO HAVE THEREFOR.

On the Account of John Tuder for Wharfage &c. for the Ship Jason,—

Ordered, That the Committee on accounts allow and pay so much for the within articles of charges as the accountant reasonably deserves to have therefor.

Sept. 30, 1783.

Chap. 7b.]

XVIII.

ORDER TO PAY JOHN SWEETSER SEVENTEEN POUNDS ELEVEN SHILLINGS AND THREE PENCE IN FULL OF HIS ACCOUNT.

On the Account of John Sweetser,—

Ordered, That the Committee on accounts pay the aforesaid Sweetser out of the public monies in their hands the Sum of

seventeen pounds eleven shillings & three pence in full of his account.

Sept. 30, 1783.

Chap. 17a.]

XIX.

ORDER OF NOTICE ON CAPTAIN NATHAN THAYER TO APPEAR BEFORE THE COURT ON THE 17TH INST. TO RENDER AN ACCOUNT OF THE EXPENDITURES OF MONEY RECEIVED BY HIM OUT OF THE TREASURY IN PAYMENT OF HIS MUSTER ROLLS, AND TO GIVE REASONS FOR RETAINING ANY PART OF THE MONEY DUE TO THE MEN ON SAID ROLLS.

On the petition of the selectmen of the Town of Franklin,—

Ordered, That the secretary notifie Cap^t Nathan Thayer by serving him with a Copy of this order to appear before this Court (on Friday y^e 17th inst.) to render an account of the Expenditure of the money he receiv'd out of the Treasury in payment of his muster rolls & the reasons for retaining any part of the money due to the men borne on said Roll in his own hands.

Oct. 8, 1783.

Chap. 24a.]

XX.

ORDER REFERRING THE PETITION OF EBENEZER LEARNED IN BEHALF OF THE TOWN OF OXFORD TO BE DISCHARGED FROM THE REQUISITION OF BEEF MENTIONED, AND THE RESOLVE THEREON, TO THE NEXT SITTING OF THE GENERAL COURT, AND THAT THE EXECUTION BE STAYED IN THE MEAN-TIME.

On the Petition of Ebenezer Learned Esq^r in behalf of the Town of Oxford, and the Resolve of the House thereon discharg^d the said Town from the requisition of beef mentioned,—

Ordered, That this Petition and Resolve be referred to the next sitting of the General Court, and that Execution be stay'd in the meantime.

Oct. 9, 1783.

Chap. 29a.]

XXI.

ORDER INSTRUCTING THE COMMITTEE ON ACCOUNTS TO CONSIDER THE ACCOUNT OF THE SELECTMEN OF THE TOWN OF ASHBURNHAM AND TO PAY SO MUCH FOR THE SAME AS TO THEM SHALL APPEAR REASONABLE.

On the Account of the Selectmen of the Town of Ashburnham,—

Ordered, That the Committee on accounts consider this account and allow and pay so much for the same out of the public monies in their hands as to them shall appear reasonable.

Oct. 11, 1783.

Chap. 34a.]

XXII.

ORDER EMPOWERING THE COMMITTEE ON ACCOUNTS TO EXAMINE, ALLOW AND PAY FOR SUCH ARTICLES MENTIONED IN THE PETITION OF ISRAEL MEAD OF BOSTON AS MAY BE PROPERLY CHARGED TO THE COMMONWEALTH AT SUCH RATE AS MAY APPEAR TO THEM REASONABLE.

On the Petition of Israel Mead of Boston,—

Ordered, That this Petition with the account therein referred to, be committed to the committee on accounts to examine, allow and pay for such articles therein as may be properly charged to this Commonwealth, at such rate as may appear to them reasonable.

Oct. 13, 1783.

Chap. 34b.]

XXIII.

ORDER TO PAY BENJAMIN AUSTIN ESQ^R FOR THE SERVICES CHARGED IN HIS ACCOUNT AT SUCH RATE AS THE COMMITTEE FOR STATING AND METHODIZING THE PUBLIC ACCOUNTS WERE ALLOWED FOR THEIR SERVICES AT THE SAME PERIOD.

On the account of Benjamin Austin Esq^r.—

Ordered, That the Committee on accounts allow and pay for the services charged in this account out of the monies in their hands at the same rate as the committee for stating and methodizing the public accounts were allowed for their services at the same period.

Oct. 13, 1783.

Chap. 34c.]

XXIV.

ORDER TO PAY NATHANIEL APPLETON ESQ^R FOR THE SERVICES CHARGED IN HIS ACCOUNT AT THE SAME RATE AS THE COMMITTEE FOR STATING AND METHODIZING THE PUBLIC ACCOUNTS WERE ALLOWED FOR THEIR SERVICES AT THE SAME PERIODS.

On the account of Nathaniel Appleton Esq^r.—

Ordered, That the Committee on accounts allow and pay for the services charged in this account out of the monies in their hands at the same rate as the committee for stating & methodizing the public accounts were allowed for their services at the same periods.

Oct. 13, 1783.

Chap. 39a.]

XXV.

ORDER PROVIDING FOR THE PUBLICATION OF THE REVISED LAWS OF THIS COMMONWEALTH IN ONE BOOK, WITH THE CONFEDERATION OF THE UNITED STATES AND THE CONSTITUTION OF THIS COMMONWEALTH PREFIXED, AND A PROPER INDEX; AND PRESCRIBING THE MANNER IN WHICH THE VOLUMES SHALL BE DISTRIBUTED.

Whereas it is expedient that the Bills reported by the committee for revising the laws when enacted, should be publis'd in such a manner as to have them when finished contained in one Volume so as to render the Laws of this Commonwealth subject to as few perplexities as possible,—

Ordered, That all the Bills that have hitherto been or may hereafter be reported by the Committee for revising the Laws of this Commonwealth and such other laws as the Legislature may order to be printed and contained in said Volume, and have already been or may hereafter be enacted, shall be printed in Sheets by themselves as they may pass from one Session of the General Court to another, untill they have all been enacted; so that all the revised laws may in the issue be included in one Book, and that there be prefixed to the said Laws the Confederation of the United States and the Constitution of this Commonwealth; and that the same be regularly paged untill the whole is compleated with a proper index thereof.— And it is further

Ordered, That a Copy of the said Laws as they have been or may hereafter be enacted and printed as aforesaid, shall be distributed in the following manner viz^t: one sett to the Governor and each Member of the Council for the time being, one sett to each of the Members of the General Court for the time being, one sett to the Clerk of each of the several County Courts and the Register of the respective Courts of Probate for the use of said Courts, and one to the use of each Town District and Plantation within the Commonwealth to be lodged with their respective Clerks— and that there may be a sufficient number of the said Books kept entire for the use of this Commonwealth when the whole of the said Laws are compleated—

Ordered, That there be lodged in the Secretary's Office from time to time as such Laws are printed, five hundred Copies thereof, there to be kept in regular order untill the whole are finished, and then bound into Volumes, so as that each Book shall contain the confederation of the united States and the Constitution of this Commonwealth together with the whole of the revised and other Laws that may be particularly ordered by the Legislature to be printed therein with a proper index thereof, to be distributed for the use of this Commonwealth as the General Court shall then direct.

Oct. 14, 1783.

Chap. 56a.]

XXVI.

ORDER OF NOTICE ON THE TOWN OF MENDON TO APPEAR ON THE SECOND TUESDAY OF THE NEXT SITTING OF THE GENERAL COURT, AND SHOW CAUSE WHY THE PETITION OF JOSEPH DORR AND OTHERS TO BE INCORPORATED UNDER THE NAME OF THE FIRST CONGREGATIONAL SOCIETY IN MENDON, SHOULD NOT BE GRANTED.

On the Petition of Joseph Dorr and others inhabitants of the first parish in

Mendon, praying amongst other things, to be incorporate into a society, by the Name of the first congregational Society in Mendon,—

Ordered, That the prayer of the said petition be so far granted that the petitioners be, and hereby are, authorized to notify the inhabitants of the Town of Mendon, by serving the town Clerk of the said Town and the parish clerk of the first parish in the said Town of Mendon, with an attested Copy each, of *the* said petition and this order thereon, to appear on the second Tuesday of the next sitting of this General Court (the said notice to be given fifteen days before the said Tuesday) and shew cause if any they have, why the prayer of *the* said petition should not be granted.

Oct. 17, 1783.

Chap. 66a.]

XXVII.

ORDER OF NOTICE ON THE TOWN OF THOMASTON TO APPEAR AT THE NEXT SITTING OF THIS COURT AND SHOW CAUSE WHY THE PETITION OF WILLIAM LERMOND FOR THE ANNEXATION OF THE WHOLE OF HIS LAND TO THE TOWN OF WARREN, SHOULD NOT BE GRANTED.

On the Petition of William Lermond praying that his land (which is divided by the line running between Thomastown and Warren) may be so far altered as that the whole of his land may be annexed to the town of Warren,—

Ordered, That the petitioner William Lermond notify the inhabitants of the Town of Thomastown to appear and shew cause if any they have why the prayer of said petition should not be granted on the second tuesday of the next sitting of this Court by serving the town clerk of the said Thomastown with a Copy of his petition and this Order of Court thereon, thirty days at least before the said second Tuesday.

Oct. 18, 1783.

Chap. 76a.]

XXVIII.

ORDER FOR THE EXAMINATION, ALLOWANCE, AND PAYMENT OF THE ACCOUNT OF JAMES HATHAWAY OF SPENCER.

On the petition of James Hathaway of Spencer,—

Ordered, That this Petition and account be committed to the Committee on accounts, for examination, allowance and payment.

Oct. 21, 1783.

Chap. 76b.]

XXIX.

ORDER TO PAY THE HONBLE JONATHAN JACKSON ESQ. FOR HIS SERVICES AND EXPENSES WHILE A MEMBER OF CONGRESS, IN THE SAME PROPORTION AS IS ALLOWED THE HONBLE NATHANIEL GORHAM ESQ^R LATE MEMBER OF THE SAID CONGRESS.

On the account of the Honble Jonathan Jackson, Esq^r.—

Ordered, That the Committee on accounts allow and pay for his services and expences while a Member of Congress in the same proportion as is allowed the Honble Nathaniel Gorham Esq^r late Member of the said Congress.

Oct. 21, 1783.

Chap. 82a.]

XXX.

ORDER DISCHARGING JOHN TEMPLE ESQ^r FROM THE BOND REQUIRED OF HIM DECEMBER 4, 1781, CONDITIONED THAT HE WOULD DO OR SAY NOTHING IN OPPOSITION TO OR PREJUDICE OF THE PROCEEDINGS OF CONGRESS, OR OF THE ASSEMBLY OR COUNCIL OF THIS STATE, AND THAT HE WOULD NOT DIRECTLY OR INDIRECTLY GIVE ANY INTELLIGENCE TO THE ENEMIES OF THE UNITED STATES, IT APPEARING TO THIS COURT THAT THE REASONS FOR SAID BOND CEASED WITH THE WAR.

Whereas during the late war, the conduct of John Temple Esq^r in passing to and from the enemies of these States, without the permission in such cases required by the laws and customs of nations at war, and on pretences not well explained, excited in the free citizens of these United States, many and just suspicions touching his designs; in consequence whereof, and by due precaution to prevent any harm to the Commonwealth, the Governor with the advice and consent of Council, did, on the twenty-fourth day of December A : D : 1781 cause the said John Temple Esq^r to enter into bond to this Commonwealth with two sureties, conditioned that he would not do or say, anything in opposition to, or prejudice of the proceedings of Congress, or of the Assembly or Council of this State, and that he would not directly or indirectly give any intelligence to the enemies of the United States— And whereas it appears to this Court that the reasons for which he was laid under bond ceased with the war— therefore,

Resolved, That the said John Temple Esq^r be and he is hereby discharged from the said bond, and the same is hereby declared null and void, and the Treasurer of this Commonwealth is directed to cancel and deliver the same bond to him accordingly.

Approved Oct. 22, 1783.

Chap. 82b.]

XXXI.

VOTE ACCEPTING THE REPORT OF THE JOINT COMMITTEE APPOINTED TO EXAMINE THE ESTIMATE MADE BY CONGRESS OF THE NATIONAL DEBT, THE ACCOUNTS OF EXPENDITURES RECEIVED FROM THE SUPERINTENDENT OF FINANCE, AND THE SUBJECT MATTER OF INSTRUCTIONS TO BE GIVEN TO THE DELEGATES OF THIS COMMONWEALTH; ALSO APPOINTING A JOINT COMMITTEE TO PREPARE LETTERS FOR CARRYING THIS REPORT INTO EFFECT.

The Committee of both Houses, to examine the estimate made by Congress of the National debt, the accounts of expenditures, receiv'd from the superintendent of finance, and the subject matter of instructions necessary to be given to the delegates of this Com-

monwealth in Congress, having attended that service beg leave to report that application be made to Congress on the following subjects —

Why 190,000 dollars should be charged to the national debt for the payment of the interest on Loan Office Certificates for 1781, when that sum originally designed for the same purpose, still remains in France unaccounted for —

Why 687,828 dollars should be charged to the national debt for the payment of interest on loan certificates for 1782, when the requisition upon each State to raise their proportion of the sum necessary for that purpose still continues. And if the interest is to compose a part of the National debt to what use is the above requisition on each State to be applied —

Congress call'd upon the States for 8,000,000 dollars to defray the expences of the year 1782, the whole amount of the expences for that year as ascertained, was 4,665,505 dollars of which the pay of the army for that year is 2,387,209 dollars.— Why the pay of the army should be carried to the national debt, when the 8,000,000 dollars called for by Congress, (and which the several States are now collecting, to defray the expences of that year) exceed by a considerable sum the whole expences of that year, and if the pay of the Army is carried to the National debt, to what purpose is the 8,000,000 of dollars to be applied, especially when the pay of the army is the only debt incurred for that year unsatisfied, and there still remains $\frac{1}{3}$ th of the 8,000,000 dollars uncollected —

If the estimation of 2,000,000 dollars for the deficiencies of 1783 was not made upon the supposition of the war's continuing, and as peace commenced early in the year, whether the 2,000,000 dollars is a debt really incurred and consequently if there is any propriety of its being charged in the national debt.

That the accounts exhibited by the Financier, are much too general, for it can't be supposed that a charge of a large amount under the Term of Contingences, without furnishing the particulars that compose such a charge can be satisfactory — That instructions more explicit may be given to the Commissioner for settling the accounts of this Commonwealth with the United States with regard to an allowance of the several bounties given by this Commonwealth for recruiting the army, in order to remove certain doubts in his mind respecting the same —

The Committee are of opinion that the foregoing observations be made to Congress in a letter for that purpose including a decent and firm remonstrance on the subject of the great amount of the old emission money which remains in this Commonwealth to be redeemed by the United States, likewise on the great inequality of the burden of the late war this State will bear, if the expence of the expedition to Penobscot is not admitted as a charge against the United States

That the delegates of this Commonwealth in Congress be instructed to use their endeavors, to obtain an abridgment of the powers intrusted to the office of Superintendent of Finance, for however pressing the reasons might be at the time of its institution, to commit so great a trust to that Office those reasons must cease at a time of general tranquility, and we conceive such extensive influence as is incompatible with principles necessary for the existence of a free government, and that they be instructed to write an Official letter to the Governor once in every fortnight and inform him of every transaction and every thing in contemplation, which they may conceive necessary for the Legislature of this State to be acquainted with which Letters the Governor is to communicate to the two branches of the Legislature immediately if sitting & if not at their first meeting the next Season — Noah Goodman per Order

In Senate — Read and Accepted and thereupon

Ordered, that Ebenezer Bridge and Benjamin Goodhue Esq^r with such as the Honble House shall join be a Committee to prepare Letters for carrying this report into effect —

In the House of Representatives — Read and concurred & Mr Dane Mr Bacon & Mr Dawes are joined —

Oct. 22, 1783.

The letters prepared and forwarded in accordance with this order are printed as Chaps. 99 and 100, 1783, September session, Laws and Resolves . . . 1782-83, pp. 792-798.

Chap. 82c.]

XXXII.

ORDER FOR THE EXAMINATION AND SETTLEMENT OF THE ACCOUNTS OF WILLIAM WAIT, LATE COMMISSARY AT WINTER HILL.

On the petition of William Wait, late commissary at Winter Hill, praying for a sum of old emission money to be received by him in the settlement of his accounts,—

Ordered, That the committee for stating and methodizing the public accounts examine and settle the accounts of William Wate, late commissary at Winter Hill.

Oct. 22, 1783.

Chap. 103a.]

XXXIII.

ORDER DIRECTING THE SECRETARY TO NOTIFY SAMUEL PHILLIPS JUN., NATHANIEL WELLS, AND NATHAN DANE ESQ^{RS} OF THEIR APPOINTMENT AS COMMITTEE TO CARRY INTO EXECUTION A RESOLVE OF THIS DAY RELATING TO THE UNAPPROPRIATED LANDS BELONGING TO THIS COMMONWEALTH IN THE COUNTY OF LINCOLN.

Whereas the General Court have appointed Samuel Phillips jun^r Nathaniel Wells & Nathan Dane Esq^{rs}: a committee to carry into execution a resolve of

this day relating to the unappropriated lands belonging to this Commonwealth in the County of Lincoln,—

Ordered, That the Secretary notify those persons of their Appointment to that Service. Oct. 28, 1783.

See Resolve, Chap. 102, 1783, September session, Laws and Resolves . . . 1782-83, pp. 799, 800.

1783. JANUARY SESSION.

BEGUN AND HELD . . . ON WEDNESDAY, THE TWENTY-EIGHTH DAY OF *May, anno domini*, 1783; AND FROM THENCE CONTINUED, BY ADJOURNMENT AND PROROGATION, TO WEDNESDAY, THE TWENTY-FIRST DAY OF *January*, 1784. [BEING THE THIRD SESSION.]

Chap. 13a.]

XXXIV.

ORDER OF NOTICE ON THE HEIRS OF EZEKIEL UPHAM TO SHOW CAUSE ON THE SECOND TUESDAY OF THE NEXT SITTING OF THE GENERAL COURT, WHY THE PETITION OF NATHANIEL UPHAM OF STURBRIDGE PRAYING FOR THE ESTABLISHMENT OF A WILL THEREIN MENTIONED, SHOULD NOT BE GRANTED.

On the petition of Nathaniel Upham of Sturbridge [praying for the establishment of a Will therein mentioned, the same being executed in the presence of only two witnesses notwithstanding].—

Ordered, That the said Nath^l notify the heirs of Ezekiel Upham to shew cause [if any they have], on the second Tuesday of the next sitting, [why the petition should not be granted].

Jan. 30, 1784.

Chap. 15a.]

XXXV.

ORDER OF NOTICE ON DANIEL LEEDS AND ANDREW GELLESPIE TO APPEAR ON WEDNESDAY THE FOURTH DAY OF FEBRUARY NEXT AND SHOW CAUSE WHY THE PETITION OF PETER TALBOT AND OTHERS FOR REMOVAL OF OBSTRUCTION OF THE PASSING OF FISH UP NEPONSET RIVER, SHOULD NOT BE GRANTED.

On the petition of Peter Talbot & others: praying that some further provision may be made whereby the obstruction of the passing of fish up Neponset River may be removed,—

Ordered, That the petitioners notify Daniel Leeds & Andrew Gellespie to appear and shew cause, if any they have, why the prayer of the said petition should not be granted, on Wednesday

the fourth day of February next, by serving them with a Copy of the said petition and this order thereon.

Jan. 31, 1784.

Chap. 15b.]

XXXVI.

ORDER OF NOTICE ON WILLIAM HUNNEWELL OF LYNN TO APPEAR ON THE FOURTH WEDNESDAY OF THE PRESENT SESSION, AND SHOW CAUSE WHY THE PETITION OF RICHARD HUNNEWELL FOR RELIEF AGAINST A MISTAKE IN HIS EXECUTION AGAINST SAID WILLIAM, SHOULD NOT BE GRANTED.

On the Memorial & Petition of Richard Hunnewell [of Lynn] praying relief against a mistake in his execution against William Hunnewell,—

Ordered, That the said Richard notify the said William six days before the fourth Wednesday of the present Session of the General Court (by leaving a Copy of the said petition and this order at his usual place of abode) to appear on the said Wednesday and shew cause, if any he has, why the prayer of the petition should not be granted.

Jan. 31, 1784.

Chap. 15c.]

XXXVII.

ORDER OF NOTICE ON THE TOWNS IN SUFFOLK AND MIDDLESEX COUNTIES TO SHOW CAUSE ON THE FIRST WEDNESDAY OF MARCH NEXT, WHY THE PETITION OF DANIEL GAY AND OTHERS, IN BEHALF OF THE TOWN OF DEDHAM AND SUNDRY OTHER TOWNS IN SAID COUNTIES, TO BE ERECTED INTO A SEPARATE COUNTY, SHOULD NOT BE GRANTED.

On the petition of Daniel Gay & others in behalf of the Town of Dedham & sundry other Towns in the Counties of Suffolk & Middlesex [praying to be erected into a separate county],—

Order, That the petitioners give notice to all the Towns in the said counties to shew cause &c. on the first Wednesday of March next [why the petition should not be granted].

Jan. 31, 1784.

Chap. 31a.]

XXXVIII.

ORDER OF NOTICE ON THE TOWN OF HARWICH TO SHOW CAUSE ON THE SECOND WEDNESDAY OF THE NEXT SESSION WHY THE GENERAL COURT MAY NOT PASS AN ACT OR RESOLVE FOR REGULATING THE ALEWIVE FISHERY IN STONY BROOK IN SAID TOWN.

On the petition of Joseph Nye & others, of both the Proprietors of Stony Brook in Harwich in the County of Barnstable,—

Ordered, That the petitioners notify the Town of Harwich by serving the Town Clerk wth an attested Copy of their Petition &

this order thereon fifteen days before the Second Wednesday of the next Session of the Gen^l Court then to shew cause, if any they have, why the Gen^l Court may not pass an Act or Resolve for Regulating the Alewife Fishery in Stony Brook.

Feb. 6, 1784.

Chap. 43a.]

XXXIX.

ORDER OF NOTICE ON CALEB MOULTON, CAPTAIN PETER JOHNSON, AND SAMUEL TILTON, LIEUTENANTS OF THE COMPANY OF MILITIA IN EAST SUDBURY, TO SHOW CAUSE ON THE FIFTH WEDNESDAY OF THE PRESENT SESSION, WHY THEY SHOULD NOT BE REMOVED FROM THEIR OFFICES AFORESAID.

On the petition of Isaac Cutting and others, inhabitants of the Town of East Sudbury, setting forth that the Captain and Lieutenants of the company of Militia, to which they belong, have been unduly elected, and praying for relief,—

Ordered, That the petitioners notify Caleb Moulton, Captain Peter Johnson and Samuel Tilton lieutenants of the company aforesaid, by serving them with an attested copy of the said petition and this order thereon, seven days before the fifth Wednesday of the present Session of the General Court, to shew cause (if any they have) on the said day, why they should not be removed from their offices aforesaid.

Feb. 10, 1784.

Chap. 54Aa.]

XL.

ORDER OF NOTICE ON THE JUDGE OF PROBATE FOR THE COUNTY OF PLYMOUTH TO APPEAR ON THE LAST WEDNESDAY OF FEBRUARY INST., TO SHOW WHY THE ESTATES OF PETER OLIVER AND PETER OLIVER JUN. HAVE NOT BEEN SETTLED, AND TO RELATE WHAT HE KNOWS CONCERNING THE CONDUCT OF ZEBEDEE SPROUT IN THE EXECUTION OF HIS AGENCY ON THE SAID ESTATES.

Ordered, That Zebedee Sprout be & he is hereby directed to notify the Judge of Probate for the County of Plymouth to appear on the last Wednesday of February inst. (by serving him with an attested Copy of this Order Seven days before the said last Wednesday) to shew why the Estates of Peter Oliver & Peter Oliver jun^r — have not been settled, and to relate what he knows concerning the conduct of Zebedee Sprout in the execution of his agency on the Estates beforementioned.

Feb. 13, 1784.

Two days previously Zebedee Sprout was directed by order of the Senate to "render to the Senate an Account on Oath of all profits & advantages, which he has directly or indirectly received in consequence of having in his hands & possession a large sum of money, for a long space of time, which arose from the sale of said estates, and also of all other Profits and Advantages, arising from his Agency aforesaid." This order accord-

ing to the Senate journal "was copied & deliver'd to the s^d Sprout by the Clerk of the Senate."

Chap. 69a.]

XLI.

ORDER OF NOTICE ON THE TOWN OF STOCKBRIDGE TO SHOW CAUSE ON THE SECOND WEDNESDAY OF THE FIRST SESSION OF THE NEXT GENERAL COURT, WHY THE PETITION OF A NUMBER OF INHABITANTS OF THE TOWNS OF STOCKBRIDGE AND LENOX TO BE SET OFF TO THE TOWN OF LENOX, SHOULD NOT BE GRANTED.

On the petition of a number of inhabitants of the towns of Stockbridge and Lenox, in the county of Berkshire praying to be set off to the town of Lenox, for reasons set forth in the said petition,—

Ordered, That the petitioners notify the inhabitants of the town of Stockbridge, by serving the town Clerk with an attested copy of their petition and this order thereon, thirty days at least before the second Wednesday, of the first Session of the next General Court, then to shew cause, if any they have, why the prayer thereof, should not be granted.

Feb. 20, 1784.

Chap. 72a.]

XLII.

ORDER OF NOTICE ON WILLIAM WHITE OF BOSTON TO SHOW CAUSE ON THE LAST FRIDAY IN THIS FEBRUARY INSTANT, WHY THE PETITION OF PHILLIPS WHITE FOR REDRESS IN A CERTAIN PROBATE CASE, MAY NOT BE GRANTED.

On the petition of Philips White Esq^r setting forth that he has lost his law before the Supreme Court of probate in consequence of mislaying of papers, and also praying for redress,—

Ordered, That the petitioner aforesaid serve William White of Boston (the adverse party) with an attested copy of this petition and order thereon three days at least before the last Friday in this February instant, then to shew cause (before this Court) if any he have, why the prayer thereof should not be granted.

Feb. 21, 1784.

Chap. 78a.]

XLIII.

ORDER OF NOTICE ON THE TOWN OF CHILMARK TO SHOW CAUSE ON THE SECOND TUESDAY OF THE NEXT SESSION, WHY THE PETITION OF THE HONBLE JAMES BOWDOIN ESQ^R AND JAMES BOWDOIN JUN^R THAT THE ISLANDS OF NAUSHON AND NANNEMESSETT MAY NOT BE SUBJECT TO BE TAXED BY THE ASSESSORS OF CHILMARK, SHOULD NOT BE GRANTED.

On the petition of the Honble James Bowdoin Esq^r & James Bowdoin jun^r, praying (amongst other things) for reasons set forth in the said petition, that the islands of Naushan & Nannemessett may not be subject to be taxed by the assessors of the Town of Chilmark,—

Ordered, That the prayer of the said petitioners be so far granted, that they have leave to notify the inhabitants of the said town by serving the town clerk with a copy of the said petition and this order thereon at least thirty days before the second tuesday of the next Sessions of the General Court, to shew cause, if any they have, on the said second tuesday, why the prayer of the said petition should not be granted.

Feb. 23, 1784.

Chap. 81a.]

XLIV.

ORDER OF NOTICE ON CERTAIN PROPRIETORS OF BUXTON, IN THE COUNTY OF YORK, TO APPEAR ON THE SECOND WEDNESDAY OF THE NEXT SITTING, AND SHOW CAUSE WHY THE PETITION OF JOHN ELGIN AND OTHER PROPRIETORS OF BUXTON FOR THE SANCTION OF THIS HOUSE TO CONFIRM THE RECORD OF THEIR PROPRIETY FOR REASONS SET FORTH, SHOULD NOT BE GRANTED.

On the petition of John Eldin and others, proprietors of Buxton in the County of York, setting forth that some doubts have arisen respecting the validity of the records of their propriety by reason some of their Clerks acted in office before they were sworn, and praying for the sanction of this House to confirm the said record,—

Ordered, That the petitioners publish in one of the Boston newspapers three weeks successively, the substance of their petition with this order thereon that such proprietors of said township as have not signed the said petition may appear on the second Wednesday of the next sitting of the General Court, to shew cause if any they have why the prayer thereof should not be granted; and that the petitioners produce attested copies of such their records at the above mentioned Session of the General Court.

Feb. 25, 1784.

Chap. 86a.]

XLV.

ORDER OF NOTICE ON BERIAH NORTON ESQR, AGENT OF THE INHABITANTS OF THE SEVERAL TOWNS IN THE COUNTY OF DUKES, TO APPEAR ON THE SECOND WEDNESDAY OF THE NEXT SESSION, AND GIVE THE COURT INFORMATION AS TO THE SUMS OF MONEY AND MERCHANDISE HE HAS RECEIVED OR IS ENTITLED TO RECEIVE OF THE BRITISH NATION IN COMPENSATION FOR THE STOCK AND OTHER PROPERTY TAKEN FROM THE SAID INHABITANTS BY THE BRITISH TROOPS.

Whereas it is not made to appear to the satisfaction of this Court, what sums of money, and merchandize, Beriah Norton Esq^r agent of the inhabitants of the several towns in the said County of Dukes County, hath received, or in any way or manner is intituled to receive, of the British nation, in compensation for the stock and other property taken from the said inhabitants by the british troops: therefore,—

Ordered, That the further consideration of the petition of the representations of the several towns in the said County of Dukes County, and this report thereon, be referred to the second wednesday of the next Session of the General Court: and that the petitioners notify Beriah Norton Esq' agent as aforesaid, by serving him with an attested copy of this order, twenty days, at least, previous to the said wednesday, to appear on the said day and give the Court such information relating to the premises, as shall be necessary.

Feb. 26, 1784.

Chap. 86b.]

XLVI.

ORDER DIRECTING THE COMMITTEE ON ACCOUNTS TO ALLOW AND PAY THE ACCOUNT OF MESSRS SMITH AND SHELDON FOR RATIONS SUPPLIED THE GUARDS AT SPRINGFIELD.

On the account of Messrs Smith & Sheldon for rations supplied to the company of guards at Springfield by order of the General Court,—

Order, directing the committee on accounts to allow and pay for the rations mentioned.

Feb. 26, 1784.

Chap. 86c.]

XLVII.

VOTE DIRECTING ENOCH GREENLEAF ESQ^r, ONE OF THE JUSTICES OF THE PEACE FOR THE COUNTY OF MIDDLESEX, TO TAKE DEPOSITIONS OF CERTAIN PERSONS RELATIVE TO THE ELECTIONS OF CALEB MOULTON, CAPTAIN, PETER JOHNSON AND SAMUEL TILTON LIEUTENANTS, MILITIA OFFICERS OF THE SOUTH COMPANY IN EAST SUDBURY.

Ordered, That Enoch Greenleaf Esq' one of the Justices of the peace for the County of Middlesex, be and he hereby is directed to issue Subpœnas to such persons to appear before him, as Isaac Cutting & John Meriam, both of East Sudbury in the said County, or either of them shall name: and take the depositions of persons so summoned in due form of law concerning all such matters & things as they know, relative to the elections of Caleb Moulton, Captain — Peter Johnson and Samuel Tilton Lieutenants, militia officers of the south company in East Sudbury; first notifying the said Officers of the time and place of caption, that if they see cause, they may be present to ask such questions as may be proper— And the aforesaid Enoch Greenleaf Esq^r is directed to seal up the Depositions and direct the same to Jonathan Warner Esq^r; each Subpona and the Charges arising in consequence thereof to be paid by the party applying for the same.

Feb. 27, 1784.

Chap. 97a.]

XLVIII.

ORDER COMMITTING THE ACCOUNTS OF THOMAS PIER OF GREAT BARRINGTON TO THE COMMITTEE ON ACCOUNTS FOR EXAMINATION AND PAYMENT.

Order, committing the accounts of Tho^r Pier of Great Barrington to the committee on accounts for examination, allowance, and payment.

March 1, 1784.

Chap. 107a.]

XLIX.

VOTE ACCEPTING THE REPORT OF THE JOINT COMMITTEE ON THE PETITION OF SUNDRY INHABITANTS OF THE TOWN OF DORCHESTER LIVING AT SQUANTUM AND ON A TRACT OF LAND KNOWN AS THE FARMS THAT THEIR ESTATES AND OTHERS BE ANNEXED TO BRAINTREE, PROVIDING FOR A COMMITTEE TO VIEW THE PREMISES, AND AN ORDER OF NOTICE ON THE TOWN OF DORCHESTER THAT ANY OF THE INHABITANTS THEREOF MAY BE PRESENT AT THE TIME OF THE SAID VIEW.

The Committee of both houses appointed to consider and report on the petition of [Joshua Glover and others] sundry of the inhabitants of the town of Dorchester, living on the neck of land called Squantum, and on a tract of land known by the name of the farms, having heard the petitioners, and a committee chosen by the said town of Dorchester to oppose the said petition, and having duly considered the reasons and allegations offered by both parties. Report as their opinion,

That the prayer of the said petition be so far granted, that a Committee be appointed by this Court to repair to the said Squantum and the said farms, (on the petitioners cost) and view the premises, and report to the General Court, on the first tuesday of the next Session thereof, whether it be reasonable, that the aforesaid petitioners and others, with their estates shall be seperated from the town of Dorchester and annexed to the town of Braintree; and that the Committee appointed for the purpose aforesaid, notify the town of Dorchester by leaving with the town Clerk a notification in writing ten days (at least) before they view the aforesaid premises, that any of the inhabitants thereof may be present, at the time of the said view, if they shall think proper.

In Senate read and accepted. . . In House read and concurred. . .

March 5, 1784.

John Pitts, on the part of the Senate, and Messrs. Lovell and Mitchel, on the part of the House, were appointed on this committee.

Chap. 113a.]

L.

ORDER OF NOTICE ON THE COLLECTOR OF TAXES WHO SOLD CERTAIN LAND IN THE TOWNSHIP OF POWNALBOROUGH, IN THE COUNTY OF LINCOLN, WHICH HAD BEEN GIVEN AND GRANTED TO THE PRESIDENT AND FELLOWS OF THE UNIVERSITY OF CAMBRIDGE, AND ON THE PURCHASER OF THE SAME, TO APPEAR ON THE SECOND WEDNESDAY OF THE NEXT SITTING, AND SHOW CAUSE WHY THE FEE OF THE SAID LAND SHALL NOT VEST IN SAID PRESIDENT AND FELLOWS UPON MAKING CERTAIN PAYMENTS.

On the memorial of the Rev^d Joseph Willard, President of the University of Cambridge, in the name of the Corporation of the University, shewing that on the eighth day of May, 1780, five hundred acres of valuable land in the township of Pownalborough in the county of Lincoln which have been given and granted to the President and Fellows of the University, were sold by a collector of taxes for less than thirty shillings value in specie, and that the time of redemption having expired, the purchaser refuses to surrender his right in the same unless on the payment of a very extravagant sum therefor :

Ordered, That, in consideration of the violent presumption which arises from the circumstances of the case, that undue proceedings have been had in the premises, the memorialist cause the Collector of taxes, who sold the said land and the person who purchased the same, to be each of them served with an attested Copy of the said memorial, and this order thereon, at least twenty days before the second wednesday of the next sitting of the General Court, that they may then appear and shew cause, if any they have, why the fee of the said land shall not be held to vest in the President and Fellows of the University of Cambridge they paying the purchase money and reasonable charges of sale with twelve per cent from the time of sale to the time when payment shall be tendered.

March 6, 1784.

Chap. 117a.]

LI.

ORDER OF NOTICE ON JACOB DAVIS TO SHOW CAUSE ON THE FIRST TUESDAY OF THE NEXT SITTING OF THE GENERAL COURT, WHY THE PETITION OF BENJAMIN CONVERS THAT A JUDGMENT OBTAINED IN AN ACTION BROUGHT AGAINST HIM BY THE SAID DAVIS BEFORE THE COURT OF COMMON PLEAS MAY BE SET ASIDE AND A NEW HEARING ORDERED, SHOULD NOT BE GRANTED.

On the petition of Benjamin Convers, praying that the judgment obtained upon an action brought against him by Jacob Davis Esq^r before the Court of common pleas held in Worcester on the first tuesday of September last past may be set aside, and that the said action may be brought forward on the records of the said Court for a new hearing, for reasons set forth in the said petition : therefore,

Ordered, That the prayer of the said petition be so far granted, as that the said Benjamin Convers notify the said Jacob Davis Esq^r by serving him with an attested copy of his petition and this order

thereon fourteen days at least before the first tuesday of the next sitting of the General Court, to shew cause, if any he hath, why the prayer thereof should not be granted.

March 9, 1784.

Chap. 127a.]

LII.

ORDER TO PAY AARON HOBART NINETEEN POUNDS THREE SHILLINGS FOR REPAIRING THREE CANNON IN 1775.

The committee on accounts to whom was referred the account of Aaron Hobart, for repairing three cannon in the 1775, having duly examined the same, are of opinion that there is justly due on the said account nineteen pounds three shillings: Read and accepted and

Ordered, That the committee on accounts pay the said Hobart, the sum of nineteen pounds three shillings in full of the said account.

March 12, 1784.

Chap. 127b.]

LIII.

ORDER DIRECTING THE PUBLICATION IN THE INDEPENDENT CHRONICLE OF AN ACT DIRECTING THE SETTLEMENT OF ESTATES OF PERSONS DECEASED AND FOR CONVEYANCE OF REAL ESTATE IN CERTAIN CASES.

Ordered, That the Secretary publish the act intituled "An Act directing the settlement of the estates of persons deceased and for the conveyance of real estates in certain cases," in the independent Chronicle.

March 12, 1784.

Chap. 165a.]

LIV.

RESOLVE REQUESTING THE GOVERNOR TO ISSUE HIS PROCLAMATION FOR A DAY OF PUBLIC THANKSGIVING AND PRAYER FOR THE SUCCESSFUL ISSUE OF THE REVOLUTION.

Whereas divine providence has appeared in a seasonable and surprizing manner, for the United States of America, and for this Commonwealth in particular, during our late most arduous contest, and brought about, in our favor, one of the most important Revolutions that has ever taken place in the world; while our offences against the divine Majesty rendered us less than the least of mercies — and has caused all events kindly to conspire for the establishment of our independency & freedom, and crowning us with the blessings of a truly advantageous & honorable peace; which sublime dispensation of Heaven demands our United and most grateful acknowledgments, to Him whose Kingdom ruleth over all: therefore,

Resolved, That his Excellency the Governor be, and he is hereby requested, with advice of Council, to issue his Proclamation for a

day of public Thanksgiving and prayer throughout this Commonwealth,—that the people may with united ardent devotion praise their great Patron & Deliverer, who in his infinite power, wisdom and mercy has done such wonderful things for them; and may earnestly supplicate the God of all grace, that they may by his goodness be led to repentance, and be assisted to make all due returns to their Divine Benefactor—by making the most wise and sober improvement of their privileges—by living in universal piety righteousness and holiness, and bringing forth *much* fruit to the glory of God, as may justly be expected of them to whom *much* is given.

March 20, 1784.

See Message of the governor in reply to this resolve, p. 217.

Chap. 187a.]

LV.

ORDER PROVIDING FOR THE TRANSMISSION TO THE TOWN AND PLANTATION CLERKS, OF COPIES OF THE ACT "TO ENABLE THE INHABITANTS OF THE SEVERAL TOWNS AND PLANTATIONS WITHIN THIS COMMONWEALTH TO ASCERTAIN FROM TIME TO TIME THE AMOUNT OF MONIES RECEIVED BY THEIR RESPECTIVE COLLECTORS OF PUBLIC TAXES, AND WHAT PAYMENTS THEY HAVE MADE TO THE TREASURER."

Ordered, That the Secretary be, and he hereby is, directed to procure printed copies of the act passed in the present Session of the General Court, intituled "An Act to enable the inhabitants of the several Towns and Plantations within this Commonwealth, to ascertain, from time to time, the amount of monies received by their respective Collectors of public taxes, & what payments they have made to the Treasurer of this Commonwealth"—and to transmit one of the same to each town-clerk and plantation clerk within this Commonwealth.

March 22, 1784.

Chap. 198a:]

LVI.

ORDER COMMITTING THE ACCOUNT OF THOMAS CRANDON TO THE COMMITTEE ON ACCOUNTS FOR EXAMINATION AND PAYMENT.

On the petition of Thomas Crandon,—

Ordered, That this petition with the account accompanying be committed to the committee on accounts for examination, allowance, and payment.

March 23, 1784.

1783.

ADDRESSES AND MESSAGES.

1783. MAY SESSION.]

GOVERNOR'S OPENING ADDRESS.

Gentlemen of the Senate & Gentlemen of the House of Representatives,

I take the earliest opportunity to congratulate you that God in his all-wise Providence has disposed the hearts of the several contending powers to agree upon preliminaries of Peace, which have since been ratified. I have lately received from the Minister of foreign affairs a proclamation of Congress for the cessation of hostilities which I caused to be publickly announced on the twenty third of April last & have endeavoured to lessen the expences of Government occasioned by the war by immediately giving orders for the discharge of the Sloop of War & of all the Men employed for the defence of the Sea-Coast. I hope soon to be favored with the definitive Treaty & to congratulate you upon the establishment of an honorable and permanent peace. I have directed the Secretary to lay before you the Letter & Proclamation above referred to & several Letters I have received from the President of Congress, the Superintendent of Finance & General Washington which I recommend to your attention.

General Washington in his Letter has inclosed some Queries from the Pay-Master General with respect to this State's Quota of the army, which I referred to the Committee for settling their accounts. Their answers to the same will be laid before you by the Secretary with the rest of the papers. This measure I adopted that the Pay Master might as early as possible after your meeting be furnished with the necessary information.

I am prevented by indisposition from enlarging upon the subject of these Letters or adding anything further at present. Whatever may occur worthy of your consideration I will lay before you in separate Messages & shall be ready to concur with you in every measure for promoting the public weal.

JOHN HANCOCK.

Council Chamber Boston June 2^d 1783.

The public announcement of the proclamation for a cessation of hostilities, which the governor received by express from Philadelphia on the morning of April 23, was made, by his order, by the Sheriff of Suffolk (Joseph Henderson) "from the balcony of the State House at one o'clock, before which a large concourse of the most respectable in-

habitants of the Town of Boston were assembled, and demonstrated by their loud huzzas their joy upon this occasion. After which thirteen cannon from the fortresses at the Castle and the same number at Fort-Hill, was fired." [Independent Chronicle, April 24, 1783.]

SPECIAL MESSAGE.

RELATIVE TO CERTAIN ALLEGED VIOLATIONS OF THE LAWS OF
NATIONS.

Gentlemen of the Senate & Gentⁿ of the House of Representatives,—

I have received a Letter from the President of Congress inclosing copies of divers Letters & other Papers relative to the violation of the Laws of nations & rights of neutrality alledged to have been committed by Church & Hayden, requesting that enquiry may be made into this matter & such measures taken as may be most effectual for procuring satisfaction for the injury done. As it is not in my power to do that which is requisite upon this occasion without your aid I have directed the Secretary to lay those Papers before you & doubt not you will take such order thereupon as shall appear to you to be necessary for the preservation of the honor of the state & procuring satisfaction for the injury done, as is alledged to the Flagg of his Catholic Majesty —

JOHN HANCOCK.

Boston July 7, 1783.

1783. SEPTEMBER SESSION.]

GOVERNOR'S OPENING ADDRESS.

Delivered in person before the two Houses, in the Senate Chamber.

Gentlemen of the Senate & Gentlemen of the House of Representatives,

I am happy to meet you at an Era when our Country after a long and arduous contest for her rights & independence is at length blest with peace,— a peace that gives us the quiet possession of the dear objects for which we have contended; that closes such scenes of devastation & blood as we have beheld; that secures to us very ample territorial advantages, & opens to our view the most flattering prospects of future prosperity in an extended agriculture, fishery & commerce; a peace that comes to us attended with remarkable plenty, & a variety of other important blessings; I cannot appear Gentlemen, so insensible to the publick felicity, as not warmly to congratulate you upon so extraordinary & pleasing a combination of events.

Looking back upon the memorable scene through which we have passed, contrasting it with our present ease & security, & looking

forward to the bright objects of our hope, what acknowledgments are due from us to the Supreme Ruler of the world for the uncommon favour he has been pleased to express towards the United States? Those who under his providence have been the distinguished instruments of procuring for us these blessings can never be forgotten by us. We cannot take a retrospect of our late severe conflict & not recollect with every return of respect & friendship how early our august ally acknowledg'd, & how much he contributed to the support of our national sovereignty & Independence. We cannot trace the course of the war & not be sensible of the part which his brave forces bore in those successes that prepar'd the way for our present happy settlement, an alliance so honorable & that has already prov'd so faithful & advantageous to these States cannot fail to be carefully cultivated by us in all time to come.

While we value & enjoy, the blessings of liberty and peace, it is impossible we should forget our own patriotic army, to whose gallant & persevering services amidst peculiar hardships & discouragements we are so greatly indebted for these blessings. Such services are sure to engage our attention, & the recommendation of them must come with particular weight from a commander in chief, dear to a country which he has gloriously defended, & who throughout all the various & trying scenes of the war, has uniformly possess'd in an uncommon degree the confidence of the States as well as of the army. I am persuaded, Gentlemen, that this Commonwealth will be ever ready to comply with the reasonable requisitions of Congress for a final settlement with so meritorious an army in a manner dictated by justice & honour.

Divine providence has most kindly put into the hands of these States the means of our political happiness, & nothing seems wanting to complete it, but a proper improvement of these means. Our all depends upon our union, this is our palladium. By this we have hitherto been saved, & the preservation of it can alone continue our liberty & safety, our peace at home & our respectability abroad. But this depends on the temperament & energy of that general government which was instituted on purpose to combine these Sovereign States into one political body for their common security, & to draw forth in just proportions the united strength of all for effecting the important purposes of their confederation. How to strengthen & improve this union, so as to render it more completely adequate to such purposes, is a question of no small importance, & demands the immediate & serious attention of these States. That it may be done greatly to the advantage of all, & without real injury to the internal government of any & that our welfare if not our very existence as a free nation is suspended upon it, I am fully persuaded.

In the mean time I hope that ardent affection for liberty & inde-

pendence which has already carried us successfully thro' so many difficulties will still animate us to act up to the grand intention, & the true sprit of the confederation. In this hope I feel myself indispensably obliged in the most earnest manner to call upon you, Gentlemen, & upon all the good citizens of this Commonwealth, to strengthen the hands of Congress, particularly by making every exertion for a speedy payment of our proportion of the national expence, a measure now become absolutely necessary to the support of public credit, to the most essential purposes of our sacred league, & to appeasing the loud complaints of those whose just demands upon the public have already remained too long unsatisfied. When measures of such extreme importance to the public are not seasonably accomplished, through unseasonable jealousies, or a diversity of sentiment respecting the mode, it is easy to foresee the dreadful consequences.

The internal interest of this Commonwealth at the same time demands our particular attention. Much is necessary to be done, that many worthy citizens may have a satisfying prospect of realizing that large portion of their property which they have entrusted to the hands of government.—They justly expect to see that every exertion is making at least for its firm security, & for the punctual payment of the interest of every public obligation. When once an adequate provision is made to satisfy so moderate & reasonable an expectation, public credit will revive, the honor of the Commonwealth will be supported, its real interest will be greatly advanced, & government will possess, as it ought ever to do, the firm confidence of the community.

I have directed the Secretary to lay before you several Letters I have received during the recess which I recommend to your consideration.

The restoration of peace will, it is highly probable, open an extensive trade & intercourse with all parts of the world, which may make some further regulations necessary with respect to vessells visited with contagious distempers. I submit to your consideration the propriety of revising those laws, & if on examination they should be found deficient, I doubt not but you will immediately take effectual measures to remedy such defect.

The preservation of trees suitable for masts in the Eastern parts of this Commonwealth is an object of great moment, & demands the attention of the Legislature.

I have called upon the Treasurer for the state of the Treasury, in consequence of which he has made me a representation, which you will receive with the other papers.

The Secretary will also lay before you a Letter from Col^o Allan relative to the encroachments there is reason to think the British are making on the territories at the eastern boundary of this state.

This is a matter that ought to be attended to immediately to prevent disputes hereafter: I submit it therefore together with the other matters mentioned in his Letter to your consideration.

I shall lay before you in separate Messages what further may occur to me worthy your notice, & shall be ready to concur with you in every measure tending to promote the public weal.

JOHN HANCOCK.

Council Chamber Boston Sept^r 24th 1783.

SPECIAL MESSAGES.

TRANSMITTING A LETTER FROM JOHN TEMPLE ESQ^r UPON HIS BOND.

Gentlemen of the Senate & Gentlemen of the House of Representatives,

The Secretary will lay before you a Letter from John Temple Esq^r upon the subject of his bond; as M^r Temple's affairs are still before the General Court, I judg'd it most proper to submit it to you, to act upon as you shall think proper.

JOHN HANCOCK.

Council Chamber Boston Sept^r 27, 1783.

RESPECTING THE EVACUATION OF PENOBSCOT.

Gentlemen of the Senate & Gentlemen of the House of Representatives,

In consequence of your request I took the necessary steps to be avail'd of the time when the evacuation of Penobscott would take place, that I might carry into effect your Resolution of the 11th of July last when I intended to have gone down in person with such Gentlemen of the Council as should be disposed to attend me—Untill the present day I have receiv'd no information. I have just now receiv'd a Letter from his Excell^y Sir Guy Carlton upon the subject which I have directed the Secretary to lay before you, and submit to you to take such order as you shall judge best upon the occasion.

JOHN HANCOCK.

Council Chamber 8th Oct^o 1783.

The resolution of July 11 requested the governor, with advice of Council, to take such measures as he might judge best "for the honor and advantage of the Commonwealth" for taking possession of this post and places adjacent upon their evacuation by the British troops, and ordered an inquiry with regard to the hulks in the river, the barracks, and such large masts as might be in the county of Lincoln, belonging to the Commonwealth. [Chap. 107, 1783, May session, Laws and Resolves . . . 1782-83, p. 735.] Upon the reception of the above message the whole matter was again placed in the hands of the governor by the passage of resolve printed as Chap. 22A, 1783, September session, Laws and Resolves, etc., p. 748. See subsequent messages on this matter, dated Oct. 22, 23, 28, and Jan. 23, 1784.

ON THE NECESSITY OF SUPPORTING THE CREDIT OF THE UNITED STATES ABROAD.

Delivered in person before the two Houses, in the Senate Chamber.

Gentlemen of the Senate & Gentlemen of the House of Representatives,

The purposes of such a government as that which has been founded by the wise & happy Constitution of this Commonwealth can never be fully answered without a free intercourse between its several branches. The ideas of each upon matters of public importance, & the grounds & reasons of those measures that must affect the order and happiness of the whole state, ought to be known, examin'd & decided upon without prejudice or restraint by every branch of the government, according to that distribution of power which the Constitution itself has made. I sincerely wish, Gentlemen, to do everything within my ability, & without going beyond the line of my department, for maintaining and cultivating such a good understanding, such an open & friendly intercourse which cannot but conduce to the harmony and support of government, & to the welfare of the community. Our constituents, the citizens of this Commonwealth, have a right to expect that I should seasonably communicate to you, whatever may occur to my own mind, or be transmitted to me by others, that without any undue influence upon the freedom of your debates, may throw light upon subjects of importance under your discussion. As this is a duty which I owe to them, as well as to you, I am persuaded, Gentlemen, you will encourage me in an honest & faithful discharge of it.

Some authentic extracts of Letters written by his Excell^y John Adams Esq^r upon the necessity of supporting the credit of the United States in pecuniary matters having lately been transmitted to me, and the sentiments they express upon this subject deserving so much our particular attention at this time, I could not excuse myself in omitting to lay them before you. I need not remind you, Gentlemen, of the political knowledge of that minister; of the confidence he has requir'd from the United States; of the part he bore in framing the Constitution of this Commonwealth, and the confederation of the States, the intent & sprit of which he well understood; nor need I mention the advantages afforded him by his important public employments in Europe for taking an extended view of the subject on which he writes; for examining it nicely, & feeling its whole force. His sentiments so exactly according to those of General Washington & of other characters the most distinguished in these States, I am sure will come with particular weight upon your minds. What must be his feelings, & what those of our other respectable negotiators abroad, who have been author-

ized to borrow monies in the name, & upon the faith of the United States, should any diversity of sentiment respecting the mode of raising supplies be allow'd to operate so far as to retard the payment even of the interest & to stain our credit through the world! We can scarcely imagine what a dishonor & what an extensive injury we should do to ourselves by such a conduct, especially at our first appearance upon the great theatre of nations. For the removal of such difficulties, I hope, we in this Commonwealth, & the States throughout the union, shall be ready to concede to one another so far as is consistant with the support of public justice & honor; and that we shall by such a disposition soon find ourselves united in a point so essential to our common preservation & happiness.

House journal:

A copy of said Address dated at Council Chamber Oct^o 9th 1783 & signed John Hancock was delivered by his Excell^y to the Speaker & the House returned to their chamber.

TRANSMITTING A LETTER WITH A REFLECTION UPON CERTAIN LEGISLATIVE ACTION.

Gentlemen of the Senate & Gentlemen of the House of Representatives,

I have directed the Secretary to lay before you two Letters I have just received from the President of Congress, one of which I find is an answer to a Letter address'd by the Legislature to the United States in Congress assembled upon a subject of general concern to the good people of this Commonwealth

This is a matter I had no knowledge of untill the receipt of the Letter from Congress; I should be happy at all times to unite with you in all measures that have a tendency to advance the public prosperity.

JOHN HANCOCK.

Council Chamber Oct^o 16 1783

RESPECTING A TREASURY NOTE OF 1776.

Gentⁿ of the Senate & Gentⁿ of the House of Representatives,

I am possess'd of a note of hand given to me by the Continental Treasurer in 1776 upon which there is due about fifteen thousand Dollars & is the property of this Commonwealth. I repeatedly mentioned this circumstance to former general assemblies; they chose a Committee but never perfected the business. It would be too tedious to relate minutely the matter by message, but submit to you the appointment of a Committee upon the subject that by a settlement the Com'wealth may be avail'd of their property & myself discharged of the note.

JOHN HANCOCK.

Council Chamber Oct^o 18, 1783.

RESPECTING AN EARLY CALL FOR A RECESS.

Gentlemen of the Senate & Gentlemen of the House of Representatives,

Last evening I received a verbal Message by a respectable Committee of the two branches of the General Court, informing me that it was the intention of the General Court to request a recess on Thursday next. The message is I believe without a precedent. However I am dispos'd to comply with the request of the General Court when I can do it consistent with the duty I owe the Commonwealth, & in the present instance shall be ready, unless I am prevented by your continuing to prosecute such business untill that day w^h must be laid before me, in which case it will be impossible for me to give you a recess so early, as I must take time at least for reading your Resolves. I have suspended attending the call I had to review the Militia in the County of Plimouth, & shall be constantly ready to transact any business you may be pleased to lay before me.

JOHN HANCOCK.

Council Chamber Oct^o 21st 1781.

RESPECTING THE POST AT PENOBSCOT.

Gentlemen of the Senate & Gentlemen of the House of Representatives,

By your Resolve of Oct^o 9th I am "requested to take such measures as may be effectual for carrying into execution the Resolution of the two Houses of the 11th July last respecting the taking possession of the Post at Penobscott and places adjacent upon the British troops evacuating the same." From the information I have, I find it necessary to plant an armed force there, which I cannot effect without your aid; I am therefore obliged to submit the matter to your further consideration, as it is impossible for me to carry into effect your Wishes for the preservation of the persons & property of our good citizens, without some provision being made for the payment of the expence, that must necessarily be incurred.

JOHN HANCOCK.

Council Chamber 22^d Oct^o 1783.

Gentlemen of the Senate & Gentlemen of the House of Representatives,

Upon the arrival of the Post last evening about two hours after the Secretary delivered my Message respecting taking possession of Penobscot, I receivd a Letter from His Excell^y General Washington upon the same subject which I have directed the Secretary to lay before you, & I am happy to find that my ideas of the matter comport with his.

JOHN HANCOCK.

Council Chamber 23^d Oct^o 1783.

STATING OBJECTIONS TO A BILL RESPECTING PILOTAGE ON THE
COASTS OF MARTHA'S VINEYARD.

Gentlemen of the Senate and Gentlemen of the House of Representatives,—

The Secretary has laid before me a Bill, intitled an Act for altering and amending one clause or part of an Act made and passed the last sitting of the General Court, intitled "An Act for regulating Pilotage in several Ports in this Commonwealth"—It is my Duty to mention to you, Gentlemen, that the Governor and Council in the establishment of the Fees of the Vineyard Pilots, were greatly influenced by the additional Expences that would arise to them from each one of them being oblig'd to keep a Deck'd Boat. This bill relieves them from that burden, and I should think the Navigation should meet a proportionable Relief. I shall be ready to sign the Bill if the two Houses are pleas'd to accord in the addition.

JOHN HANCOCK.

Council Chamber 23^d Oct: 1783.

Upon the reception of this message in the Senate: "the bill being reconsidered . . . & the Question put 'Whether notwithstanding the Governor's Objections to the Bill, it is the Mind of the Senate to pass the same?' it pass'd in the Negative there being the following Members present and giving their Voices *seriatim* viz. . . . Then a Motion was made that a Bill be brought in for altering and amending one clause or part of an Act made and pass'd the last sitting of the General Court intitled 'An Act for regulating Pilotage in several Ports in this Commonwealth.'" [Senate journal, Oct. 23, 1783. This bill, passed on the 24th, is printed as 1783, Chapter 23, Laws and Resolves . . . 1782-83, pp. 550, 551.

RESPECTING THE CONDUCT TO BE OBSERVED AFTER POSSESSING
PENOBSCOT.

Gentlemen of the Senate and Gentlemen of the House of Representatives,

The Secretary has laid before me a resolve determining the necessity of an arm'd force for taking possession of the post at Penobscot, which force is to be detached from the Militia in the County of Lincoln, and to be upon Continental Establishment as to pay & rations—I submit to your consideration whether this mode will not be attended with more expence, than taking a detachment from the County of Suffolk, for in the former case I must send provisions down, and perhaps fire arms and ammunition which I should send by Water; in the latter case I could have men immediately & under an Officer of spirit who is known to me, and they could proceed directly to the spot by Water, which would be a great saving of time and in my opinion of expence also.

As it is probable the General Court will be prorogued to a distant day I could wish the General Court would be pleas'd to furnish me with their explicit sentiments as to the conduct to be observ'd after possessing Penobscot. Are the troops to remain there until the

General Court meets again? Are the old inhabitants that were driven off to be permitted to return immediately to their former possessions? Or is a previous examination to be had as to the right of claims? I must request the further sentiments of the General Court, to enable me to answer their expectations as nearly as possible in this instance.

JOHN HANCOCK.

Boston Octo^r 28th 1783.

The response to this Message was the Resolve, passed the same day,—leaving it “discretionary with the Governor” to detach the force from the militia of Suffolk or Lincoln county, permitting the return of the inhabitants to their former possessions, and limiting the stay of the detachment to the time necessary to secure the public stores,—printed as Chap. 97A, 1783, September session, Laws and Resolves . . . 1782-83, p. 791.

1783. JANUARY SESSION [1784].]

OPENING ADDRESS.

Gentlemen of the Senate & Gent^l of the House of Representatives,

Being prevented by indisposition from attending the General Court in person, I have directed the Secretary to lay before you several letters & papers which I have received during the recess, among which is one from his Excell^y the Governor of South Carolina, respecting the detention of some Negroes here, belonging to the Subjects of that State. I have communicated it to the Judges of the Supreme Judicial Court; their observations upon it are with the papers. I have made no reply to the letter, judging it best to have your decision upon it.

The Secretary will also lay before you the account of past expenditures, & an estimate of what monies will be wanted to discharge the expenditures of the year 1784.

I have called upon the Treasurer for a state of the Treasury, his observations thereon are with the papers.

While I was preparing to carry into effect your resolution respecting the repossession of Penobscott such a variety of circumstances occurred which I was not authorized to decide upon, that I found it impossible for me to take any steps relative to it with ease to my own mind or satisfaction to the public. I was therefore under the necessity of suspending the matter, & leave it to be conducted according to the first determination which was by giving information to the nearest Magistrate, since which I have heard nothing, I am obliged therefore to refer it back to you for your final decision.

I have the satisfaction to inform you that the Light-House at the entrance of Boston Harbour has been sometime lighted, & has been a great utility in the late tempestuous & inclement season. The accomplishing this is entirely owing to the very great attention

& assiduity of the Com^r Gen^l & from my own observations of his earnest endeavours to compleat your wishes I cannot omit recommending to your notice so merituous an officer of government.

The two letters from Col^o Allan will give all the information I have been able to collect respecting the encroachments at the eastern parts of this Commonwealth; that Gentleman is now in Town, & will be ready to attend if called upon.

I hope soon to have the pleasure officially to lay before you the Definitive Treaty, as I shall every other matter of moment that may take place during your Session.

JOHN HANCOCK.

Boston Jan^{ry} 23, 1784.

REPLY TO HIS EXCELLENCY'S SPEECH.

May it please your Excellency,

The Senate and House of Representatives will pay every necessary attention to the communications made by your Excellency's Message of the Twenty third instant, particularly to those which relate to public expenditures. They consider the making provision for defreying the charges of Government & establishing the public credit, as important and necessary parts of Legislation, & are therefore determined to avail themselves of every resource for the accomplishment of those valuable purposes, at the same time regulating the public expenditures by the rules of the strictest economy.

As your Excellency has informed the Senate & House of Representatives that you have been under the necessity of suspending the carrying into execution the orders of the Legislature passed the last Session with respect to Penobscot, the General Court will take such further order thereon as they shall judge necessary.

We also daily expect the ratification of the definitive Treaty in Congress, and shall rejoice with your Excellency when it shall be in your power to communicate to us that happy event.

Jan 29, 1784.

SPECIAL MESSAGES.

TRANSMITTING THE DEFINITIVE TREATY RECEIVED FROM CONGRESS.

Gen^{rs} of the Senate & Gentlemen of the House of Representatives,

Last evening I received from Congress the Definitive Treaty which I have directed the Secretary to lay before you being prevented addressing you in person by the continuance of my indisposition.

JOHN HANCOCK.

Boston 12th Febr^y 1784.

RESPECTING THE CELEBRATION OF THE PEACE.

Gentlemen of the Senate & Gentlemen of the House of Representatives,

The Secretary has laid before me your several Resolutions relative to the final establishment of peace. By one of the Resolves "I am requested to order the discharge of Cannon, & such other demonstrations of joy on the 24th inst. as I may judge suitable to the occasion." This Resolve is so very inexplicit that I am really at a loss to determine what the two branches of the General Court intend by *such other demonstrations of joy*. If you intend, Gentlemen, that they should be such as heretofore have been practised upon such important events, I must order a public dinner to be prepared on this occasion. This was the case upon the proclamation of the very last peace; or perhaps you may design that only such provision should be made in the State House, for the accomodation of such Gentlemen as shall please to attend, as has been usual upon public days; I return you the Resolve by the Secretary, and as I wish to conduct this matter both through the day and evening in such a manner as to meet your approbation, I must request you would be pleased to be more explicit respecting it, & I doubt not you will enable me to exhibit such demonstrations of Joy as shall be fully answerable to an event so important & interesting to this & the o'her United States.

JOHN HANCOCK.

Boston Feb^{ry} 19th 1784.

Gentlemen of the Senate & Gentlemen of the House of Representatives,

It always gives me great pleasure to carry into effect every request of the two branches of the General Court, and in the instance of your message this moment received, I should be very happy to have it in my power to conduct the public entertainment which is expected by the message with honor to the Government or with reputation to myself. But it is impossible for me to have such preparation made in one day as would be answerable to the dignity & respectability of the two branches of the General Court of the Commonwealth of Massachusetts, more especially upon the present occasion. Besides I feel myself so embarrassed by the peculiar terms in which some parts of the message is conceived, that I am apprehensive I should fall short of answering the expectations of some, and exceed those of others, even should I adhere as nearly as possible to the message.

I am really sorry to be necessitated to request the General Court to give longer time, and more descretional terms, as otherwise it will be impossible for me to carry the message into effect.

JOHN HANCOCK.

Boston 23^d February 1784 ³/₄ past 5 o'clock.

REPLY OF THE GENERAL COURT TO THE FOREGOING.

May it please your Excellency —

The two branches of the General Court have taken into consideration your Excellency's Message of yesterday, and do agreeably to your request desire that the public Exhibitions of Joy be postponed until Friday next; and that the public dinner to be provided on the occasion be composed of such articles & the entertainment conducted in such manner as your Excellency's discretion may direct.

Feb. 24, 1784.

RESPONSE OF THE GOVERNOR.

Gentlemen of the Senate & Gentlemen of the House of Representatives,

In consequence of your Message of yesterday I have given orders for such preparations to be made on Friday next as I flatter myself will meet your approbation, & that the Execution of those orders may not meet any obstructions, I must request that you will be pleased to furnish me with a Resolve authorizing me to draw a warrant upon the Treasury for such a sum as you shall judge proper, as articles from the country cannot be obtained without money.

JOHN HANCOCK.

Boston 25th Feb^{ry} 1784.

Upon the reception of this message the General Court passed a resolve authorizing a warrant on the treasurer of the Commonwealth for a sum not exceeding £300 to defray the expense of the proposed entertainment. [Chap. 81, 1783, January session, Laws and Resolves . . . 1782-83, p. 846.] To this resolve the governor made response as below.

Gent^l of the Senate & Gent^l of the House of Representatives,

The Secretary has this moment laid before me your Resolve in consequence of my message of this morning requesting authority to draw upon the Treasurer for a sum of money to enable those I had employed to make the preparations necessary for the reception of the General Court on Friday next, by which Resolve I am restricted to the sum of three hundred pounds to defray the whole expence of entertainment on that day. As it would be exceedingly difficult for me to bring the expence to such an exact precise sum, & as I would wish ever to avoid censure, I take the liberty to request that you would be pleased to excuse me from the conduct of that business; after giving me an unlimited latitude as to the entertainment &c. that I should be restricted to the precise sum of three hundred pounds to carry it into effect, carries a want of confidence in me which much affects me.

JOHN HANCOCK.

Boston Feb^{ry} 25th 1784.

RESPONSE OF THE GENERAL COURT.

May it please your Excellency,

The two branches of the General Court are affected to find, by your message of yesterday, that, from the conduct of the Legislature in limiting the sum to be immediately drawn out of the Treasury for procuring articles for a public entertainment, you should infer a want of confidence on the part of the two Houses.

By giving your Excellency *an unlimited latitude as to the entertainment &c.*, it is apprehended the two branches of the General Court have exhibited a disposition quite the reverse of that which you have been pleased to suggest it to be. Far from wishing to lay your Excellency under any restrictions that might prove embarrassing, the Court extended the order on the treasury to the sum of three hundred pounds, which was considered as amply adequate to such expenditures as are becoming either the form of Government under which we live, or the situation and circumstances of this people,—& it is hoped your Excellency will not persist in a desire to be excused from giving the necessary orders on this occasion.

A joint committee, consisting of Samuel Niles of Boston and Jonathan Warner of Worcester on the part of the Senate, and Messrs. Sedgwick of Sheffield, Danielson of Brimfield, and Dane of Beverly, was appointed to wait on the governor with this message.

RESPECTING THE EXECUTION OF THE ACT AGAINST CERTAIN PERSONS WHO HAVE JOINED THE ENEMY.

Gen^l of the Senate & Gen^l of the House of Representatives,

Whenever a doubt arises in my own mind, with respect to any Law, the execution of which is committed to me, I feel a great satisfaction in having it in my power to make application where I am confident of finding relief; & for that purpose, I beg leave for a moment to draw the attention of the two branches of the General Court to a Law pass'd July 2^d 1783 intituled "An Act to carry into execution An Act made in the year 1778 intituled 'An Act to prevent the return of certain persons &c.'" By which Act I am obliged upon the certificate of the Justices having committed to Goal any person or persons the objects of that Law, immediately, or as soon as may be, at the expence of the Commonwealth, to cause such persons so committed to be transported to some port or place within the dominion of the King of Great Britain &c.—Under this predicament I have now in custody several persons, two in Goal in this Town, two in the Goal in Worcester, & one in the Goal in Falmouth, County of Cumberland; I am ever ready to carry into effect the Laws of this Commonwealth & as I am to presume it is the design of the two branches of the Gen^l Court that the law above

recited should be executed without any reserve, I am to request they will furnish me with the means of providing for the transportation of those persons who may come within the said Law, by authorizing a Warrant upon the Treasurer for such a sum as you shall judge competent.

JOHN HANCOCK.

Council Chamber Boston, March 19, 1784.

RESPECTING ENCROACHMENTS MADE BY BRITISH SUBJECTS IN THE
EASTERN PARTS.

Gentⁿ of the Senate & Gentⁿ of the House of Representatives,

I have directed the Secretary to lay before you for your perusal a Letter with its' inclosures from the President of Congress respecting the encroachments that are represented to them to have been made by British Subjects at the Eastern parts of this Commonwealth. I have heretofore received a Letter from the Governor of Halifax upon the subject, & from the disposition discovered in that Letter I have no doubt but he will be ready to accomodate the matter to the satisfaction of both States. I have also directed the Secretary to lay before you the result of the doings of the Governor and Council heretofore upon the same subject. I shall take the earliest opportunity to open a Correspondence with Governor Parr at Halifax & use my best endeavours to bring the matter to as speedy & happy an issue as possible agreeable to the request of Congress, to effect which I request you will be pleased to return me the papers transmitted me by Congress when most agreeable to you.

JOHN HANCOCK.

Council Chamber, Boston, March 19th 1784.

RESPECTING A RESOLVE CALLING FOR A THANKSGIVING-DAY
PROCLAMATION.

Gentlemen of the Senate & Gentlemen of the House of Representatives,—

I have before me a Resolve of the Two Houses requesting me to issue a Proclamation for a day of public thanksgiving and prayer throughout this Commonwealth. I have just issued a proclamation for a public Fast agreeably to the invariable and laudable practice of this country at this season of the year, and a day of Thanksgiving was observed upon the very occasion that your Resolve holds up, the proclamation for which I have directed the Secretary to lay before you. If the two Houses were possessed of those circumstances at the time of framing this Resolve, and are desirous of another day

being appointed, I will take the advice of Council as to the time, and shall with pleasure comply with their request.

JOHN HANCOCK.

Boston, March 24, 1784.

See Resolve LIV., pp. 201, 202.

REQUESTING THE RETURN OF CERTAIN PAPERS.

Gentⁿ of the Senate & Gentⁿ of the House of Representatives,

As I have not duplicates of the papers transmitted me by Congress & which I laid before the two Houses for their perusal I am to request you will be pleased to order them to be returned to me that I may be able to carry into effect the views of Congress manifested in the papers, referred to.

Not having made a minute of the date of the Letter I received & laid before the two Houses from Governor Chittenden, and as it will be expected I should acknowledge the receipt of it, I wish, if the two Houses should not act upon it this Session, they would be pleased to order me a copy of it for that purpose.

JOHN HANCOCK.

Boston March 25, 1784.

WITHHOLDING OBJECTIONS TO CERTAIN MEASURES AND AGREEING TO A RECESS.

Gentlemen of the Senate & Gentlemen of the House of Representatives,

Embarrass'd as I find myself to be for want of time to consider the important Bills that were laid before me yesterday afternoon, I however feel a disposition to submit to take upon myself a burthen plac'd upon me by one of them which I have the greatest claim to be excused from. Rather than the two Houses should be subjected to the inconvenience of remaining sitting, when their wishes are so urgent to return home, I therefore will not make any objection to the Bill intituled "An Act for repealing two Laws of this State & for asserting the rights of this free, sovereign Commonwealth to expel such Aliens as may be dangerous to the peace & good order of government." And as the Impost & Excise Act which was yesterday laid before me, to which I have objections in its' present mode, does not take place 'till the 15th of June next; and consequently no prejudice can arise by the delay of its' passing 'till the next Session; I am under the circumstances now ready to comply with the request of the two Branches of the General Court for a recess & will direct the Secretary to proceed accordingly if the Two Houses consent to the suspension of that Bill.

JOHN HANCOCK.

Boston March 25th 1784.

LETTERS.

FROM WASHINGTON RELATIVE TO NORTHEASTERN BOUNDARIES.

IN SENATE, May 29, 1783.

Letter from his Excell^y Gen^l Washington dated the 29th March last address'd to the Hon^{ble} Samuel Adams Esq^r President of the Senate, & the Hon^{ble} Tristram Dalton Esq^r Spk^r of the House of Representatives.

In answer to the letter from the General Court of the 18th of March relative to the protection of the North-eastern boundaries of Massachusetts.

FROM THE CONTINENTAL TREASURER TO THOMAS IVERS.

May 29.

From Mr. Hillegas, Continental Treasurer, to Thomas Ivers Esq^r, Treasurer of this Commonwealth, respecting the sending forward of the Continental currency in his possession.

FROM ROBERT MORRIS ESQ.

IN SENATE, June 5, 1783.

The Secretary came in and communicated a Letter from Robert Morris Esq^r dated —, covering an Act of the State of Pennsylvania, address'd to his Excellency the Governor, which he requests may be communicated to the Hon^{ble} House.

FROM THE DELEGATES IN CONGRESS.

IN SENATE, June 12, 1783.

The Secretary . . . communicated a Letter dated the 28th May ult^o, from the Hon^{ble} Delegates of this Commonwealth in Congress, address'd to his Excellency. . . .

Relative to the old paper currency: stating that they had not been able to procure a determination of Congress upon the subject, mainly for the reason that for some time past there had been only nine States represented there, and, when all the members in town were present, "business of the greatest importance pressed so hard that it was difficult to determine which ought to be attended to first"; and that the matter still "lays the order of the day." Dated Princeton; signed S. Holten, Nat^h Gorham, and S. Higginson.

June 20.

The Secretary . . . communicated a Letter from the Delegates in Congress dated 9th inst., with inclosures, address'd. . . .

Relative to the state of emissions of money.

FROM THE HON. ELBRIDGE GERRY ESQ.

IN SENATE, June 19, 1783.

Letter from the Hon^{ble} Elbridge Gerry Esq^r, of the 18th inst., address'd to the Hon^{ble} Samuel Adams, President of the Senate, and the Hon^{ble} Tristram Dalton Esq^r, Speaker of the House . . . relative to resuming his seat in Congress, and his readiness of receiving any commands of the General Court.

FROM ROBERT MORRIS ESQ.

IN SENATE, June 21, 1783.

The Secretary . . . communicated a Letter from Robert Morris Esq^r dated Office of Finance 3^d June 1783, and address'd to his Excellency . . . (nominating William Inlay Esq^r commissioner to settle y^e public accounts between this State and the United States).

FROM GENERAL WASHINGTON AND OTHERS.—WASHINGTON'S FINAL CIRCULAR LETTER.

IN SENATE, June 26, 1783.

The Secretary . . . communicated several Letters from General Washington, President Boudinot & Robert Morris Esq^r, and address'd to his Excellency. . . .

The letter from Washington was his final circular letter dated Head Quarters, Newburgh, 11th June, addressed to each of the governors of the States, to be, at his request, communicated to their respective Legislatures. On the day following its reception (the 27th) the General Court adopted an order (originating in the House) appointing a joint committee,—consisting of William Phillips of Boston, Theo. Sedgwick of Sheffield, John Bacon of Stockbridge, John Rowe of Boston, and J. Hosmer of Concord, on the part of the House, and Eleazer Brooks of Middlesex, Samuel Phillips jun. of Essex, and Charles Turner of Plymouth, on the part of the Senate,—to consider this letter, and report particularly “a Draft of a Letter to Gen^l Washington expressing the gratitude of this Commonwealth for the exertion of his zeal, firmness and patriotism, and for his attention to the rights of the Citizen and the Honour of Civil Government during the course of the War—and to congratulate him on the glorious terms of Peace.” This committee reported on the 10th July; and its report, “as taken in a new draft,” is the letter printed in 1783, May session, Laws and Resolves . . . 1782–83, pp. 726, 727 (between Chaps. 95 and 96).

The letter from Mr. Boudinot, under date of Philadelphia, 10 June, is upon the subject of the place for the permanent residence of Congress; the letter from Robert Morris, dated Office of Finance, June 5th: relative to the pay of the army.

FROM GENERAL WASHINGTON.

IN SENATE, Sept. 24, 1783.

Letter from his Excellency Gen^l Washington dated Head Quar-

ters Newburgh 10th Augst, addressed to the Hon^{ble} Senate & Hon^{ble} House . . . communicated by the Hon^{ble} President Adams.

Being an answer to the address of the Court in their last session to his Excellency. [House journal. Letter not found in the Archives.

FROM THE DELEGATES IN CONGRESS.

Sept. 24.

Letter from the Hon^{ble} Delegates in Congress dated Princeton 31st July 1783, address'd to the Hon^{ble} Samuel Adams Esq^r President of the Senate.

Relative to their efforts to secure measures for the payment of the wages due the men of the Massachusetts Line, and enclosing extracts from the proceedings of Congress bearing on this matter, with resolutions "come into." Signed by S. Holten and S. Higginson.

FROM PRESIDENT WILLARD OF HARVARD COLLEGE.

IN THE HOUSE, Sept. 27, 1783.

A Letter from the Rev^d Joseph Willard, President of the University of Cambridge informing that the Corporation & Overseers thereof had appointed Tuesday week for inducting the Gentlemen elect as Medical Professors & inviting the attendance of the Speaker & House to dine on that occasion.

To this letter the speaker, Tristram Dalton, replied, under date of the 30th, that he was directed by the House "to acquaint the Hon. and Rev^d Corporation that publick business will not permit their attendance. I have to ask the favour of your communicating this to that respectable body with my grateful acknowledgments for a personal invitation which necessary attendance on publick business also prevents my accepting."

FROM SIR GUY CARLETON.

IN SENATE, Oct. 8, 1783.

The Secretary . . . communicated a Message from his Excellency [see Message, p. 207] as also a Letter from Sir Guy Carleton dated New York 3^d Oct^r inst. relative to the removal of the British troops at Penobscot. . . .

FROM ROBERT MORRIS, WITH EXTRACTS FROM LETTERS FROM JOHN ADAMS.

IN SENATE, Oct. 9, 1783.

Letter from Robert Morris Esq^r dated Office of Finance 20th Sep^t 1783 . . . with the papers referred to containing extracts of Letters from his Excellency John Adams Esq^r. [See Message, p. 208.]

FROM GENERAL WASHINGTON.

IN SENATE, Oct. 23, 1783.

The Secretary . . . communicated a Message [see p. 210] wth a Letter from his Ex^{cy} Gen^l Washington of the 8th Oct^o inst.

FROM THE DELEGATES IN CONGRESS.

IN SENATE, Jan. 26, 1784.

Letters from the Hon^{ble} Delegates in Congress [dated Princeton] 7th, 11th Sept^r, the 1st, 16th, & 23^d Oct^r last address'd to the Hon^{ble} Sam^l Adams Esq^r.

The letter of the 7th September not found in the Archives. That of the 11th September, covering "the best information that can be had of the disposition of Congress respecting the old emission, the reduction of the civil list establishment, and the half pay or commutation" to officers of the army. The 1st October: on the same subjects. The 16th October: respecting a place, for the permanent residence of Congress, reporting the determination of Congress on the 7th inst. "that buildings should be erected for its use near the falls of Trenton provided a suitable district can be there obtained for a federal town," etc., also enclosing the proceedings of Congress for negotiating a peace with the Indians. The 23d October: respecting the proposed peace with the Indians, and the efforts of the delegates to check "any advantage that might be taken at the treaty to inviolate the claims of Massachusetts to the western territory"; also enclosing the proceedings of Congress for the establishment of two federal towns.

On the latter matter the delegates write at length, stating the arguments by which they were influenced: "The resolution for one town at or near the falls of Delaware was so unsatisfactory to the Southern States that there was no prospect of obtaining an appropriation of money to erect Buildings for the use of Congress, the Voice of nine States being necessary for the purpose. In order therefore to promote Harmony, without which we can never expect to preserve the Union, we consented to erect another sett of Buildings on the Potomack for the alternate residence of Congress. But one great object of the Resolve in which all the Eastern & Southern states have united, is to preserve the federal balance which we think is somewhat impaired by an influence arising from the constant residence of Congress in one State. The loss of the balance should it ever happen must be naturally followed by a change of government which might involve us in greater Calamities than the Establishment of our Independence. The expence therefore of erecting two Setts of Buildings & of having double archives cannot we think be put in competition with the advantages mentioned. Had we to save this expence consented to erect but one Sett of Buildings on the Delaware a number of wealthy who are generally neither the most virtuous nor patriotic Citizens by seating themselves in the federal town might strengthen the influence already existing & too soon subject us to an oligarchy or aristocracy; but an alternate residence in two places has an evident tendency to prevent such influence. We have hitherto reasoned on the certainty of an expence in erecting the Buildings, but the presumption is that they will be raised without an expence by the enhanced Value of the Territory of the federal towns after the Right of Soil is vested in the united States." This letter is signed by E. Gerry, S. Holten, and S. Osgood.

FROM THE HON. CALEB STRONG.

IN SENATE, Jan. 26, 1784.

Letter from the Hon^{ble} Caleb Strong Esq^r, dated the 19th inst., accepting his appointment as a commissioner to run the Line

between this State & the State of New York lying westward of Hudson's River.

FROM THE DELEGATES IN CONGRESS.—ALSO FROM GOVERNOR
HARRISON OF VIRGINIA.

IN SENATE, March 15, 1784.

The Secretary came into Senate with a Letter from the Delegates at Congress dated Annapolis Feb. 1, 1784 [with journal and resolutions of Congress accompanying],—also a Letter from his Excellency Benjⁿ Harrison Esq^r Governor of Virginia, dated Dec^r 25th 1783. . . .

The letter of the delegates not found in the Archives. Governor Harrison's letter: requesting a joint concurrence with Virginia and the other states in "vesting Congress with sufficient powers for the purpose of regulating the Trade between Great Britian and the United States."

FROM GOVERNOR CLINTON OF NEW YORK — ALSO FROM THOMAS
CHITTENDON ESQ^R OF BENNINGTON.

IN SENATE, March 19, 1784.

The Secretary . . . communicated a Letter from his Excellency Geo. Clinton Esq^r Governor of New York dated the 1st inst., addressed to the governor; likewise a Letter from Tho^s Chittenden Esq^r of Bennington [dated 10th March] . . .

Thomas Chittenden's letter: on the disturbances in the County of Windham, Vermont, occasioned by "a few wicked persons who pretend to owe allegiance to the State of New York and refuse to pay obedience to the laws and authority of" Vermont; the course of "a number of citizens of Massachusetts living near to or adjoining them in giving them countenance by harboring them and promising them assistance with arms in case the dispute may require it"; giving a detailed statement of the shooting, by the military force sent to aid the civil authorities, of one Spicer, who proved to be a citizen of Massachusetts; and requesting Governor Hancock to direct that "citizens of Massachusetts do not interfere in the dispute, either by arms or affording succor to those insurgents." See proclamation of the governor, p. 228.

PROCLAMATIONS.

FOR APPREHENDING THE AUTHOR OF A THREAT TO BURN LONG WHARF
IN BOSTON UNLESS SHOPKEEPERS CEASE BUSINESS THERE.

By his Excellency John Hancock Esq^r
Governor of the Commonwealth of Massachusetts

A PROCLAMATION.

Whereas an anonymous letter was found at the Doors of one of the Proprietors of the Long-Wharf, in Boston, this morning, directed to Mr. Giles Alexander, wherein the writer declares "That it is determined to set the Long-Wharf on fire, except all shop-keepers, retailers, grog sellers &c cease to continue thereon as it is thought that it is a detriment to the shop-keepers and retailers of the town in general, to suffer any of that denomination to set up on Long-Wharf; and it is a pity that the wholesale merchants should suffer through their means, which must be the case if they cease not. If you mean to cause them to move off, make it known in one of the news-papers this week. If you slight this warning you'll have no other."

Which atrocious crime has been represented to me by the Proprietors of the said long-Wharf, praying for the interposition of the Government, in order to discover the author of it: And inasmuch as such an open and flagrant violation, both of the laws of God and man, hath a direct tendency to subvert all civil order and Government, and to render the lives and properties of the subjects of this Commonwealth, altogether precarious:

I have therefore thought fit to issue this Proclamation, hereby requiring all officers, civil and military, and all other subjects within this Commonwealth, to use their utmost endeavours for descrying, seizing, and bringing to justice, the author or authors of the infamous letter aforesaid, or any of his or their accomplices;—hereby also promising a reward of ONE HUNDRED POUNDS to be paid to any person or persons who shall inform against, or discover any one or more concerned in this wicked design, so that he or they may be convicted.

Given under my hand, at Boston, the twenty-seventh day of August, in the year of our Lord, One thousand seven hundred and eighty-three, and in the eighth year of the independence of the United States of America.

JOHN HANCOCK.

By his Excellency's command
JOHN AVERY, Secretary.

FOR A DAY OF THANKSGIVING FOR PEACE.

By his excellency

JOHN HANCOCK ESQ;

Governor of the Commonwealth of Massachusetts.

A PROCLAMATION

FOR A DAY OF THANKSGIVING.

Whereas it hath pleased the Supreme Ruler of all human Events, to dispose the Hearts of the late Belligerent Powers to put a Period to the Effusion of human Blood, by proclaiming a Cessation of Hostilities by Sea and Land, and these United States are not only happily rescued from the Danger and Calamities to which they have been so long exposed, but their Freedom, Sovereignty and Independence ultimately acknowledged.

And whereas in the Progress of a Contest on which the most essential Rights of human Nature depended, the Interposition of Divine Providence in our Favour hath been most abundantly and most graciously manifested, and the Citizens of these United States have Reason for Praise and Gratitude to the God of their Salvation:

Impressed therefore with an exalted Sense of the Blessings by which we are surrounded, and of our entire Dependence on that Almighty Being from whose Goodness and Bounty they are derived:

I do, by and with the Advice of the Council appoint THURSDAY, the eleventh day of December next (the Day recommended by Congress to all the States) to be religiously observed as a Day of Thanksgiving and Prayer, that all the People may then assemble to celebrate with grateful Hearts and united Voices, the Praises of their Supreme and all bountiful Benefactor, for his numberless Favours and Mercies — That he hath been pleased to conduct us in Safety through all the Perils of Vicissitudes of the War; that he hath given us Unanimity and Resolution to adhere to our just Rights; that he hath raised up a powerful Ally to assist us in supporting them, and hath so far crowned our united Efforts with Success, that in the Course of the present Year Hostilities have ceased, and we are left in the undisputed Possession of our Liberties and Independence, and of the Fruits of our own Lands, and in the free Participation of the Treasures of the Sea; that he hath prospered the Labour of our Husbandmen with plentiful Harvests; and above all, that he hath been pleased to continue to us the Light of the blessed Gospel, and secured to us, in the fullest Extent, the Rights of Conscience in Faith and Worship. And while our Hearts overflow with Gratitude, and our Lips set forth the Praises of our

great Creator, that we also offer up fervent Supplications that it may please him to pardon all our Offences, to give Wisdom and Unanimity to our public Councils, to cement all our Citizens in the Bonds of Affection, and to inspire them with an earnest Regard for the national Honour and Interest, to enable them to improve the Days of Prosperity by every good Work, and to be Lovers of Peace and Tranquility; that he may be pleased to bless us in our Husbandry, our Commerce and Navigation; to smile upon our Seminaries and Means of Education; to cause pure Religion and Virtue to flourish; to give Peace to all Nations, and to fill the World with his Glory.

Given at the Council-Chamber in Boston, the eighth Day of November in the Year of our Lord, One Thousand Seven Hundred and Eighty-three, and in the eighth Year of the Independence of America.

JOHN HANCOCK.

By his Excellency's Command, with the
Advice and Consent of Council.

JOHN AVERY, jun. Sec'y

God save the United States of America.

PROROGUING THE GENERAL COURT TO THE DAY FOLLOWING THAT
TO WHICH IT STOOD ADJOURNED.

COMMONWEALTH OF MASSACHUSETTS.

By his Excellency John Hancock Esq^r Governor of the Commonwealth of Massachusetts

A PROCLAMATION.

Whereas the General Court of this Commonwealth begun and held at Boston on Wednesday the Twenty eighth day of May last Stands adjourned to this day — and by reason of the inclemency of the weather the Members of said Court are probably prevented in giving their attendance,

I have therefore thought fit to prorogue the General Court of this Commonwealth and the said Court are accordingly prorogued to thursday the twenty second of January instant at ten o'Clock in the Morning then to meet at the State House in Boston whereof all the members of the said Court are required to take notice and govern themselves accordingly

Given at the Council Chamber in Boston the twenty first day of January A D 1784 And in the Eighth year of the Independence of the United States of America.

JOHN HANCOCK.

By his Excellency's Command,
JOHN AVERY, Secretary.

FOR A FAST DAY.

COMMONWEALTH OF MASSACHUSETTS.

By his Excellency

JOHN HANCOCK, Esq. ;

Governor of the Commonwealth of Massachusetts.

A PROCLAMATION,

FOR A DAY OF FASTING AND PRAYER.

It being our indispensable Duty to acknowledge our absolute Dependance on the Supreme Ruler of the Universe, by seeking for Direction and Success in all our Affairs; and the Approaches of the Spring more especially calling upon us publicly to implore the Divine Blessing on the Concerns and Occurrences of the Year ensuing :

I have thought fit to appoint, and with the Advice and Consent of the Council, do appoint THURSDAY, the *fifteenth Day of APRIL next*, to be observed as a Day of general Fasting and Prayer, throughout this Commonwealth; hereby calling upon Ministers and People, in their respective religious Assemblies, devoutly to observe the same, by humbly and penitently confessing their Sins, and imploring pardoning Mercy of GOD, through the Merits of JESUS CHRIST, and by offering up fervent Prayers and Supplications to Almighty GOD, for those Mercies which we stand in Need of, especially that he would bless the public Councils and Determinations of Congress, giving them Wisdom, Firmness, and Unanimity, and directing them to the best Measures for the public Good: That he would please to preserve and strengthen the Union, bless our Allies, and render the connection formed, mutually Beneficial: That the Blessings of civil and religious Liberty, of good Government and Order, may be the happy Portion of the People of this Commonwealth, and that being lately rescued through the Divine Goodness, from the Danger and Calamities of War, they may long enjoy the Blessings of Peace: That through the course of the Year the Administration of Civil Government, the Husbandry, Merchandise, and Fishery, may be blessed and prospered: That he would crown the Year with his Goodness, and cause Health to prevail through the Land: That he would bless all Schools and Seminaries of Learning: That he would please to give us true Repentance, forgive us our Sins, and endue us with his Grace, so that all Orders and Ages of Men may amend their Lives: And that the Religion of our blessed Saviour, in the Purity of it, may prevail throughout the World.

And I do recommend to the People of this Commonwealth to abstain from all servile Labour and Recreations on said Day.

Given at the Council-Chamber in Boston, the thirteenth day of March, in the Year of our Lord, One Thousand seven Hundred and Eighty-four, and in the eighth Year of the INDEPENDENCE of the UNITED STATES OF AMERICA.

JOHN HANCOCK.

By his Excellency's command

JOHN AVERY, jun^r Sec'y.

God save the Commonwealth of Massachusetts.

COMMANDING CITIZENS OF THIS COMMONWEALTH TO MAINTAIN STRICT NEUTRALITY IN ALL CONTESTS BETWEEN NEW YORK AND VERMONT.

COMMONWEALTH OF MASSACHUSETTS

By his Excellency

JOHN HANCOCK, Esquire.

Governor of the Commonwealth of Massachusetts.

A PROCLAMATION.

Whereas an unhappy dispute has subsisted between some of the citizens of the state of New-York and the people inhabiting the territory called the New-Hampshire Grants, or State of Vermont; and it being probable, from the present disposition of the parties, that the same controversy may be recommenced to the great distress and calamity of all concerned therein; and there being great reason to fear that some of the citizens of this Commonwealth, who live on the borders of the said state of Vermont, may, by incautiously inter-meddling with the contention, involve themselves and families in that distress which is at all times the consequence of civil dissensions, unless care is taken to prevent it:

I have therefore, at the request of the General Court, thought fit to issue this Proclamation, commanding and enjoining it upon all the citizens of this Commonwealth, that in all and every controversy now existing, or that may hereafter exist between the citizens of New York, and the people inhabiting the said state, or between any of them, in whatever form or manner the same may exist, they, the citizens of this Commonwealth, conduct themselves according to the strictest rules of neutrality; and that they give no aid or assistance to either party; but that those who live on the borders of the said state, and within this Commonwealth, sell to each party indifferently, such things as they have to sell, without giving prefer-

ence to either: that they send no provisions, arms, ammunition, or necessaries to a fortress, or garrison, besieged by either party.— And all the citizens and inhabitants of this Commonwealth, are absolutely and most solemnly forbidden to take arms in support of, or engaging in the service, or contributing to the conquest, success, or defence of either of the said parties, as they will answer it at their peril.

Given under my hand, and the public seal of this Commonwealth, at Boston, this twenty-fifth day of March, in the year of our LORD, one thousand seven hundred and eighty-four, and in the eighth year of the independence of the UNITED STATES OF AMERICA.

JOHN HANCOCK.

By his Excellency's command
JOHN AVERY, jun Sec'y.

ELECTIONS

OF OFFICERS OF THE COMMONWEALTH.

SECRETARY OF THE COMMONWEALTH.

May 31, 1783.

By joint ballot of the two Houses in the room of the House of Representatives. Return of the Houses showed 163 members present.

John Avery jun. Esq^r unanimously chosen.

TREASURER OF THE COMMONWEALTH.

June 17, 1783.

By joint ballot of the two Houses. Return of the Houses 141 members present.

Thomas Ivers Esq^r had 135 Votes [137 cast] and is chosen.

COMMISSARY GENERAL.

Same meeting.

By joint ballot. Return of the Houses 136 members present.

Richard Devens Esq^r had 133 Votes [134 cast] and is chosen.

NAVAL OFFICERS.

Same meeting.

For the port of Boston,	Nath ^l Barber.
“ “ “ “ Salem,	Joseph Hiller.
“ “ “ “ Plymouth,	W ^m Watson.
“ “ “ “ Gloucester,	Sam ^l Whittemore.
“ “ “ “ Marblehead,	John Gerry.
“ “ “ “ Newbury Port,	Jon ^a Titcomb.
“ “ “ “ York,	Richard Trevott.
“ “ “ “ Pepperellboro’,	Tristram Jordan.
“ “ “ “ Falmouth,	Thomas Child.
“ “ “ “ Townshend,	W ^m McCobb.
“ “ “ “ Barnstable,	W ^m Taylor.
“ “ “ “ Dartmouth,	W ^m Gordon.
“ “ “ “ Nantucket,	Stephen Hussey.
“ “ “ “ Edgartown,	John Pease jr.

NOTARIES PUBLIC.

Same meeting.

For Suffolk County,	Ezekiel Price.
“ Essex	Henry Allyn.
	Edw ^d Norris.
	Joshua Orne.
	Peter Coffin jr.
	Cap ^t Dan ^l Rogers.
	William Atkins.
“ Plymouth	Cap ^t Ephraim Spooner.
“ Barnstable	Hezekiah Doane.
	Richard Sears.
	Sam ^l Hinckley.
“ Middlesex	Cap ^t Joseph Cordis.
“ Bristol	William Tobey.
	William Brown.
“ York	Dan ^l Moulton.
	Thomas Cutts.
“ Cumberland	John Frothingham.
“ Lincoln	Thomas Boyd jr.
“ Dukes	Eben ^t Smith.
“ Nantucket	Christ ^o Hussey.

COLLECTORS OF EXCISE.

July 1, 1783.

For the County of Berkshire (in the room of William Bacon, declined) Thomas Ivers, of Great Barrington.

July 10, 1783.

For Dukes County Thomas Cooke.
For Nantucket County Christopher Hussey jun.

Oct. 23, 1783.

For the County of York (in the room of Jonathan C. Chadbourne, resigned). Colonel Edward Grow.

Feb. 19, 1784.

By joint ballot in one room: chosen for the year ensuing.

For the County of Suffolk,	Samuel Henshaw.
“ “ Western district in the County of Essex,	Samuel Ward.
“ “ Eastern district in the County of Essex,	Moses Greenleaf.
“ “ County of Middlesex,	Samuel Henley.
“ “ “ “ Hampshire,	Elijah Hunt.
“ “ “ “ Plymouth,	Jeremiah Hall.
“ “ “ “ Barnstable,	Sturgis Gorham.
“ “ “ “ Bristol,	Samuel Fales.
“ “ “ “ York,	Edward Grow.
“ “ “ “ Worcester,	Caleb Ammidown.
“ “ “ “ Cumberland,	James Lunt jr.

Feb. 28, 1784.

For the County of Berkshire,	Thomas Ivers.
“ “ “ “ Dukes,	Thomas Cooke.
“ “ “ “ Nantucket,	Christopher Hussey jr.

COMMISSIONERS TO SETTLE THE BOUNDARY LINE BETWEEN THIS
STATE AND NEW YORK.

Oct. 27, 1783.

Chosen by joint ballot.

By return of the Houses there appeared to be 100 members present. The committee . . . reported that the whole number of votes were 104, that the Hon. Caleb Strong Esq^r had 86 & the Hon. Sam^l Phillips jr. Esq^r had 53 & were the only persons Chosen. Whereupon the two Houses proceeded in the same manner to the Choice of a third Gentleman as a Commissioner in the business afores^d. By return there appeared to be 99 members present. The Committee having counted & sorted the votes reported that the whole number of votes were 103 & that the Hon Timothy Danielson Esq^r had 66 & was chosen which report was acceptable & the Houses seperated [House journal.

DELEGATES IN CONGRESS.

ELECTED BY THE GENERAL COURT.

Feb. 14, 1781.

Samuel Osgood and Levi Lincoln elected, in the room of Samuel Holten and Timothy Danielson, resigned.

On April 16 a letter was received from Mr. Lincoln, resigning his appointment; and on May 19 the governor was requested to commission Mr. Osgood under the Great Seal of the Commonwealth to appear and act as delegate until the first day of November next. [Chap. 203, 1780, April session, Laws and Resolves . . . 1780-81, p. 475.]

June 22, 1781.

[Resolved that the number of delegates be six] Artemas Ward, James Lovell, George Partridge, and Samuel Osgood only were chosen on the first ballot; Samuel Adams only on the next ballot for two delegates; and Elbridge Gerry on the next ballot for one.

Feb. 28, 1782.

James Sullivan and John Lowell, in the room of Samuel Adams and Elbridge Gerry, resigned.

May 2, 1782.

No choice at the first meeting. At the second meeting, same day, Timothy Danielson elected on the first ballot and Nathaniel Gorham on the sixth ballot, in the room of James Lovell and James Sullivan, resigned. Upon the announcement of his election "Mr. Gorham arose and in the politest terms thanked both Houses for the honour done him in this choice — but for various reasons which he mentioned he very modestly declined the Trust and the committee are directed to proceed to collect the Votes for another Gentleman . . ." [House journal. On this ballot Jonathan Jackson was chosen. "So that Mr. Ward, Mr. Partridge, Mr. Osgood, Mr. Lowell, Mr. Danielson, & Mr. Jackson are the gentlemen to serve in Congress till November 1782." [House journal.]

June 6, 1782.

Six chosen, for twelve months commencing on the first Monday in November next.

[House journal.] The hon. Mr. Preble brought down the nomination list for delegates to Congress agreeable to the desire of the House & requested a nomination list from the House which was sent up accordingly. . . .

The two Houses then met and . . . Elbridge Gerry, George Par-

tridge, John Lowell, Samuel Osgood, Jonathan Jackson and Timothy Danielson were chosen.

On June 8 letter was received from Timothy Danielson, resigning his appointment; and on the 28th Increase Sumner was elected in his place. On the 28th of September following Mr. Sumner resigned, "having accepted an office under the government incompatible with the duties of a delegate to Congress." On October 17 letters of resignation were received from Messrs. Jackson and Lowell; and on the following day a letter came from George Partridge, resigning his seat.

Oct. 24, 1782.

Nathaniel Gorham, Samuel Holten, and James Warren chosen on the first ballot, and Stephen Higginson on the second, in the room of Messrs Sumner, Jackson, Lowell, and Partridge, resigned.

June 24, 1783.

The number fixed at five for the year ensuing.

June 27, 1783.

Elbridge Gerry and Tristram Dalton chosen. Further choice postponed to next day.

June 28, 1783.

George Partridge, Timothy Danielson, and James Sullivan chosen.

July 9, 1783.

Samuel Osgood chosen, in the room of Tristram Dalton, resigned.

Feb. 11, 1784.

Francis Dana chosen in the room of James Sullivan, resigned.



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