

usually the maxims of the powers being originally in the people. Read the articles together, my good sir, and you will understand them better. Let me repeat the 6th, and do you correct the 7th with it, and the 8th will be obviously such as I have stated in. "No man, or corporation, or association of men, have any other right to obtain advantages or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public, and this title being in nature neither hereditary nor transmissible to children or descendants, or relations by blood, the idea of a man born a magistrate, law-giver or judge, is absurd and unnatural." I have but one observation more, and that is, that my interpretation of the Constitution is consonant to the sentiment and agreement of the contracting parties at the time of ratifying the covenant. Therefore, had this opinion explained to them, and they did virtually and explicitly agree to the Constitution in such an understanding of it. In the letter of Convention, accompanying addresses, joining some parts of the Constitution, and having proper motives for adopting it, it is written in their words, which I give you without a comment: "It is here to be remembered, that on the expiration of fifteen years, a new Convention may be held, in order that such amendments may be made in the plan you may now agree to, as experience, that best instructor, shall then point out to be expedient or necessary." Upon these former arguments I rest my position, that the Constitution cannot be rightfully altered until the year 1795.

An Old Republican.

COMMONWEALTH OF MASSACHUSETTS.

In the Year of our LORD, one thousand seven hundred and eighty-eight.

An ACT, describing the disqualifications to which Persons shall be subjected, who have been, or may be guilty of Treason, or giving aid or support to the present Rebellion, and to whom a pardon may be extended.

WHEREAS the General Court, at their present sessions, have *Resolved*, That the Governor be authorized and empowered, in the name of the General Court, to promise a pardon, under such disqualifications as should therefore be provided, to such private soldiers and others, who might have acted in the capacity of non-commissioned officers, as had been, or were in arms against the commonwealth, with such exceptions as he, or the General Officer commanding the troops, might judge necessary: *Provided*, they should deliver up their arms, and take and subscribe the oath of allegiance to this commonwealth, within such time as might be limited by his Excellency for that purpose.

And whereas it is fit and expedient, That the conditions and disqualifications upon which the pardon and indemnity to the offenders aforesaid, should be offered and given, should, as soon as possible, be established and made known:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That no pardon or indemnity shall be promised as aforesaid by the Governor, by virtue of any act or resolve of the General Court, unless the offender shall be a person or persons, who have acted in the capacity of a non-commissioned officer or private soldier, or persons of any other description, who, from the first day of August, seventeen hundred and eighty-eight, have been, or are, or hereafter may be in arms against the authority and government of this commonwealth, or who have given or may hereafter give them counsel, aid, comfort or support, voluntarily, with intent to encourage the opposition to Government, unless they shall on or before such time as the Governor shall limit for that purpose, deliver up their arms, and take and subscribe the oath of allegiance before some Justice of the Peace, within some county of this commonwealth; and no pardon or indemnity shall be offered or given by the Governor to any of the offenders aforesaid, who are not citizens of this State.

Be it further enacted by the authority aforesaid, That no pardon or indemnity shall be offered or given by the Governor, to any person or persons, who have acted in the capacity of a non-commissioned officer or private soldier, or persons of any other description, who, from the first day of August, seventeen hundred and eighty-eight, have been, or are, or hereafter may be in arms against the authority and government of this commonwealth, or who have given or may hereafter give them counsel, aid, comfort or support, voluntarily, with intent to encourage the opposition to Government, unless they shall on or before such time as the Governor shall limit for that purpose, deliver up their arms, and take and subscribe the oath of allegiance before some Justice of the Peace, within some county of this commonwealth; and no pardon or indemnity shall be offered or given by the Governor to any of the offenders aforesaid, who are not citizens of this State.

day of May, seventeen hundred and eighty-eight, exhibit plenary evidence of their having returned to their allegiance, and kept the peace, and that they possess an unequivocal attachment to the Government, as shall appear to the General Court a sufficient ground to discharge them, or any of them, from all or any part of the disqualifications aforesaid.

Be it further enacted by the authority aforesaid, That it shall be the duty of the Justice before whom any offender or offenders aforesaid may deliver up their arms, and take and subscribe the oath aforesaid, and he is accordingly directed, immediately on the expiration of the term to be limited by the Governor as aforesaid, to certify to the Clerks of the several towns, districts and plantations, whosoever the offenders may belong, the names of all such who shall deliver up their arms and take and subscribe the oath aforesaid, and shall also, as soon as may be after the expiration of the said term, make a return to the Secretary of this commonwealth, of the number of arms in his possession, and to whom they belong, and shall at the same time lodge with the Secretary, their original subscription to the oath of allegiance; and it shall be the duty of the Justice to require such as shall take and subscribe the oath of allegiance, to subscribe to their names, their places of abode, and their additions, and if required, to give to each offender who shall deliver up his arms, and take and subscribe the oath aforesaid, a certificate of the same, under his seal; and he shall be entitled to ask and receive *in specie*, of the offenders, for each certificate. And any Justice of the Peace to whom any arms may voluntarily be delivered as aforesaid, shall certify to the Major-General or commanding-officer of the division, in which the said Justice may live, the number of arms so delivered to him, and by whom they were delivered; and it shall be the duty of such Major-General or commanding-officer, to give such directions as he may think necessary, for the safe keeping of such arms, in order that they may be returned to the person or persons who delivered the same, at the expiration of the said term of three years, in case such person or persons shall have complied with the conditions above-mentioned, and shall obtain an order for the re-delivery of such arms, from the Governor, who is hereby authorized and empowered to make such order, unless it appears to him, that the conditions aforesaid have not been complied with.

Be it further enacted by the authority aforesaid, That if any offender or offenders aforesaid, who shall deliver up their arms and take and subscribe the oath of allegiance, as aforesaid, or to whom a pardon may be promised by virtue of any future act or resolve of the General Court, shall vote, or offer to vote in any town or other meeting, for any officer, civil or military, within the commonwealth, or shall make, forge, or alter any certificate of a Justice, of his having delivered up his arms, and taken the oath of allegiance as aforesaid, he shall forfeit his right and interest in and to the pardon and indemnity which may be promised him, by virtue of the authority aforesaid, and be subject to the same pains and penalties, as if such promise had never been made.

And be it further enacted by the authority aforesaid, That the Governor be, and he is hereby authorized and empowered, to promise a pardon of his past offences, unconditional, and without any disqualifications, to all such privates, as have borne arms against the Government of this commonwealth, who afterwards voluntarily took up arms previously to the first day of February current, in support of the said Government, and to those who agreeably to the proposals of Genl. Lincoln, of the twenty-ninth and thirtieth of January last, voluntarily came in, surrendered their arms, and took and subscribed the oath of allegiance, within three days, from the said twenty-ninth day of January, any thing in this act to the contrary notwithstanding: *Provided*, that no pardon shall be promised by the Governor, to any person or persons, who have acted in any manner or persons whatever, from any fault or transgression, to which they may be liable, for injuries done or committed, to the property or person, of any individual.

Be it further enacted by the authority aforesaid, That it is the duty of all officers civil and military, within this commonwealth, to hold all offenders as aforesaid, who shall not within the term to be limited as aforesaid, deliver up their arms, and take and subscribe the oath of allegiance, as rebels and open enemies, and they are directed and required, to encounter, pursue, conquer, apprehend, and secure them, so that they may be brought to trial and punishment; and all the citizens of this commonwealth are hereby required to aid and support the said officers, in the execution of their said duty.

And be it further enacted, That the Governor be, and he is hereby authorized to exempt out of the pardon he shall promise, by virtue of the resolve above-mentioned, all those who have been

members of any General Court in this State, or of any State or county convention, or who have been employed heretofore in any commissioned office civil or military, or who after adhering to their arms, and taking the oath of allegiance during the present rebellion, have again taken and borne arms against the Government, or those who have fired upon, or wounded any of the loyal subjects of this commonwealth; those who have acted as Committees, Councilors or advisers to the Rebels; and those, who in former years have been in arms against the Government, in the capacity of commissioned officers, and were afterwards pardoned and have been concerned in the present rebellion.

And be it further enacted by the authority aforesaid, That the Clerks of the several towns, districts and plantations, be directed to read this act at the opening of their annual meetings in March and April next.

This Bill having had three several readings passed to be enacted.

ARTEMAS WARD, Speaker. In SENATE February 16, 1787. This Bill having had two several readings passed to be enacted. SAMUEL PHILLIPS, jun. President. By the Governor Approved. JAMES BOWDOIN.

A true copy. Attest. JOHN AVERY, jun. Sec'y. Commonwealth of Massachusetts. By His Excellency JAMES BOWDOIN, Esquire, Governor of the Commonwealth of Massachusetts.

A PROCLAMATION.

WHEREAS by an act passed the sixteenth of February instant, entitled, "An Act describing the disqualifications, to which persons shall be subjected, which have been, or may be guilty of Treason, or giving aid or support to the present Rebellion," the General Court are established and made known the conditions and disqualifications, upon which pardon and indemnity to certain offenders, described in the said Act, shall be offered and given; and have authorized and empowered the Governor, in the name of the General Court, to promise to such offenders such conditional pardon and indemnity:

I HAVE thought fit, by virtue of the authority vested in me by the said Act, to issue this Proclamation, hereby promising pardon and indemnity to all offenders within the description aforesaid, who are citizens of this State; under such restrictions, conditions and disqualifications, as are mentioned in the said Act: provided they comply with the terms and conditions thereof, on or before the twenty-first day of March next.

Given at the Council-Chamber, in Boston, this Seventeenth day of February, in the year of our Lord, one thousand seven hundred and eighty-seven, and in the eleventh year of the Independence of the United States of America.

JAMES BOWDOIN. By His Excellency command, John Avery, jun. Sec'y.

The Confession of Judah Marsh, jun. of Ware, in the county of Hampshire.

I Desire to take this method to confess my faults to my country. Being a young man in the bloom of life, I was lately chosen and elected in the train band of Ware in a legal manner, though I never received a commission: but being in the midst of people, who were opposed to government, and being urged by my Captain and by several persons, not only in Ware, but in a town contiguous, whose knowledge and judgment in public affairs, I supposed much superior to my own; I did at the desire of the band, go with them, in the capacity of an Ensign, in Springfield, in opposition to government; after that to Worcester, and lately went with Capt. Shays and his party to Springfield, Ludlow, Chicopee, and Amherst: John Bullen of Ware went as Captain; Joseph Bellows Lieut. Bullen left the company at Chicopee; in marching from Chicopee to Amherst Bellows was wounded at South-Hadley; the care of the company devolving on me, I dismissed them at Amherst and have not joined that party since. I am now fully sensible that I have acted a part contrary to the laws of God, as well as to the laws of my country; and I am filled with blood, and I imagine the controversy would ever come in, shedding blood, yet I have been greatly to blame, in hearkening to bad advice; and in undertaking to do wicked a course; and pursuing it to far as I have done. I have voluntarily resigned myself to legal authority, and threw up

my sword on the mercy of the community. If my youth and inexperience or former peaceable and inoffensive behaviour, (which I doubt not will be testified by those who are acquainted with me) will be any recommendation to the mercy of my country, I hope they will plead for me. I hereby declare, not only my penitence for past offences, but my sincere and hearty resolution to be a peaceable and good subject to the government of this Commonwealth—and whether my life be spared or not, I beg the forgiveness of God and an injured community.

Judah Marsh, jun. Ware, Feb. 14, 1787.

PHILADELPHIA, January 31. On Wednesday evening about 8 o'clock, three white, two on horseback and one on foot, attacked a young man on his way to Germantown, in the night on the Globe-mill, and stripped him of his boots, furs, hat and coat—then gagged him, and led him to a fence, and rode off his horse, taking with them his saddle-bags, containing money, &c. In this situation the unfortunate young man continued almost naked till Thursday morning, no person having passed the road all night, that he could observe.

N-E-W-Y-O-R-K, Feb. 2. On Friday the 26th ult. arrived at Philadelphia, after a passage of 21 days from Curacao, the brig Olive Branch. Capt. Potter, who reports, that the day before he sailed, a flood arrived with an account of a terrible hurricane and earthquake having happened at Jamaica, by which great damage was sustained, and it was said that one half of the town of Kingston was laid by the earthquake. No particulars of this very melancholy event are received, but we hope the account is exaggerated.

PORTSMOUTH, January 24. Yesterday afternoon as three men were crossing the river in a small boat, a sudden gust of wind, accompanied with a large swell, upset the same, by which unhappy accident two of them were immediately launched into eternity; the other by getting upon the bottom of the boat, and receiving timely assistance from the shore, were saved. We hear they belong to Kittery.

MARBLEHEAD, January 21. By the arrival of Capt. Connoway, we have the affecting intelligence, that the schooner Befey, under the Command of Mr. William Blackler, foundered on the 17th of November, and every soul on board perished. No tongue can describe the poignant distress he felt at seeing his associate, in a moment, sink into the abyss, by his side, without being able to afford the smallest assistance. And the scene was further heightened by the consideration, that they had just finished a plentiful fare, and were returning home, fraught with the hope of meeting congratulations of their friends, of their safety, and the joys of success: But in full day and in the fullness of their expectation, they are overpowered by a boisterous wave, & descend, never more to appear until the sea gives up its dead. The case of the parents calls for the commiseration and sympathy of every humane heart, as they have lost five of their family by the present stroke; and in the course of a twelve month only have been bereaved of twelve—sons, sons-in-law and grandsons. Their disasters have come upon them like a sweeping ruin, leaving none behind but disconsolate widows and poor helpless offspring, sobbing their accents of grief and crying for alms. The upper part of the town is almost entirely stripped of its males, by the repeated frowns of providence; and here and there a man to be seen in it—affording one continued spectacle of poverty, wretchedness and distress.

WORCESTER, February 8. A party of about 20 horse, and 150 troops in sleighs, were, on Friday evening last, sent to New-Braintree; by some means the Insurgents got intelligence of the approach of this party: they there-

fore quitted their quarters and went some distance, and lay behind a stone wall until the party came up, when the insurgents suddenly presented their pieces, fired, and immediately fled to a neighbouring wood—two of the party were badly wounded, one of them, Mr. Jonathan Rier, of this town, a Deputy Sheriff, had one ball through his arm, and another through his hand—his horse was also wounded; the other person was Mr. David Young, also of this town, he had a ball through his knee, his wound is dangerous.—On arriving at the house, they found only two or three, as a guard over two gentlemen, Messrs. Flagg and Stanton of this town, whom they had that day taken prisoners at Leicester, as they were on their own private business. These gentlemen were fortunately released, and the party finding the insurgents fled, proceeded to Rutland, &c. and returned the next day, bringing with them four prisoners among whom was Hamilton.

NORTHAMPTON, February 31. A report has been industrially circulated by the principal insurgents among the good people of this commonwealth, that the inhabitants of the State Virginia were mostly in their interest, and in case of extremity they had the promise of assistance from that quarter, if not obtained from neighbouring States. This like many other reports, has been calculated to deceive and enflame the credulous and unwary amongst us. We can assure the public, and that from good authority, that there was a review of the militia in the county of Norfolk, in that State, on the 24th of January last, at which time it was rumoured among them, that Shays was gaining strength and that the lenity of the government of this commonwealth towards the insurgents, was owing to its timidity, or real weakness. These circumstances greatly alarmed them. After the review was over, a vote was put by the Colonels of the several regiments, whether they would completely equip themselves and be in readiness to march at the shortest notice to the assistance of government in subduing the rebellion subsisting in this commonwealth?—which was unanimously voted.

We can also assure the public that the same spirit of patriotism pervades all the southern States. It is to be presumed, that a rebellion, so unnatural as the present, will never receive encouragement from any of the United States. Should this ever take place, it would be such an infringement of the articles of confederation, as would immediately call forth the strength of all the States in the union.

Many of the insurgents in this county, appear sincerely convinced of having acted with misguided heads, although they far and wide bids us believe some of their hearts have not been bad, and as a full proof of which, do now readily comply with the duties they owe their country, by depositing their arms and taking and subscribing the oath of allegiance to the State. But there are others still lurking, with fell malice and rancour, to perpetrate some horrid deed, as was exemplified last Saturday evening at Barnardstown, by one Parmater and two others, on meeting Mr. Whimey, of Northampton, and others, in a sleigh, together with number on horseback, unprovokedly fired upon them and killed a Mr. Walker, of Whately. The particulars of this unhappy transaction we have not been able to obtain; but are happy in informing the public, that the authors of it were safely lodged in the gaol in this town last evening.

Last Wednesday, the Rev. JOSH TAYLOR was ordained to the work of the Gospel Ministry in Deerfield. The Rev. Mr. Lyman made the first prayer; the Rev. Mr. Awater preached a discourse pertinent to the occasion, from these words, "I Cor. ix. 16. We are necessitated to preach the gospel."—The Rev. Mr. Newton made the ordaining prayer; the Rev. Mr. Nash ordained and gave the charge; the Rev. Mr. Emerson gave the right-hand of fellowship; and the Rev. Mr. Wells made the concluding prayer. The general attention and devout solemnity observed in a large promiscuous assembly, added to the affectionate union of the people in the choice of their pastor, affords a pleasing hope that the Lord of the harvest has blessings in store for his people, who have for several years been destitute of the stated ministrations of his gospel, and that he will succeed the gracious intentions of his own appointment. Died, at South-Hadley, on the 6th inst. very suddenly, Capt. Phineas Smith, in the 70th year of his age.

Copy of a letter from Capt. Thomas Grover, and Lieut. Eliza Pundell—to Capt. Harvey, a member of the General Court, from Montserrat. Shrewsbury, Dec. 2, 1786. To Capt. HARVEY,

SIR, THE seeds of war are now sown; two of your men are now bleeding, who were wounded by the lighters that came from Boston and Roxbury. I request you to let this letter be read, and for you and every man to supply arms and provisions, and relieve us with a reinforcement. Our cause is yours; don't give yourselves left and let us be here, for we are all brethren. Four of our men are taken prisoners and carried to Boston. We must be relieved, or you know the event. Take my warmest love to Sir, I remain your humble servant, Thomas Grover, Eliza Pundell, Per order. David Shaw, Captain.

The following is a copy of an intercepted circulating Letter from Eli Parsons, Berkshire, 12th Feb. 1787. Friends and J. H. W. Jagers.

WILL you now tamely suffer your arms to be confiscated, and even I wear to support a Constitution and form of Government, and likewise a code of laws, which common sense and your confidences declare to be tyrannical and cruel? and can you bear to see and hear of the property of this commonwealth being looted and cut to pieces by the cruel and merciless tools of tyrannical power, and not resent it even until renderless bloodshed. Would to God, I had the tongue of a ready writer, that I might impress on your minds the idea of the obligation you, as citizens of a republican government, are under to support those rights and privileges that the God of nature hath intitled you to. Let me now persuade you, by all the sacred ties of friendship which natural affection inspires the human heart with, immediately to turn out and assert your rights.

The first step that I would recommend, is to destroy Shepard's army, then proceed to the county of Berkshire, in York State, and Pownall, in Vermont state, with a determination to carry your point, if fire, blood and carnage will effect it: therefore we beg that every friend will immediately proceed to the county of Berkshire, and help us to Burgoyne Lincoln and his army: I beg this may immediately circulate through your county.

I am, gentlemen, in behalf of myself and other officers, your humble servant, ELI PARSONS.

Ephraim Breed, now resident of Conway, in the county of Hampshire, and commonwealth of Massachusetts, of lawful age, do testify and declare, that I was at the house of Elisha B. B. in said Conway, on the evening of the 14th instant, at which time one Eliza Pundell, of said Conway, produced a letter, from which the above was copied; I said Pundell further said, that he received the above letter from the said Eli Parsons.—The deponent further saith not.

EPHRAIM BREED. Hampshire, N. Northampton, Feb. 19, 1787. Personally appeared, Ephraim Breed, subscriber to the above declaration, and made oath to truth of the same, before me. JOHN KIRKLAND, Just. Peace.

JAMES SHEPARD, IS authorized to receive Specific Articles, or Country Produce, for public Taxes, agreeably to a late act of the General Court.—This is to notify the people in this and the neighbouring towns, that he is now ready to receive such articles as are specified in said act, at his Store opposite the meeting-house, in Northampton. Said Shepard has for sale two LOIS of LAND, in Westampton, about six miles from the meeting-house, one containing 100, the other 250 acres, and said land is of a good quality, finely timbered, and well watered. Feb. 20, 1787.

LOST. ON the 12th of January last, at Springfield, an elegant Pocket PISTOL, with the lock on the top of the barrel—the barrel screws on and off, marked on the side, Ketchard and Co.—Whoever has found said Pistol, will deliver it to the Printer hereof, shall have TWO DOLLARS reward. February 1787.