

been misled to treat upon matters of the most general concern, and to pass many dangerous and unpardonable resolutions for remedy whereof, Be it enacted, That from and after the first meeting shall be called by the Selectmen, or at the request of any number of freeholders, without leave of the Governor in writing, expressing the special business of the said meeting, first had and obtained, except the annual meeting in the month of March, for the choice of Selectmen, Constables, and other officers; and that no other matter shall be treated of at such meeting, except the election of their aforesaid officers, nor at any other meeting, except the business expressed in the leave given by the Governor.

And whereas, in pursuance of an act of Assembly of the said province, made in the seventh year of the reign of William the third, and three other acts of Assembly, made in the eleventh year of the same reign, jurors, as well grand as petty, have been usually summoned and returned by the constables of the several towns, by virtue of writs or warrants directed to them by the clerks of the several courts, requiring them to assemble the inhabitants of the said towns, to cause fit persons to serve as jurors for such towns, and to summon and return such persons so chosen; which practice of choosing jurors, and returning them, without the intervention of the Sheriff, has been found to be detrimental to the administration of justice. Be it therefore enacted, by the authority aforesaid, That from and after the next ensuing, so much of the said acts of Assembly, and of all other laws now in force, within the said province, as directs the returns of juries to be made by the constables, by an election of the inhabitants of the several towns, shall be void, and all jurors, as well grand as petty, shall be returned by the Sheriffs of the several counties, and not otherwise; and the Justices of the Superior Court of the said province, at a convenient time before the sitting of the Superior Court in every county, and the Justices of the Peace for every county in the said province, at a convenient time before the sitting of the Quarter Session of such county, shall issue their precepts or warrants to the Sheriff of such county, for such several courts respectively to summon, out of the freeholders and inhabitants of such county qualified to serve upon juries, such a number of good and lawful men as such precept or warrant shall direct, to serve upon the grand jury at such respective court; and such persons so summoned and returned by the said Sheriff, or such of them as shall appear, shall be sworn and sworn the grand inquest for the body of the county, and shall continue as such during the sitting of such respective court, and until they shall be dismissed by the same; and in all indictments, informations, actions, and causes, depending before the Superior Court, or any Court of Partur Session, or Court of Common Pleas, in the said province, which shall be at issue, and ordered for trial, the juries shall be summoned, impanelled, and returned, by the Sheriff of the county of the said freeholders and inhabitants of the said county qualified to serve upon juries, and shall be chosen and arrayed in such manner and form, as is directed and ordered in and by an act of Parliament, made in the seventh and eighth years of the reign of his late Majesty King William the third, intitled, "An act for the ease of jurors, and better regulating of juries;" and one other act, made in the eighth and ninth years of the same reign, intitled, "An act to enable the returns of juries; formerly, until the first day of November, one thousand six hundred and ninety-seven;" and one other act of Parliament, made in the third year of the reign of his late Majesty King George the second, intitled, "An act for the better regulation of juries;" and one other act, made in the twenty-fourth year of the same reign, intitled, "An act for the better regulation of trials by jury, and for enlarging the time for trials by *Nisi Prius*, in the county of Middlesex."

And be it further enacted, by the authority aforesaid, That lists of the freeholders and inhabitants of the several towns qualified to serve upon juries, shall be returned to, and recorded at, the Quarter Sessions for the several counties, and shall be delivered to the several Sheriffs in manner and form as directed by the said acts of Parliament, or any of them; and until such lists of such freeholders and inhabitants shall be delivered as aforesaid, the Sheriff of any county shall and may summon and return fit persons to serve upon juries as aforesaid, out of the body of the freeholders and inhabitants of the county, qualified to serve upon juries, according to his judgment and discretion; and whenever the Judges of the Superior Court shall award a special jury to be struck (which they are hereby authorized and empowered to do in such manner as special juries have been usually struck in the Courts at Westminster at trials at bar) and if the Sheriff of the county in which such jury shall be awarded, shall not have received lists of the freeholders and inhabitants qualified to serve upon juries as herein before ordered, and directed, such Sheriff shall attend the proper office of the said court with a list of the principal freeholders and inhabitants of the said county qualified to serve upon juries, and the said special jury shall be struck out of the said list; and it shall and may be lawful for the Justices of the said Superior Court, and they are hereby authorized and empowered, upon the

motion of either of the parties, in any case or action which shall be brought to issue, to order the said cause or action to be tried in any county, other than the county in which the said cause or action shall have been brought or laid, by a jury of such other county, as they shall judge fit and proper; any act of Assembly, or provincial law, to the contrary notwithstanding.

And be it further enacted, by the authority aforesaid, That all Sheriffs, Sheriffs, constables, and other persons within the said province, to whom the ordering, making, delivering, or recording, the lists of the freeholders and inhabitants qualified to serve upon juries as aforesaid, shall belong or appertain, according to the true intent and meaning of this present act, shall and lawfully be referred to, who shall be guilty of any wilful neglect, default, or misfeasance, in carrying into execution this act, according to its true intent and meaning, shall incur and suffer such fines and penalties as are severally mentioned in the said acts of Parliament hereby referred to; and all persons who, being duly qualified as aforesaid, shall be duly summoned to serve upon juries in manner aforesaid, and shall not attend such service, shall incur and suffer such fines and penalties as, by the laws of the said province, jurors making default are now subject to.

And be it further enacted, by the authority aforesaid, That if any action shall be brought against any Sheriff, for what he shall do in execution, or by virtue, of this act, he may plead the general issue, and give the special matter in evidence; and if a verdict shall be found for him, he shall recover costs.

*A BILL for the impartial Administration of Justice in the Cases of Persons questioned for any Acts done by them in the Execution of the Law, or for the Suppression of Riots and Tumults in the Province of the Massachusetts-Bay, in New-England.*

WHEREAS in his Majesty's province of Massachusetts-Bay, in New-England, an attempt hath lately been made to throw off the authority of the Parliament of Great Britain over the said province; and an actual and avowed resistance, by open force, to the execution of certain acts of Parliament, hath been suffered to take place, uncontrollable and unpunished, in defiance of his Majesty's authority, and to the utter subversion of all lawful government:

And whereas, in the present disordered state of the said province, it is of the utmost importance to the general welfare thereof, and to the re-establishment of lawful authority throughout the same, that neither the Magistrates acting in support of the laws, nor any of his Majesty's subjects aiding and assisting them therein, or in the suppression of riots and tumults, raised in opposition to the execution of the laws and statutes of this realm, should be discouraged from the proper discharge of their duty, by an apprehension, that in case of their being questioned for any acts done therein, they may be liable to be brought to trial for the same, before persons who do not acknowledge the validity of the laws, in the execution whereof, or the authority of the magistrate in the support of whom, such acts had been done:

In order therefore to remove every such discouragement from the minds of his Majesty's subjects, and to induce them, upon all proper occasions, to exert themselves in support of the public peace of the province, and of the authority of the King and Parliament of Great-Britain over the same: Be it enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That if at any time, within the space of five years from and after the passing of any bill or bills of indictment shall be found against any person for murder or other capital offence, in the province of the Massachusetts Bay, and it shall appear, by information given upon oath to the Governor, or in his absence, to the Lieutenant Governor of the said province, that the fact was committed, by the person indicted, while he was either in the execution of his duty as a Magistrate, for the suppression of riots, or in the support of the laws of revenue, or that he was acting in his duty as an officer of revenue, or acting under the direction and order of any Magistrate for the suppression of riots, or for the carrying into effect the laws of revenue, or aiding and assisting in any of the purposes aforesaid; and if it shall also appear, to the satisfaction of the said Governor or Lieutenant Governor respectively, that an indifferent trial cannot be had within the said province, in that case it shall and may be lawful for the Governor or Lieutenant-Governor to direct, that the indictment shall be tried in some other of his Majesty's colonies, or in Great Britain, and for that purpose to order the person indicted to be sent under a sufficient custody to the place appointed for his trial; and that there may be no failure of justice from the want of evidence in such cases, it shall and may be lawful for the Governor, or in his absence, the Lieutenant-Governor, to settle and assess a reasonable sum to be allowed for the expences of such witnesses as the prosecutor, or the person indicted, shall desire to be summoned; which sum shall be advanced by the commissioners of his Majesty's cus-

toms, to the witnesses, who, upon the receipt thereof, shall enter into a recognizance before a judge of the Superior Court, to appear and give evidence upon the trial of such indictment.

And be it further enacted, That the Governor, or in his absence the Lieutenant-Governor, if he shall direct the trial to be had in any other of his Majesty's colonies, shall transmit the indictment, together with the recognizances of the witnesses, under the Seal of the province, to the Governor of such other colony; who shall immediately issue a commission of Oyer and Terminer, and deliver, or cause to be delivered, the said indictment, with the said recognizances, to the Chief Justice, and such other persons as have usually been commissioners of Oyer and Terminer there; who shall have power to proceed upon the said indictment, as if the same had been found before them, and the trial shall thereupon proceed in like manner, to all intents and purposes, as if the offence had been committed in such place: And in case the Governor, or in his absence the Lieutenant Governor, shall direct the trial to be had in Great Britain, he shall then transmit the indictment, together with the recognizances of the witnesses, under the seal of the province, to one of his Majesty's principal Secretaries of State, who shall deliver, or cause to be delivered, the same, to the Master of the Crown-office, and the indictment shall be tried in the next term, at the bar of the Court of King's Bench, in like manner, to all intents and purposes, as if the offence had been committed in the county of Middlesex.

NEW BERN, July 15.

By an authentic Account from Cross-Creek, the Perpetrator of the horrid Murder and Robbery committed there sometime ago, as mentioned in this Paper, is discovered, and proves to be Mr. Patrick Travers himself, the Owner of the Store that was robbed, who is now in Gaol, and is soon to take his Trial for that atrocious Crime. The Goods were the Property of several Persons, and were found buried near Mr. Travers's Saw-Mill, and the Linens and other perishable Articles were mostly spoiled. When we consider Mr. Travers as a Gentleman who had long lived at Cross-Creek in the Character of a worthy Member of Society, and a Man of Property, we shall be much at a Loss to account for his Inducement to murder his Store-keeper, and rob the Store. Surely something more than *Avarice* must have tempted him to violate the sacred Tie of Friendship, and so daringly offend against his God and his Conscience.

By Accounts from Philadelphia, as late as the 23d June, we find there is to be a general Congress there of Deputies from the several Colonies, on the Twentieth Day of September next, in order to consult on Ways and Means for the Preservation of America against the late very extraordinary Acts of Parliament that have been passed, which we find, by the northern Papers, have spread universal Alarm there. We have received the Resolves of the Province of Maryland, which will be in our next.

*Extracts of letters from London, dated April 7 and 8, to persons in New-York and Philadelphia.*

With the most anxious and deep concern I sit down to give you some account of the bitter things that are meditated against America, and through her against England itself, and that constitution, by which it has long been distinguished among the nations as a land of freedom and happiness, and an asylum against tyranny and oppression; a distinction, alas! that now subsists no more! and must be forever lost, unless kind providence should interpose, to save us from that slavery and darkness, which has well nigh overspread the face of the whole earth. America, the last resort of retiring freedom, is now to be invaded, and the fugitive driven from her peaceful recesses there, that so she may find no resting place on this side heaven.

A plan of despotism and arbitrary power has incessantly been pursued during the present reign; through all the ministerial changes and manoeuvres, that has still been the grand object in view; and may explain all these intricate movements of government, which otherwise appear quite mysterious and unaccountable; especially with regard to the colonies, it may account for that obstinate perseverance in measures palpably inconsistent with every principle of the English constitution, of justice and of common sense; which have been attended with almost infinite expence, trouble and difficulty, both to the colonies and Great Britain itself; when at the same time a plain, easy and certain way to peace, harmony and prosperity, lies so open before us, that none can mistake it, and yet offers itself in vain. An absolute, arbitrary government, has infinite charms for a multitude of haughty luxurious parasites and flatterers that ever surrounded a throne, and hope to share with it in tyrannizing over the people, and rioting on their spoils. No wonder that such as these should prevail on a young monarch to be pleased with, to countenance and adopt their plan. Unlimited power is generally a most desirable object, especially to youth and inexperience, and few are distrustful of themselves, or imagine that it would be unsafe in their hands.