

A  
BIBLIOGRAPHICAL SKETCH

OF THE  
LAWS OF THE MASSACHUSETTS COLONY  
From 1630 to 1686.

IN WHICH ARE INCLUDED  
THE BODY OF LIBERTIES OF 1641,  
AND THE  
RECORDS OF THE COURT OF ASSISTANTS, 1641-1644.

ARRANGED TO ACCOMPANY THE REPRINTS OF THE  
LAWS OF 1660 AND OF 1672.

BY WILLIAM H. WHITMORE, RECORD COMMISSIONER.

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# THE BODY OF LIBERTIES.

1641.

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IN FAC-SIMILE FROM THE HUTCHINSON MANUSCRIPT. WITH A  
LINE-FOR-LINE PRINTED VERSION.

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- Liberty**
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- Liberty**
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<sup>1</sup> This Table is put in modern form, and the term Legislature is used for the General Court. W. H. W.

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A Copie of <sup>27</sup> the Liberties of the Massachusetts Colonie in New England

The first foundation of such liberties for unitie & prolonge as humane, Civill, & Christianitie, the will for as long to ever of man in his place & position; so that the peace, quietness & tranquillitie of the Colonie be ever be & ever will be in tranquillitie & stabilitie of Church & Common wealth. And if the same be or dependeth there of, this distinct baner if not of either of both.

We should it therefore our duty & safetie which we are about the further establishing of this Government to collect & expresse all such freedoms as for the present we have may concern us, & our posteritie after us, and to ratify them in one collection together.

We doe therefore this day religiously & unanimously decree & confirme the following Liberties, Priviledges, & immunities, concerning our Churches, & Civill Estate to be respectively & impartially enjoyed & observed throughout our Jurisdiction for ever.

1 No mans life shall be taken away, no mans honour or good name shall be stained, no mans y<sup>e</sup> shall be arrested, restrained, banished, dismembred, nor any wayes punished, no man shall be deprived of his wife or children, no mans goods or estate shall be taken away from him, nor any wayes damaged under colour of law, or Countenance of Authoritie, unless it be by vertue or equitie of some expresse Law of this Countie warranted, & same established by a generall Court & sufficiently published, or in case of defect of law in any particular case, by the word of god. And in Capitall cases, or in cases concerning dismembred or banishment, according to the word to be judged by the generall Court.

2 Every y<sup>e</sup> in this Jurisdiction, whether Inhabitant or forreiner shall enjoy the same Justice & Law, & is generall for the plantation, nor reconstitute & execute one towards another, without partialitie or delay.

3 No man shall be voyed to take any oath or subscribe any articles, Covenants, or remonstrance, of a publique or Civill nature, but such as the generall Court hath considered, allowed, & required.

4 No man shall be punished for not appearing at or before any Civill Assembly, Court, Councell, Magistrate, or officer, nor for the omission of any office or service, if he shall be necessarily hindered, by any apparent det or providence of god, which could neither force nor avoid, Provided that this Law shall not prejudice any person of his just cost or damage in any Civill action.

5 No man shall be compelled to any publique works or service unless by the just grounds upon some act of the generall Court, & have reasonable allowance therefor.

6. No man

A COPPIE OF THE LIBERTIES OF THE MASSACHUSETS COLONIE  
IN NEW ENGLAND.

The free fruition of such liberties Immunities and priveledges as humanitie, Civilitie, and Christianitie call for as due to every man in his place and proportion without impeachment and Infringement hath ever bene and ever will be the tranquillitie and Stabilitie of Churches and Commonwealths. And the deniall or deprivall thereof, the disturbance if not the ruine of both.

We hould it therefore our dutie and safetie whilst we are about the further establishing of this Government to collect and expresse all such freedoms as for present we foresee may concerne us, and our posteritie after us, And to ratify them with our sollemne consent.

We doe therefore this day religiously and unanimously decree and confirme these following Rites, liberties and priveledges concerning our Churches, and Civill State to be respectively impartiallie and inviolably enjoyed and observed throughout our Jurisdiction for ever.

- 1 No mans life shall be taken away, no mans honour or good name shall be stayned, no mans person shall be arested, restrayned, banished, dismembred, nor any wayes punished, no man shall be deprived of his wife or children, no mans goods or estaite shall be taken away from him, nor any way indammaged under coulour of law or Countenance of Authoritie, unlesse it be by vertue or equitie of some expresse law of the Country waranting the same, established by a generall Court and sufficiently published, or in case of the defect of a law in any parteculer case by the word of god. And in Capitall cases, or in cases concerning dismembring or banishment, according to that word to be judged by the Generall Court. pag. 1.

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- 2 Every person within this Jurisdiction, whether Inhabitant or forreiner shall enjoy the same justice and law, that is generall for the plantation, which we constitute and execute one towards another without partialitie or delay. pag. 143.

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- 3 No man shall be urged to take any oath or subscribe any articles, covenants or remonstrance, of a publique and Civill nature, but such as the Generall Court hath considered, allowed, and required. pag. 219

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- 4 No man shall be punished for not appearing at or before any Civill Assembly, Court, Councill, Magistrate, or Officer, nor for the omission of any office or service, if he shall be necessarily hindred by any apparent Act or providence of God, which he could neither foresee nor avoid. Provided that this law shall not prejudice any person of his just cost or damage, in any civill action. pag. 4.

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- 5 No man shall be compelled to any publique worke or service unlesse the presse be grounded upon some act of the generall Court, and have reasonable allowance therefore. pag. 73.  
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6. No man

- 6 No man shall be pressed in p<sup>er</sup> to any office, worke, warres, or other publicke service, if it be necessarily & justifiably exempted by any naturall or p<sup>er</sup>sonall impediment, as by want of graces, greatnes of age, defect of minde, fayling of senses, or impotencie of limbes. pag 73
- 7 No man shall be compelled to goe out of y<sup>e</sup> limits of this plantation vpon any offensive warres in this Comon wealth or any of y<sup>e</sup> friends or confederats shall voluntarily vnder take, but onely upon such vindictive & defenfive warres in y<sup>e</sup> owne behalfe, or y<sup>e</sup> behalfe of y<sup>e</sup> friends, & confederats as shall be enterprized by y<sup>e</sup> Countsell and consent of a Court generall, or by d<sup>iv</sup>lthority d<sup>er</sup>ived from y<sup>e</sup> same. pag 73
- 8 No mans Cattle or goods of what kinde so ever shall be pressed or taken for any publicke use or service, unless it be by warrant grounded upon some act of y<sup>e</sup> generall Court, nor without such reasonable priores & hire as y<sup>e</sup> ordinarie rates of y<sup>e</sup> Countie do afford. And if his Cattle or goods shall pish or suffer damage in such service. y<sup>e</sup> owner shall be justifiably recompensed pag 73
- 9 No monopolies shall be granted or allowed amongst vs, but of such new Inventions that are profitable to y<sup>e</sup> Countie, & y<sup>e</sup> for a short time. pag 119
- 10 All y<sup>e</sup> lands & heritages shall be free from all fines & licences upon alienations, & from all harlots, wardships, Liveries, Primes, seizures, year & day & most, Escheates, & forfeitures, upon y<sup>e</sup> death of parents, or ancestors, be they naturall, usuall, or juditiall. pag 8
- 11 All p<sup>er</sup>sons w<sup>h</sup> are of y<sup>e</sup> age of 21 yeeres, & of right vnderstanding & meanozies, whithoe excommunicate or condemned shall have full powre & libertie to make thore wills & testaments, & othor lawfull alienations of thore lands & estates. pag 1
- 12 Every man whether Inhabitant or ffocier, fore or not free shall have libertie to come to any publicke Court, Countell, or court meeting, & either by speech or writing to move any lawfull, reasonable, & materiall question, or to present any necessary motion, complaint, petition, Bill or information, whereof y<sup>e</sup> meeting hath proper cognizance, so it be done in convenient time, due order, & respective manner. pag 9

No man shall be rated here for any estate or revenue he hath in England, or in any foreine partes till it be transporbed hither. pag 75

Any Conveyance or alienation of land or othor estate what so ever, made by any woman if is married, any childer vnder age, Idott, or d<sup>iv</sup>lthorized p<sup>er</sup>son, shall be good, if it be passed & ratified by y<sup>e</sup> consent of a generall Court.

- 6 No man shall be pressed in person to any office, worke, warres or other publique service, that is necessarily and suittiently exempted by any naturall or personall impediment, as by want of yeares, greatnes of age, defect of minde, fayling of sences, or impotencie of Lymbes. pag. 73.  
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- 7 No man shall be compelled to goe out of the lim'ts of this plantation upon any offensive warres which this Commonwealth or any of our freinds or confederats shall volentarily undertake. But onely upon such vindictive and defensive warres in our owne behalfe or the behalfe of our freinds and confederats as shall be enterprized by the Counsell and consent of a Court generall, or by Authority derived from the same. pag. 73.
- 
- 8 No mans Cattel or goods of what kinde soever shall be pressed or taken for any publique use or service, unlesse it be by warrant grounded upon some act of the generall Court, nor without such reasonable prices and hire as the ordinarie rates of the Countrie do afford. And if his Cattle or goods shall perish or suffer damage in such service, the owner shall be suittiently recompenced. pag. 73.
- 
- 9 No monopolies shall be granted or allowed amongst us, but of such new Inventions that are profitable to the Countrie, and that for a short time. pag. 119.
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- 10 All our lands and heritages shall be free from all fines and licences upon Alienations, and from all harrlots, wardships, Liveries, Primerseisins, yeare day and wast, Escheates, and forfeitures, upon the deaths of parents or Ancestors, be they naturall, casuall or Judittiall. pag. 88.
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- 11 All persons which are of the age of 21 yeares, and of right understanding and meamories, whether excommunicate or condemned shall have full power and libertie to make there wills and testaments, and other lawfull alienations of their lands and estates. pag. 1.
- 
- 12 Every man whether Inhabitant or fforreiner, free or not free shall have libertie to come to any publique Court, Council, or Towne meeting, and either by speech or writeing to move any lawfull, seasonable, and materiall question, or to present any necessary motion, complaint, petition, Bill or information, whereof that meeting hath proper cognizance, so it be done in convenient time, due order, and respective manner. pag. 90.
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- 13 No man shall be rated here for any estaite or revenue he hath in England, or in any forreine partes till it be transported hither. pag. 25  
sect. 2.
- 
- 14 Any Conveyance or Alienation of land or other estaite what so ever, made by any woman that is married, any childe under age, Ideott or distracted person, shall be good if it be passed and ratified by the consent of a generall Court.

15. All Coven<sup>ts</sup>



15 All Conveyances fraudulent alienations or Conveyances of lands tenements, or any hereditaments, shall be of no validity to defeat any man from due debts or legacies, or from any just title or claim or possession, of & no is so fraudulently conveyed. pag. 5. Sec. 3

16 Every Inhabitant of an house holder shall have free fishing & fowling in any great ponds, & Ditches; Lakes & Rivers, so farre as they are abbes & flowses of in & about of a towne where they dwell, unlesse & free men of a same Towne or a Generall Court have otherwise appropriated them, provided & this shall not be extended to give leave to any man to come upon others proprietie or out here leave. pag. 90 Sec. 2

17 Every man of or 10<sup>th</sup> in this Jurisdiction shall have free libertie, not 10<sup>th</sup> standing any Civill power to exoner both himselfe, & his familie at thoir pleasure out of & same, provided there be no legall impediment to y<sup>e</sup> contrary. pag. 91 Sec. 3

Rites Rules & liberties concerning  
Judiciall proceedings.

18 No mans person shall be restrained or imprisoned by any Authority what so ever, before & with sentencd him ther to, if he can put in sufficient security, bails, or mainprise, for his appearance & good behavior in y<sup>e</sup> meane time, unlesse it be in Crimes Capitall, & Contempts in open Court, & in such cases where some express act of Court doth allow it. pag. 71

19 If in a generall Court any misfranchise shall be amongst y<sup>e</sup> Knights when they are by them selves & may differ an Imposition or fine under 20<sup>th</sup>, it shall be examined & sentencd amongst y<sup>e</sup> justices, If amongst y<sup>e</sup> Deputies when they are by themselves, It shall be examined & sentencd amongst them selves, If it be when y<sup>e</sup> whole Court is together, it shall be judgd by y<sup>e</sup> whole Court, & not severallie as before. pag. 76 Sec. 6

20 If any person to sit as Judges in any other Court shall remove y<sup>e</sup> justices officiously in y<sup>e</sup> Court, the rest of y<sup>e</sup> Judges present shall have power to remove him for it, if y<sup>e</sup> cause be of a high nature it shall be presented to & removed at y<sup>e</sup> next Superior Court pag. 76 Sec. 6

21 In all cases where y<sup>e</sup> first summons are not served six daies before Court, & y<sup>e</sup> cause beethly specified in y<sup>e</sup> warrant, where appearance is to be made by y<sup>e</sup> other summoned, it shall be at his libertie whether he will appeare or no, except all cases y<sup>e</sup> are to be handled in Courts suddenly called, upon extraordinary occasions, In all cases where there shal be present & urgent cause, any Assistant or officer appointed, shall have power to make out Attachments for y<sup>e</sup> first summons. pag. 77 Sec. 2

22. No man

15 All Covenous or fraudulent Alienations or Conveyances of lands, tenements, or any hereditaments, shall be of no validitie to defeate any man from due debts or legacies, or from any just title, clame or possession, of that which is so fraudulently conveyed. pag. 82.  
sec. 3.

16 Every Inhabitant that is an howse holder shall have free fishing and fowling in any great ponds and Bayes, Coves and Rivers, so farre as the sea ebbes and flowes within the presincts of the towne where they dwell, unlesse the free men of the same Towne or the Generall Court have otherwise appropriated them, provided that this shall not be extended to give leave to any man to come upon others proprietic without there leave. pag. 90.  
sec. 2.

17 Every man of or within this Jurisdiction shall have free libertie, notwithstanding any Civill power to remove both himselfe, and his familie at their pleasure out of the same, provided there be no legall impediment to the contrarie. pag. 91.  
sec. 3.

*Rites Rules and Liberties concerning  
Juditiall proceedings.*

18 No mans person shall be restrained or imprisoned by any Authority whatsoever, before the law hath sentenced him thereto, If he can put in sufficient securitie, bayle or mainprise, for his appearance, and good behaviour in the meane time, unlesse it be in Crimes Capital, and Contempts in open Court, and in such cases where some expresse act of Court doth allow it. pag. 74.

19 If in a generall Court any miscariage shall be amongst the Assistants when they are by themselves that may deserve an Admonition or fine under 20 sh. it shall be examined and sentenced among themselves, If amongst the Deputies when they are by themselves, It shall be examined and sentenced amongst themselves, If it be when the whole Court is together, it shall be judged by the whole Court, and not severallie as before. pag. 36.  
sec. 6.

20 If any which are to sit as Judges in any other Court shall demeane themselves offensively in the Court, the rest of the Judges present shall have power to censure him for it, if the cause be of a high nature it shall be presented to and censured at the next superior Court. pag. 36.  
sec. 6.

21 In all cases where the first summons are not served six dayes before the Court, and the cause breifly specified in the warrant, where appearance is to be made by the parties summoned, it shall be at his libertie whether he will appeare or no, except all cases that are to be handled in Courts suddainly called, upon extraordinary occasions, In all cases where there appears present and urgent cause Any Assistant or officer apointed shal have power to make out Attachments for the first summons. pag. 7.  
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22. No man

- 22 No man in any suit or action agt an other shall falsely pretend great debts or damages to vex his adversary. if it shall appere any doth so. the Court shall have power to set unreasonable fine on his head. pag. 3  
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- 23 No man shall be adjudged to pay for detaining any debt from any Creditor above eight pounds; nor hundred for one year; and not above 1/2 rate proportionable for all times that so ever, neither shall it be a colour or countenance to allow any vsuie amongst vs contrary to y<sup>e</sup> law of god. p. 53
- 24 In all trespasses or damages done to any man or men; if it can be proved to be done by y<sup>e</sup> mere default of him or them to whom y<sup>e</sup> trespass is done, it shall be judged no trespass, nor any damage given for it. pag. 18  
ser. 3
- 25 No Sumons pleading, judgement, or any kind of proceeding in Court or court of justice shall be abated, arrested, or executed, vpon any kind of circumstances or mistakes, if y<sup>e</sup> s<sup>u</sup>m<sup>o</sup>n<sup>s</sup> & cause be rightly understood & intended by y<sup>e</sup> Court. pag. 7  
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- 26 Every man y<sup>e</sup> findeth him selfe unfit to plead his owne cause in any Court, shall have libertie to employ any man agt whom the Court doth not except, to helpe him, provided he give him no fee, or reward for his paines. This shall not exempt y<sup>e</sup> ptie him selfe, from answering such questions in s<sup>u</sup>m<sup>o</sup>n<sup>s</sup> as y<sup>e</sup> Court shall thinke meete to demand of him.
- 27 If any plaintife shall give into any Court a declaration of his cause in writing, the defendant shall also have libertie at tyme to give in his answer in writing, And so in all further proceedings betwene ptie & ptie, so it doth not further hinder y<sup>e</sup> dispatch of Justice then y<sup>e</sup> Court shall be willing into.
- 28 The plaintife in all actions brought in any Court shall have libertie to withdraw his action; or to be non suit w<sup>o</sup> before y<sup>e</sup> Justice hath given in y<sup>e</sup> verdict, in w<sup>h</sup> case he shall always pay full cost of charges to y<sup>e</sup> defendt, & may afterwards renew his sute at an other Court if he please. pag. 3  
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- 29 In all actions at law it shall be libertie of a plant<sup>if</sup> & defend<sup>t</sup> by mutual consent to choose whith<sup>er</sup> they will be tryed, by y<sup>e</sup> Jurors, or by a Justice, unless it be where y<sup>e</sup> law upon just reason hath otherwise determined. The like libertie shall be granted to all y<sup>e</sup> pties in Common law cases. pag. 15  
ser. 1
- 30 It shall be in y<sup>e</sup> libertie both of plantife & defendt, & likewise every delinquent (to be judged by a Justice) to challenge any of y<sup>e</sup> Jurors. And if his challenge be founde just & reasonable by y<sup>e</sup> Bench, or y<sup>e</sup> rest of y<sup>e</sup> Justice, as y<sup>e</sup> challenger shall choose it shall be allowed him, & talos de circumstantib<sup>us</sup> imparetur in y<sup>e</sup> proovise. p. 152  
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31. In all

- 22 No man in any suit or action against an other shall falsely pretend great debts or damages to vex his Adversary, if it shall appeare any doth so, The Court shall have power to set a reasonable fine on his head. pag. 8.  
sec. 8.
- 
- 23 No man shall be adjudged to pay for detaining any debt from any Crediter above eight pounds in the hundred for one yeare, And not above that rate proportionable for all somes what so ever, neither shall this be a coulour or countenance to allow any usurie amongst us contrarie to the law of god. pag. 155
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- 24 In all Trespasses or damages done to any man or men, If it can be proved to be done by the meere default of him or them to whome the trespasse is done, It shall be judged no trespasse, nor any damage given for it. pag. 18  
sec. 3.
- 
- 25 No Summons pleading Judgement, or any kinde of proceeding in Court or course of Justice shall be abated, arested or reversed upon any kinde of cercumstantiall errors or mistakes, If the person and cause be rightly understood and intended by the Court. pag. 7.  
sec. 2.
- 
- 26 Every man that findeth himselfe unfit to plead his owne cause in any Court shall have Libertie to imploy any man against whom the Court doth not except, to helpe him, Provided he give him noe fee or reward for his paines. This shall not exempt the partie him selfe from Answering such Questions in person as the Court shall thinke meete to demand of him.
- 
- 27 If any plantife shall give into any Court a declaration of his cause in writeing, The defendant shall also have libertie and time to give in his answer in writeing, And so in all further proceedings betwene partie and partie, So it doth not further hinder the dispatch of Justice then the Court shall be willing unto.
- 
- 28 The plantife in all Actions brought in any Court shall have libertie to withdraw his Action, or to be nonsuited before the Jurie hath given in their verdict, in which case he shall alwaies pay full cost and chardges to the defendant, and may afterwards renew his suite at an other Court if he please. pag. 3.  
sec. 7.
- 
- 29 In all Actions at law it shall be the libertie of the plantife and defendant by mutual consent to choose whether they will be tryed by the Bench or by a Jurie, unlesse it be where the law upon just reason hath otherwise determined. The like libertie shall be granted to all persons in Criminal cases. pag. 152  
sec. 2.
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- 30 It shall be in the libertie both of plantife and defendant, and likewise every delinquent (to be judged by a Jurie) to challenge any of the Jurors. And if his challenge be found just and reasonable by the Bench, or the rest of the Jurie, as the challenger shall choose it shall be allowed him, and tales de. cercumstantibus impaneled in their room. pag 152  
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31. In all

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In all cases where evidence is so obscure or defective that the jury can not clearly & safely give a positive verdict, whether it be against or for the party. It shall have liberty to give a non liquet, or a special verdict, or in the last, if in a special verdict, & judgment of the court shall be left to the Court. And all Jurors shall have liberty in matters of fact if they can not find & find in main issue, yet to find & present in the verdict so much as they can. If any Jurors shall so differ at any time about the verdict & either of them can not give the peace of conscience & safe shall be referred to the General Court, who shall take the question from both & determine it.

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Every man shall have liberty to reply his Cattel, or goods in pound, disseised, seized, or extended, unless it be upon execution after judgement, & in point of fines: Provided he puts in good security to execute his reply, & to satisfy such demands as his Adversary shall recover against him in Law.

p. 112

33

No man shall be arrested, or imprisoned upon execution or judgment for any debt or fine, if the Law can find any other means of satisfaction otherwise from his estate, and if not his goods may be arrested & imprisoned where he shall be kept at his own charge, until satisfaction be made: unless the Court of Law had cognizance of the cause & upon the Superior Court, shall otherwise provide.

p. 6

34

If any man shall be found & judged a common Barrator vexing & troubling the same against frequent & endless suits. It shall be in the power of Courts, both to deny him the benefit of the Law, & to punish him for his Barratry.

p. 9

35

No man's Coene nor hay that is in the fields or upon the Court, nor his garden stuffe, nor any thing subject to great decay shall be taken in any distress, unless he takes it both presently before it wher it may not be impleaded, nor sufficient spoils or decay, or give security to satisfy the worth thereof if it comes to any haer.

p. 41

36

It shall be in the liberty of every man, arrested or taken into prison, in any cause in any inferior Court, to make by Appaile to the Court of Appaile: Provided they tender the Appaile & put in security to appear before the Court to be ended where in the same is required, & shall not stay in prison more than six dayes next ensuing but in good security before some Justice to satisfy what his Adversary shall recover against him. And if the cause be of a Criminal nature, for his good behaviour, and appearance, and every man shall have liberty to complain to the General Court of any injustice done him in any Court of Appaile or other

p. 3  
part of 2

- 31 In all cases where evidence is so obscure or defective that the Jurie cannot clearely and safely give a positive verdict, whether it be a grand or petit Jurie, It shall have libertie to give a non Liquit, or a spetiall verdict, in which last, that is in a spetiall verdict, the Judgement of the cause shall be left to the Court, and all Jurors shall have libertie in matters of fact if they cannot finde the maine issue, yet to finde and present in their verdict so much as they can, If the Bench and Jurors shall so differ at any time about their verdict that either of them cannot proceede with peace of conscience the case shall be referred to the Generall Court, who shall take the question from both and determine it.
- P. 87.  
S. 3,  
part of it.
- 
- 32 Every man shall have libertie to replevy his Cattell or goods impounded, distreined, seised, or extended, unlesse it be upon execution after Judgement, and in paiment of fines. Provided he puts in good securitie to prosecute his replevin, And to satisfie such demands as his Adversary shall recover against him in Law.
- P. 132.
- 
- 33 No mans person shall be Arrested, or imprisoned upon execution or judgment for any debt or fine, If the law can finde competent meanes of satisfaction otherwise from his estaite, and if not his person may be arrested and imprisoned where he shall be kept at his owne charge, not the plantife's till satisfaction be made: unlesse the Court that had cognizance of the cause or some superior Court shall otherwise provide.
- P. 6.
- 
- 34 If any man shall be proved and Judged a commen Barrator vexing others with unjust frequent and endlesse suites, It shall be in the power of Courts both to denie him the benefit of the law, and to punish him for his Barratry.
- P. 9
- 
- 35 No mans Corne nor hay that is in the feild or upon the Cart, nor his garden stuffe, nor any thing subject to present decay, shall be taken in any distresse, unles he that takes it doth presently bestow it where it may not be imbesled nor suffer spoile or decay, or give securitie to satisfie the worth thereof if it comes to any harme.
- P. 41.
- 
- 36 It shall be in the libertie of every man cast condemned or sentenced in any cause in any Inferior Court, to make their Appeale to the Court of Assistants, provided they tender their appeale and put in securitie to prosecute it before the Court be ended wherein they were condemned, And within six dayes next ensuing put in good securitie before some Assistant to satisfie what his Adversarie shall recover against him; And if the cause be of a Criminall nature, for his good behaviour, and appearance, And everie man shall have libertie to complaine to the Generall Court of any Injustice done him in any Court of Assistants or other.
- P. 3.  
part of it.

37. In all

- 37 In all cases: wher it appears to the Court of the place, hath wilfully and wiltingly done wronge to the deft. in commencing & prosecuting any action or complaint agt him, they shall have power to impose upon him a proportionable fine to the use of the deft, or arraigned person, for his false complaint, or clamour. p. 7  
5-8
- 38 Every man shall have libertie to Recorde in publick Records of any Court any Testimony given upon oath in the same Court, or before two Assistants, or any Deeds or evidence legally confirmed, & to remaine in perpetuum rei memoriam, & is for spirituall memorials or evidence upon occasion. p. 131
- 39 In all Actions both reall & personal betwene partie & partie, the Court shall have power to respit execution for a convenient time, when in their prudence they see just cause so to doe. p. 7  
5-1
- 40 No Conveyance, Deeds, or promise what so ever shall be of validitie, if it be gotten by illegal violence, imprisonment, threatning, or any kind of forcible compulsion called duces. p. 72  
5-3
- 41 Every man just to beforre for any Criminall cause, whether he be in prison or under baile, his cause shall be heard & determined at the next Court, & hath proper Cognizance thereof, and may be done wth out procedure of Justice. p. 38  
5 10
- 42 No man shall be twice sentenced by Civill Justice for one & the same Crime, offence, or trespass. p. 129
- 43 No man shall be beaten wth above 40 stripes; nor shall any Gentleman, nor any man Equall to a Gentleman be punished wth whipping, unless his crime be very shamefull, & his course of life vicious and profligate. p. 129
- 44 No man condemned to dye shall be put to death wth in foure dayes next after his condemnation, unless the Court see speciall cause to the contrary, or in case of martiall Law, nor shall the body of any man so put to death be subscind 12 howers, unless it be in case of death warrant. p. 30
- 45 No man shall be forced by Tortures to confesse any Crime agt himselfe nor any other, unless it be in some Capitall case, where he is first fully convicted by cleare & good Court evidence to be guilty, after which if the cause be of ignominie, that it is very apparent & be other conspirators, or confederates wth him, then he may be tortured, yet not wth such Tortures as be Barbarous & inhumane. p. 129
- 46 For bodilie punishments we allow amongst vs none, save inhumane, Barbarous, or cruel. p. 129
- 47 No man shall be put to death wth out the testimony of two or three witnesses, or y<sup>e</sup> w<sup>ch</sup> is equivalent thereto. p. 15

18 Every Inhabitant

- 37 In all cases where it appeares to the Court that the plantife hath wilingly and witingly done wronge to the defendant in commencing and prosecuting any action or complaint against him, They shall have power to impose upon him a proportionable fine to the use of the defendant, or accused person, for his false complaint or clamor. P. 3. S. 8.
- 38 Everie man shall have libertie to Record in the publike Rolles of any Court any Testimony given upon oath in the same Court, or before two Assistants, or any deede or evidence legally confirmed there to remaine in perpetuum rei memoriam, that is for perpetuall memoriall or evidence upon occasion. P. 132.
- 39 In all actions both reall and personall betweene partie and partie. the Court shall have power to respite execution for a convenient time, when in their prudence they see just cause so to doe. P. 7. S. 1.
- 40 No Conveyance, Decde, or promise whatsoever shall be of validitie, If it be gotten by Illegal violence, imprisonment, threatenings, or any kinde of forcible compulsion called Dures. P. 32. S. 3.
- 41 Everie man that is to Answere for any Criminall cause, whether he be in prison or under bayle, his cause shall be heard and determined at the next Court that hath proper Cognizance thereof, And may be done without prejudice of Justice. P. 38. S. 10.
- 42 No man shall be twice sentenced by Civill Justice for one and the same Crime, offence, or Trespasse. P. 129
- 43 No man shall be beaten with above 40 stripes, nor shall any true gentleman, nor any man equall to a gentleman be punished with whipping, unles his crime be very shamefull, and his course of life vitious and profligate. P. 125.
- 44 No man condemned to dye shall be put to death within fower dayes next after his condemnation, unles the Court see spetiall cause to the contrary, or in case of martiall law, nor shall the body of any man so put to death be unburied 12 howers, unlesse it be in case of Anatomie. P. 30.
- 45 No man shall be forced by Torture to confesse any Crime against himselfe nor any other unlesse it be in some Capitall case where he is first fullie convicted by cleare and sufficient evidence to be guilty, After which if the cause be of that nature, That it is very apparent there be other conspiratours, or confederates with him, Then he may be tortured, yet not with such Tortures as be Barbarous and inhumane. P. 129.
- 46 For bodilie punishments we allow amongst us none that are inhumane Barbarous or cruel. P. 123.
- 47 No man shall be put to death without the testimony of two or three witnesses or that which is equivalent thereunto. P. 155.

48. Every Inhabitant



- 48 Every Inhabitant of y<sup>e</sup> Countie shall have free libertie to search and view any Bookes, Records, or Registers, of any Court or office except y<sup>e</sup> Townes; And to have at any tyme or w<sup>ch</sup> simplification y<sup>e</sup> of written Examined, & signed by y<sup>e</sup> hand of y<sup>e</sup> officer, of y<sup>e</sup> office payng y<sup>e</sup> appointed fees therofore. p. 131  
S. 3
- 49 No free man shall be compelled to serve upon Juries above two Courts in a year, except good Jurie men, who shall haue two Courts together at y<sup>e</sup> least. p. 87  
S. 5
- 50 All Jurors shall be chosen continually by y<sup>e</sup> free men of y<sup>e</sup> Countie where they dwell. p. 86  
S. 6
- 51 All Associates selected at any tyme to assist y<sup>e</sup> Assistants in Justice Courts, shall be nominated by y<sup>e</sup> Jurors belonging to y<sup>e</sup> Court, by orderly agreement amonge them selves. p. 152  
S. 4
- 52 Children, Idiots, Distracted persons, & all y<sup>e</sup> are strangers, or who comes to y<sup>e</sup> plantation, shall have such allowances & dispensations in any cause whether Criminal or other as religion & reason require. p. 6  
S. 6
- 53 The age of discretion for passing away of lands or such kind of hereditaments, or for giving of votes, verdicts or sentence in any Civill Courts or causes, shall be one & twentye yeeres. p. 153
- 54 When so ever any thing is to be put to vote, any sentence to be pronounced, or any other matter to be proposed, or read in any Court or assembly; If y<sup>e</sup> president or moderator thereof shall refuse to performe it, y<sup>e</sup> Major p<sup>ty</sup> of y<sup>e</sup> members of y<sup>e</sup> Court, or Assembly shall have power to appoint any other meete man of them to do it, And if y<sup>e</sup> be just cause to punish him y<sup>e</sup> should & would not. p. 147  
S. 6
- 55 In all suites or Actions in any Court, the p<sup>ty</sup> shall have libertie to make all y<sup>e</sup> titles & claims to y<sup>e</sup> he sues for he run. And y<sup>e</sup> Defense shall have libertie to plead all y<sup>e</sup> pleas hereon in answer to them, & y<sup>e</sup> Court shall judge according to y<sup>e</sup> intire evidence of all. p. 139
- 56 If any man shall behave himselfe offensively at any Court or meeting, y<sup>e</sup> rest of y<sup>e</sup> free men then present, shall have power to sentence him for his offence, so be it y<sup>e</sup> mulct or penaltie exceede not twentye shillings. p. 139
- 57 When so ever any p<sup>ty</sup> shall come to any very suddaine untimely & unnatural death, y<sup>e</sup> some Assistant, or y<sup>e</sup> Constables of y<sup>e</sup> Countie shall forth w<sup>ch</sup> summon a Justice of the peace free men to inquire of y<sup>e</sup> cause & manner of thair death. & shall present acc<sup>rs</sup> & verdict thereof to some next Assistant, or y<sup>e</sup> next Court to be holden for y<sup>e</sup> Countie upon thair oath. Liberties more.

- 48 Every Inhabitant of the Country shall have free libertie to search and veewe any Rooles, Records, or Regesters of any Court or office except the Councill, And to have a transcript or exemplification thereof written examined, and signed by the hand of the officer of the office paying the appointed fees therefore. P. 131. S. 3.
- 
- 49 No free man shall be compelled to serve upon Juries aboye two Courts in a yeare, except grand Jurie men, who shall hould two Courts together at the least. P. 87. S. 5.
- 
- 50 All Jurors shall be chosen continuallie by the freemen of the Towne where they dwell. P. 86. S. 1.
- 
- 51 All Associates selected at any time to Assist the Assistants in Inferior Courts shall be nominated by the Townes belonging to that Court, by orderly agreement amonge themselves.
- 
- 52 Children, Idiots, Distracted persons, and all that are strangers, or new commers to our plantation, shall have such allowances and dispensations in any Cause whether Criminnall or other as religion and reason require. P. 152. S. 4.
- 
- 53 The age of discretion for passing away of lands or such kinde of herediments, or for giveing of votes, verdicts or Sentence in any Civill Courts or causes, shall be one and twentie yeares. P. 1.
- 
- 54 Whensoever anything is to be put to vote, any sentence to be pronounced, or any other matter to be proposed, or read in any Court or Assembly, If the president or moderator thereof shall refuse to performe it, the Major parte of the members of that Court or Assembly shall have power to appoint any other meete man of them to do it, And if there be just cause to punish him that should and would not. P. 153.
- 
- 55 In all suites or Actions in any Court, the plaintife shall have libertie to make all the titles and claims to that he sues for he can. And the Defendant shall have libertie to plead all the pleas he can in answeere to them, and the Court shall judge according to the entire evidence of all.
- 
- 56 If any man shall behave himselfe offensively at any Towne meeting, the rest of the freemen then present, shall have power to sentence him for his offence. So be it the mulct or penaltie exceede not twentie shilings. P. 144. S. 1.
- 
- 57 Whensoever any person shall come to any very suddaine untimely and unnaturall death, Some assistant, or the Constables of that Towne shall forthwith sumon a Jury of twelve free men to inquire of the cause and manner of their death, and shall present a true verdict thereof to some neere Assistant, or the next Court to be helde for that Towne upon their oath. P. 89.

Liberties more peculiar concerning the  
free men.

- 58 Civill authoritie hath power & libertie to fine, p[un]ish, or denounce in  
Rules of Christ approved & serving Church according to his word. yet be-  
done in a Civill & not in an Ecclesiasticall way. p. 44  
5-11
- 59 Civill authoritie hath power & libertie to degrade or depose any Church mem-  
ber in away of Civill justice, notwithstanding any Church c[on]stitution, office,  
or interest. p. 44  
5-11
- 60 No Church confessor shall degrade or depose any man from any Civill dig-  
nitie, office, or authoritie he shall have in y<sup>e</sup> Common wealth. p. 44  
5-11
- 61 No Magistrate, Justice, Officer, or other man shall be bound to informe, present  
or reveale any private reame or offence, where in there is no pill or dan-  
ger to this plantation or any member thereof, when any necessary ty-  
of conscience binds him to testify & proceed, upon y<sup>e</sup> word of god, unless  
it be in case of testimony lawfully required p. 86  
5-2
- 62 Any Shire or Towne shall have libertie to choose their deputies when  
prossessors they please for y<sup>e</sup> generall Court, so that they be free men,  
& have taken their oath of fealty & inhabiting in this jurisdiction. p. 40  
5-2
- 63 No Governour, Sep<sup>t</sup> Governour, Assistant, Associate, or grand Jurymen at any  
Court, nor any deputy for y<sup>e</sup> generall Court, shall at any time receive his  
owne charges at any Court, but y<sup>e</sup> necessary expenses shall be defrayed  
either by y<sup>e</sup> Towne, or Shire on whose service they are, or by y<sup>e</sup> Coun-  
ty in generall. p. 22  
5-1
- 64 Execution betweene things th[is] & proceedings against delinquents in  
Criminal causes shall be briefly & distinctly entered in y<sup>e</sup> Roll of  
every Court by y<sup>e</sup> Record & those of that such actions be not after-  
wards brought againe to y<sup>e</sup> vexation of any man. p. 229  
5-1  
4-16
- 65 No custome or prescription shall ever prevail amongst us in any more all-  
waie, of meaning to maintaine any thinge y<sup>e</sup> can be said to be  
more allwaie fulfill by y<sup>e</sup> word of god. p. 126
- 66 The freemen of every Township shall have power to make such  
by laws & constitutions, as may concerne y<sup>e</sup> well fare of y<sup>e</sup> Towne,  
provided they be not of a Criminal, but onely of a p[er]sonall nature,  
And y<sup>e</sup> penalties exceede not 20s for one offence. And y<sup>e</sup> they be  
not repugnant to y<sup>e</sup> publique laws & orders of y<sup>e</sup> Countie. And if any  
inhabitant shall neglect or refuse to observe them, they shall have  
power to levy y<sup>e</sup> appointed penalties by distress. p. 107  
5-1
- 67 It is y<sup>e</sup> constant libertie of y<sup>e</sup> free men of this plantation to choose  
yearly at y<sup>e</sup> Court of election out of y<sup>e</sup> free men all y<sup>e</sup> generall officers  
of this jurisdiction. If they please to discharge y<sup>e</sup> at a day of election by  
way of vote. They may do it without shewing cause. But if at any other  
generall Court, we should dur justice, y<sup>e</sup> y<sup>e</sup> officers thereof be already  
providd. By generall officers we meane, y<sup>e</sup> Governour, Sep<sup>t</sup> Governour, Assis-  
tants, Coroner, generall of officers, And o Admirall at sea. &  
such as are or here after may be of y<sup>e</sup> like generall nature. p. 83  
5-4

68. It is the

*Liberties more peculiarie concerning the  
free men.*

- 58 Civill Authoritie hath power and libertie to see the peace, ordinances and Rules of Christ observed in every church according to his word. so it be done in a Civill and not in an Ecclesiastical way. P. 44. S. 11.
- 59 Civill Authoritie hath power and libertie to deale with any Church member in a way of Civill Justice, notwithstanding any Church relation, office or interest. P. 44. S. 11.
- 60 No church censure shall degrad or depose any man from any Civill dignitie, office, or Authoritie he shall have in the Commonwealth. P. 44. S. 10.
- 61 No Magestrate, Juror, Officer, or other man shall be bound to informe present or reveale any private crim or offence, wherein there is no perill or danger to this plantation or any member thereof, when any necessarie tye of conscience binds him to secesie grounded upon the word of god, unlesse it be in case of testimony lawfully required. P. 86. S. 2.
- 62 Any Shire or Towne shall have libertie to choose their Deputies whom and where they please for the Generall Court. So be it they be free men, and have taken there oath of fealtie, and Inhabiting in this Jurisdiction. P. 40. S. 2.
- 63 No Governor, Deputy Governor, Assistant, Associate, or grand Jury man at any Court, nor any Deputie for the Generall Court shall at any time beare his owne chardges at any Court, but their necessary expences shall be defrayed either by the Towne or Shire on whose service they are, or by the Country in generall. P. 22. S. 1.
- 64 Everie Action betweene partie and partie, and proceedings against delinquents in Criminall causes shall be briefly and distinctly entered on the Rolles of every Court by the Recorder thereof. That such actions be not afterwards brought againe to the vexation of any man. P. 129. S. 1.
- 65 No custome or prescription shall ever prevaile amongst us in any morall cause, our meaneing is maintaine anythinge that can be proved to bee morrallie sinfull by the word of god. P. 126.
- 66 The Freemen of every Towneship shall have power to make such by laws and constitutions as may concerne the welfare of their Towne, provided they be not of a Criminall, but onely of a prudentiall nature, And that their penalties exceede not 20 sh. for one offence. And that they be not repugnant to the publique laws and orders of the Countrie. And if any Inhabitant shall neglect or refuse to observe them, they shall have power to levy the appointed penalties by distresse. P. 147. S. 1.
- 67 It is the constant libertie of the free men of this plantation to choose yearly at the Court of Election out of the freemen all the General officers of this Jurisdiction. If they please to dischargdge them at the day of Election by way of vote. They may do it without shewing cause. But if at any other generall Court, we hould it due justice, that the reasons thereof be alleadged and proved. By Generall officers we meane, our Governor, Deputy Governor, Assiatants, Treasurer, Generall of our warres. And our Admirall at Sea, and such as are or hereafter may be of the like genrall nature. P. 48. S. 4.

68. It is the

- 69 It is the libertie of the freemen to choose such deputies for the Generall Court out of themselves. either in their own Townes or else to chuse as they iudge fittest, but because we can not fore see what varieties or weight of occasions may fall into future consideration, and what counsells we may stand in neede of, we decree. That the deputies (to attend the Generall Court in the behalfe of the Countrey) shall not any time be straited or intaid, but from Court to Court; or at the most but for one yeare. if the Countrey may have an annuall libertie to do in the case what is most best of full for the best welfare thereof. p. 40  
52
- 69 The Generall Court shall be dissolved or adioyned without the consent of the Major parte thereof. p. 39  
55
- 70 All free men called to give any advice, vote, verdict, or sentence in any Court, Councell, or Civill Assembly, shall have full libertie to doe it according to their judgements & Conferences, so it be done orderly & innocently for the manners. p. 159
- 71 The Governour shall have casting vote whensoever an Equall vote shall fall out in the Court of Assistants, or generall assembly, so shall the president or mediator, have in all Civill Courts or Assemblies. p. 39  
56
- 72 The Governour & Deputy Governour jointly consenting or any three Assistants consenting in consent shall have power out of Court to imprison a condemned malefactor, till the next quarter or generall Court. the generall Court only shall have power to pardon a condemned malefactor. p. 39  
58
- 73 The generall Court hath libertie & authoritie to find out any member of this Coman wealth of what qualitie, condition or office, what so ever hee goeth into forraine parts about any publique message or Negotiation. provided the first sent be acquainted with the affaires hee goeth about. & be willing to undertake the service. p. 39  
59
- 74 The freemen of every Towne or Towneship, shall have full power to choose yearly or for shorter time out of themselves a convenient number of fitt men to order & planting or prudentiaall occupations of the Towne, according to instructions given them in writing. provided nothing be done by them contrary to the publique laws & orders of the Countrey. provided the aforesaid number of fitt persons be not above twelve. p. 148  
52
- 75 It is & shall be the libertie of any member or members of any Court - Councell or Civill Assembly in cases of making or executing any order or law, if proper the contrary religion, or any cause capital, or warres, or subscription to any publique statutes or Remonstrances, in case they can not in judgement & conscience consent to the same, the Major vote or suffrage goes. to make the contra Remonstrance or protestation in speech or writing. & upon request to have the dissent recorded, in the Rollis of that Court. so it be done Christianlike & respectfully for the manners. And if dissent onely be entered without the reasons thereof. for the avoiding of tediousnes. p. 128

76 Whensoever

- 68 It is the libertie of the freemen to choose such deputies for the Generall Court out of themselves, either in their owne Townes or elsewhere as they judge fittest. And because we cannot foresee what varietie and weight of occasions may fall into future consideration, And what counsell we may stand in neede of, we decree. That the Deputies (to attend the Generall Court in the behalfe of the Countrie) shall not any time be stated or inacted, but from Court to Court, or at the most but for one yeare, that the Countrie may have an Annuall libertie to do in that case what is most behoofefull for the best welfaire thereof. P. 40. S. 2.
- 
- 69 No Generall Court shall be desolved or adjourned without the consent of the Major parte thereof. P. 35. S. 5.
- 
- 70 All Freemen called to give any advise, vote, verdict, or sentence in any Court, Counsell, or Civill Assembly, shall have full freedome to doe it according to their true Judgements and Consciences, So it be done orderly and inofensively for the manner. P. 153.
- 
- 71 The Governor shall have a casting voice whensoever an Equi vote shall fall out in the Court of Assistants, or generall assembly, So shall the presedent or moderator have in all Civill Courts or Assemblies. P. 35. S. 6.
- 
- 72 The Governor and Deputy Governor Joyntly consenting or any three Assistants concurring in consent shall have power out of Court to reprove a condemned malefactor, till the next quarter or generall Court. The generall Court onely shall have power to pardon a condemned malefactor. P. 35. S. 4.
- 
- 73 The Generall Court hath libertie and Authoritie to send out any member of this Comanwealth of what qualitie, condition or office whatsoever into forreine parts about any publique message or Negotiation. Provided the partie sent be acquainted with the affaire he goeth about, and be willing to undertake the service. P. 35. S. 4.
- 
- 74 The freemen of every Towne or Township, shall have full power to choose yearly or for lesse time out of themselves a convenient number of fitt men to order the planting or prudentiall occasions of that Town, according to Instructions given them in writeing, Provided nothing be done by them contrary to the publique laws and orders of the Countrie, provided also the number of such select persons be not above nine. P. 148. S. 2.
- 
- 75 It is and shall be the libertie of any member or members of any Court, Councell or Civill Assembly in cases of makeing or executing any order or law, that properlie concerne religion, or any cause capitall, or warres, or Subscription to any publique Articles or Remonstrance, in case they cannot in Judgement and conscience consent to that way the Major vote or suffrage goes, to make their contra Remonstrance or protestation in speech or writcing, and upon request to have their dissent recorded in the Rolles of that Court. So it be done Christianlie and respectively for the manner. And their dissent onely be entered without the reasons thereof, for the avoiding of tediousness. P. 128.
76. Whensoever

76 when so ever any Jurie of triall or Jurours, are not cleere in their Judgements or consciences concerning any cause where in they are to give  $\bar{y}$  verdict. they shall have libertie in open Court to advise in any manner they thinke fit to referre or direct them, before they give in  $\bar{y}$  verdict.

77 In all cases where in any freeman is to give his vote. be it in point of Election, making contributions & ordres, or passing sentences in any case of Judicature or  $\bar{y}$  like: if he can not see reason to give it positively any way or an other. he shall have libertie to be silent, & not proceed to a determined vote.

78 The Generall or publique Treasury or any part  $\bar{y}$  of shall never be expended but by  $\bar{y}$  appoint of a Generall Court, nor any other Treasury, but by  $\bar{y}$  appoint of  $\bar{y}$  free men there of, nor any Towne Treasury or but by  $\bar{y}$  free men of  $\bar{y}$  Township.

### Liberties of Women

79 If any man at his death shall not leave his wife a competent portion of his estate: upon just complaint made to  $\bar{y}$  Gen<sup>l</sup> Court she shall be relieved.

80 Every married woman shall be free from bodilie correction or stripes by her husband, unless it be in his own defence upon her assault. If  $\bar{y}$  be any just cause of correction complaint shall be made to Authority assembled in some Court, from thence she shall receive it.

### Liberties of Children

81 When parents dye intestate:  $\bar{y}$  Edix forme shall have a double portion of his whole estate real & personall, unless  $\bar{y}$  Gen<sup>l</sup> Court upon just cause allowed shall judge otherwise.

82 When parents dye intestate, leaving noe heires, males of  $\bar{y}$  bodies  $\bar{y}$  daughters shall inherite as Copartners, unless  $\bar{y}$  Gen<sup>l</sup> Court upon just reason shall judge otherwise.

83 If any parents shall wilfullie & unreasonably deny any child, time by or convenient marriage, or shall exercise any unnatural favouritie towards them, such children shall have full libertie to complaine to Authority for redresse.

84 No Orphan during their minority shal not be committed to tuition or service by the parents in  $\bar{y}$  lifetime, shall after wards be absolutely disposed of by any husband, friend, Executor, Towne ship, or Church, nor by thom selves without  $\bar{y}$  consent of some Court where in two Justitians at least shall be present.

### Liberties of Servants

85 If any servants shall flee from  $\bar{y}$  service of maisters to  $\bar{y}$  house of any free man of  $\bar{y}$  same Towne, they shall be protected & pursued till due order be taken for  $\bar{y}$  redresse. Provided due notice  $\bar{y}$  of be freely given to  $\bar{y}$  maisters from whom they fled. And  $\bar{y}$  next Justitiant or Constable where  $\bar{y}$  p<sup>r</sup>son is harboured. 86 No servant

- 76 Whensoever any Jurie of trialls or Jurours are not cleare in their Judgements or consciences conserneing any cause wherein they are to give their verdict, They shall have libertie in open Court to advise with any man they thinke fitt to resolve or direct them, before they give in their verdict. P. 87. S. 5.
- 77 In all cases wherein any freeman is to give his vote, be it in point of Election, makeing constitutions and orders, or passing sentence in any case of Judicature or the like, if he cannot see reason to give it positively one way or an other, he shall have libertie to be silent, and not pressed to a determind vote. P. 153.
- 78 The Generall or publike Treasure or any parte thereof shall never be expended but by the appointment of a Generall Court, nor any Shire Treasure, but by the appointment of the freemen thereof, nor any Towne Treasurie but by the freemen of that Towneship. P. 150. S. 1, 2.
- Liberties of Woemen.*
- 79 If any man at his death shall not leave his wife a competent portion of his estaite, upon just complaint made to the Generall Court she shall be relieved.
- 80 Everie married woeman shall be free from bodilie correction or stripes by her husband, unlesse it be in his owne defence upon her assault. If there be any just cause of correction complaint shall be made to Authoritie assembled in some Court, from which onely she shall receive it. P. 101. S. 1.
- Liberties of Children.*
- 81 When parents dye intestate, the Elder sonne shall have a doble portion of his whole estate reall and personall, unlesse the Generall Court upon just cause alleadged shall Judge otherwise. P. 158. S. 3.
- 82 When parents dye intestate haveing noe heires males of their bodies their Daughters shall inherit as copartners, unles the Generall Court upon just reason shall judge otherwise. P. 158. S. 3.
- 83 If any parents shall wilfullie and unreasonably deny any childe time-ly or convenient mariage, or shall exercise any unnaturall severitie towards them, such children shall have free libertie to complaine to Authoritie for redresse. P. 28. S. 5.
- 84 No Orphan dureing their minoritie which was not committed to tuition or service by the parents in their life time shall afterwards be absolutely disposed of by any kindred, freind, Executor, Towneship, or Church, nor by themselves without the consent of some Court, wherein two Assistants at least shall be present. P. 28. S. 6.
- Liberties of Servants*
- 85 If any servants shall flee from the Tyranny and crueltie of their masters to the howse of any freeman of the same Towne, they shall be there protected and susteyned till due order be taken for their relife. Provided due notice thereof be speedily given to their maisters from whom they fled. And the next Assistant or Constable where the partie flying is harboured. P. 105. S. 6.

86. No servant



- 86 No servant shall be put of for above a year to any other neither in y<sup>e</sup> life time of y<sup>e</sup> maister nor after y<sup>e</sup> death by y<sup>e</sup> executor or Administrators unless it be by consent of authoritie assembled in some Court, or two of them. P. 109  
S. 7
- 87 If any man smite out y<sup>e</sup> eye or tooth of his man servant, or maid servant, or otherwise maim or much disfigure him, unless it be by mere refusal, he shall let them goe free from his service. And shall have such further recompence as y<sup>e</sup> Court shall allow him. P. 109  
S. 8.
- 88 Servants of house served diligentlie & faithfully to y<sup>e</sup> benefit of y<sup>e</sup> maisters seven years, shall not be sent away empty. And if any have bene unfaithfull, negligent, or unprofitable in their service, notwithstanding y<sup>e</sup> good usage of y<sup>e</sup> maisters. they shall not be dismissed till they have made satisfaction according to y<sup>e</sup> judgement of authoritie. P. 109  
S. 9

### Liberties of strangers & strangers

- 89 If any people of other Nations professing y<sup>e</sup> true Christian Religion shall flee to us from y<sup>e</sup> tyranny or oppression of y<sup>e</sup> Rulers, or from famine, warres, or y<sup>e</sup> like necessity & compulsion, they shall be entertained & succoured amongst us, according to y<sup>e</sup> power & pleasure god shall give us. P. 143
- 90 If any ships or other vessels, be it forwarde or homeward, shall suffer shipwreck upon y<sup>e</sup> Coast. y<sup>e</sup> shall be no violence or wrong offered to y<sup>e</sup> persons or goods. But y<sup>e</sup> persons shall be harboured, & relieved, & y<sup>e</sup> goods preserved in safety till authoritie may be certified thereof, & shall take further order therein. P. 143
- 91 There shall never be any bond slavery villinage or Captivitie amongst us, unless it be lawfull Captives taken in just warres, & such strangers as willingly sell themselves or are sold. And those shall have all the Liberties & Christian Privileges w<sup>ch</sup> y<sup>e</sup> Law of god & established in this concern- ing such persons doth morally require. This exempts none from servitude who shall be judged there to by authoritie. P. 10

### Of the Beaste Creatures

- 92 No man shall exercise any Cruelty or Cruelty towards any Beaste Creature w<sup>ch</sup> are usually kept for mans use. P. 39
- 93 If any man shall have occasion to lead or drive Cattel from place to place that is free of, so y<sup>e</sup> they be weary, or hungry, or full sick, or lame, it shall be careful to rest, or refresh them, so as conveniently time, in any open place that is not for any road, or enclosed for some peculiar use. P. 40

Capital Laws.

86 No servant shall be put of for above a yeare to any other neither in the life time of their maister nor after their death by their Executors or Administrators unlesse it be by consent of Authoritie assembled in some Court or two Assistants. P. 105. S. 7.

87 If any man smite out the eye or tooth of his man-servant, or maid servant, or otherwise mayme or much disfigure him, unlesse it be by meere casualtie, he shall let them goc free from his service. And shall have such further recompense as the Court shall allow him. P. 105. S. 8.

88 Servants that have served deligentlie and faithfully to the benefitt of their maisters seaven yeares, shall not be sent away emptie. And if any have bene unfaithfull, negligent or unprofitable in their service, notwithstanding the good usage of their maisters, they shall not be dismissed till they have made satisfaction according to the Judgement of Authoritie. P. 105. S. 9.

*Liberties of Forreiners and Strangers.*

89 If any people of other Nations professing the true Christian Religion shall flee to us from the Tiranny or oppression of their persecutors, or from famyne, warres, or the like necessary and compulsarie cause, They shall be entertayned and succoured amongst us, according to that power and prudence god shall give us. P. 148.

90 If any ships or other vessels, be it freind or enemy, shall suffer shipwrack upon our Coast, there shall be no violence or wrong offered to their persons or goods. But their persons shall be harboured, and relieved, and their goods preserved in safety till Authoritie may be certified thereof, and shall take further order therein. P. 161.

91 There shall never be any bond slaverie, villinage or Captivitie amongst us unles it be lawfull Captives taken in just warres, and such strangers as willingly selle themselves or are sold to us. And these shall have all the liberties and Christian usages which the law of god established in Israell concerning such persons doeth morally require. This exempts none from servitude who shall be Judged thereto by Authoritie. P. 10.

*Off the Bruite Creature.*

92 No man shall exercise any Tirranny or Crueltie towards any bruite Creature which are usuallie kept for man's use. P. 39.

93 If any man shall have occasion to leade or drive Cattel from place to place that is far of, so that they be weary, or hungry, or fall sick, or lambe, It shall be lawful to rest or refresh them, for a competent time, in any open place that is not Corne, meadow, or inclosed for some peculiar use. P. 42.

Capitall Laws

Capitall Lawes

- 94. Dut. 17. 6-10  
Dut. 17. 2-6  
Ex. 22. 20 1. 11  
5. 2. If any man after legall conviction shall haue de iuorship any other god, but of lord god, he shall be put to death.
- Ex. 22. 18.  
Leu. 20. 27.  
Dut. 18. 10. 5. 2. If any man or woman be a witch, (that is hath or con- fecteth w<sup>th</sup> a familiar spirit, they shall be put to death.
- Leu. 24. 15-16 5. 3 If any person shall blaspheme the name of god, the father, - some or holie ghost, w<sup>th</sup> direct, expresse, presumptuous or high handed blasphemie, or shall curse god in y<sup>e</sup> like - manner, he shall be put to death.
- Ex. 21. 12.  
Numb. 35. 17  
Leu. 30. 31. 5. 4. If any person committ any wilfull murder, w<sup>th</sup> is man - slaughter, committed vpon premeditated malice hatred, or cruelty, not in a mans necessity or iust defence, nor by mere casualtie against his will. he shall be put to death.
- Numb. 25. 20  
Leu. 24. 17. 5. 5 If any person slayeth an other suddenly in his anger or cruelty of passion, he shall be put to death.
- Ex. 21. 14. 5. 6 If any person shall slay an other through guile, either by poisoning or other such diuclish practice, he shall be put to death.
- Leu. 20. 15.  
16. 5. 7 If any man or woman shall lye w<sup>th</sup> any beast or beuiter creature by carnall copulation, they shall surely be put to death. And y<sup>e</sup> beast shall be slain, & buried & not eaten.
- Leu. 20. 13. 5. 9 If any man lye w<sup>th</sup> man kinde as he lye w<sup>th</sup> a woman, both of them haue committed abomination, they both shall surely be put to death.
- Leu. 20. 19.  
Leu. 18. 20.  
Dut. 22. 24.  
24. 5. 9 If any person committ adultery w<sup>th</sup> a married wife, the adulterer & adulteresse shall surely be put to death.
- Ex. 21. 16 5. 10 If any man stealeth a man or mankinde, he shall surely be put to death.
- Dut. 19. 16.  
18. 19. 5. 11 If any man rise vp by false witness, wiltingly & of purpote to take away any mans life; he shall be put to death.
- 5. 12 If any man shall conuince & attempt any invasion, insurrec- tion, or publique rebellion ag<sup>st</sup> the common wealthe. or shall in- deuour to subuert any town or towns, fort or forts of it, or shall treacherously & yficiously attempt y<sup>e</sup> alteration & subuersion of y<sup>e</sup> forme of politic or gouernment funda- mentalle, he shall be put to death. Declaration

94. *Capitall Laws.*

Dut. 13. 6, 10.  
Dut. 17. 2, 6.  
Ex. 22. 20.

1.  
If any man after legall conviction shall have or worship any other god, but the lord god, he shall be put to death.

P. 14.  
S. 1.

Ex. 22. 18.  
Lev. 20. 27.  
Dut. 18. 10.

2.  
If any man or woeman be a witch, (that is hath or consulteth with a familiar spirit,) They shall be put to death.

S. 2.

Lev. 24, 15, 16.

3.  
If any man shall Blaspheme the name of god, the father, Sonne or Holie ghost, with direct, expresse, presumptuous or high handed blasphemie, or shall curse god in the like manner, he shall be put to death.

S. 3.

Ex. 21. 12.  
Numb. 35. 13.  
14, 30, 31.

4.  
If any person committ any wilfull murther, which is manslaughter, committed upon premeditated mallice, hatred, or Crueltie, not in a mans necessarie and just defence, nor by meere casualtie against his will, he shall be put to death.

S. 4.

Numb. 25. 20.  
21.  
Lev. 24. 17.

5.  
If any person slayeth an other suddaienly in his anger or Crueltie of passion, he shall be put to death.

S. 5.

Ex. 21. 14.

6.  
If any person shall slay an other through guile, either by poysoning or other such divelish practice, he shall be put to death.

S. 6.

Lev. 20. 15,  
16.

7.  
If any man or woeman shall lye with any beaste or bruite creature by Carnall Copulation, They shall surely be put to death. And the beast shall be slaine and buried and not eaten.

S. 7.

Lev. 20. 13.

8.  
If any man lyeth with mankinde as he lyeth with a woeman, both of them have committed abhomination, they both shall surely be put to death.

S. 8.

Lev. 20. 19,  
and 18, 20.  
Dut. 22. 23, 24.

9.  
If any person committeth Adultery with a married or espoused wife; the Adulterer and Adulteresse shall surely be put to death.

S. 9.

Ex. 21. 16.

10.  
If any man stealeth a man or mankinde, he shall surely be put to death.

S. 10.

Deut. 19. 16,  
18, 19.

11.  
If any man rise up by false witnes, wittingly and of purpose to take away any mans life, he shall be put to death.

S. 11.

12.  
If any man shall conspire and attempt any invasion, insurrection, or publique rebellion against our commonwealth, or shall endeavour to surprize any Towne or Townes, fort or forts therein, or shall treacherously and perfediouslie attempt the alteration and subversion of our frame of politie or Government fundamentallic, he shall be put to death.

S. 12.

A declaration

A Declaration of the liberties the Lord  
Jesus hath given to y<sup>e</sup> Churches.

95. 1 All y<sup>e</sup> people of god w<sup>th</sup> in this provision who are not  
in a church way, & be orthodox in judgement, & not  
frivolous in life, shall have full libertie to gather  
themselves into a Church Estab<sup>l</sup>. Provided they doe  
it in a christian way, w<sup>th</sup> due observation of y<sup>e</sup> rules  
of chris- revealed in his word. p. 49. 5-1
- 2 Every Church hath full libertie to exercise all y<sup>e</sup> ordi- 5-3  
nances of god, according to y<sup>e</sup> rules of scripture.
- 3 Every Church hath free libertie of Election & ordination 5-4  
of all their officers from time to time, provided they  
be able, pious & orthodox.
- 4 Every Church hath free libertie of Admission, Recom- 5-5  
mendation, Dismission, & Expulsion, or Deposal of y<sup>e</sup>  
officers, & members, upon due cause. w<sup>th</sup> free exercise  
of y<sup>e</sup> Discipline & Censures of Christ according to the  
rules of his word.
- 5 No Injunctions are to be put upon any Church, Church 5-6  
Officers or member in point of doctrine, worship or  
Discipline, whethor for substance or circumstances besides  
y<sup>e</sup> Institutions of y<sup>e</sup> Lord.
- 6 Every Church of Christ hath freedom to rebate 5-7  
days of fasting & prayer, & of thanks giving according  
to y<sup>e</sup> word of god
- 7 The Elders of Churches have free libertie to meet 5-8  
monthly, quarterly, or otherwise, in convenient  
numbers & places, for conferences, & consultations  
about Christian & Church questions & occasions.
- 8 All churches have libertie to deal w<sup>th</sup> any of their 5-9  
members in a church way & are in y<sup>e</sup> hand of justice.  
So it be not to retard or hinder y<sup>e</sup> course y<sup>e</sup> of.
- 9 Every Church hath libertie to deal w<sup>th</sup> any magis- 5-10  
trate, Deputie of Court or other officer what for  
ever y<sup>e</sup> is a member in a church way in case of appa-  
rent & just offence given in y<sup>e</sup> places. so it be done  
w<sup>th</sup> due observance & respect. p. 49. 5-10
- 10 Wee allowe private meetings for Disputation in re- 5-12  
ligion amongst Christians of all sortes of people. So  
it be w<sup>th</sup> out just offence both for number, time, place,  
& other circumstances.

11. for y<sup>e</sup> preventing

95. *A Declaration of the Liberties the Lord  
Jesus hath given to the Churches.*

- |    |   |                  |
|----|---|------------------|
| 1  | All the people of god within this Jurisdiction who are not in a church way, and be orthodox in Judgement, and not scandalous in life, shall have full libertie to gather themselves into a Church Estaite. Provided they doe it in a Christian way, with due observation of the rules of Christ revealed in his word. | P. 48<br>S. 1.   |
| 2  | Every Church hath full libertie to exercise all the ordinances of god, according to the rules of scripture.   | S. 3.            |
| 3  | Every Church hath free libertie of Election and ordination of all their officers from time to time, provided they be able, pious and orthodox.  | S. 4.            |
| 4  | Every Church hath free libertie of Admission, Recommendation, Dismission, and Expulsion, or deposall of their officers and members, upon due cause, with free exercise of the Discipline and Censures of Christ according to the rules of his word.   | S. 5.            |
| 5  | No Injunctions are to be put upon any Church, Church officers or member in point of Doctrine, worship or Discipline, whether for substance or cercumstance besides the Institutions of the lord.  | S. 6.            |
| 6  | Every Church of Christ hath freedome to celebrate dayes of fasting and prayer, and of thanksgiveing according to the word of god.   | S. 7.            |
| 7  | The Elders of Churches have free libertie to meete monthly, Quarterly, or otherwise, in convenient numbers and places, for conferences and consultations about Christian and Church questions and occasions.  | S. 8.            |
| 8  | All Churches have libertie to deale with any of their members in a church way that are in the hand of Justice. So it be not to retard or hinder the course thereof.   | S. 9.            |
| 9  | Every Church hath libertie to deale with any magestrate, Deputie of Court or other officer what soe ever that is a member in a church way in case of apparent and just offence given in their places, so it be done with due observance and respect.  | P. 44.<br>S. 10. |
| 10 | Wee allowe private meetings for edification in religion amongst Christians of all sortes of people. So it be without just offence for number, time, place, and other cercumstances.   | S. 12.           |

11. For the preventing

11 for the preventing & removing of errors & offences  
 that may grow & spread in any of y<sup>e</sup> Churches in this  
 Jurisdiction. And for y<sup>e</sup> preserving of truth & peace in  
 y<sup>e</sup> severall churches within their felues, & for the  
 maintenance & exercise of brotherly communion, among  
 all y<sup>e</sup> churches in y<sup>e</sup> Countrey, It is allowed & ratified,  
 by y<sup>e</sup> Authority of this Year<sup>e</sup> Court as a lawfull  
 libertie of y<sup>e</sup> Churches of Christ. That once in every  
 month of y<sup>e</sup> year (whin y<sup>e</sup> faston will beare it)  
 It shall be lawfull for y<sup>e</sup> ministers & Elders, of y<sup>e</sup>  
 Churches neere adjoining to gether, w<sup>th</sup> any other  
 of y<sup>e</sup> brethren w<sup>th</sup> y<sup>e</sup> consent of y<sup>e</sup> churches to asse-  
 mble by course in each severall Church one af-  
 ter another. To y<sup>e</sup> intent after y<sup>e</sup> preaching of y<sup>e</sup> word  
 by such a minister as shall be requested thereto by y<sup>e</sup>  
 Elders of y<sup>e</sup> church where y<sup>e</sup> assembly is held, the rest  
 of y<sup>e</sup> day may be spent in publique Christian Conference  
 about y<sup>e</sup> discussing & resolving of any such doubts &  
 cases of conference concerning matters of doctrine  
 or worship or govern<sup>t</sup> of y<sup>e</sup> church as shall be propound-  
 ed by any of y<sup>e</sup> brethren of y<sup>e</sup> church, w<sup>th</sup> leave also to  
 any other w<sup>th</sup> to propound his objections or answers  
 for further satisfiacion according to y<sup>e</sup> word of god.  
 Provided y<sup>e</sup> whole action be guided & moderated by  
 y<sup>e</sup> Elders of y<sup>e</sup> Church where y<sup>e</sup> assembly is held, or  
 by such others as they shall appoint. And y<sup>e</sup> no thing be  
 concluded & imposed by way of authority from one or  
 more Churches upon an other, but onely by way of  
 Brotherly conference & consultation. That y<sup>e</sup> truth  
 may be searched out to y<sup>e</sup> satisfiying of every mans con-  
 science in y<sup>e</sup> sight of god according to his worde. And  
 because such an assembly & y<sup>e</sup> worke therof can not  
 be duly attended to if other lectures be held in y<sup>e</sup>  
 same week. It is therefore agreed w<sup>th</sup> y<sup>e</sup> consent of y<sup>e</sup>  
 Churches. That in y<sup>e</sup> week when such an assembly is held.  
 All y<sup>e</sup> lectures in all y<sup>e</sup> neighbouring Churches for y<sup>e</sup> week  
 shall be forborne. That so y<sup>e</sup> publique service of Christ  
 in this more solemn assembly may be transacted w<sup>th</sup>  
 greater diligence & attention.

96 Ilonfo

11 For the preventing and removeing of errour and offence that may grow and spread in any of the Churches in this Jurisdiction, and for the preserveing of trueith and peace in the severall churches within themselves, and for the maintenance and exercise of brotherly communion, amongst all the churches in the Countrie, It is allowed and ratified, by the Authoritie of this Generall Court as a lawfull libertie of the Churches of Christ. That once in every month of the yeare (when the season will beare it) It shall be lawfull for the minesters and Elders, of the Churches neere adjoyneing together, with any other of the breetheren with the consent of the churches to assemble by course in each severall Church one after an other. To the intent after the preaching of the word by such a minister as shall be requested thereto by the Elders of the church where the Assemblie is held, The rest of the day may be spent in publique Christian Conference about the discussing and resolveing of any such doubts and cases of conscience concerning matter of doctrine or worship or government of the church as shall be propounded by any of the Breetheren of that church, with leave also to any other Brother to propound his objections or answeres for further satisfaction according to the word of god. Provided that the whole action be guided and moderated by the Elders of the Church where the Assemblie is helde, or by such others as they shall appoint. And that no thing be concluded and imposed by way of Authoritie from one or more Churches upon an other, but onely by way of Brotherly conference and consultations. That the trueth may be searched out to the satisfying of every mans conscience in the sight of god according his worde. And because such an Assembly and the worke thei of can not be duely attended to if other lectures be held in the same weeke. It is therefore agreed with the consent of the Churches. That in that weeke when such an Assembly is held, All the lectures in all the neighbouring Churches for that weeke shall be forborne. That so the publique service of Christ in this more solemne Assembly may be transacted with greater deligence and attention.

96. Howso-



96 How so ever these above specified rites, freedoms, Immunities, authorities & priviledges, both Civill & Ecclesiasticall are expressed onely under name & title of Liberties, & not in any exact forme of Laws, or Statutes, yet we do w<sup>th</sup> our consent full & cheere authoritie, & earnestly interate all of are & shall be in due & thortitic to consider them as Laws, & not to faile to inflict condigne & proportionable punishments upon every man imparte allice, & shall infringe or violate any of them.

97 Wee likewise give full power & libertie to any person & shall at any time be denied or deprived of any of them, to remove & prosecute of suite, Complaint, or action ag<sup>t</sup> any man & shall so doe, in any Court & hath proper Cognizance or iudicature thereof.

98 Lastly because of dutie & desire is to do nothing suddainly w<sup>ch</sup> fundamentally concerne us. we decree of these rites & liberties, shall be dudably read & deliberately weighed at every Gen<sup>l</sup> Court & shall be held, w<sup>ch</sup> in three yeeres next ensuing, and such of them as shall not be altered or repealed they shall stand so ratified, that no man shall infringe them w<sup>th</sup> out due punishment.

And if any Gen<sup>l</sup> Court w<sup>ch</sup> in the next three yeeres shall faile or forget to read & consider them as above said. The Gen<sup>l</sup> & Dept<sup>l</sup> Court for y<sup>e</sup> time being, & every Assistent present at such Courts. shall forfeite 20<sup>s</sup> a man. & everye Deputie 10<sup>s</sup> a man for each neglect. w<sup>ch</sup> shall be paid out of y<sup>e</sup> proper estate, & not by y<sup>e</sup> Countrey or y<sup>e</sup> townes w<sup>ch</sup> choose them. & when so ever y<sup>e</sup> shall arise any question in any Court amonge y<sup>e</sup> Assistants & Associates of about y<sup>e</sup> explanation of these rites & liberties. The Gen<sup>l</sup> Court onely shall have power to interpret them.

96 Howsoever these above specified rites, freedoms, Immunities, Authorities and priveledges, both Civill and Ecclesiastical are expressed onely under the name and title of Liberties, and not in the exact form of Laws or Statutes, yet we do with one consent fullie Authorise, and earnestly intreate all that are and shall be in Authoritie to consider them as laws, and not to faile to inflict condigne and proportionable punishments upon every man impartiallie, that shall infringe or violate any of them.

97 Wee likewise give full power and libertie to any person that shall at any time be denied or deprived of any of them, to commence and prosecute their suite, Complaint or actions against any man that shall so doe in any Court that hath proper Cognizance or judicature thereof.

98 Lastly because our dutie and desire is to do nothing suddainlie which fundamentally concerne us, we decree that these rites and liberties, shall be Audably read and deliberately weighed at every Generall Court that shall be held, within three yeares next insueing, And such of them as shall not be altered or repealed they shall stand so ratified, That no man shall infringe them without due punishment.

And if any Generall Court within these next thre yeares shall faile or forget to reade and consider them as abovesaid. The Governor and Deputy Governor for the time being, and every Assistant present at such Courts shall forfeite 20sh. a man, and everie Deputie 10sh. a man for each neglect, which shall be paid out of their proper estate, and not by the Country or the Townes which choose them, and whensoever there shall arise any question in any Court amonge the Assistants and Associates thereof about the explanation of these Rites and liberties, The Generall Court onely shall have power to interprett them.



# INDEX TO BODY OF LIBERTIES.

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