

# 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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<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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| <p>Liberty 67. The chief officers to be elected annually by the freemen, and may be discharged for cause at other meetings of the General Court.</p> <p>68. Deputies need not reside in the towns choosing them. The number of deputies to be fixed only from year to year.</p> <p>69. Consent of a majority required to dissolve or adjourn the Legislature.</p> <p>70. Freedom of speech and vote ordained.</p> <p>71. Casting-vote allowed to presiding officers.</p> <p>72. Reprieves and pardons regulated.</p> <p>73. Messengers may be sent abroad on public affairs.</p> <p>74. Selectmen allowed.</p> <p>75. Protests in all meetings shall be allowed and recorded.</p> <p>76. Jurors may consult bystanders in open court.</p> <p>77. Voting not compulsory.</p> <p>78. Public money to be spent only with the consent of the taxpayers.</p> <p>79. Provision for widows in case of intestacy.</p> | <p>Liberty 80. Wives not subject to conjugal correction.</p> <p>81. Gavelkind regulated.</p> <p>82. Daughters as copartners.</p> <p>83. Appeal from parental tyranny.</p> <p>84. Protection for orphans.</p> <p>85. Runaway servants protected.</p> <p>86. Transfers of indentures of servants.</p> <p>87. Servants recompensed for bodily injuries.</p> <p>88. Servants to be rewarded.</p> <p>89. Christian immigrants welcome.</p> <p>90. Shipwrecked vessels to be assisted.</p> <p>91. Slavery prohibited.</p> <p>92. Cruelty to animals forbidden.</p> <p>93. Travelling drovers assisted.</p> <p>94. Death penalty for certain crimes.</p> <p>95. Relations between church and civil authority defined.</p> <p>96. These Liberties to have the force of law.</p> <p>97. Suits allowed to give effect to these Liberties.</p> <p>98. Liberties to be revised annually for three years.</p> <p>Penalty if the Legislature in the next three years neglect Liberty 98.</p> |
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The free fruition of such liberties, liberties, liberties, & privileges, as  
 as humanitie, civilitie, & christianitie will for as due to every  
 man in his place & proportion; so that the peace, quietness, & tranquillitie  
 hath ever been & ever will be to the tranquillitie & stabilitie of Church  
 & Common wealth. And the deniall or deprivatione thereof, shal  
 be a just cause if not a crime of both.  
 We should it therefore, our dutie & safetie whilst we are about the  
 further establishing of this Government to collect & expresse all  
 such freedoms, as for the present we have for may concern us, & our  
 posteritie after us, and to ratify them with our Collective consent.  
 We doe therefore this day religiously & unanimously decree  
 & confirme these following libertes, liberties, & privileges, con-  
 cerning our churches, & civill estate to be respectively imparted  
 allie & inviolably enjoyed & observed through out of jurisdiction  
 for ever.

- 1 No mans life shall be taken away, no mans honore or good name  
 shall be stained, no mans person shall be arrested, restrained, ban-  
 ished, dismembred, nor any wayes punished, no man shall be  
 depriv'd of his wife or children, no mans goods or estate  
 shall be taken away from him, nor any way damaged under  
 colour of law, or Countenance of authoritie, unless it be by  
 vertue or equitie of some expresse law of the Countie, recording  
 & same established by a generall Court & sufficiently published,  
 or in case of defect of a law, in any particular case, by the word of  
 god. And in Capitall cases, or in cases concerning dismembred  
 banishment, according to the word to be indged by the generall Court.  
pag. 142
- 2 Every person wh in this jurisdiction, whether Inhabitant or forreiner  
 shall enjoy the same justice & law, & is generall for the plantation,  
 wh constitute & execute one towards another, without partic-  
 alitie or delay.  
pag. 143
- 3 No man shall be voyed to take any oath or subscribe any article,  
 (upon) or remonstrance, of a publique & civill nature, but such  
 as the generall Court hath considered, allowed, & required.  
pag. 144
- 4 No man shall be punished for not appearing at or before any  
 civill assembly, Court, Councell, magiste, or officer, nor for the  
 omission of any office or service, if he shall be necessarily  
 hindered, by any apparent Act or providence of god, wh he could  
 neither forsee nor avoid, Provided that this law shall not pre-  
 judice any person of his just cost or damage in any civil action.  
pag. 145
- 5 No man shall be compelled to any publique works or service  
 unless the person be grounded upon some Act of the generall  
 Court, & have reasonable allowance therefore.  
pag. 146

6. No man



A COPPIE OF THE LIBERTIES OF THE MASSACHUSETTS 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 concerneing our Churches, and Civill State to be respectively impari-  
allie 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 punihed, 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 publihed, or in case of the defect of a law in any particuler 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.

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.

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.

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 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.

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.  
sect. 2.

6. No man

- 6 No man shall be pressed in p<sup>er</sup>son to any office, worke, warres, or other publique service, & is necessarily & sufficiently exempted by any naturall or p<sup>er</sup>sonall impediment, as by want of yeeres, 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> limiks of this p<sup>er</sup>sentation vpon any offensive warres <sup>in this Comon wealth</sup> or any of y<sup>e</sup> friends or confederats shall voluntarily vnder take, But onely vpon such vindictive & defensiue 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> Councill and consent of a Court generall, or by auctority deriued 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 publique v<sup>er</sup>se or service, unless it be by warrant grounded vpon some act of y<sup>e</sup> generall Court, nor without such reasonable priues & 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> owne shall be sufficiently recompensed pag 73
- 9 No monopolies shall be granted or allowed amongst vs, but of such new Inventions & 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, lineages, Primities, yearre day & wast, Escheates, & forfeitures, vpon y<sup>e</sup> death of parents, or directors, be they naturall, usuall, or iuditiall. pag 8
- 11 All y<sup>e</sup> sons w<sup>h</sup> are of y<sup>e</sup> age of 21 yeeres, & of right vnderstanding & meamories, whethoe excommunicate or condemned shall haue full p<sup>er</sup>uoe & libertie to make thore wills & testaments, & othoe lawfull alienations of thore lands & estates. pag 1
- 12 Every man whether Inhabitant or forreiner, fore or not free shall haue libertie to come to any publique Court, Councell, or Court meeting, & either by speereh or writing to moue any lawfull, reasonable, & materiaall question, or to present any necessary motion, complaint, petition, Bill, or information, wherof y<sup>e</sup> meeting hath proper cognizance, so it be done in conuenient time, due order, & respectiue manner. pag 9
- No man shall be rated here for any estate or revenue he hath in England, or in any forreine partes till it be transported hither. pag 15
- Any Conuoyance or alienation of land or othoe estate what so ever, made by any woman & is married, any childer vnder age, Idott, or diffentred y<sup>er</sup>son, shall be good, if it be passid & ratified by y<sup>e</sup> consent of a generall Court.
- 15 All Court



- 6 No man shall be pressed in person to any office, worke, warres or other publique service, that is necessarily and sufficiently exempted by any naturall or personall impediment, as by want of yeares, greatnes of age, defect of minde, fayling of sences, or impotencie of Lynibes. pag. 73.  
sect. 2

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- 7 No man shall be compelled to goe out of the limits of this plantation upon any offensive warres which this Commonwealt or any of our freinds or confederats shall voluntarily 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.

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- 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 sufficiently recompenced. pag. 73.

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- 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 hariotts, wardships, Liveries, Primerseisins, yeare day and wast, Escheates, and forfeitures, upon the deaths of parents or Ancestors, be they naturall, casuall or Juditiall. 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.

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- 12 Every man whether Inhabitant or fforreiner, free or not free shall have libertie to come to any publique Court, Conncel, 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.

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- 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 Court or 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. 32  
Sec. 3
- 16 Every Inhabitant of an house holder shall have free fishing & foroling in any great ponds & Bayes, Lakes & Rivers, so farre as & as far as the ebbes & flowes be in & p'sents of & towne where they dwell, unlessse & free men of & same towne or & generall Court have othorwise appropriated them, provided & this shall not be extended to give leave to any man to come upon othors propriety out there leave. pag. 90  
Sec. 2
- 17 Every man of or no<sup>th</sup> in this Jurisdiction shall have free libertie not no<sup>th</sup> standing any Civill power to remove both himselfe, & his famili<sup>r</sup> at thoir pleasure out of & same, provided there be no legall impediment to y<sup>e</sup> contracte. 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 & las hath sentenced him thereto, if he can put in sufficient suretie, baily, or mainprise, for his appearance & good behavior in & meane time, unlessse it be in Crimes Capitall, & Contempts in open Court, & in such cases where some expresse act of Court doth allow it. pag. 79
- 19 If in a generall Court any misfranchise shall be amongst y<sup>e</sup> Assistants when they are by themselves & may deferre an adjournment or fine under 20<sup>s</sup>, it shall be examined & sentenced amongst y<sup>e</sup> felues, If amongst y<sup>e</sup> Deputies when they are by themselves, it shall be examined & sentenced amongst y<sup>e</sup> themselves, If it be when y<sup>e</sup> whole Court is to gather, it shall be judged by y<sup>e</sup> whole Court, & not severally as before. pag. 36  
Sec. 6
- 20 If any shal come to sit as Judges in any othor Court shall demourne y<sup>e</sup> felues offensively in y<sup>e</sup> Court, the rest of y<sup>e</sup> Judges shal have power to remove him for it, if y<sup>e</sup> cause be of a high nature it shall be shewed to & removed at y<sup>e</sup> next superior Court pag. 26  
Sec. 6
- 21 In all cases where y<sup>e</sup> first summons are not served six dayes before Court, & y<sup>e</sup> cause briefly specified in y<sup>e</sup> warrant, where appearance is to be made by y<sup>e</sup> y<sup>e</sup> summons, 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, for all cases where there shal be present & urgent cause, by assistant or officer appointed shal have power to make out attachments for y<sup>e</sup> first summons. pag. 7  
Sec. 2



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. 32.  
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 proprietie 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 partie 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 appeares present and urgent cause Any Assistant or officer apointed shal have power to make out Attaichments for the first summons. pag. 7.  
sec. 2.

22. No man

- 22 No man in any suit or action agt an other shall falsely pretend or rat debts or damages to vex his Neighbour. if it shall appear any doth so. the Court shall have power to set a reasonable fine on his head. pag. 3  
ser. 5
- 23 No man shall be adjudged to pay for detaining any debt from any Creditor above eight pounds, my hundred for one year, And not above y rate proportionable for all times what so ever, neither shall y be a colour or countenance to allow any refuse amongst vs contrary to y law of god. p. 153
- 24 In all trespasses or damages done to any man or men; If it can be proved to be done by y mere default of him or them to whom y trespass is done, it shall be judged no trespass, nor any damage given for it. pag. 18  
ser. 3
- 25 No Summons pleading judgement, or any kind of proceeding in Court or court of justice shall be abated, arrested, or reversed, vpon any kind of circumstantial errors or mistakes, If y pson & cause be rightly understood & intended by y Court. pag. 7  
ser. 2
- 26 Every man if he worth 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 pson him selfe from answering such questions in pson as y Court shall thinke meete to demand of him.
- 27 If any plaintiff shall give into any Court a declaration of his cause in writing, the Defendant shall also have libertie & time to give in his answer in writings, And so in all further proceedings betwene pte & pte, & so it doth not further hinder y dispatch of justice then y Court shall be willing into.
- 28 The plaintiff in all Actions brought in any Court shall have libertie to withdraw his Action, or to be non suit & before y Justice hath given in y verdict, in wh case he shall alwaies pay full cost & charges to y Defendant, & may afterwards renew his suite at any other Court if he please. pag. 3  
ser. 7
- 29 In all Actions at law it shall be y libertie of y plant & defen by mutual consent to choose whither they will be tryed by y Bench, or by a Jurie, vnlasse it be where y law upon iust reason hath therwise determined. the like libertie shall be granted to all psons in Criminal cases. pag. 15  
ser. 2.
- 30 It shall be in y libertie both of plaintiff & defen, & likewise every delinquent (to be judged by a Justice) to challenge any of y Jurors. And if his challenge be found just & reasonable by y Bench, or y rest of y Jurie, as y challenger shall choose it shall be allowed him, & tales de circumstantibus impannelled in y roomes. p. 152  
s. 3



- 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. 3.  
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. 153.
- 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 himselfe 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.
- 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.  
S. 3.

31. In all

31

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 liquit, or a special verdict. In the last, for a special verdict, the judgment of the judge, shall be left to the Court. And all jurors shall have liberty in matters of fact if they can not find, & find a main issue, yet to find & present in a verdict so much as they can. If the jurors shall so differ at any time, about a verdict & either of them can not give a plain answer, the judge shall be referred to the General Court, who shall take a question from both & determine it.

p. 87  
s. 3  
part of d

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Every man shall have liberty to replevy his Cattel, or goods, not pouldred, distreined, seized, or extended, unless it be upon execution after judgment, & in pain of fines. Provided he puts, in good security to procure his replevy, and to satisfie such demand as his. And so far shall recover agt him in Law.

p. 112

33

No man shall be arrested, or imprisoned upon execution or judgment for any debt or fine, if he can find competent 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, as yet & place, till satisfaction be made; unless the Court & had cognizance of a cause or some superior Court, shall otherwise provide.

pag. 5.

34

If any man shall be cited & judged a common Barrator vexing others with frequent & endless suites, It shall be in power of Courts, both to deny him the benefit of the Law, & to punish him for his Barratry.

p. 9

35

No mans Corn nor hay & is in the field or upon the foot, nor his garden stuffe, nor any thing subject to present decay shall be taken in any distress, unless he takes it both presently before it wher it may not be impleaded nor suffer spoils or decay, or give free title to satisfy & worth thereof if it comes to any harme.

p. 41

36

It shall be in the liberty of every man, not condemned or sentenced in any cause in any inferior Court, to make an appeal to the Court of Appeals, & to be heard there, & to appeal & put in security to answer it, before the Court be ended where no other cause is removed, And if in six dayes next ensuing put in good security before some Assistant to satisfy what his Adversarie shall recover agt him. And if a 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 Assistants or other

p. 3  
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- 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.
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- 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 cases: wher it appears to y<sup>e</sup> Court & y<sup>e</sup> plat. hath willingly and  
wittingly done wronge to y<sup>e</sup> deft. in commencing & prosecuting any action  
or complaint agt him, they shall have power to impose vpon him a pec-  
portionable fine to y<sup>e</sup> use of y<sup>e</sup> deft. or arraigned y<sup>e</sup>son, for his false complaint,  
or clamour. p. 7  
S. 8
- 38 Everie man shall have libertie to Record in y<sup>e</sup> publique Rollles of any  
Court any Testimony given vpon oath in y<sup>e</sup> same Court; or before two  
Assistants, or any deede or evidence legally confirmed & to remaine  
in perpetuam rei memoriam, & is for perpetuall memorie or evidence  
vpon occasion. p. 171
- 39 In all Actions both real & personall betwene partie & partie. y<sup>e</sup> Court  
shall have power to respite execution for a convenient time, when  
in thoir procedure they see just cause so to doo. p. 7  
S. 1
- 40 No Conveyance, deede, or promise what so ever shall be of validie  
tho it be gotten by illegal violence, imprisonment, threatnings  
or any kind of forcible compulsion called Dures. p. 71  
S. 3
- 41 Everie man is to answer for any Criminall cause, whethor he be  
in prison or under bayle, his cause shall be heard & determined at  
y<sup>e</sup> next Court & hath proper Cognizance therof, And may be done  
wth out prejudice of Justice. p. 38  
S. 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 w<sup>th</sup> above 40 stripes; nor shall any to w<sup>ch</sup>  
Gentleman, nor any man Equall to a gentle man be punished w<sup>th</sup>  
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 w<sup>th</sup> in foure dayes  
next after his condemnation, unless y<sup>e</sup> Court see speciall cause, to  
y<sup>e</sup> contrary, or in case of martiall law, nor shall y<sup>e</sup> body of any man  
so put to death be vnburied 12 howers, unless it be in case of denatimie. p. 30
- 45 No man shall be forced by torture to confess any Crime agt himselfe  
nor any other, unless it be in some Capitall case, where he is first  
fully convicted by lawfull & sufficient evidence to be guilty, After  
wh<sup>ch</sup> if y<sup>e</sup> cause be of importance, that it is very apparent & be  
other conspirators or confederates w<sup>th</sup> him, then he may be tor-  
tured, yet not w<sup>th</sup> such tortures as be Barbarous & inhumane. p. 119
- 46 No Bodilie punishments are allow amongst vs none farr inhumane  
Barbarous, or cruel. p. 129
- 47 No man shall be put to death w<sup>th</sup> out y<sup>e</sup> testimony of two or three  
witnesses, or y<sup>e</sup> w<sup>ch</sup> is equivalent thereto vnto. p. 15

18. Every Inhabitant



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|----|--|-----------------|
| 37 | In all cases where it appears to the Court that the plantife hath wilingly and witingly done wronge to the defendant in commencing and proseeuting 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.<br>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 perpetuam rei memoriam, that is for perpetuall memoriall or evidence upon occasion.  | P. 131.         |
| 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.<br>S. 1.  |
| 40 | No Conveyance, Deede, 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.<br>S. 3. |
| 41 | Everie man that is to Answer 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.<br>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. 129.         |
| 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. 129.         |
| 47 | No man shall be put to death without the testimony of two or three witnesses or that which is equivalent thereunto.  | P. 158.         |

- 48 Every Inhabitant of y<sup>e</sup> Countie shall have free libertie to search and view any Roolles, Records, or Registers of any Court or office except y<sup>e</sup> Towne Clerk, and to have a transcript or simplification y<sup>e</sup> of written examined & signed by y<sup>e</sup> hands of y<sup>e</sup> officer, of y<sup>e</sup> office paying y<sup>e</sup> appointed fees therefore. P. 137 S. 3
- 49 No free man shall be compelled to serve upon juries above two Courts in a year, except grands juries men, who shall haunter 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> Towne where they dwell. P. 86 S. 6
- 51 All officers selected at any time to assist y<sup>e</sup> assistants in justice Courts, shall be nominated by y<sup>e</sup> Townes belonging to y<sup>e</sup> Court, by orderly agreement amonge them selves.
- 52 Children, Idiots, Distracted persons, & all y<sup>e</sup> free strangers, or new comers to a plantation, shall have such allowances & dispensations in any cause whether Criminal or other as religion & reason require. P. 152 S. 4
- 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 & twenty years. P. 6
- 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 pt of y<sup>e</sup> members of y<sup>e</sup> Court, or Assembly shall have power to appoint any other meet 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. 153
- 55 In all suites or Actions in any Court, the plait shall have libertie to make all y<sup>e</sup> titles & claims to y<sup>e</sup> he sues for he ran. And y<sup>e</sup> Defen shall have libertie to plead all y<sup>e</sup> pleas he can in answer to them, & y<sup>e</sup> Court shall judge according to y<sup>e</sup> intire evidence of all.
- 56 If any man shall behave himselfe offensively at any Towne meeting, y<sup>e</sup> rest of y<sup>e</sup> freemen then present, shall have power to sentence him for his offence, & so be it y<sup>e</sup> milt or penaltie exceede not twentye shillings. P. 147 S. 6
- 57 When so ever any person shall come to any very suddaine untimely & unnaturall death, y<sup>e</sup> some Assistant, or y<sup>e</sup> Constables of y<sup>e</sup> Towne shall forthwith summon a jury of twelve free men to inquire of y<sup>e</sup> cause & manner of their death. & shall present severall verdict there of to some next Assistant, or y<sup>e</sup> next Court to be held for y<sup>e</sup> Towne upon their oath. P. 39

Liberties more.



- 48 Every Inhabitant of the Country shall have free libertie to search and veeve any Rooles, Records, or Regesters of any Court or office except the Conncell, 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 above 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 Criminall or other as religion and reason require. P. 172. 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 answeare 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 mulet or penaltie exceede not twentie shilings. P. 147. 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 summon 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. 39.

*Liberties more peculiar concerning the  
free men.*

- 58 Ciuill authoritie hath power & libertie to free & purge ordinances & Rules of Christ offered in church according to his word. so it be done in a Ciuill & not in an Ecclesiasticall way. p. 44  
S. 11
- 59 Ciuill authoritie hath power & libertie to drake wth any Church mem- ber in away of Ciuill justice, not wth standing any Church relation, office, or interest. p. 44  
S. 11
- 60 No church censur shall degrade or depose any man from any Ciuill dig- nity, office, or authoritie he shall haue in y<sup>e</sup> Common wealth. p. 44  
S. 10
- 61 No magistrate, iuror, Officer, or other man shall be bound to informe, p<sup>re</sup>sent or reueale any private reu<sup>er</sup> or offence, where in there is no p<sup>re</sup>ill or dam- age to this plantation or any member thereof, when any necessary ty<sup>e</sup> of conscience binds him to p<sup>re</sup>secute & proceed. vpon y<sup>e</sup> word of god, vnlesse it be in case of testimony lawfully required p. 86  
S. 2
- 62 Any Chur<sup>ch</sup> or Towne shall haue libertie to choose their deputies whom whithere they please for y<sup>e</sup> Generall Court, so be it they be free men & haue taken those oath of fealtie, & inhabiting in this jurisdiction. p. 40  
S. 2
- 63 No Gouernor, Sep<sup>t</sup> Gou<sup>er</sup>, Assistant, Associate, or grand iury man at any Court, nor any deputie for y<sup>e</sup> Generall Court, shall at any time beare his owne charges at any Court, but y<sup>e</sup> necessary expenses shall be defrayed either by y<sup>e</sup> Towne, or Chur<sup>ch</sup> on whose freewill they are, or by y<sup>e</sup> Coun- try in generall. p. 22  
S. 1
- 64 Every action betwene p<sup>re</sup>sent p<sup>re</sup>sent, & proceedings agt delinquents in Criminall causes shall be briefly & distinctly entered in y<sup>e</sup> rolls of every Court by y<sup>e</sup> Recorder thereof. That such actions be not after wards brought againe to y<sup>e</sup> vexation of any man. p. 229  
S. 1  
64 f.
- 65 No custome or p<sup>re</sup>scription shall ever p<sup>re</sup>uaile amongst vs in any more all- rouse, or meaning is maintaine any thinge y<sup>e</sup> can be p<sup>re</sup>sented to be more all<sup>er</sup> sinfull by y<sup>e</sup> word of god. p. 126
- 66 The freemen of every Township shall haue 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 Criminall, but onely of a prudentiall nature, And if y<sup>e</sup> p<sup>re</sup>ualties excede not 20<sup>s</sup> for one offence. And if 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 haue power to lay y<sup>e</sup> appointed p<sup>re</sup>ualties by distresse. p. 107  
S. 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 session out of y<sup>e</sup> free men all y<sup>e</sup> Gen<sup>er</sup>all officers of this jurisdiction. If they please to discharge y<sup>e</sup> at y<sup>e</sup> day of Election by way of vote. They may do it wth out shewing cause. But if at any other Generall Court, or Court of iustice, y<sup>e</sup> y<sup>e</sup> shal<sup>l</sup> shew cause thereof. And if so p<sup>ro</sup>ved. By Generall officers we meane, y<sup>e</sup> Gou<sup>er</sup>, Sep<sup>t</sup> Gou<sup>er</sup>, Assist<sup>ant</sup>, & Recorder, Generall of officers. And o<sup>f</sup> Admirall at Sea. & such as are or here after may be of y<sup>e</sup> lib<sup>er</sup>ty generall nature. p. 28  
S. 9

68. It is the



*Liberties more peculiarie concerning the  
free men.*

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|----|---|------------------|
| 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.<br>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.<br>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.<br>S. 10. |
| 61 | No Magistrate, 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 seeresie grounded upon the word of god, unlesse it be in case of testimony lawfully required.   | P. 86.<br>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.<br>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.<br>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.<br>S. 1. |
| 65 | No custome or prescription shall ever prevaile amongst us in any morall cause, our meaning is maintaine anythinge that can be proved to bee morallie 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.<br>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 discharge 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, Assistants, 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.<br>S. 4.  |

68. It is the

- 68 It is the libertie of the freemen to choose such deputies for the Generall Court out of them selves. either in the Townes or else where as they judge fittest, And because we can not fore see what varieties or weight of opinions may fall into future consideration, And what counsells we may stand in need of, we decree. That the deputies (to attend the Generall Court in the behalfe of the Countrey) shall not any time be stated or inclosed, but from Court to Court, or at the most but for one year. & the Countrey may have an Annuall libertie to do in the next what is most behoofe full for the best welfare thereof.
- 69 The Generall Court shall be dissolved or adjourned without the consent of the major parte thereof.
- 70 All officers sworn called to give any advice, vote, verdict, or sentence in any Court, Councell, or Civill Assembly, shall have full libertie to do as it according to the true judgements & Conferences, & so it be done orderly & innocently for the manner.
- 71 The Governor shall have a casting vote whensoever an Equivocal vote shall fall out in the Court of Assistants, or generall assembly, & so shall the president or moderator have in all Civill Courts or assemblies.
- 72 The Governor & the Court jointly consenting or any three Assistants consenting in consent shall have power out of Court to receive a condemned malefactor, till the next quarterly or generall Court. the generall Court only shall have power to pardon a condemned malefactor.
- 73 The Generall Court hath libertie & authority to find out any member of this Coman wealth of what qualitie, condition, or office what so ever, into forerunning parts about any publique message or Negotiation. provided the person sent be acquainted with the affaires he is sent about, & be willing to undertake the service.
- 74 The freemen of every Towne or Township, 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 occasions 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 also the number of such fitt persons be not above nine.
- 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, the properlie concerne religion, or any cause capital, or warres, or subscription to any publique Articles or Remonstrances, in case they can not in judgement & conscience consent to any the Major vote or suffrage goes. to make a contra Remonstrance or protestation in speech or writing. & upon request to have the dissent recorded in the Rollers of that Court. & so it be done Christianlike & respectfully for the manner. And the dissent only be entered without the reasons thereof. for the avoiding of tediousness.



- 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 malefactour, 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 Towneship, 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 prndentiaall 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 exeecuting 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 writeing, 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. 123.
76. Whensoever

76 when so ever any Jurie of triall or Jurours, are not cleare in there Judgment or conscience concerning any cause where in they are to give a verdict. they shall have libertie in open Court to advise w<sup>th</sup> any man they thinke fitt to resolve or direct them, before they give in a verdict. p. 27 S. 2

77 In all cases where in any freeman is to give his vote. be it in point of Election, making constitutions, & c<sup>o</sup> elect, or passing sentence in any case of Judicature or y<sup>e</sup> lib<sup>ty</sup> if he can not see reason to give it positively one way or an other. he shall have libertie to be silent, & not pressed to a determined vote. p. 153

78 The Generall or publique Treasurie or any p<sup>te</sup> of it shall never be expended but by y<sup>e</sup> appoint<sup>mt</sup> of a Generall Court, nor any Chier Treasurie, but by y<sup>e</sup> appoint<sup>mt</sup> of y<sup>e</sup> free men there of, nor any Towne Treasurie, but by y<sup>e</sup> free men of y<sup>e</sup> Towneship. p. 150 S. 1

### Liberties of Women

79 If any man at his death shall not leave his wife a competent portion of his estate. Upon inst complaint made to y<sup>e</sup> Gen<sup>l</sup> Court she shall be relieved. p. 150 S. 1

80 Every married woman shall be free from bodilie correction or stripes by her husband, unless it be in his owne defence upon her assault. If y<sup>e</sup> be any just cause of correction complaint shall be made to Authoritie assembled in some Court, from thence she shall receive it. p. 101 S. 1

### Liberties of Children

81 When parents dye intestate y<sup>e</sup> Eldest sonne shall have a dole portion of his whole estate real & personall, unless y<sup>e</sup> Gen<sup>l</sup> Court upon just cause alleged shall judge otherwise. p. 151 S. 3

82 When parents dye intestate, having no heires, males of y<sup>e</sup> bodie y<sup>e</sup> Daughters shall inher<sup>it</sup> it as Copartners, unless y<sup>e</sup> Gen<sup>l</sup> Court upon inst reason shall judge otherwise. p. 153 S. 3

83 If any parents shall wilfullie & unreasonably deny any child<sup>ren</sup> time by or convenient marriage, or shall exercise any unnatural severitie towards them. Such children shall have free libertie to complaine to Authoritie for redresse. p. 28 S. 5

84 No Orphan during their minority shall not be committed to tuition or security by the parents in y<sup>e</sup> lifetime, shall after wards be absolutely disposed of by any kindred, friend, Executor, Towneship, or Church, nor by them selves without y<sup>e</sup> consent of some Court where in two assistants at least shall be present. p. 10 S. 6

### Liberties of Servants

85 If any servants shall flee from y<sup>e</sup> service of maisters to y<sup>e</sup> house of any free man of y<sup>e</sup> same Towne, they shall be arrested & imprisoned till due order be taken for y<sup>e</sup> redress. Provided due notice y<sup>e</sup> of be freely given to y<sup>e</sup> maisters from whom they fled. And y<sup>e</sup> next assistant or Constable where y<sup>e</sup> p<sup>er</sup>son flying is harboured. p. 109 S. 6

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, making 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 determined vote. P. 153.
- 78 The Generall or publique 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. 153. 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. 153. S. 3.
- 83 If any parents shall wilfullie and unreasonably deny any childe timely or convenient mariage, or shall exercise any unnaturall severitie towards them, such childeren 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 Tiranny 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 yeare 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> exorutors or administrators unless it be by consent of duthoritie assembled in some Court, or two of them p. 108 5-7
- 87 If any man smite out y<sup>e</sup> eye or tooth of his man servant, or maid servant, or other rise mayme or much disfigure him, unless it be by murther or self defence, 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. 108 5-8
- 88 Servants y<sup>e</sup> have served diligentlie & faithfully to y<sup>e</sup> benefit of y<sup>e</sup> maisters for many yeares, 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 duthoritie. p. 108 5-9

### Liberties of strangers & strangers

- 89 If any people of other Nations professing y<sup>e</sup> true Christian Religion shall flee to vs from y<sup>e</sup> tyranny or oppression of y<sup>e</sup> governors, or from famine, warres, or y<sup>e</sup> like necessity & compulsion. They shall be entertained & favoured amongst vs, according to y<sup>e</sup> power & prudence god shall give vs. 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 secured in safety till duthoritie may be certified thereof, & shall take further order therein. p. 143
- 91 There shall never be any bond slavery or Captivitie amongst vs, unless it be lawfull Captives taken in iust. warres, & such strangers as willingly sell themselves or are selfe taken. And those shall have all the liberties & Christian usages to y<sup>e</sup> law of god established in these parts concerning such persons both morally require. This exempts none from servitude who shall be judged there to by duthoritie. p. 10

### Of the Brute Creature

- 92 No man shall exercise any Tyranny or Cruelty towards any brute 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 far off, so y<sup>e</sup> they be weary, or hungry, or fall sick, or lame, he shall be careful to rest, or refresh them for a convenient time, in any open place that is not forny, unclean, or polluted for some peculiar use. p. 40

Capitall Law.



- 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 Exceutors 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 goe 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. 143.
- 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 Lawes

94 Deut. 13. 6. 10. Deut. 17. 2. 6. Ex. 22. 20.	1 If any man after legall conviction shall haue or worship any other god, but $\gamma^e$ Lord god, he shall be put to death.	1. 4 5. 1.
Ex. 22. 18. Lev. 20. 27. Deut. 18. 10.	2 If any man or woman be an ithel, (that is hath or receiveth $^{th}$ a familiar spirit, they shall be put to death.	5. 2.
Lev. 24. 15. 16.	3 If any person shall blaspheme $\gamma^e$ name of god, the father, — Sonne, or Holie ghost, $^{th}$ direct, expresse, presumptuous or high handed blasphemie, or shall curse god in $\gamma^e$ like manner, he shall be put to death.	5. 3.
Ex. 21. 12. Numb. 35. 13. Lev. 24. 31.	4 If any person commit any wilfull murder, $^{th}$ is man — slaughter, committed upon premeditated malice hatred, or cruelty, not in a mans necessity & iust defence, nor by meere casualtie against his will. he shall be put to death.	5. 4.
Numb. 25. 20. Lev. 24. 17.	5 If any person slayeth an other suddenly in his anger or cruelty of passion, he shall be put to death.	5. 5.
Ex. 21. 14.	6 If any person shall slay an other through guile, either by poisoning or other such diuelish practice, he shall be put to death.	5. 6.
Lev. 20. 15. 16.	7 If any man or woman shall lye $^{th}$ any beast or brute creature by carnall copulation, they shall surely be put to death. And $\gamma^e$ beast shall be slaine, & buried & not eaten.	5. 7.
Lev. 20. 13.	8 If any man lye $^{th}$ man kinde as he lye $^{th}$ $^{th}$ woman, both of them haue committed abomination, they both shall surely be put to death.	5. 8.
Lev. 20. 19. Deut. 22. 24. Ex. 21. 16.	9 If any person commit adultery $^{th}$ married or espoused wife, the adulterer & adulteresse shall surely be put to death.	5. 9.
Ex. 21. 16.	10 If any man stealeth a man or mankinde, he shall surely be put to death.	5. 10.
Deut. 19. 16. 18. 19.	11 If any man rise up by false witness, wiltingly & of purpose to take away any mans life; he shall be put to death.	5. 11.
	12 If any man shall conspire & attempt any invasion, insurrection, or publique rebellion ag $^{st}$ $\gamma^e$ common wealth. or shall endeavour to subvert any tower or towers, fort or forts $\gamma^e$ in, or shall treacherously & perfidiously attempt $\gamma^e$ alteration & subversion of $\gamma^e$ frame of politie or government fundamenteallie, he shall be put to death. <i>Adoration</i>	5. 12.



94. Capitall Laws.		
	1.	
Dut. 13. 6, 10. Dut. 17. 2, 6. Ex. 22. 20.	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.
	2.	
Ex. 22. 18. Lev. 20. 27. Dut. 18. 10.	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.
	3.	
Lev. 24. 15, 16.	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.
	4.	
Ex. 21. 12. Numb. 35. 13, 14, 30, 31.	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 casualltie against his will, he shall be put to death.	S. 4.
	5.	
Numb. 25. 20, 21. Lev. 24. 17.	If any person slayeth an other suddaiely in his anger or Crueltie of passion, he shall be put to death.	S. 5.
	6.	
Ex. 21. 14.	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.
	7.	
Lev. 20. 15, 16.	If any man or woeman shall lye with any beaste or brute creature by Carnall Copulation, They shall surely be put to death. And the beast shall be slaine and buried and not eaten.	S. 7.
	8.	
Lev. 20. 13.	If any man lyeth with mankinde as he lyeth with a woeman, both of them have committed abomination, they both shall surely be put to death.	S. 8.
	9.	
Lev. 20. 19, and 18, 20. Dut. 22. 23, 24.	If any person committeth Adultery with a married or espoused wife, the Adulterer and Adulteresse shall surely be put to death.	S. 9.
	10.	
Ex. 21. 16.	If any man stealeth a man or mankinde, he shall surely be put to death.	S. 10.
	11.	
Deut. 19. 16, 18, 19.	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 fundamentallie, 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 preposition 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. 43. S. 1.
- 2 Every Church hath full libertie to exercise all y<sup>e</sup> ordi- S. 3  
nances of god, according to y<sup>e</sup> rules of scripture.
- 3 Every Church hath free libertie of Election & ordination S. 4  
of all their officers from time to time, provided they  
be able, pious & orthodox.
- 4 Every Church hath free libertie of Admission, Recom- S. 5  
mendation, Dismission, & Expulsion, or Depose<sup>l</sup> 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 S. 6  
Officers or member in point of doctrine, worship or  
Discipline, whether for substance or circumstance besides  
y<sup>e</sup> Institutions of y<sup>e</sup> Lord.
- 6 Every Church of Christ hath freedom to rebeate S. 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 S. 8  
monthly, quarterly, or otherwise, in convenient  
numbers & places, for conferences, & consultations  
about Christian & Church questions & occasions.
- 8 All churches have libertie to deale w<sup>th</sup> any of their S. 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 of.
- 9 Every Church hath libertie to deale w<sup>th</sup> any magis- S. 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.
- 10 Wee allowe private meetings for Edification in re- S. 12  
ligion amongst Christians of all sorts of people. So  
it be w<sup>th</sup> out just offence both for number, time, place,  
& other circumstances.



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. 43<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 thanksgiving 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 mages-<br>trate, Deputie of Court or other officer what soe<br>ever that is a member in a church way in case of appa-<br>rent and just offence given in their places, so it be done<br>with due observance and respect.  | P. 44.<br>S. 10. |
| 10 | Wee allowe private meetings for edification in re-<br>ligion amongst Christians of all sortes of people. So<br>it be without just offence for number, time, place,<br>and other cercumstances.  | S. 12.           |

11. For the preventing

26

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 themselves, & for the  
maintenance & exercise of brotherly communion, amongs  
all y<sup>e</sup> churches in y<sup>e</sup> Countrey, It is allowed & ratified,  
by y<sup>e</sup> Authoritie of this Generall Court as a lawfull  
libertie of y<sup>e</sup> Churches of Christ. That once in every  
month. of y<sup>e</sup> yeare (when y<sup>e</sup> season will bear 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 &  
rages of conscience 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 satisfaction 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 authoritie from one or  
more Churches upon an other, but onely by way of  
Brotherly conference & consultations. That y<sup>e</sup> trust  
may be furthered out to y<sup>e</sup> satisfying 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 sollemne Assembly may be transacted w<sup>th</sup>  
greater diligence & attention.



- 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 preserving 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 Countrey, 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 Assembly 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 answers 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 theirow 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 y<sup>e</sup> name & title of Liberties, & not in y<sup>e</sup> exact forme of Laws, or Statutes, yet we do w<sup>th</sup> our consent fullie authorize, & earnestly intreate all y<sup>e</sup> are & shall be in authority to consider them as Laws, & not to faile to inflict condigne & proportionable punishments upon every man imparte alie, y<sup>e</sup> shall infringe or violate any of them.
- 97 Wee likewise give full power & libertie to any p<sup>son</sup> y<sup>e</sup> shall at any time be denyed or deprived of any of them, to remove & prosecute y<sup>e</sup> suite, complaint, or action ag<sup>t</sup> any man y<sup>e</sup> shall so doe, in any Court y<sup>e</sup> hath proper Cognizance or jurisdiction thereof.
- 98 Lastly because of dutie & desire is to do nothing suddainlie w<sup>th</sup> fundamentally concerne us. we decree y<sup>e</sup> these rites & liberties, shall be dudably read & deliberately weighed at every Generall Court y<sup>e</sup> shall be held, w<sup>th</sup> in three yeares 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 Generall Court w<sup>th</sup> in these next three yeares shall faile or forget to read & consider them as above said. The Gov<sup>r</sup> & Dep<sup>t</sup> Gov<sup>r</sup> for y<sup>e</sup> time being, & every Assistant present at such Courts, shall forfeite 20<sup>s</sup> a man. & every Deputie 10<sup>s</sup> a man for each neglect. w<sup>th</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>th</sup> choose them. & when so ever y<sup>e</sup> shall arise any question in any Court amonge y<sup>e</sup> Assistants & Associates, or of about y<sup>e</sup> explanation of these rites & liberties. The Generall Court onely shall have power to interprett 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 Authority 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 action 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.

REFERENCES ARE TO THE NUMBER OF THE LIBERTY.

- Abatements, 25.  
Actions, malicious, punished, 37.  
— to be enrolled, 64.  
Adjournments, 69.  
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