

THE
BOOK OF THE GENERAL
LAUUES AND LIBERTYES
CONCERNING THE INHABITANTS OF THE MASSACHUSETS
*COLLECTED OUT OF THE RECORDS OF THE GENERAL COURT
FOR THE SEVERAL YEARS WHEREIN THEY WERE MADE
AND ESTABLISHED,*

And now revised by the same Court and disposed into an Alphabetical order
and published by the same Authoritie in the General Court
held at *Boston* the fourteenth of the
first month *Anno*
1647.

*Who so ever therefore resisteth the power, resisteth the ordinance of God,
and they that resist receive to themselves damnation. Romanes 13.2.*



CAMBRIDGE.
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1648.

And are to be solde at the shop of *Hezekiah Usher*
in *Boston*.

TO OUR BELOVED BRETHREN AND NEIGHBOURS
the Inhabitants of the Massachusets, the Governour, Assistants
and Deputies assembled in the Generall Court of that
Jurisdiction with grace and peace in our
Lord Jesus Christ.

SO soon as God had set up Politicall Government among his people Israel hee gave them a body of lawes for judgement both in civil and criminal causes. These were breif and fundamental principles, yet withall so full and comprehensive as out of them clear deductions were to be drawne to all particular cases in future times. For a Common-wealth without lawes is like a Ship without rigging and steeradge. Nor is it sufficient to have principles or fundamentalls, but these are to be drawn out into so many of their deductions as the time and condition of that people may have use of. And it is very unsafe & injurious to the body of the people to put them to learn their duty and libertie from generall rules, nor is it enough to have lawes except they be also just. Therefore among other priviledges which the Lord bestowed upon his peculiar people, these he calls them specially to consider of, that God was neerer to them and their lawes were more righteous then other nations. God was sayd to be amongst them or neer to them because of his Ordinances establisbed by himselfe, and their lawes righteous because himselfe was their Law-giver: yet in the comparison are impled two things, first that other nations had something of Gods presence amongst them. Secondly that there was also somewhat of equitie in their lawes, for it pleased the Father (upon the Covenant of Redemption with his Son) to restore so much of his Image to lost man as whereby all nations are disposed to worship God, and to advance righteousness: which appears in that of the Apostle Rom. 1. 21. They knew God &c: and in the 2. 14. They did by nature the things contained in the law of God. But the nations corrupting his Ordinances (both of Religion, and Justice) God withdrew his presence from them proportionably whereby they were given up to abominable lusts Rom. 2. 21. Wheras if they had walked according to that light & lawd of nature they might have been preserved from such moral evils and might have enjoyed a common blessing in all their natural and civil Ordinances: now, if it might have been so with the nations who were so much strangers to the Covenant of Grace, what advantage have they who have interest in this Covenant, and may enjoye the special presence of God in the puritie and native simplicitie of all his Ordinances by which he is so neer to his owne people. This hath been no small priviledge, and advantage to us in New-England that our Churches, and civil State have been planted, and growne up (like two twinnes) together like that of Israel in the wilderness by which wee were put in minde (and had opportunitie put into our hands) not only to gather our Churches, and set up the Ordinances of Christ Jesus in them according to the Apostolick patterne by such light as the Lord graciously afforded us: but also withall to frame our civil Politie, and lawes according to the rules of his most holy word whereby each do help and strengthen other (the Churches the civil Authoritie, and the civil Authoritie the Churches) and so both prosper the better without such emulation, and contention for priviledges or priority as have proved the misery (if not ruine) of both in some other places.

For this end about nine years since wee used the help of some of the Elders of our Churches to compose a modell of the Iudiciall lawes of Moses with such other cases as might be referred to them, with intent to make use of them in composing our lawes, but not to have them published as the lawes of this Jurisdiction: nor were they voted in Court. For that book intituled The Liberties &c: published about seven years since (which conteines also many lawes and orders both for civil & criminal causes, and is commonly (though without ground) reported to be our Fundamentalls that wee owne as establisbed by Authoritie of this Court, and that after three years experience & generall approbation: and accordingly we have inserted them into this volume under the severall heads to which they belong yet not as fundamentalls, for divers of them have since been repealed, or altered, and more may justly be (at least) amended heerafter as further experience shall discover defects or inconveniences for Nihil simul natum et perfectum.

The same must we say of this present Volume, we have not published it as a perfect body of laws sufficient to carry on the Government established for future times, nor could it be expected that we should promise such a thing. For if it be no disparagement to the wisdom of that High Court of Parliament in England that in four hundred years they could not so compile their laws, and regulate proceedings in Courts of justice &c: but that they had still new work to do of the same kinde almost every Parliament: there can be no just cause to blame a poor Colonie (being unfurnished of Lawyers and Statesmen) that in eighteen years hath produced no more, nor better rules for a good, and settled Government then this Book holds forth: nor have you (our Bretheren and Neighbours) any cause, whether you look back upon our Native Country, or take your observation by other States, & Common wealths in Europe) to complaine of such as you have imployed in this service; for the time which hath been spent in making laws, and repealing and altering them so often, nor of the charge which the Country hath been put to for those occasions, the Civilian gives you a satisfactorie reason of such continuall alterations additions &c: Crescit in Orbe dolus.

These Laws which were made successively in divers former years, we have reduced under severall heads in an alphabeticall method, that so they might the more readily be found, & that the divers laws concerning one matter being placed together the scope and intent of the whole and of every of them might the more easily be apprehended: we must confesse we have not been so exact in placing every law under its most proper title as we might, and would have been: the reason was our hasty indeavour to satisfie your longing expectation, and frequent complaints for want of such a volume to be published in print: wherein (upon every occasion) you might readily see the rule which you ought to walke by. And in this (we hope) you will finde satisfaction, by the help of the references under the severall heads, and the Table which we have added in the end. For such laws and orders as are not of generall concernment we have not put them into this booke, but they remain still in force, and are to be seen in the booke of the Records of the Court, but all generall laws not heer inserted nor mentioned to be still of force are to be accounted repealed.

You have called us from amongst the rest of our Bretheren and given us power to make these laws: we must now call upon you to see them executed: remembring that old & true proverb, The execution of the law is the life of the law. If one sort of you viz: non-Freemen should object that you had no hand in calling us to this worke, and therefore think yourselos not bound to obedience &c. Wee answer that a subsequent, or implicit consent is of like force in this case, as an expresse precedent power: for in putting your persons and estates into the protection and way of subsistence held forth and exercised within this jurisdiction, you doe tacitly submit to this Government and to all the wholesome laws therof, and so is the common repute in all nations and that upon this Maxim. Qui sentit commodum sentire debet et onus.

If any of you meet with some law that seemes not to tend to your particular benefit, you must consider that laws are made with respect to the whole people, and not to each particular person: and obedience to them must be yeilded with respect to the common welfare, not to thy private advantage, and as thou yeildest obedience to the law for common good, but to thy disadvantage: so another must observe some other law for thy good, though to his own damage; thus must we be content to bear anothers burden and so fulfill the Law of Christ.

That distinction which is put between the Laws of God and the laws of men, becomes a snare to many as it is mis-applied in the ordering of their obedience to civil Authoritie; for when the Authoritie is of God and that in way of an Ordinance Rom. 13. 1. and when the administration of it is according to deductions, and rules gathered from the word of God, and the clear light of nature in civil nations, surely there is no humane law that tendeth to common good (according to those principles) but the same is mediately a law of God, and that in way of an Ordinance which all are to submit unto and that for conscience sake. Rom. 13. 5.

By order of the Generall Court.

JNCREASE NOWEL

SECR.

THE
BOOK OF THE GENERAL LAUUES AND
LIBERTYES CONCERNING &c:

FORASMUCH as the free fruition of such Liberties, Immunities, priviledges as humanitie, civilitie & christianity call for as due to everie man in his place, & proportion, without impeachmēt & infringement hath ever been, & ever will be the tranquillity & stability of Churches & Comon-wealths; & the deniall or deprivall therof the disturbance, if not ruine of both:

It is therefore ordered by this Court, & Authority therof, That no mans life shall be taken away; no mans honour or good name shall be stayned; no mans person shal be arrested, restrained, bannished, dismembred nor any wayes punished; no man shall be deprived of his wife or children; no mans goods or estate shal be taken away from him; nor any wayes indamaged under colour of Law or countenance of Authoritie unles it be by the vertue or equity of some expresse law of the Country warranting the same established by a General Court & sufficiently published; or in case of the defect of a law in any particular case by the word of God. And in capital cases, or in cases concerning dismembing or banishmēt according to that word to be judged by the General Court [1641] Abilitie.

All persons of the age of twenty one years, and of right understanding & memorie whether excōmunicate, condemned or other, shall have full power and libertie to make their Wills & Testaments & other lawfull Alienations of their lands and estates. [1641] see children. Actions.

All Actions of debt, accounts, slaunder, and Actions of the case concerning debts and accounts shal henceforth be tryed where the Plantiffe pleaseth; so it be in the jurisdiction of that Court where the Plantiffe, or Defendant dwelleth: unles by consent under both their hands it appeare they would have the case tryed in any other Court. All other Actions shal be tryed within that jurisdiction where the cause of the Action doth arise. [1642]

2 It is ordered by this Court & Authoritie therof, That every person impleading another in any court of Assistants, or County court shal pay the sum of ten shillings before his case be entred, vnles the court see cause to admit any to sue in *forma pauperis*. [1642]

3 It is ordered by the Authority aforesayd, That where the debt or damage recovered shall amount to ten pounds in every such case to pay five shillings more, and where it shall amount to twenty pounds or upward there to pay ten shillings more then the first ten shillings, which sayd additions shall be put to the Iudgement and Execution to be levied by the Marshall and accounted for to the Treasurer. [1647]

4 In all actions brought to any court the Plantiffe shall have liberty to withdraw his action or to be non-suted before the Jurie have given in their verdict; in which case he shall alwayes pay full cost and charges to the Defendant, and may afterward renew his sute at another Court. [1641] see Causes. see Records.

Age.

It is ordered by this Court & the Authoritie therof, that the age for passing away of lands, or such kinde of hereditaments, or for giving of votes, verdicts or sentences in any civil courts or causes, shall be twenty and one years: but in case of chusing of Guardians, fourteen years. [1641 1647]

Ana-Baptists.

Forasmuch as experience hath plentifully & often proved that since the first arising of the Ana-baptists about a hundred years past they have been the Incendiaries of Common-wealths & the Infectors of persons in main matters of Religiō, & the Troublers of Churches in most places where they have been, & that they who have held the baptizing of Infants unlawful, have usually held other errors or heresies together therewith (though as hereticks use to doe they have concealed the same untill they espied a fit advantage and opportunity to vent them by way of question or scruple) and wheras divers of

Excōmunicate & condemned persons may dispose of their estates

where all actions shal be tryed.

Fees 10 fs.

more 5 fs.

more 10 fs.

Libertie to withdraw or be nonsuted.

Full age and Age of discretion.

2	<i>Anabaptists. Appeals. Appearance Non-appear: Arrests.</i>
<p>Oppose Bapt: &c.</p> <p>continue obsti- nate. Banished.</p>	<p><i>this kinde have since our coming into New-England appeared amongst our selves, some wherof as others before them have denied the Ordinance of Magistracy, and the law fulnes of making warre, others the lawfulness of Magistrates, and their Inspection into any breach of the first Table: which opinions if conived at by us are like to be increased among us & so necessarily bring guilt upō us, infection, & trouble to the Churches & hazard to the whole Common-wealth:</i></p> <p>It is therfore ordered by this Court & Authoritie therof, that if any person or persons within this Iurisdiction shall either openly condemn or oppose the baptizing of Infants, or goe about secretly to seduce others from the approbation or use therof, or shal purposely depart the Congregation at the administration of that Ordinance; or shal deny the Ordinance of Magistracy, or their lawfull right or authoritie to make war, or to punish the outward breaches of the first Table, and shall appear to the Court wilfully and obstinately to continue therin, after due meanes of conviction, everie such person or persons shall be sentenced to Banishment. [1644]</p>
<p>Appeal to shire Courts.</p> <p>Securitie to prosecute &c. Execution re- quired. Criminal causes</p> <p>Matter of [Law Fact]</p> <p>✓</p>	<p>Appeale.</p> <p>It is ordered by this Court and the Authoritie therof, that it shall be in the libertie of every man cast, condemned, or sentenced in any Inferiour Court, to make his appeal to the Court of Asslistants. As also to appeal from the sentence of one Magistrate, and other persons deputed to hear and determine small causes, unto the shire Courts of each Jurisdiction where the cause was determined. Provided they tender their appeal and put in securitie before the Iudges of the Court or other persons authorized to admit Appeals to prosecute it to effect; and also to satisfie all damages before execution granted, which shal not be till twelve hours after judgement, except by special order of the court: and if the cause be of a criminal and not capital nature [in which case wee admit no appeal unles where two of five or three of six or seven, or such a proportion of the number of Magistrates or other Iudges then present shall actually dissent] then also to put in securitie for the good behaviour and appearance at the same time. And if the point of appeal be in matter of law then to be determined by the Bench: if in matter of fact, by the Bench and Iurie. And it is further ordered that all appeales with the securitie as aforesayd shall be recorded at the charge of the partie appealing and certified unto the Court to which they are made.</p>
<p>✓</p>	<p>2 Whereas the Countrye is put to great charges by this Court's attending sutes commenced or renewed either by appeal, petition or review: It is ordered by this Court & Authoritie therof, That in all such cases if it appear to the Court that the Plantiffe in any such action, appeal, petition or review hath no just cause of any such proceeding the said Plantiffe shall bear the whole charges of the Court both for time and expences which they shall judge to have been expended by his occasion: and may further impose a fine upon him as the merit of the cause shall require, but if they shal finde the Defendant in fault they shall impose the charges upon such Defendant. [1642] [1647] <i>see causes. see High-wayes. see Lying. see Tobbyships;</i></p> <p>Appearance Non-apearance.</p> <p>It is ordered by this Court and Authoritie therof, That no man shall be punished for not appeariug at or before any civil Assemblie, Court, Council, 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 and damage in any civil Actiō. [1641] <i>see Armes. see Indians. see Military. see Summons.</i></p>
<p>None arrested or imprisoned.</p>	<p>Arrests.</p> <p>It is ordered and decreed by this Court & Authoritie therof, That no mans person shall be arrested or imprisoned for any debt or fine if the law can finde any competent meanes of satisfaction otherwise from his estate. And if not his person may be arrested and imprisoned, where he shall be kept at his own charge, not the Plaintiffs, till satisfaction be made; unles the Court that had cognisance of the cause or some superiour Court shall otherwise determine: provided neverthelesse that no mans person shall be kept in prison for debt but when there appears some estate which he will not produce</p>

Attachments. Bakers. Ballast. Barratrie.

3

produce, to which end any Court or Commissioners authorized by the General Court may administer an oath to the partie or any others suspected to be privie in concealing his estate, but shall satisfie by service if the Creditor require it but shall not be solde to any but of the English nation. [1641: 1647] *see sect 1. page 1.*

Attachments.

It is ordered by this Court and Authoritie therof that no attachment shall be granted in any civil action to any Forreigner against a setled Inhabitant in this Jurisdiction before he hath given sufficient securitie or caution to prosecute his action and to answer the defendant such costs as the Court shall award him. And further it is ordered that in all attachments of goods and chattels, or of lands, or hereditaments legall notice shall be given unto the partie or left in writing at his house, or place of usuall aboad, otherwise the sute shall not proceed; notwithstanding if he be out of this Jurisdiction the cause shall then proceed to triall, but judgement shall not be entered before the next court. And if the Defendant doe nor then appear judgement shall be entered but execution shall not be granted before the Plantiffe hath given securitie to be responsall to the Defendant if he shall reverse the judgement within one year or such further time as the Court shall limit. [1644] *see actions. see El. writts. see Presidents. see Rates. see Recorder.*

Forreigner
shall not attach
Inhabitants w-
out cautiō.

Respite of judg-
ment
Of execution.

Bakers.

It is ordered by this Court and Authoritie therof, that henceforth every Baker shall have a distinct mark for his bread, & keep the true assizes as heerafter is expressed *viz.* When wheat is ordinarily sold at these severall rates heerafter mentioned the penie white loaf by averdupois weight shall weigh when wheat is by the bushell - - - - -

at 3	6	10	1	15	1	20	2.
at 4	0	09	1	14	0	18	2.
at 4	6	08	1	11	3	16	2.
at 5	0	07	3	11	2	15	2.
at 5	6	07	0	10	2	14	0.
at 6	0	06	2	10	0	13	0.
at 6	6	06	0	09	2	12	2.

and so proportionably: under the penaltie of forfeiting all such bread as shall not be of the severall assizes as is aforementioned to the use of the poor of the towne where the offence is committed, and otherwise as is heerafter expressed: and for the better execution of this present Order; there shall be in everie market towne, and all other townes needfull, one or two able persons annually chosen by each towne, who shall be sworn at the next county Court. or by the next Magistrate, unto the faithfull discharge of his or their office; who are heerby authorized to enter into all houses, either with a Constable or without where they shall suspect or be informed of any bread baked for sale: & also to weigh the said bread as oft as they see cause: and to seize all such as they finde defective. As also to weigh all butter made up for sale; and bringing unto, or being in the towne or market to be solde by weight: which if found light after notice once given shall be forfeited in like manner. The like penaltie shall be for not marking all bread made for sale. and the sayd officer shall have one third part of all forfeitures for his paines; the rest to the poor as aforesayd. [1646]

Penaltie.

Clerk of mar-
ket.
Their power.

Butter.

bread not mark-
ed.
Clerks fee.

Ballast.

It is ordered by this Court and Authoritie therof; that no ballast shall be taken frō any towne shore by any person whatsoever without allowance under the hands of the select men upon the penalty of sixpence for every shovel-full so taken; unles such stones as they had layd there before. 2 It is also ordered by the Authoritie aforesayd; that no ship nor other vessell shall cast out any ballast in the chanel, or other place inconvenient, in any Harbour within this Jurisdiction upon the penaltie of ten pounds. [1646-1642]

Penaltie.

Penaltie.

Barratrie.

It is ordered, decreed and by this Court declared; that if any man be proved and

4	<i>Benevolence. Bills. Bondslaverie. Bounds &c:</i>
	<p>and judged a common barrater, vexing others with unjust, frequent and endles sutes: it shall be in the power of Courts both to reject his cause and to punish him for his Barratrie. [1641]</p> <p style="text-align: center;">Benevolence.</p> <p>It is decreed, that this Court heerafter will graunt no benevolence, except in forreigne occasions & when there is mony in the Treasurie sufficient and our debts first satisfied. [1641]</p> <p style="text-align: center;">Bills.</p> <p>It is ordered by the Authority of this Court that any debt, or debts due upon bill, or other specialtie assigned to another; shall be as good a debt & estate to the Assignee as it was to the Assigner at the time of it's assignation. And that it shall be lawfull for the sayd Assignee to sue for and recover the said debt, due upon bill, and so assigned, as fully as the originall creditor might have done, provided the said assignement be made upon the backside of the bill or specialtie. [1647] <i>see usurie.</i></p> <p style="text-align: center;">Bond-slavery.</p> <p>It is ordered by this Court and authoritie therof, that there shall never be any bond-slavery, villenage or captivitie amongst us; unlesse it be lawfull captives, taken in just warrs, and such strangers as willingly sell themselves, or are solde to us: and such shall have the libertyes and christian usages which the law of God established in Israell concerning such persons doth morally require, provided, this exempts none from servitude who shall be judged thereto by Authoritie. [1641]</p> <p style="text-align: center;">Bounds of townes and persons.</p> <p>Forasmuch as the bounds of townes & of the lands of particular persons are carefully to be maintained, & not without great danger to be removed by any, which notwithstanding by deficiency and decay of marks, may at unawars be done, whereby great jealousies of persons, trouble in townes and incumbrances in courts do often arise, which by due care and meanes might be prevented: - - -</p> <p>It is therefore ordered by this Court and the Authoritie therof, that every towne shall set out their bounds within twelve months after their bounds are graunted. And that when their bounds are once set out: once in the year three or more persons of a towne, appoynted by the select men, shall appoynt with the adjacent townes to go the bounds betwixt their said townes, and renew their marks; which marks shall be a great heap of stones, or a trench of six foot long and two foot broad. The most ancient town to give notice of the time and place of meeting for this perambulation. Which time shall be in the first or second month, upon payne of five pounds for everie towne that shall neglect the same; provided that the three men appoynted for perambulation shall goe in their severall quarters by order of the Select men and at the charge of the severall townes.</p> <p>And it is further ordered that if any particular proprietor of lands lying in common with others shall refuse to goe the bounds betwixt his land and other mens once a yeare in the first or second month, being requested therunto upon one weeks warning, he shall forfeit for every day soe neglecting, ten shillings, halfe to the partie moving thereto, the other halfe to the towne. [1641 1647]</p> <p style="text-align: center;">Burglarie and Theft.</p> <p>Forasmuch as many persons of late years have been, and are apt to be injurious to the goods and lives of others, notwithstanding all care and meanes to prevent and punish the same; - - -</p> <p>It is therefore ordered by this Court and Authoritie therof that if any person shall commit Burglarie by breaking up any dwelling house, or shall rob any person in the field, or high wayes; such a person so offending shall for the first offence be branded on the forehead with the letter (B) If he shall offend in the same kinde the second time, he shall be branded as before and also be severally whipped: and if he shall fall into the like offence the third time he shall be put to death, as being incorrigible. And if any person shall commit such Burglarie, or rob in the fields or house on the Lords day besides</p>

Boundes of
towne set out
within 12 mon.

Perambulation

In 1 or 2 mo.
on payn of 5 li

Particular per
ambu:

Penalty 10 ls.

House, field or
high wayes.
First offence.

Third offence
death.

Burglarie & Theft. Capitall Lawes.

5

besides the former punishments, he shal for the first offence have one of his ears cut off. And for the second offence in the same kinde he shal loose his other ear in the same manner. And if he fall into the same offence a third time he shal be put to death if it appear to the Court he did it presumptuously. [1642 1647]

2 For the prevention of Pilfring and Theft, it is ordered by this Court and Authority therof; that if any person shal be taken or known to rob any orchard or garden, that shall hurt, or steal away any grafts or fruit trees, fruits, linnen, woollen, or any other goods left out in orchards, gardens, backside, or any other place in house or fields: or shall steal any wood or other goods from the water-side, from mens doors, or yards; he shall forfeit treble damage to the owners therof. And if they be children, or servants that shall trespassed heerin, if their parents or masters will not pay the penaltie before expressed, they shal be openly whipped. And forasmuch as many times it so falls out that small thefts and other offences of a criminall nature, are committed both by English & Indian, in townes remote from any prison, or other fit place to which such malefactors may be committed till the next Court, it is therefore heerby ordered; that any Magistrate upon complaint made to him may hear, and upon due proof determin any such small offences of the aforesayd nature, according to the laws heer established, and give warrant to the Constable of that town where the offender lives to levie the same: provided the damage or fine exceed not fourty shillings: provided also it shall be lawfull for either partie to appeal to the next Court to be holden in that Jurisdiction, giving sufficient caution to prosecute the same to effect at the said Court. And everie Magistrate shall make return yearly to the Court of that Jurisdiction wherin he liveth of what cases he hath so ended. And also the Constables of all such fines as they have received. And where the offender hath nothing to satisfie such Magistrate may punish by stocks, or whipping as the cause shall deserve, not exceeding ten stripes. It is also ordered that all servants & workmen imbeazling the goods of their masters, or such as set them on work shal make restitution and be lyable to all lawes & penalties as other men. [1646]

CAPITALL LAWES.

IF any man after legal conviction shall HAVE OR WORSHIP any other God, but the LORD GOD: he shall be put to death. *Exod. 22. 20. Deut. 13. 6. & 10. Deut. 17. 2. 6.*

2 If any man or woman be a WITCH, that is, hath or consulteth with a familiar spirit, they shall be put to death. *Exod. 22. 18. Levit. 20. 27. Deut. 18. 10. 11.*

3 If any person within this Jurisdiction whether Christian or Pagan shall wittingly and willingly presume to BLASPHEME the holy Name of God, Father, Son or Holy-Ghost, with direct, expresse, presumptuous, or high-handed blasphemy, either by wilfull or obstinate denying the true God, or his Creation, or Government of the world: or shall curse God in like manner, or reproach the holy Religion of God as if it were but a politick device to keep ignorant men in awe; or shal utter any other kinde of Blasphemy of the like nature & degree they shall be put to death. *Levit. 24. 15. 16.*

4 If any person shall commit any wilfull MURTHUR, which is Man slaughter, committed upon premeditate malice, hatred, or crueltie not in a mans necessary and just defence, nor by meer casualty against his will, he shall be put to death. *Exod. 21. 12. 13. Numb. 35. 31.*

5 If any person slayeth another suddenly in his ANGER, or CRUELTY of passion, he shall be put to death. *Levit. 24. 17. Numb. 35. 20. 21.*

6 If any person shall slay another through guile, either by POYSONING, or other such devilish practice, he shall be put to death. *Exod. 21. 14.*

7 If any man or woman shall LYE WITH ANY BEAST, or bruit creature, by carnall copulation; they shall surely be put to death: and the beast shall be slain, & buried, and not eaten. *Lev. 20. 15. 16.*

8 If any man LYETH WITH MAN-KINDE as he lieth with a woman, both of them have committed abomination, they both shal surely be put to death: unles the one partie were forced (or be under fourteen years of age in which case he shall be severly

B

punished

Lords day.

Rob {
forehard.
garden.
Steal goods.

Treble damage.

Whipped.

One Magistr:
may hear & de-
termine.

Appeal.
Magistrate and
Cōt: to make
return

stocks or whip

Servants and
workmen.

Idolatrie.

Witch-craft.

Blasphemie.

Murthor.

Poysoning.

Bestialitie.

Sodomie.
Genif. 19. 5.

6	Capitall Lawes. Caske & Cooper. Cattel, Corn-fields, Fences.
Adulterie.	punished) <i>Levit.</i> 20. 13.
Man-stealing.	9 If any person commit ADULTERIE with a married, or espoused wife; the Adulterer & Adulteresse shal surely be put to death. <i>Lev.</i> 20. 19. & 18. 20. <i>Deu.</i> 22. 23. 27
False-wittnes.	10 If any man STEALETH A MAN, or Man-kinde, he shall surely be put to death <i>Exodus</i> 21. 16.
Conspiracie.	11 If any man rise up by FALSE-WITNES wittingly, and of purpose to take away any mans life: he shal be put to death. <i>Deut.</i> 19. 16. 18. 16.
Child curse or smite parēts	12 If any man shall CONSPIRE, and attempt any Invasion, Infurrection, or publick Rebellion against our Common-Wealth: or shall indeavour to surprize any Town, or Townes, Fort, or Forts therin; or shall treacherously, & perfidiously attempt the Alteration and Subversion of our frame of Politie, or Government fundamentally he shall be put to death. <i>Numb.</i> 16. 2 <i>Sam.</i> 3. 2 <i>Sam.</i> 18. 2 <i>Sam.</i> 20.
Rebellious Sō	13 If any child, or children, above sixteen years old, and of sufficient understanding, shall CURSE, or SMITE their natural FATHER, or MOTHER; he or they shall be put to death: unles it can be sufficiently testified that the Parents have been very unchristianly negligent in the education of such children; or so provoked them by extrem, and cruel correction; that they have been forced therunto to preserve themselves from death or maiming. <i>Exod.</i> 21. 17. <i>Lev.</i> 20. 9. <i>Exod.</i> 21. 15.
Rape.	14 If a man have a stubborn or REBELLIOUS SON, of sufficient years & ūderstanding (<i>viz</i>) sixteen years of age, which will not obey the voice of his Father, or the voice of his Mother, and that when they have chastened him will not harken unto them: then shal his Father & Mother being his natural parēts, lay hold on him, & bring him to the Magistrates assembled in Court & testifie unto them, that their Son is stubborn & rebellious & will not obey their voice and chastisement, but lives in sundry notorious crimes, such a son shal be put to death. <i>Deut.</i> 21. 20. 21.
London affize.	15 If any man shal RAVISH any maid or single womā, cōmitting carnal copulation with her by force, against her own will; that is above the age of ten years he shal be punished either with death, or with some other greivous punishmēt according to circumstances as the Judges, or General court shal determin. [1641]
Gager	Cask & Cooper.
his Fee.	It is ordered by this Court and authoritie therof, that all cask used for any liquor, fish, or other cōmoditie to be put to sale shall be of London affize, and that fit persons shal be appointed from time to time in all places needfull, to gage all such vessels or cask & such as shal be found of due affize shal be marked with the Gagers mark, & no other who shal have for his paines four pence for every tun, & so proportionably. And every County court or any one Magistrate upon notice given them shal appoint such Gagers to view the said cask, & to see that they be right, & of sound & wel seasoned timber, & that everie Cooper have a distinct brand-mark on his own cask, upon payn of forfeiture of twenty shilling in either case, & so proportiōably for lesser vessels. [1642 1647]
Who shall appoint Gager.	Cattel. Corn-fields. Fences.
Coopers brand	It is ordered by this Court and authoritie therof, That in all corn-fields, which are inclosed in common: everie partie interested therin, shall from time to time make good his part of the fence, and shall not put in any cattel, so long as any corn shal be upon any part of it, upon payn to answer all the damage which shal come therby. [1647]
each party make good his fence.	2 <i>Wheras it is fōūd by experience that there hath been much trouble & difference in severall townes, about the fencing, planting, sowing, feeding & ordering of common fields,</i> It is therefore ordered by this Court & authoritie therof, that where the occupiers of the land, or of the greatest part therof cānot agree about the fencing or improvmet of such their said fields, that thē the Select men in the severall townes shal order the same, or in case where no such are, then the major part of the Freemen (with what convenient speed they may) shal determine any such difference, as may arise upon any informatiō given them by the said occupiers, excepting such occupier's land as shal be sufficiently fenced in by it selfe, which any occupier of land may lawfully doe. [1643. 1647]
No catle put in till corn be out	3 <i>Wheras this Court hath long since provided that all men shal fence their corn, meadow</i>
Occupiers of land may order cōmon fields	<i>ground</i>
Exc: pertic: fenced.	

Cattle. Corn fields & Fences.	7
<p>ground and such like against great cattle, to the end the increase of cattle especially of cowes and their breed should not be hindred, there being then but few horses in the countrie, which since are much increased, many wherof run in a sort wilde, doing much damage in corn and other things, notwithstanding fences made up according to the true intent of the order in that case established: many wherof are unknown, most so unruly that they can by no means be caught, or got into custodie, wherby their owners might answer damages: & if sometimes with much difficultie and charge they be; they are in danger of perishing before the owner appears or can be found out: all which to prevent,</p>	
<p>It is ordered by this Court & authoritie therof; That everie towne and peculiar in this Jurisdiction, shall henceforth give some distinct Brand-mark appointed by this court (a coppie of which marks each Clerk of writs in everie town shal keep a record of) upon the horn, or left buttock or shoulder of all their cattle which feed in open common without constant keepers, wherby it may be known to what town they doe belong. And if any trespassse not so marked they shall pay double damages: nor shall any person knowing, or after due notice given of any beast of his to be unruly in respect of fences, suffer him or them to go in common or against corn fields, or other impropriate inclosed grounds fenced as aforesaid, without such shackles or fetters as may restrain and prevent trespassse therein by them from time to time. And if any horse or other beast trespassse in corn, or other inclosure being fenced in such sort as secures against cows, oxen and such like orderly cattel: the partie or parties trespassed shall procure two sufficient Inhabitants of that town, of good repute and credit to view and adjudge the harms, which the owner of the beast shal satisfie, when known, upon reasonable demand, whether the beast were impounded or not. But if the owner be known, or neer residing as in the same town or the like, he shall forthwith have notice of the trespassse and damage charged upon him, that if he approve not therof he may nominate one such man, who with one such other chosen by the partie damnified as aforesaid, shal review & adjudge the said harms, provided they agree of damage within one day after due notice given, & that no after harms intervene to hinder it. Which being forthwith discharged, together with the charge of the notice, former view and determination of damages, the first judgement shall be void, or else to stand good in law. And if any cattle be found damage faisant, the partie damnified may impound or keep them in his own private close, or yard till he may give notice to the owner, and if they cannot agree, the owner may replevie them, or the other partie may retuñ them to the owner & take his remedie according to law. [1647]</p>	<p>Double damage.</p> <p>Fetters.</p> <p>Harms viewed</p> <p>Notice of damage.</p> <p>Damage faisant</p>
<p>4 It is ordered by the authoritie of this Court that for all harms done by goats, there shall be double damages allowed: and that any goats taken in corn or gardens, the owners of such corn or gardens may keep or use the said goats till full satisfaction be made by the owners of such goats. [1646]</p>	<p>Goats shall pay double damage</p>
<p>5 Forasmuch as complaints have been made of a verie evil practice, of some disordered persons in the countrie, who use to take other mens horses, sometimes upon the commons and sometimes out of their own grounds, and inclosures, and ride them at their pleasure without any leave or privitie of the owners:</p>	
<p>It is therefore ordered and enacted by the authoritie of this Court, that whosoever shall take any other mans horse, mare, asse or drawing beast, either out of his inclosure, or upon any common or elsewhere, (except such be taken damage faisant and disposed of according to law) without leave of the owner: & shall ride or use the same, he shal pay to the partie wronged, treble damages, or if the complainant shall desire it then to pay only ten shillings, and such as have not to make satisfaction, shall be punished by whipping, imprisonment, or otherwise as by law shal be adjudged, and any one Magistrate or County court may hear & determin the same. [1647]</p>	<p>Unruly taken</p> <p>Penaltie.</p> <p>Corporal punishment One Magistrate power.</p>
<p>6 For the better preserving of corn from damage by all kinde of cattle, and that all fences of corn fields may from time to time be sufficiently upheld and maintained;</p>	
<p>It is therefore ordered that the Select men of every town within this Jurisdiction shall appoynt from year to year two (or more if need require) of the Inhabitants therof to view the common fences of everie their corn fields, to the end, to take due notice of the</p>	<p>Select men to appoint men to view fences</p>
<p>B 2</p>	<p>reall</p>

8	<i>Cattel, Corn-fields, Fences. Causes. Small causes.</i>
give notice of defects. Owners to mend in 6 days else Viewers to have double pay	recall defects and insufficiencie therof, who shall forthwith acquaint the owners therof with the same: and if the said owners do not within six dayes time or otherwise as the Select men shall appoint, sufficiently repair their said defective fences, then the said two or more Inhabitants appointed as aforesayd shall forthwith repair or renew them and shall have double recompence, for all their labour, care, cost and trouble, to be payd by the owners of the said insufficient fence or fences, and shall have warrant from the sayd Select men directed to the Constable to levie the same, either upon the corn or other estate of the delinquent. Provided the defect of the fence or fences be sufficiently proved by two or three wittnesses. [1647]
upō due proof	
Partitiō fenc.	7 Where lands lye in common unfenced, if one man shall improve his lands by fencing in severall & another shall not, he who shall so improve shall secure his land against other mens cattle; & shall not compel such as joyne upon him to make any fence with him; except he shall also improve in severall as the other doth. And where one man shal improve before his neighbour & so make the whole fence, if after his said neighbour shall improve also, he shal then satisfie for halfe the others fence against him, according to the present value and shall maintain the same: and if the first man shall after lay open his said field, then the sayd neighbour shal injoye his said halfe fence so purchased to his own use, & shal also have libertie to buy the other halfe fence paying according to present valuation to be set by two men chosen by either partie one: the like order shal be where any man shall improve land against any town cōmon. provided this order shall not extend to house lots not exceeding ten acres, but if in such, one shall improve, his neighbour shal be compellable to make & maintain one half of the fence between them whether he improve or not. Provided also that no man shall be lyable to satisfie for damage done in any ground not sufficiently fenced except it shall be for damage done by swine or calves under a year old, or unruly cattle which will not be restrained by ordinary fences, or where any man shall put his cattle, or otherwise voluntarily trespassse upon his neighbours ground, & if the partie damnified finde the cattle damage faisant he may impound or otherwise dispose of them as in <i>Sett</i> : 3. [1642]
House lots not exc: 10 acrs.	
Insuffi: fence not dam: exc: by swine, calves unruly cattle, or wilful spoil	
One Magistr: may end cau: not exc: 40 ls	<p style="text-align: center;"><i>Causes. Small causes.</i></p> <p>For easing the charge & incumbrance of courts by small causes, It is ordered by this Court and authoritie therof, That any Magistrate in the town where he dwells may hear and determin by his discretion (not by Jurie) according to the laws heer established, all causes arising in that County wherein the debt, trespassse or damage doth not exceed fourty shillings, who may send for parties, & wittnesses by Sūmons or Attachment directed to the Constable who shall faithfully execute the same. And it is further ordered that in such towns where no Magistrate dwells, the Court of Assistants or County court for each Shire shall from time to time upon request of the said towns signified under the hands of the Constable appoint three of the Freemen as Commissioners in such cafes any two wherof shall have like power to hear and determin by their discretion (not by Jurie) all such causes aforesaid according to the laws heer established, who also have heerby power to send for parties and wittnesses by Sūmons or Attachment directed to the Constable, as also to administer oaths to wittnesses & to give time to the Defendāt to answer if they see cause, & if the partie sentenced refuse to give his own bond for appearance or satisfaction where no goods appear in the same town where the Plantiffe or Defendant dwells, they may charge the Constable with the partie to carry him before a Magistrate or Shire court (if then sitting) to be further proceeded with according to law; but the said three men may not commit to prison in any case. And it is further ordered that such as be found in any town shall be lyable to be sued in that town at libertie of the Plaintiff.</p> <p><i>And for asmuch as the Governour, Deputy Governour and Assistants are under an oath of God for dispensing equal justice according to law,</i> It is ordered by the Authoritie aforesaid; that henceforth all Associates for County courts when and where there be any; and all such Freemē authorized as aforesayd, shall be sworn before each Shire court, or some Magistrate in that County unto the faithfull discharge of the trust and power committed to them</p>
or 3 Cōmissi:	
send for partys & wittnesses. give oath to wittnesses.	
Cōmiss: may charg Const: with party in some cafes.	
sued in any town at Pl: lib	
Afoe: & Com miss: sworn.	

<p><i>Causēs. Small causēs. Charges publick.</i></p>	<p>9</p>
<p>to them. And it is further ordered by the Authoritie aforesaid, that in all small causēs as aforesayd, where only one Magistrate dwells within the town, and the cause concerns himselfe, as also in such towns where no Magistrate is, and the cause concerns any of the three Freemen aforesaid, that in such cases the five, seven, or other number of Selected townsmen shall have power to hear and determin the same: and also to graunt execution for the levying, and gathering up such damages, for the use of the person damaged. And any Court may reject any such cause in all the cases beforementioned in this law, if it were not first brought to the power heerby authorized in towns to end the same. [1647]</p>	<p>Cau: concern: Magistr: & Commis: Sel: men may end. court reject such cause if not first heard as aforesaid</p>
<p><i>Charges publick.</i> Is ordered by this Court that no Governour, Deputy Govern: Assistant, Associate, Grand, or Petty Jurie-man, at any court; nor any Deputie for the General court, nor any Commissioner for martial disciplin at the time of their publick meetings; shall at any time bear his own charges: but their necessary expences shall be defrayed either by the town, or the Shire on whose service they are, or by the Country in generall. [1634. 1641]</p>	<p>Magi: & offic: charges how defrayed</p>
<p>2 It is ordered by this Court that in all ordinary publick works of the Common-weal, one Assistant and the Overseer of the work shall have power to send their warrants to the Constables of the next towns to send so many labourers & artificers as the warrant shall direct, which the Constable and two other or more of the Freemen which he shall take to himselfe shall forthwith execute: for which service such Assistant and Overseer aforesaid shall have power to give such extraordinary wages as they shall judge the work to deserve. Provided that for any ordinary work no man shall be compelled to work from home above a week together. And for all extraordinarie publick works it is ordered that one Assistant & the Overseer of the said work shall have power to send their warrants to the Constable of any town for so many men of any condition except Magistrates & Officers of Churches and Common-wealth, as the warrant shall direct, which the Constable & two or more that he shall chuse shall forthwith send: to advise & attend the same. 1634</p>	<p>Publ: works: futable wages persons exempt:</p>
<p>3 <i>This Court taking into consideration the necessity of an equal contribution to all common charges in towns, and observing that the chief occasion of the defect herein ariseth from hence, that many of those who are not Freemen, nor members of any Church doe take advantage thereby to withdraw their help in such voluntary contributions as are in use.</i></p>	
<p>It is therefore ordered by this Court and Authoritie thereof, That everie Inhabitant shall henceforth contribute to all charges both in Church & Commonwealth wherof he doth or may receive benefit: and every such Inhabitant who shall not voluntarily contribute proportionably to his ability with the Freemen of the same town to all common charges both civil and ecclesiastical shall be compelled thereto by assessment & distresse to be levied by the Constable or other Officer of the town as in other cases: and that the lands & estates of all men (wherever they dwell) shall be rated for all town charges both civil and ecclesiastical as aforesaid where the lands and estates shall lye: their persons where they dwell. [1638 1643 1644]</p>	<p>Every Inhabitant pay to Ch. & common-weal. or distressed Land & estate. to pay where they are.</p>
<p>4 <i>For a more equall and ready way of raising meanes for defraying publick charges in time to come: and for preventing such inconveniences as have fallen out upon former assessments; It is ordered and enacted by the authoritie of this Court, That the Treasurer for the time being shall from year to year in the first month without expecting any other order send forth his warrants to the Constables & Select men of every town within this Jurisdiction, requiring the Constable to call together the Inhabitants of the town who being so assembled: shall chuse some one of their Freemen to be a Commissioner for the town, who together with the Select men for their prudential affairs shall some time or times in the sixt month then next ensuing make a List of all the male persons in the same town, from sixteen years old & upwards; and a true estimation of all personall & real estates, being, or reputed to be the estate of all & everie the persons in the same town, or otherwise under their custody, or managing according to just valuation, and to what persons the same doe belong whether in their own town or other where, so neer as they can by all lawful wayes and means which they may use. viz: of houses, lands</i></p>	<p>Rates. Tref: to send war: to towns every 6 mon: of all</p>

10	<i>Charges publick.</i>
All known & visible estate	of all sorts as well unbroken up as other (except such as doth or shal lye common for free feed of cattle to the use of the inhabitants in generall whether belonging to towns, or particular persons but not to be kept or hearded upō it to the damage of the Proprietors) mills, ships & all small vessells, merchantable goods, cranes, wharves & all sorts of cattle & all other known estate whatsoever; as also all visible estate either at sea or on shore all which persons and estates are by the said Commissioners & Select men to be assessed, and rated as heer followeth viz: every person afore said except Magistrates and Elders of Churches, two shillings sixpence by the head, & all estates both reall & personall at one pennie for everie twenty shillings, according to the rates of cattle heerafter mentioned.
Persons exempt: frō pol mony 1 d. in the li. upon estate.	And for a more certein rule in rating of cattle: everie cow of four year olde and upward shall be valued at five pounds, everie heifer, and steer betwixt three and four years old four pounds, and between two & three years old at fifty shillings, and between one and two years thirty shillings: everie ox & bull of four year old & upward six pounds. Everie horse & mare of four year old and upward seven pounds, of three year old five pounds between two and three year old three pounds, of one year old fourty shillings. Everie sheep above one year old thirty shillings: everie goat above one year old eight shillings: everie swine above one year old twenty shillings: everie asse above one year old fourty shillings. And all cattel of all sorts under a year old are heerby exempted, as also all hay and corn in the husbandmans hand, because all meadow, arrable ground and cattle are ratable as afore said. And for all such persons as by the advantage of their arts & trades are more enabled to help bear the publick charge then common laborours and workmē, as Butchers, Bakers, Brewers, Victuailers, Smiths, Carpenters, Taylors, shoe-makers, Joyners, Barbers, Millers & Mafons with all other manuall persons & artists, such are to be rated for their returns & gains proportionable unto other men for the produce of their estates. Provided that in the rate by the poll, such persons as are disabled by sicknes, lamenes or other infirmitie shall be exempted. And for such servants & children as take not wages, their parents and masters shall pay for them, but such as take wages shal pay for themselves. And it is further ordered that the Commissioners for the severall towns in everie Shire shall yearly upon the first fourth day of the week in the seventh month, assemble at their Shire Town: & bring with them fairly written the just number of males listed as afore said, and the assessments of estates made in their severall towns according to the rules & directions in this present order expressed, and the said Commissioners being so assembled shall duly and carefully examin all the said lists and assessments of the severall towns in that Shire, and shall correct & perfect the same according to the true intent of this order, as they or the major part of them shal determf, & the same so perfected they shal speedily transmit to the Treasurer under their hands or the hands of the major part of them and therupon the Treasurer shal give warrants to the Constables to collect & levie the same; so as the whole assessment both for persons & estates may be payd in unto the Treasurer before the twentieth day of the ninth mōth, yearly, & everie one shal pay their rate to the Constable in the same town where it shal be assessed. Nor shall any land or estate be rated in any other town but where the same shal lye, is, or was improved to the owners, reputed owners or other proprietors use or behoof if it be within this Jurisdiction. And if the Treasurer cannot dispose of it there, the Constable shal send it to such place in Boston or elsewhere as the Treasurer shall appoint at the charge of the Countrey to be allowed the Constable upon his accout with the Treasurer. And for all peculiars viz: such places as are not yet layd within the bounds of any town the same lands with the persons and estates therupon shall be assessed by the rates of the town next unto it, the measure or estimation shall be by the distance of the Meeting houses.
Rates of cattle	
Artificers &c	
Impotent persons exempt: frō pol mony	
Commiss: meet in 7 month at Shire town	
to perfect assessments.	
Constable to collect & pay in 9 mōth.	
Land rated where it lyes	
Peculiars	
Commiss: or Select men defaulting	
fined 40 s.	And if any of the said Commissioners or of the Select men shall wittingly fail or neglect to perform the trust committed to them by this Order in not making, correcting, perfecting or transmitting any of the said Lists or Assessments according to the intent of this Order; everie such offender shall be fined fourty shillings for everie such offence, or so much as the Country shall be damnified thereby, so as it exceed not fourty shillings for one offence. Provided that such offence or offences be complained

Charges publick. Children.	II
<p>complained of and profecuted in due courfe of law within fix months. And it is farther ordered that upon all diftreffes to be taken for any of the rates and affeffments aforefaid: the Officer fhall diftrein goods, or cattle if they may be had, and if no goods then lands or houfes, if neither goods nor lands can be had within the town where fuch diftreffe is to be taken, then upon fuch return to the Treafurer he fhall give warrant to attach the body of fuch perfon to be carried to prifon, there to be kept till the next court of that Shire; except they put in fecuritie for their appearance there, or that payment be made in the mean time. And it is farther ordered that the prizes of all forts of corn to be received upon any rate, by vertue of this order, fhall be fuch as this Court fhall fet from year to year; and in default therof they fhall be accepted at the prcie current to be judged by the fayd Commiffioners of Effex, Middlefex and Suffolke. And it is farther ordered that all eftates of land in England fhall not be rated in any publick affeffment. And it is heerby declared that by publick rates and affeffments, is intended only fuch as are affeffed by order of the General court for the contryes occafion & no other. [1646 1647]</p>	<p>if profecuted fix mon. Conft: direct:</p> <p>Prizes of corn</p> <p>Lands in Eng- land exempt: Intent of pub- lick rates.</p>
<p>Children.</p> <p><i>For as much as the good education of children is of fingular behoof and benefit to any Common-wealth; and wher as many parents & mafters are too indulgent and negligent of their duty in that kinde. It is therfore ordered that the Select men of everie town, in the feveral precincts and quarters where they dwell, fhall have a vigilant eye over their brethren & neighbours, to fee, firft that none of them fhall fuffer fo much barbarifm in any of their families as not to indeavour to teach by themfelves or others, their children & apprentices fo much learning as may inable them perfectly to read the englishtongue, & knowledge of the Capital lawes: upō penaltie of twentie fhillings for each neglect therin. Alfo that all mafters of families doe once a week (at the leaft) catechize their children and fervants in the grounds & principles of Religion, & if any be unable to doe fo much: that then at the leaft they procure fuch children or apprentices to learn fome fhort orthodox catechifm without book, that they may be able to anfwer unto the queftions that fhall be propounded to them out of fuch catechifm by their parents or mafters or any of the Select men when they fhall call them to a tryall of what they have learned in this kinde. And further that all parents and mafters do breed & bring up their children & apprentices in fome honeft lawful calling, labour or employmēt, either in husbandry, or fome other trade profitable for themfelves, and the Common-wealth if they will not or cannot train them up in learning to fit them for higher employments. And if any of the Select men after admonitiō by them given to fuch mafters of families fhall finde them ftill negligent of their dutie in the particulars aforementioned, wherby children and fervants become rude, stubborn & unruly; the faid Select men with the help of two Magiftrates, or the next County court for that Shire, fhall take fuch children or apprentices from them & place them with fome mafters for years (boyes till they come to twenty one, and girls eighteen years of age compleat) which will more ftrictly look unto, and force them to fubmit unto government according to the rules of this order, if by fair means and former inftructions they will not be drawn unto it. [1642]</i></p>	<p>Care of Se- lect men</p> <p>all children may read on pent: of 20 ls.</p> <p>Catechifm.</p> <p>Unruly child- ren</p> <p>placed forth</p>
<p><i>2 Wheras fundry Gentlemen of qualitie, and others oft times fend over their children into this country unto fome freinds heer, hoping at the leaft therby to prevent their extravagant and riotous courfes, who notwithstanding by means of fome unadvifed and ill-affected perfons, which give them credit, in expectation their freinds, either in favour to them, or prevention of blemifh to themfelves, will difcharge what ever is done that way, they are no leffe lavish & profufe heer to the great greif of their freinds, difhonour of God & reproach of the Countrey.</i></p> <p>It is therfore ordered by this Court & authoritie therof; That if any perfon after publication heerof fhall any way give credit to any fuch youth, or other perfon under twentie one years of age, without order from fuch their freinds, heer, or elfwhere, under their hands in writing they fhall lofe their debt whatever it be. And further if fuch youth or other perfon incur any penalty by fuch means and have not wherewith to pay, fuch perfon, or perfons, as are occafions therof fhall pay it as delinquents in the like cafe fhould doe. [1647] See Abilitie.</p>	<p>Extravagancy</p> <p>Debts of per fons in nō age not recov.</p> <p>occafions of their difor- to pay their fine.</p> <p>3 If any</p>

12	<i>Children. Clerke of writts. Colledge.. Condemned.</i>
Parents deny- ing marriage	3 If any parents shall wilfully, and unreasonably deny any childe timely or convenient marriage, or shall exercise any unnaturall severitie towards them, such children shall have libertie to complain to Authoritie for redresse in such cases. [1641]
Orphan not disposed of but by consent of Authority.	4 No Orphan during their minority which was not committed to tuition, or service by their parents in their life time, shall afterward be absolutely disposed of by any without the consent of some Court wherein two Assistants (at least) shall be present, except in case of marriage, in which the approbation of the major part of the Select men, in that town or any one of the next Assistants shall be sufficient. And the minority of women in case of marriage shall be till sixteen years. [1646] <i>See Age. Cap: Laws. Lib: cōmō: marriage.</i>
Minority of women.	
	Clerk of writs. It is ordered by this Court and Authoritie therof ; that in everie town throughout this Jurisdiction there shall henceforth be a Clerk of the writs nominated by each town and allowed by each shire Court, or court of Assistants to graunt Summons and Attachments in all civil actions: and attachments (or Summons at the libertie of the Plantiffe) shall be graunted when the partie is a stranger not dwelling amongst us or for some that are going out of our Jurisdiction, or that are about to make away their estates to defraud their creditors, or when persons are doubtfull in their estates not only to the Plantiffe, but to the Clerk of the writs, signified ūder the hands of two honest persons, neer dwelling unto the sayd partie. And the sayd Clerks of writs are authorized to graunt replevins and to take bond with sufficient securitie of the partie to prosecute the Sute whose fees shall be for every Warrant two pence, a Replevin or Attachment three pēce, & for Bonds four pence a peece. All Attachments to be directed unto the Constables in towns where no Marshall is. Also the sayd Clerks shall graunt Sūmons for Witneses. [1641] <i>See Recorder.</i>
Doubtful in estate.	
Cl: grant repl:	
	Colledge. <i>Wheras through the good hand of God upon us there is a Colledge founded in Cambridge in the County of Middlesex called Harvard Colledge, for incouragement wherof this Court hath given the summe of four hundred pounds and also the revenue of the Ferrie betwixt Charlstown and Boston, and that the well ordering and mannaging of the said Colledge is of great concernment,</i>
Harvard Coll.	
Cōmissioners.	It is therefore ordered by this Court and Authoritie therof, That the Governour & Deputie Gover: for the time being and all the Magistrates of this Jurisdiction together with the teaching Elders of the six next adjoyning towns viz: Cambridge, Water-town Charlstown, Boston, Roxburie and Dorchester, & the President of the said Colledge for the time being, shall from time to time have full power & authoritie to make and establish all such orders, statutes and constitutions, as they shall see necessary for the instituting, guiding and furthering of the said Colledge, and several members therof, from time to time, in Pietie, Morallitie & Learning, as also to dispose, order and manage to the use and behoof of the said Colledge and members therof, all gifts, legacies, bequeaths, revenues, lands and donations as either have been, are, or shall be conferred, bestowed, or any wayes shall fall or come to the sayd Colledge. And wheras it may come to passe that many of the Magistrates and said Elders may be absent and otherwise employed in other weighty affairs whē the said Colledge may need their present help and counsell. It is therefore ordered that the greater number of Magistrates and Elders which shall be present with the President, shall have the power of the whole. Provided that if any constitution, order or orders by them made shall be found hurtfull unto the said Colledge, or the members therof, or to the weal publick then upō appeal of the partie or parties greived, unto the company of Overseers first mentioned, they shall repeal the said order or orders (if they see cause) at their next meeting or stand accountable therof to the next Generall court. [1636 1640 1642]
to establish orders.	
dispose gifts & reven.	
	Condemned.
power of major part.	
Lib: of appeal	
Power to rep.	
	It is ordered by this Court that no man condemned to dye shall be put to death within four dayes next after his condemnation, unless the Court see speciall cause to the contrary
None exec: within 4 days	

Condemned. Constables. Conveyances fraudulent.

13

contrary, or in case of martial law: nor shall the body of any man so put to death be unburied twelve hours unless it be in case of anatomy. [1641]

Constables.

It is ordered by this Court, That Constables are to whip or punish any to be punished by order of Authoritie (where there is not another officer appointed to doe it) in their own towns; unless they can get another to do it.

2 It is farther ordered by the Authoritie aforesaid, That any person tendered to any Constable of this Jurisdiction by any Constable or other Officer belonging to any foreign Jurisdiction in this Countrey, or by warrant from any such authoritie, such shall presently be received, and conveyed forthwith from Constable to Constable, till they be brought unto the place to which they are sent or before some Magistrate of this Jurisdiction who shall dispose of them as the justice of the cause shall require. And that all *Hue-&-cries* shall be duly received and dilligently pursued to full effect. [1641] [164-]

3 It is ordered by the authoritie of this Court, That everie Constable within our Jurisdiction shall henceforth have full power to make, signe & put forth *Pursutes* or *Hue-&-cries* after Murtherers, Manslayers, Peace-breakers, Theevs, Robbers, Burglars and other Capital offenders, where no Magistrate is neer hand, also to apprehend without *Warrant*, such as are overtaken with drink, swearing, Sabboth-breaking, lying, vagrant persons, night-walkers, or any other that shall offend in any of these. Provided they be taken in the manner, either by sight of the Constable, or by present informatiō from others. As also to make search for all such persons, either on the Sabboth day or other, when there shal be occasion, in all houses licensed to sell either beer or wine, or in any other suspected or disordered places, and those to apprehend and keep in safe custodie, till opportunitie serve to bring them before one of the next Magistrates for farther examination. Provided when any Constable is employed by any of the Magistrates for apprehending of any person, he shall not doe it without *warrant* in writing, and if any person shall refuse to assist any Constable in the executiō of his office, in any of the things aforesaid being by him required therto, they shal pay for neglect thereof ten shillings, to the use of the Country to be levied by *warrant* from any Magistrate before whom any such offender shal be brought. And if it appear by good testimonie, that any shal wilfully, obstinately or contemptuously refuse or neglect to assist any Constable as is before expressed, he shall pay to the use of the Country fourty shillings. And that no man may plead ignorance for such neglect or refusal, it is ordered that everie Constable shall have a black staffe of five foot long, tipped at the upper end, about five inches with brasse, as a badge of his office, which he shal take with him when he goeth to discharge any part of his office: which staffe shall be provided at the charge of the town, and if any Magistrate or Constable or any other, upon urgent occasion, shall refuse to doe their best indeavours, in raising & prosecuting *Hue-&-cries* by foot, & if need be, by horse, after such as have committed Capital crimes, they shall forfeit for everie such offence to the use aforesaid fourty shillings. [1646] See *In-keepers, Masters, Oaths, Rates, Untimely death, watching.*

Conveyances fraudulent.

It is ordered by this Court and the Authoritie therof, That all covenons or fraudulent alienations or conveyances of lands, tenements or any hereditaments shall be of no validitie to defeat any man from due debts or legacies, or from any just title, claim or possession of that which is so fraudulently conveyed.

2 For avoiding all fraudulent conveyances and that every man may know what estate or interest other men may have in any houses, lands or other hereditaments they are to deal in, it is therefore ordered by the authoritie of this Court;

That after the end of October 1640 no mortgage, bargain, sale, or graunt made of any houses, lands, rents or other hereditaments where the Graunter remains in possession, shall be of force against other persons except the Graunter and his Heirs, unless the same be acknowledged before some Magistrate & recorded as is heerafter expressed: and that no such bargain, sale or graunt already made, in way of mortgage, where the Graunter remains

nor unburied
12 hours

Constable correct or get another

Forr: Jurisd:
Offender conveyed frō Constable to Cōst.Hue-&-cries pursued.
Const: may put forth Hue-&-cries.

apprehend divers offenders

search for the

commit to custodie.

All to assist Const:

on penaltie of 10 sh.

wilful neglect 40 sh.

Const: staffe.

Magistr: Const: &c to raise hue-&-crie & Cap: offences on penal. of 40 sh.

Invalid.

files recorded

<p>within a mōth or 3 months</p> <p>Graunter re- fuse to ackn: imprisoned.</p> <p>recorded in y Shire in a mō:</p> <p>& certified to y Secr: in 6 months.</p> <p>In case impor: a Gēral court called by the Governour</p> <p>standing Cō- cil how to be called How many may sct for impressing men,</p> <p>& all other things.</p> <p>4 courts of Assistants</p> <p>4 Cōll: courts at Boston</p> <p>for all civil caus: & crim: not extend: to life &c</p> <p>4 quar: Courts in Essex.</p>	<p>remains in possession shall be of force against other but the Graunter or his Heirs, except the same shall be entred as is heerafter expressed within one month after the date a-forementioned: if the partie be within this Jurisdiction or else within three months after he shal return. And if any such Graunter being required by the Grauntee, his Heirs or Assignes to make ā acknowledgment of any graunt, sale, bargain or morgage by him made shall refuse so to doe, it shall be in the power of any Magistrate to send for the partie so refusing, & commit him to prison without <i>Bayle</i> or <i>Main-prize</i>, untill he shall acknowledge the same, and the Grauntee is to enter his <i>caution</i> with the Recorder, and this shall save his interest in the mean time. And if it be doubtfull whether it be the deed and graunt of the partie, he shal be bound with Suerties to the next court of Assis- tants & the <i>caution</i> shal remain good as aforesaid. And for recording of all such graunts sales, bargains or morgages; it is further ordered, that there shall be one appointed in everie Shire chosen by each court of the said Shires for Recorders to enter all such graunts, sales, bargains, morgages of houses, lands, rents and other hereditamēts as afore- said together with the names of Graunter and Grauntee, thing and estate graunted & the date therof. All which entries shall be certified unto the Recorder or Secretarie for the Generall Court within six months from time to time. [1640] [1641]</p> <p style="text-align: center;"><i>Councill.</i></p> <p><i>This Court considering how the weighty affairs of this Jurisdiction whether they concern this peculiarly or have reference to the rest of our confederated Colonies may be du-ly and speedily transacted in the vacancy of the Generall Court for the satisfaction of the Cō-missioners, in respect of the weighty and sodain occasions which may be then in hand, doth heerby expresse and declare,</i> That the Generall Court ought to be called by the Governour, when the importancy of the busines doth require it, and that time and op- portunitie will safely admit the same, and that all other necessary matters are to be or- dered and dispatched by the major part of the Council of the Common-wealth; & ther- fore to that end letters signifying, breisly, the busines and the time and place of meeting for consultation ought to be sent unto the Assistants. Also it is heerby declared, that seven of the said Assistants meeting, the Governour or Deputy Governour being one is a sufficient Assembly to act, by impressing of soldiers or otherwise as need shall be. And in case of extream and urgent necessitie, when indeavours are reasonably used to call to- gether the Assistants and the busines will not admit delay, then the acts of so many as do assemble are to be accounted, and are accounted valid, & sufficient. Also it is intended that the generall words aforesaid contain in them power to presse & send forth soldiers, and all manner of victuals, vessels at sea, carriages and all other necessities, and to send <i>warrants</i> to the Treasurer to pay for them. [1645]</p> <p style="text-align: center;"><i>Courts.</i></p> <p><i>For the better administration of justice and easing the Countrie of unnecessary charge and travells: it is ordered by this Court and Authoritie therof;</i></p> <p>That there shal be four Quarter Courts of Assistants yearly kept by the Governour, or Deputy Goveñ: and the rest of the Magistrates, the first of them on the first third day (viz: <i>tuesday</i>) in the fourth month called <i>June</i>: the second on the first third day of the seventh month: the third on the first third day of the tenth mōth: the fourth on the first third day of the first month called <i>March</i>. Also there be four County Courts held at <i>Boston</i>, by such of the Magistrates as shall reside in, or neer the same, viz: by any five, four or three of them, who shall have power to assemble together upō the last fift day of the eight, eleveneth, second & fift months everie year, and there to hear & determin all civil causes & criminal, not extending to life, member or banishment according to the course of the court of Assistants, & to summon Juries out of the neighbour towns, & the Marshall & other Officers shall give attendance there as at other Courts. And it is fur- ther ordered that there shall be four Quarter Courts kept yearly by the Magistrates of Essex, with such other persons of worth as shal frō time to time be appointed by the Ge- neral Court; at the nominatiō of the towns in that Shire by orderly agreemēt amōg thē- selves, to be joyned in Commission with them so that with the Magistrates they be five in all</p>
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in all and so that no Court be kept without one Magistrate at the least: and so any three of the Commissioners aforesaid may keep Court in the absence of the rest: yet none of all the Magistrates are excluded from any of these Courts who can, and please to attend the same. And the Generall Court to appoint from time to time, which of the said Magistrates shall specially belong to everie of the said Courts. Two of these Quarter Courts shall be kept at *Salem*, the other at *Ipswich*. The first, the last third day of the week in the seventh month at *Ipswich*. The second at *Salem* the last third day of the tenth month. The third at *Ipswich* the last third day of the first month. The fourth the last third day of the fourth month at *Salem*. All and every which Courts shall be holden by the Magistrates of *Salem* and *Ipswich* with the rest of that County or so many of them as shall attend the same; but no Jurie men shall be warned from *Ipswich* to *Salem* nor from *Salem* to *Ipswich*. Also there shall be a Grand Jurie at either place, once a year. Which Courts shall have the same power in civil and criminal causes as the courts of Assistants have (at *Boston*) except tryalls for life, limbs or banishment, which are wholly reserved unto the courts of Assistants. The like libertie for County courts and tryall of causes is graunted to the Shire town of *Cambridge* for the County of *Middlesex*, as *Essex* hath, to be holden by the Magistrates of *Middlesex* & *Suffolk* & such other men of worth as shall be nominated and chosen as aforesaid, one of which Courts shall be holden on the last third day of the eighth month, and another on the last third day of the second month from year to year. And the like libertie for County Courts and tryall of causes is graunted to the County of *Norfolk* to be holden at *Salisbury* on the last third day of the second month; and another at *Hampton* on such day as the General Court shall appoint to be kept in each place from time to time. And if any shall finde himselfe greived with the sentence of any the said County courts he may appeal to the next court of Assistants. Provided he put in sufficient caution according to law. Lastly, it is ordered by the Authoritie aforesaid that all causes brought to the courts of Assistants by way of appeal, and other causes specially belonging to the said courts, shall be first determined from time to time: & that causes of *divorce* shall be tryed only in the said court of Assistants. [1635 1636 1639 1641 1642]

2 For the more speedy dispatch of all causes which shall concern Strangers, who cannot stay to attend the ordinary Courts of justice, It is ordered by this Court and Authoritie therof;

That the Governour or Deputy Governour with any two other Magistrates, or when the Governour or Deputy Governour cannot attend it, that any three Magistrates shall have power to hear and determine by a Jurie of twelve men, or otherwise as is used in other Courts, all causes civil and criminal triable in County Courts, which shall arise between such Strangers, or wherein any such Stranger shall be a partie. And all records of such proceedings shall be transmitted to the Records of the Court of Assistants, to be entred as tryalls in other Courts, all which shall be at the charge of the parties, as the Court shall determine, so as the Country be no wayes charged by such courts. [1639]

3 For the electing of our Governour, Deputy Governour, Assistants and other generall Officers upon the day or dayes appointed by our Patent to hold our yearly Court being the last fourth day of the week (viz: Wednesday) of every Easter Term; it is solemnly and unanimously decreed and established,

That henceforth the Freemen of this Jurisdiction shall either in person or by proxy without any Summons attend & consummate the Elections, at which time also they shall send their Deputies with full power to consult of and determine such matters as concern the welfare of this Common-wealth: from which General Court no Magistrate or Deputy shall depart or be discharged without the consent of the major part both of Magistrates and Deputies, during the first four dayes of the first Session thereof, under the penaltie of one hundred pounds for everie such default on either part. And for the after

not kept without one Magistrate at least Gen: court appoint 4 Magistrs to each Court

7 mon: at Ipswich.
10 mo: at Salem
etc:

for all civil & crim: causes exc: cases of life, limbs, or banishment. Court at Cambridge for Middlesex.

Courts at Salisbury and Hampton for Norfolk

Appeal to court of Assist

Divorce.

Courts extraordinary.

at parties charge

Courts of Election wout Summons.

No member of Court to depart wout licence.

<p>within a mōth or 3 months</p> <p>Graunter re- fuse to ackn: imprisoned.</p> <p>recorded in y Shire in a mō:</p> <p>& certified to y Secr: in 6 months.</p>	<p>remains in possession shall be of force against other but the Graunter or his Heirs, except the same shall be entred as is heerafter expresse within one month after the date a- forementioned: if the partie be within this Jurisdiction or else within three months af- ter he shal return. And if any such Graunter being required by the Grauntee, his Heirs or Assignes to make ā acknowledgment of any graunt, sale, bargain or mortgage by him made shall refuse so to doe, it shall be in the power of any Magistrate to send for the partie so refusing, & commit him to prison without <i>Bayle</i> or <i>Main-prize</i>, untill he shall acknowledge the same, and the Grauntee is to enter his <i>caution</i> with the Recorder, and this shall save his interest in the mean time. And if it be doubtfull whether it be the deed and graunt of the partie, he shal be bound with Suerties to the next court of Assis- tants & the <i>caution</i> shal remain good as aforesaid. And for recording of all such graunts sales, bargains or mortgages; it is further ordered, that there shall be one appointed in everie Shire chosen by each court of the said Shires for Recorders to enter all such graunts, sales, bargains, mortgages of houses, lands, rents and other hereditamēts as afo- said together with the names of Graunter and Grauntee, thing and estate graunted & the date therof. All which entries shall be certified unto the Recorder or Secretarie for the Generall Court within six months from time to time. [1640] [1641]</p>
<p>In case impor- a Géneral court called by the Governour</p> <p>standing Coll- cil how to be called How many may act for impressing men,</p> <p>& all other things.</p>	<p><i>Councill.</i></p> <p><i>This Court considering how the weighty affairs of this Jurisdiction whether they con- cern this peculiarly or have reference to the rest of our confederated Colonies may be du- ly and speedily transacted in the vacancy of the Generall Court for the satisfaction of the Cō- missioners, in respect of the weighty and sodain occasions which may be then in hand, doth heerby expresse and declare,</i> That the Generall Court ought to be called by the Governour, when the importancy of the busines doth require it, and that time and op- portunitie will safely admit the same, and that all other necessary matters are to be or- dered and dispatched by the major part of the Council of the Common-wealth; & ther- fore to that end letters signifying, breifly, the busines and the time and place of meeting for consultation ought to be sent unto the Assistants. Also it is heerby declared, that seven of the said Assistants meeting, the Governour or Deputy Governour being one is a sufficient Assembly to act, by impressing of soldiers or otherwise as need shall be. And in case of extream and urgent necessitie, when indeavours are reasonably used to call to- gether the Assistants and the busines will not admit delay, then the acts of so many as do assemble are to be accounted, and are accounted valid, & sufficient. Also it is intended that the generall words aforementioned contain in them power to presse & send forth soldiers, and all manner of victuails, vessels at sea, carriages and all other necessaries, and to send warrants to the Treasurer to pay for them. [1645]</p>
<p>4 courts of Assistants</p> <p>4 Coll: courts at Boston</p> <p>for all civil caus: & crim: not extend: to life &c</p> <p>4 quart: Courts in Essex.</p>	<p><i>Courts.</i></p> <p><i>For the better administration of justice and easing the Countrie of unnecessary charge and travells: it is ordered by this Court and Authoritie therof;</i></p> <p>That there shal be four Quarter Courts of Assistants yearly kept by the Governour, or Deputy Goveñ: and the rest of the Magistrates, the first of them on the first third day (viz: <i>tuesday</i>) in the fourth month called <i>June</i>: the second on the first third day of the seventh month: the third on the first third day of the tenth mōth: the fourth on the first third day of the first month called <i>March</i>. Also there be four County Courts held at <i>Boston</i>, by such of the Magistrates as shall reside in, or neer the same, viz: by any five, four or three of them, who shall have power to assemble together upō the last fift day of the eight, eleveneth, second & fift months everie year, and there to hear & determin all civil causes & criminal, not extending to life, member or banishment according to the course of the court of Assistants, & to summon Juries out of the neighbour towns, & the Marshall & other Officers shall give attendance there as at other Courts. And it is fur- ther ordered that there shall be four Quarter Courts kept yearly by the Magistrates of Essex, with such other persons of worth as shal frō time to time be appointed by the Ge- neral Court; at the nominatiō of the towns in that Shire by orderly agreemēt amōg thē- selves, to be joyned in Commission with them so that with the Magistrates they be five in all</p>

16	Courts. Criminall causes. Cruelty. Damages. Death untimely. Deeds & writings. Deputies.
Gen: Court.	Sessions, if any be, the Deputies for <i>Dover</i> are at libertie whether to attēd or not. [1643]
Magistrates act apart.	4 <i>Forasmuch as after long experience wee finde divers inconveniences in the manner of our proceeding in Courts by Magistrates and Deputies sitting together, and account it wisdom to follow the laudable practice of other States, who have layd ground works for government and order for issuing busines of greatest and highest consequence: it is therefore ordered by this Court and Authoritie therof,</i>
Bills read over y last day of the Session Matter of Judicature	That henceforth the Magistrates may sit and act busines by themselves, by drawing up Bills and Orders which they shall see good in their wisdom, which having agreed upon, they may present them to the Deputies to be considered of, how good and wholesom such orders are for the Countrey & accordingly to give their assent or dissent. The Deputies in like manner sitting apart by themselves and consulting about such orders and laws as they in their discretion and experience shall finde meet for the common good: which agreed upon by them they may present to the Magistrates who having seriously considered of them may manifest their consent or dissent therto. And when any Orders have passed the approbation of both Magistrates and Deputies, then to be ingrossed: which in the last day of this Court or Sessions shal be deliberately read over. Provided also that all matters of Judicature which this Court shall take cognisance of, shall be issued in like manner (unles the Court upon some particular occasion or busines agree otherwise). [1644]
heard next Court	<i>Criminal causes.</i> It is ordered by this court & Authoritie therof, That everie man that is to answer for any criminal cause, whether he be in prison or under <i>Bayle</i> his cause shall be heard and determined at the next Court that hath proper cognisance therof and may be done without prejudice of justice. [1641] <i>See Courts, Lib: com: Punishment, Torture.</i>
	<i>Crueltie.</i> It is ordered by this Court and Authoritie therof; That no man shall exercise any tyranny or cruelty towards any bruit creatures which are usually kept for the use of man. [1641]
Finable.	<i>Damages pretended.</i> It is ordered by this Court and Authoritie therof; That no man in any Sute or Action against another shall falsly pretend great damages or debts to vex his adversary, and if it shall appear any doth so, the Court shall have power to set a reasonable fine on his head. [1641]
Tried by inquest.	<i>Death untimely.</i> It is ordered by this Court and Authoritie therof; That whensoever any person shall come to any very sodain, untimely or unnatural death, some Assistant or the Constable of that town shall forthwith summon a Jurie of twelve discreet men to inquire of the cause and manner of their death, who shall present a true verdict therof, to some neer Assistant, or to the next court (to be holden for that Shire) upon their oath. [1641]
Invalid.	<i>Deeds and writings.</i> It is ordered by this court and Authoritie therof; That no conveyance, deed or promise whatsoever shall be of validitie, if it be gotten by illegal violence, imprisonment, threatening or any kinde of forcible compulsion, called <i>Dures</i> . [1641]
Towns choose Deputies, their power before the Court their power in Court	<i>Deputies for the Generall Court.</i> <i>For easing the body of Freemen now increasing, and better dispatching the busines of Generall Courts, It is ordered and by this Court declared;</i> That henceforth it shall be lawfull for the Freemen of everie Plantation to choose their Deputies before every Generall Court, to confer of, and prepare such publick busines as by them shall be thought fit to consider of at the next General court. And that such persons as shall be heerafter so deputed by the Freemen of the severall Plantations to deal on their behalfe in the publick affairs of the Common-wealth, shall have the full power and voices of all the said Freemen derived to them for the making and establishing of Laws, graunting of lands, and to deal in all other affairs of the Common-wealth wherin

Deputies. Distresse. Dowries.	17
<p>wherin the Freemen have to doe: the matter of election of Magistrates and other Officers only excepted wherin every Freeman is to give his own voice. [1634]</p> <p>2 Forasmuch as through the blessing of God the number of towns are much increased, It is therefore ordered and by this Court enacted;</p> <p>That henceforth no town shall send more then two Deputies to the General Court; though the number of Freemen in any town be more then twenty. And that all towns which have not to the number of twenty Freemen shall send but one Deputy, & such towns as have not ten Freemen shall send none, but such Freemen shall vote with the next town in the choice of their Deputie or Deputies til this Court take further order. [1636 1638]</p> <p>3 It is ordered by this Court and Authoritie therof, That when the Deputyes for severall towns are met together before, or at any General court, it shall be lawfull for them or the major part of them to hear and determin any difference that may arise about the election of any of their members, and to order things amongst themselves that may concern the well ordering of their body. And that heerafter the Deputies for the General court shall be elected by papers as the Governour is chosen. [1634 1635]</p> <p>4 It is ordered by this Court and Authoritie therof; That the Freemen of any Shire or town have liberty to choose such Deputies for the General court either in their own Shire, Town, or elsewhere, as they judge fittest, so be it they be Freemen and inhabiting within this Jurisdiction. And because wee cannot foresee what variety and weight of occasions may fall into future consideration, & what counsells we may stand in need of: wee decree that the Deputies to attend the General court in the behalfe of the Countrey shall not at any time be stated and enacted but from court to court, or at the most but for one year, that the Countrey may have an annual liberty to doe in that case what is most behoofefull for the best welfare therof. [1641]</p>	<p>matter of election except:</p> <p>Number of Dep: for each town.</p> <p>Deputies may settle differ: about elect: of Deputies & order their own body.</p> <p>Whice chosen. How qualified.</p> <p>Stated but for one year at most.</p>
<p style="text-align: center;"><i>Distresse.</i></p> <p>It is ordered by this Court and Authoritie therof, That no mans corn or hay that is in the field 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 imbeazled nor suffer spoyl or decay, or give securitie to satisfie the worth therof if it comes to any harm. [1641]</p>	<p>Secured.</p>
<p style="text-align: center;"><i>Dowries.</i></p> <p><i>Forasmuch as no provison hath yet been made for any certein maintainance for Wives after the death of their Husbands, be it ordered and enacted by this present Court and Authoritie therof;</i></p> <p>That every married Woman (living with her Husband in this Jurisdiction or other where absent from him with his consent or through his meer default, or inevitable providence, or in case of divorce where she is the innocent partie) that shal not before marriage be estated by way of joynture in some houses, lands, tenements or other hereditaments for term of her life, shall immediatly after the death of her Husband have right and interest by way of <i>dower</i>, in, and to one third part of all such houses, lands, tenements, rents and hereditaments as her said Husband was seized of, to his own use, either in <i>possession</i>, <i>reversion</i> or <i>remainder</i> in any estate of inheritance (or <i>franc-tenement</i> not then determined) at any time during the marriage to have and injoy for term of her natural life according to the estate of such Husband free, and freely discharged of and from all titles, debts, rents, charges, judgements, executions and other incumbrances whatsoever had, made, or suffered by her said Husband during the said marriage between them; or by any other person claiming by, from, or under him otherwise then by any act or consent of such Wife, as the laws of this Court shall ratifie and allow: and if the Heir of the Husband or other person interested, shall not within one month after lawfull demand made, assigne and set out to</p>	<p>What wives are dowable</p> <p>wherof.</p> <p>for life.</p> <p>free of incumbrance.</p>

18	<i>Dowries. Drovers. Ecclesiasticall:</i>
<p>How to be assigned</p> <p>with costs & damages. Limitation</p> <p>Third of personal estate</p> <p>restraint from waft.</p>	<p>out to such widow, her just third part with conveniencie or to her satisfaction according to the intent of this Law, then upō a <i>writt</i> of <i>dower</i> in the court of that Shire where the said houses, lands, tenements or other hereditaments shall lye; or in the court of Assistants (if the same lye in severall Shires) her <i>dower</i> or third part shal be assigned her to be set forth in severall by mets and bounds, by such persons as the same Court shall appoint for that purpose, with all costs and damages sustained. Provided alwayes that this Law shall not extend to any houses lands, tenements or other hereditaments folde or conveyed away, by any husband <i>bona fide</i> for valuable consideration, before the last of the ninth month now last past. And it is farther inacted that everie such Wife as is before expressed immediatly after the death of her Husband, shal have interest in, and unto one third part of all such monie, goods and chattels, real and personal of what kinde soever as her Husband shall dye possessed of (so much as shall be sufficient for the discharge of his Funerall and just debts being first deducted) to be allowed and set out to her as is heer before appointed for her Dowrie. Provided alwayes that every such widow so endowed as aforesaid shall not commit or suffer any strip or waft, but shal maintain all such houses, fences and inclosures as shall be assigned to her for her Dowrie, and shall leave the same in good and sufficient reparations in all points. [1647]</p>
<p>Liberty.</p>	<p style="text-align: center;"><i>Drovers.</i></p> <p>It is ordered by this Court and Authoritie therof; That if any man shall have occasion to lead or drive cattle from place to place that is far off, so that they be weary or hungrie, or fall sick or lame, it shall be lawfull to rest and refresh them for a competent time in any open place that is not corn, meadow, or inclosed for some particular use. [1641]</p>
<p>Approbation.</p> <p>Non-appobat</p> <p>Ordinances</p> <p>Officers.</p> <p>Members.</p> <p>No humane Ordinances.</p> <p>Fasts & Feasts</p> <p>Elders meet:</p> <p>Members under civil justice.</p>	<p style="text-align: center;"><i>Ecclesiasticall:</i></p> <p>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 estate, provided they doe it in a christian way with due observation of the rules of Christ revealed in his word. Provided also that the General Court doth not, nor will heerafter approve of any such companies of men as shall joyne in any pretended way of Church fellowship unless they shall acquaint the Magistrates and the Elders of the neighbour Churches where they intend to joyn, & have their approbation therein.</p> <p>2 And it is farther ordered, that no person being a member of any Church which shal be gathered without the approbation of the Magistrates and the said Churches shal be admitted to the Freedom of this Common-wealth.</p> <p>3 Everie Church hath free liberty to exercise all the Ordinances of God according to the rules of the Scripture.</p> <p>4 Everie Church hath free libertie of election and ordination of all her Officers from time to time. Provided they be able, pious and orthodox.</p> <p>5 Everie Church hath also free libertie of admission, recommendation, dismissal & expulsion or depofall of their Officers and members upon due cause, with free exercise of the disciplin and censures of Christ according to the rules of his word.</p> <p>6 No injunction shall be put upon any Church, church Officer or member in point of doctrine, worship or disciplin, whether for substance or circumstance besides the institutions of the Lord.</p> <p>7 Everie Church of Christ hath freedom to celebrate dayes of Fasting and prayer and of Thanksgiving according to the word of God.</p> <p>8 The Elders of churches also have libertie to meet monthly, quarterly or otherwise in convenient numbers and places, for conference and consultations about christian and church questions and occasions.</p> <p>9 All Churches also have libertie to deal with any their members in a church way that are in the hands of justice, so it be not to retard and hinder the course therof.</p> <p style="text-align: right;">10 Everie</p>

Ecclesiastical:	19
<p>10 Everie Church hath libertie to deal with any Magistrate, Deputy of court, or other Officer whatsoever that is a member of theirs, 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>	civil Officers.
<p>11 Wee also allow private meetings for edification in Religion amongst christians of all sorts of people so it be without just offence, both for number, time, place and other circumstances.</p>	Private meet:
<p>12 <i>For the preventing and removing of error and offence that may grow and spread in any of the Churches in this Jurisdiction, and for the preserving of truth & peace in the severall Churches within themselves, and for the maintainance and exercise of brotherly communion amongst all the Churches in the country.</i></p>	
<p>It is allowed and ratified by the authoritie of this Court, as a lawfull libertie of the Churches of Christ, that once in every month of the year (when the season will bear it) it shall be lawfull for the Ministers and Elders of the Churches neer adjoyning, together with any other of the Brethren, with the consent of the Churches, to assemble by course in everie several church one after another, to the intent, that after the preaching of the word, by such a Minister as shall be requested therto, by the Elders of the Church where the Assembly is held, the rest of the day may be spent in publick christian conference, about the discussing and resolving of any such doubts & cases of conscience concerning matter of doctrine, or worship, or government of the Church as shall be propounded by any of the Brethren 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 Assembly is held, or by such others as they shall appoint. And that nothing be concluded & imposed by way of Authoritie from one, or more Churches, upon another, but only by way of brotherly conference & consultations, that the truth may be searched out to the satisfying of every mans conscience in the sight of God according to his word. And because such an Assemblie and the work therof cannot be duly attended if other Lectures be held the same week, it is therefore agreed with the consent of the Churches, that in what week such an Assembly is held all the Lectures in all the neighbouring Churches for the week dayes shall be forborne, that so the publick service of Christ in this Assembly may be transacted with greater diligence & attention. [1641]</p>	<p>Monthly meetings.</p> <p>For preaching & conference</p> <p>Moderators.</p> <p>No Presbyterial authority over Church.</p> <p>no Lectures / week.</p>
<p>13 <i>Forasmuch as the open contempt of Gods word and Messengers thereof is the desolating sinne of civil States and Churches and that the preaching of the word by those whom God doth send, is the chief ordinary means ordained of God for the converting, edifying and saving the soules of the Elect through the presence and power of the Holy-Ghost, therunto promised: and that the ministry of the word, is set up by God in his Churches, for those holy ends: and according to the respect or contempt of the same and of those whom God hath set apart for his own work & employment, the weal or woe of all Christian States is much furthered and promoted; it is therefore ordered and decreed,</i></p>	
<p>That if any christian (so called) within this Jurisdiction shall contemptuously behave himselfe toward the Word preached or the Messengers thereof called to dispense the same in any Congregation; when he doth faithfully execute his Service and Office therein, according to the will and word of God, either by interrupting him in his preaching, or by charging him falsely with any error which he hath not taught in the open face of the Church: or like a son of Korah cast upon his true doctrine or himselfe any reproach, to the dishonour of the Lord Jesus who hath sent him and to the disparagement of that his holy Ordinance, and making Gods wayes contemptible and ridiculous: that everie such person or persons (whatsoever censure the Church may passe) shall for the first scandall be convented and reprov'd openly by the Magistrate at some Lecture, and bound to their good behaviour. And if a second time they break forth into the like contemptuous carriages, they shall either pay five pounds to the publick Treasurie; or stand two hours openly upon a block or stool, four foot high</p>	<p>contempt of the word &c</p> <p>first offence openly reprov'd &c: Second offence:</p>

20	<i>Ecclesiasticall: Elections.</i>
<p>Absence from church Assen: fined 5 s</p>	<p>high on a lecture day with a paper fixed on his breast, written in Capital letters [AN OPEN AND OBSTINATE CONTEMNER OF GODS HOLY ORDINANCES] that others may fear and be ashamed of breaking out into the like wickednes. [1646]</p> <p>14 It is ordered and decreed by this Court and Authoritie therof; That wheresoeve the ministry of the word is established according to the order of the Gospell throughout this Jurisdiction every person shall duly resort and attend therunto respectively upon the Lords days & upon such publick Fast dayes, & dayes of Thanksgiving as are to be generally kept by the appointmēt of Authoritie: & if any person withi this Jurisdiction shall without just and necessarie cause withdraw himselfe frō hearing the publick ministry of the word after due meanes of conviction used, he shall forfeit for his absence from everie such publick meeting five shillings. All such offences to be heard and determined by any one Magistrate or more from time to time. [1646]</p>
<p>Civil author: may preserve peace in chur: Punish chur: members nor shal chur: cens: disanul civil dignity.</p>	<p>15 Forasmuch as the peace and prosperity of Churches and members therof as well as civil Rights & Liberties are carefully to be maintained, it is ordered by this Court & decreed, That the civil Authoritie heer established hath power and liberty to see the peace, ordinances and rules of Christ be observed in everie Church according to his word. As also to deal with any church-member in a way of civil justice notwithstanding any church relation, office, or interest; so it be done in a civil and not in an ecclesiasticall way. Nor shall any church censure degrade or depose any man from any civil dignity, office or authoritie he shall have in the Common-wealth. [1641]</p>
<p>What is rat- able for the ministry.</p> <p>Ministers howf</p> <p>to go to suc- cessors.</p> <p>recorded.</p>	<p>16 Forasmuch as there are many Inhabitants in divers towns, who leave their severall habitations and therby draw much of the in-come of their estates into other towns wherby the ministry is much neglected, it is therefore ordered by this Court and the authoritie therof; That from henceforth all lands, cattle and other estates of any kinde whatsoever, shall be lyable to be rated to all cōmon charges whatsoever, either for the Church, Town or Cōmon-wealth in the same place where the estate is from time to time. And to the end there may be a convenient habitation for the use of the ministry in everie town in this Jurisdiction to remain to posterity. It is decreed by the authoritie of this Court that where the major part of the Inhabitants (according to the order of regulating valid town acts) shall graunt, build, or purchase such habitation it shall be good in law, and the particular sum upon each person assessed by just rate, shal be duly paid according as in other cases of town rates. Provided alwayes that such graunt, deed of purchase and the deed of gift therupon to the use of a present preaching Elder and his next successour and so from time to time to his successors: be entred in the town book and acknowledged before a Magistrate, and recorded in the Shire court. [1647] See charges publ: sec: 3.</p>
<p>Election by indian corn & beans. no man put in above one, on penalt: of 10 li.</p> <p>no non-Frem: any, on like penaltic.</p> <p>Election by proxies how to be carried</p>	<p><i>Elections.</i></p> <p>It is ordered by this Court and Authoritie therof: That for the yearly choosng of Assistants for the time to come in stead of papers the Freemen shall use indian corn and beans. the indian corn to manifest election, the beans for blanks. And that if any Freeman shall put in more then one indian corn or bean for the choise or refusal of any publick Officer, he shall forfeit for everie such offence ten pounds. And that any man that is not free or otherwise hath not libertie of voting, putting in any vote shal forfeit the like sum of ten pounds. [1643]</p> <p>2 For the preventing of many inconveniences that otherwise may arise upon the yearly day of Election, and that the work of that day may be the more orderly, easily and speedily issued, it is ordered by this Court and the authoritie therof.</p> <p>That the Freemen in the severall towns and villages within this Jurisdiction, shall this next year from time to time either in person or by proxie sealed up, make all their elections, by papers, indian corn and beans as heerafter is expressed, to be taken, sealed up, & sent to the court of Election as this order appoints, the Governour, Deputie Governour, Major Generall, Treasurer, Secretary and Cōmissioners for the united Colonies to be chosen by writing, open or once folded, not twisted or rolled up, that so they may be</p>

Elections. Escheats. Farms. Fayrs & Markets.

21

be the sooner and surer perused: and all the Assistants to be chosen by indian corn and beans, the indian corn to manifest election as in *Sect: 1:* and for such small villages as come not in person and that send no Deputies to the Court, the Constable of the said village, together with two or three of the chiefe Freemen shall receive the votes of the rest of their Freemen, and deliver them together with their own sealed up to the Deputie or Deputies for the next town, who shall carefully convey the same unto the said Court of Election. [1647]

Small villages to joyn w next towns.

3 Forasmuch as the choice of Assistants in case of supply is of great concernment, and with all care and circumspection to be attended; It is therefore ordered by this Court and Authoritie therof,

That when any Assistants are to be supplied, the Deputies for the General Court shall give notice to their Constables or Select men to call together their Freemen in their severall towns: to give in their votes unto the number of seven persons, or as the General Court shall direct, who shall then and there appoint one to carrie them sealed up unto their Shire towns upon the last fourth day of the week in the first month from time to time; which persons for each town so assembled shall appoint one for each Shire to carrie them unto *Boston* the second third day of the second month there to be opened before two Magistrates. And those seven or other number agreed upon as aforesaid, that have most votes shall be the men which shall be nominated at the court of Election for Assistants as aforesaid. Which persons the Agents for each Shire shall forthwith signifie to the Constables of all their severall towns in writing under their hands with the number of votes for each person: all which the said Constables shall forthwith signifie to their Freemen. And as any hath more votes then other so shall they be put to vote. [1647]

Assistants supplied by vote sealed up:

opened at Boston

signified to Freemen.

4 It is decreed and by this Court declared That it is the constant libertie of the Freemen of this Jurisdiction to choose yearly at the court of Election out of the Freemen, all the general Officers of this Jurisdiction, and if they please to discharge them at the court of Election by way of vote they may doe it without shewing cause. But if at any other General Court, we hold it due justice that the reason therof be alledged and proved. By general Officers we mean our Governour, Deputy Governour, Assistants, Treasurer, General of our wars, our Admirall at sea, Commissioners for the united-Colonies and such others as are, or heerafter may be of the like general nature. [1641] See courts *Sect: 3.*

Gen: officers chosen how discharged.

Explainer: of gen: Officers.

Escheats.

It is ordered by this Court and Authoritie therof, That where no Heir or Owner of houfes, lands, tenements, goods or chattels can be found: they shall be seized to the publick Treasurie till such Heirs or owners shall make due claim therto, unto whom they shall be restored upon just and reasonable terms. [1646]

Farms.

It is ordered by this Court and Authoritie therof, That all Farms which are within the bounds of any town shall henceforth be of the same town in which they lye, except *Meadford*. [1641] See *militarie. see watches.*

Fayrs & Markets.

It is ordered by the Authoritie of this Court that there shall henceforth be a Market kept at *Boston* in the county of *Suffolk* upō the fift day of the week from time to time. And at *Salem* in the county of *Essex* upon the fourth day of the week from time to time. And at *Lyn* on the third day of the week from time to time. And at *Charls-town* in the county of *Middlesex* upon the sixth day of the week from time to time. It is also ordered and heerby graunted unto *Salem* afore-mentioned to have two Fayrs in a year on the last fourth day of the third month and the last fourth day of the seventh month from year to year. Also *Water-town* in the County of *Middlesex* is graunted two Fayrs on the first sixt day of the fourth month & the first sixt day of the seventh month from year to year. Also *Dorchester* in the County of *Suffolk* is graunted two Fayrs on the third fourth

At Boston.

Salem. Charls-town.

Two Fayrs a year at Salem.

Water-town.

Dorchester.

22	Ferries. Fines. Fire.
	fourth day of the first month and the last fourth day of the eight month from year to year [1633 1634 1636 1638]
Privilege of Ferries.	<p style="text-align: center;"><i>Ferries.</i></p> <p><i>For setting all common ferries in a right course both for the Passengers and Owners, it is ordered by this Court and authoritie therof;</i></p>
Men may pass in own or neighbours boat. Double pay in the night How Ferrymen may recover their pay. Magistr: and Dep: passage free:	<p>That whosoever hath a Ferry graunted upon any passage shall have the sole libertie for transporting passengers from the place where such Ferrie is graunted, to any other ferrie-place where ferrie-boats use to land, and any ferrie-boat that shall land passengers at any other Ferrie may not take passengers from thence if the ferrie-boat of the place be ready. Provided this order shall not prejudice the libertie of any that do use to passe in their own or neighbours <i>cannooes</i> or boats to their ordinary labour or busines. Also Ferrimen are allowed to take double pay at such common Ferries after day light is done, and those that make not present pay, being required, shall give their names in writing or a pawn to the Ferriman, or else he may complain of such before a Magistrate to get satisfaction. And it is ordered that all the Magistrates and such as are, or from time to time shall be chosen to serve as Deputies of the General Court, with their necessary attendants <i>viz:</i> a man and a horse at all times, during the time of their being Magistrates or Deputies [and not their whole families] shall be passage-free over all Ferries. Provided where Ferries are appropriated to any, or rented out & so be out of the Countreys hands their passage shall be paid by the Countreie. And the Ferrimen of <i>Charls-River</i> are allowed for the passage of the Magistrates, Deputies, Grand and petty Jurienmen, prisoners; Keepers and Marshals, by agreemenr with them six pounds <i>per annum</i>, to be paid by the Treasurer.</p>
payd by the Countreie for them & others 6 li. per ann:	<p><i>And wheras men doe passe over the common Ferries in great danger oftentimes, and the Ferrimen excuse themselves by the importunitie of passengers and want of law to inable them to keep due order touching passengers, its therfore heerby farther ordered;</i></p>
Secur: passen:	<p>That no person shall presse or enter into any ferrie-boat contrary to the will of the Ferriman or of the most of the passengers first entred upon payn of ten shillings for every such attempt: and that everie Ferriman that shall permit and allow any person to come into his boat against the will of any of the Magistrates or Deputies or any of the Elders shipped in such boat or the greater part of the passengers in the said boat, shall forfeit for everie person so admitted or received against such their will so declared the sum of twentie shillings. And it shall be in the power of any of the Ferrimen to keep out or put out of his boat any person that shall presse, enter into, or stay in any such ferrie-boat contrary to this Order. And it is farther ordered that all persons shall be received into such ferrie-boats according to their comming, first or last, only all Publick persons or such as goe upon publick or urgent occasions, as Phisitions, Chirurgeons and Midwives and such other as are called to woemens labours, such shall be transported with the first. [1641 1644 1646 1647] See <i>Colledge</i>.</p>
Ferriman's power.	<p style="text-align: center;"><i>Fines.</i></p> <p><i>Wheras divers persons indebted to the Countreie for publick Rates, & others for Fines who for avoiding payment sometime sell their houses and lands, and send away their goods to other Plantations, it is therfore ordered by the authoritie of this Court,</i></p>
men shall passe as they come etc: publick persons &c:	<p>That the Treasurer shall graunt <i>Warrant</i> to the Marshall to attach the bodyes of such persons, & keep them til they make satisfaction; and all such persons as are to pay any fines if they have not lands or goods to be distreined shall have their bodyes attached to make satisfaction. Provided that any Court of Assistants or County Court may discharge any such person from imprisonment if they shall finde them indeed unable to make satisfaction. [1638]</p>
where no est: is found person attached.	<p style="text-align: center;"><i>Fyre.</i></p> <p>It is ordered by this Court and the Authoritie therof, that whosoever shall kindle any fyres in woods or grounds lying in common or inclosed, so as the same shall run into such corn grounds or inclosures; before the tenth of the first month or after the last of the second month, or on the last day of the week, or on the Lords day shall pay all damages and</p>
The court may disch: from prison.	
In what cases he y kindles fire shal pay all damages	

and half so much for a Fine, or if not able to pay then to be corporally punished by Warrant from one Magistrate or the next County Court as the offence shall deserve, not exceeding twenty stripes for one offence. Provided that any man may kindle fyre in his own ground at any time, so as no damage come therby either to the Country or any particular person. And whosoever shall wittingly and willingly burn or destroy any frame, timber hewed, sawn or ryven, heaps of wood, charcoal, corn, hay, straw, hemp or flax he shall pay double damages.

and be fined or corporally punished

Willfull burning timber, &c. double damage

Fish. Fisher-men.

UPON the petition of the Inhabitants of Marble-head this Court doth heerby declare that howsoever it hath been an allowed custom for forreign fishermen to make use of such Harbours and Grounds in this Countrie as have not been inhabited by English men, and to take timber and wood at their pleasure for all their occasions, yet in these parts which are now possessed and the lands disposed in proprietie unto severall towns and persons and that by his Majestyes graunt under the Great Seal of England,

Forre: Fishermens custom for timber &c.

It is not now lawfull for any person either Fisherman or other, either Forreiner or of this Countrie to enter upon the lands so appropriated to any town or person, or to take any wood or timber in any such place without the licence of such town or Proprietor: and if any person shall trespass therein the Town or Proprietor so injured may take their remedie by Action at law, or may preserve their goods or other interest by opposing lawfull force against such unjust violence. Provided that it shall be lawfull for such Fishermen as shall be employed by any Inhabitants in this Jurisdiction in the severall seasons of the year to make use of any of our Harbours and such lands as are near adjoining, for the drying of their fish or other needfull occasions, as also to have such timber or fire-wood as they shall have necessary use of for their fishing seasons where it may be spared, so as they make due satisfaction for the same to such Town or Proprietor. [1646]

not allowed.

Libt for our own Fishermē

upon due satisfaction.

Forgerie.

IT is ordered by this Court and Authoritie therof, That if any person shall forge any Deed or conveyance, Testament, Bond, Bill, Releas, Acquittance, Letter of Attourney or any writing to pervert equitie and justice, he shall stand in the Pillory three severall Lecture dayes and render double damages to the partie wronged and also be disabled to give any evidence or verdict to any Court or Magistrate. [1646]

Fornication.

IT is ordered by this Court and Authoritie therof, That if any man shall commit Fornication with any single woman, they shall be punished either by enjoinning to Marriage, or Fine, or corporall punishment, or all or any of these as the Judges in the courts of Assistants shall appoint most agreeable to the word of God. And this Order to continue till the Court take further order. [1642]

Freemen, Non-Freemen.

WHERAS there are within this Jurisdiction many members of Churches who to exempt themselves from all publick service in the Common-wealth will not come in, to be made Freeman, is therefore ordered by this Court and the Authoritie therof,

That all such members of Churches in the severall towns within this Jurisdiction shall not be exempted from such publick service as they are from time to time chosen to by the Freeman of the severall towns; as Constables, Jurors, Select-men and Surveyors of high-ways. And if any such person shall refuse to serve in, or take upon him any such Office being legally chosen therunto, he shall pay for every such refusall such Fine as the town shall impose, not exceeding twenty shillings as Freeman are lyable to in such cases. [1647]

Who are compellable to publick services

Fugitives, Strangers.

IT is ordered by this Court and Authoritie therof, That if any people of other nations professing the true Chistian Religion shall flee to us from the tyrannie or oppression of their persecutors, or from Famine, Wars, or the like necessarie and compulsarie

24	<i>Gaming. Generall Court. Governour. Heresie. Hydes & Skins.</i>
Harboured.	compulsarie cause, they shall be entertained and succoured amongst us according to that power and prudence God shall give us. [1641]
	<p style="text-align: center;"><i>Gaming.</i></p> <p>UPON complaint of great disorder by the use of the game called Shuffle-board, in houses of common entertainment, whereby much pretious time is spent unfruitfully and much wast of wine and beer occasioned, it is therefore ordered and enacted by the Authoritie of this Court;</p>
Shuffleboard	That no person shall henceforth use the said game of Shuffle-board in any such house, nor in any other house used as common for such purpose, upon payn for every
penalties.	Keeper of such house to forfeit for every such offence twenty shillings: and for every person playing at the said game in any such house, to forfeit for everie such offence five
No gaming for money on pen: of treble value.	shillings: Nor shall any person at any time play or game for any monie, or mony-worth upon penalty of forfeiting treble the value therof: one half to the partie informing, the other half to the Tresurie. And any Magistrate may hear and determine any offence against this Law. [1646 1647]
	<p style="text-align: center;"><i>Generall Court.</i></p> <p>IT is ordered, and by this Court declared that the Governour and Deputie Governour joyntly consenting, or any three Assistants concurring in consent shall have power out of Court to reprove a condemned malefactor till the next Court of Assistants: or Generall Court. And that the General Court only shall have power to pardon a condemned malefactor.</p>
Who have power to Re- prive.	
to pardon.	
None free fro forrein Amb- bassie, that accepts the service.	Also it is declared that the General Court hath libertie and Authoritie to send forth any member of this Common-wealth, of what qualitie and condition or office whatsoever into forrein parts, about any publick Message or negociation: notwithstanding any office or relation whatsoever. Provided the partie so sent be acquainted with the affairs he goeth about, and be willing to undertake the service.
Major part in Gen: Court dissolve or adjourn	Nor shall any General Court be dissolved or adjourned without the consent of the major part therof. [1641] See <i>Counsell, Courts.</i>
	<p style="text-align: center;"><i>Governour.</i></p> <p>IT is ordered, and by this Court declared that the Governour shall have a casting vote whensoever an <i>equivote</i> shall fall out in the Court of Assistants, or general Assemblie: so shall the President or Moderatour have in all civil Courts or Assemblies [1641] See <i>Gen: Court.</i></p>
A casting vote in the Gover: and Presid: in Courts &c.	
	<p style="text-align: center;"><i>Heresie.</i></p> <p>ALTHOUGH no humane power be Lord over the Faith & Consciences of men, and therefore may not constrain them to beleive or professe against their Consciences: yet because such as bring in damnable heresies, tending to the subversion of the Christian Faith, and destruction of the soules of men, ought duly to be restrained from such notorious impiety, it is therefore ordered and decreed by this Court;</p>
	That if any Christian within this Jurisdiction shall go about to subvert and destroy the christian Faith and Religion, by broaching or mainteining any damnable heresie; as denying the immortalitie of the Soul, or the resurrection of the body, or any sin to be repented of in the Regenerate, or any evil done by the outward man to be accounted sin: or denying that Christ gave himself a Ransom for our sins, or shall affirm that wee are not justified by his Death and Righteousnes, but by the perfection of our own works; or shall deny the moralitie of the fourth commandment, or shall indeavour to seduce others to any the heresies aforementioned, everie such person continuing obstinate therein after due means of conviction shall be sentenced to Banishment. [1646]
Banishment.	
	<p style="text-align: center;"><i>Hydes & Skins.</i></p> <p>WHERAS some persons more seeking their own private advantage then the good of the publick doe transport raw hydes & pelts, it is ordered and by this Court enacted,</p>
Raw hides.	That henceforth no person shall deliver aboard any ship or other vessell, directly or indirectly any raw hyde, skin, pelt or leather unwrought with intent to have the same

same transported out of this Jurisdiction upon pain to forfeit the same or the value therof. And that no Master of any ship or vessel shall receive any raw hyde, skin, pelt, or leather unwrought directly or indirectly, aboard his ship or vessel to be so transported upon the like penalty. Provided that any person stranger or other may transport any hydes or skins brought hither from beyond the seas by way of Merchandize, or the skins of Beaver, Moof, Bear and Otter. [1646]

Forfeit.

Hygh-ways.

TO the end there may be convenient high-ways for Travellers, it is ordered by the Authoritie of this Court;

That all common high-ways shall be such as may be most easie, and safe for travellers: to which purpose everie town (where any such high-way is made, or to be made) shall appoint two or three men of the next town, whose Inhabitants have most occasion therof, chosen & appointed by their said town, who shal from time to time lay out all common high-ways where they may be most convenient; notwithstanding any mans proprietie, (so as it occasion not the pulling down of any mans house, or laying open any garden or orchard): who in common grounds or where the soyle is wet, myrie, or verie rockie shall lay out such high-ways the wyder, viz: six, eight, ten or more rods.

By whom layd out.

Places exempted.

Provided that if any man be therby damaged in his improved ground the town shall make him reasonable satisfaction by estimation of those of the two towns that layd out the same. And if such persons deputed cannot agree in either case it shall be referred to the County Court of that Shire; or to the Court of Assistants who shall have power to hear and determin the Case. And if any person finde himselfe justly grievied with any act or thing done by the persons deputed aforesaid: he may appeal to the County Court aforesaid, or to the Court of Assistants, but if he be found to complain without cause he shall surely pay all charges of the parties and Court during that Action and also be fined to the Countrie as the Court shall adjudge. [1639]

Recompence to Propriet:

Appeal.

2 It is ordered and declared by this Court that the selected Towns-men of everie town have power to lay out (by themselves or others) particular and private wayes concerning their own town only: so as no damage be done to any man without due recompence to be given by the judgement of the said Towns-men, and one or two chosen by the said Towns-men and one or two chosen by the partie: and if any man shall finde himselfe justly greived he may appeal to the next County Court of that Shire who shall doe justice therin on both hands as in other cases of appeals. [1642]

Private wayes in towns.

3 UPON information that divers high-ways are much annoyed and incumbered by gates and rayls erected upon them, it is ordered and enacted by the Authoritie of this Court,

That upon any information or complaint made either to the court of Assistants, or any County Court or to any Magistrate of any such gates or rayls erected, or to be erected upon any common high-way, the same Court or Magistrate shall appoint a Committee of discreet and indifferent men to view such incumbrance, and to order the reformation therof. And if the parties whom it shall concern shall not submit to such orders, they shall require them to appear at the next Court for that Shire: and also shall certifie the incumbrance found and order by them made, under their hands unto the said Court, or appear in person to prosecute the cause; where it shall be heard and determined for the ease and conveniencie of Travellers, with due respect to the Proprietors cost and damage, but no person shal stand charged with the repair of common high-ways through his own ground. [1647]

One Magist: power to order redresse

Idlenes.

IT is ordered by this Court and Authoritie therof, that no person, Housholder or other shall spend his time idly or unprofitably under pain of such punishment as the Court of Assistants or County Court shall think meet to inflict. And for this

26	<i>Idlenes. Jesuits. Impos.</i>
Constabl's care and dutie The power of two Assistants	this end it is ordered that the Constable of everie place shall use special care and diligence to take knowledge of offenders in this kinde, especially of common coasters, unprofitable fowlers and tobacco takers, and present the same unto the two next Assistants, who shall have power to hear and determin the cause, or transfer it to the next Court. [1633]
One Magistr: Banishment.	<p style="text-align: center;"><i>Jesuits.</i></p> <p>THIS Court taking into consideration the great wars, combustions and divisions which are this day in Europe: and that the same are observed to be rayzed and fomented chiefly by the secret underminings, and solicitations of those of the Jesuiticall Order, men brought up and devoted to the religion and court of Rome; which hath occasioned divers States to expell them their territories; for prevention wherof among our selves, It is ordered and enacted by Authoritie of this Court,</p> <p>That no Jesuit, or spiritual or ecclesiasticall person [as they are termed] ordained by the authoritie of the Pope, or Sea of Rome shall henceforth at any time repair to, or come within this Jurisdiction: And if any person shal give just cause of suspition that he is one of such Societie or Order he shall be brought before some of the Magistrates, and if he cannot free himselfe of such suspition he shall be committed to prison, or bound over to the next Court of Assistants, to be tryed and proceeded with by Banishment or otherwise as the Court shall see cause: and if any person so banished shall be taken the second time within this Jurisdiction upon lawfull tryall and conviction he shall be put to death. Provided this Law shall not extend to any such Jesuit, spiritual or ecclesiasticall person as shall be cast upon our shoars, by ship-wrack or other accident, so as he continue no longer then till he may have opportunitie of passage for his departure; nor to any such as shall come in company with any Messenger hither upō publick occasions, or any Merchant or Master of any ship, belonging to any place not in enmitie with the State of <i>England</i>, or our selves, so as they depart again with the same Messenger, Master or Merchant, and behave themselves in-offensively during their abroad heer. [1647]</p>
Worronoco. Trading-houces. Two pence a skin. Forfeit.	<p style="text-align: center;"><i>Impos.</i></p> <p>IT is ordered by Authoritie of this Court that <i>Worronoco</i> upon <i>Conedlicot</i> lying within this Jurisdiction shall be, and be reputed as a part of the town of <i>Springfield</i> and lyable to all charges there, as other parts of the same town, until upon erecting some other Plantation neer unto it it shall be thought fit by this Court to annex it to such new Plantation.</p> <p>It is also ordered that the Trading-house at <i>Worronoco</i> and all other Trading-houses erected or to be erected, mainteined or used within this Jurisdiction, for trading with the Indians only or chiefly shall be contributarie to all publick and common charges, both in Town and Countrie, and everie such person as shall inhabit or trade in any such Trading-house or neer the same shall pay unto the publick Treasurie (by the hands of such as shall be assigned to receive the same) for everie skin of Beaver, Otter, Bear or Moose two pence. And if such person so assigned shall have cause to suspect that any such Trader hath not given a true account of all such skins so traded, he shall inform one of the next Magistrates therof, who shall send for such Trader and require him to deliver account upon his oath, which if he shall refuse to doe, he may commit him to prison or take <i>Bond</i> with Suretie for his appearance at the next Court of Assistants to answer his contempt, and be proceeded with according to justice.</p> <p>And it is farther ordered that all such skins so received, by way of trading, in, or neer any such Trading-house for which the said <i>Impos</i> of two pence a skin shall not be satisfied within one week after demaund therof shall be forfeited to the publick Treasurie, or the value therof; to be levied by <i>Warrant</i> from any one Magistrate upon any skins or other goods in such Trading-house. [1647]</p>

2 For the better support of the Government of this Common-wealth and the maintenance of Fortifications for the protecting and safe-guarding of our Coasts and Harbours, for our selves and others that come to trade with us, it is ordered by this Court and the Authority therof,

That every person, Merchant, Seaman, or other that shall bring wines into any our Harbours, in any ships or vessels whatsoever (except they come directly from *England* as their first Port) before they land any of the said wines, more or lesse, shall first make entrie of as many Buts, Pipes, or other vessels, as they or any of them shall put on shore, by a note under their hands, delivered unto the Officer at his house (who is to receive the Customs) upon pain of forfeiture and confiscation of all such wines as are landed before such entrie made, wheresoever found, the one halfe to the Countrey, the other halfe to the Officer: and the Merchants or Owners of such wines of any kinde, as soon as he lands them, shall deliver and pay unto the said Officer, what is due for Custom of them according to this Order, in wine according to the proportion of the goodnes of the parcel that is brought in, as the Officer and Owner can agree, to the contentment and satisfaction of the said Officer, or else the Owner and Officer to nominate a third man who shall put a finall price between them, in point of valuation of the wines for Customs: but if they cannot agree, upon notice from the Officer unto the Treasurer for the time being, he shall determin the price therof, and being so ordered the Officer and Merchant shall accept therof.

And it is farther ordered that he that is the cheife Officer to receive such Customes shall have under him a Deputie or Deputies who shall be as Searchers or waytors in severall places to take up such wines, by the cheif Officers appointment, and to take notice of what is landed in any place that the Countrey be not defrauded, who shall have such due recompence as the cheif Officer in his discretion shall agree with them for, either by the Butt or Pipe or by the year. All wines to pay customs according to these rates following *viz:* for every Butt or pipe of *Fyall* wines or any other wines of those Western *Islands* five shillings. For everie Pipe of *Madarie* wines six shillings eight pence. For everie Butt or Pipe of *Sherrie* sack, *Malego* or *Canarie* wines ten shillings. For *Muscadels*, *Malmfies* and other wines from the *Streights* ten shillings. For *Bastards*, *Tents* & *Alligants* ten shillings: and proportionably for greater or lesser vessels of each kinde. For everie Hogshead of French wines two shillings six pence, and proportionably for greater or lesser vessels.

And for better recovering of any such Customs of wines or forfeitures, for not entering according to this Order and for refusing of payment of such Customs to the satisfaction of the Officer, it is farther ordered,

That the said Officer hath heerby power and is required to goe into all Houses or Cellars where he knoweth or suspecteth any wine to be, and from time to time shall seiz upon such wines as are not entred according to this Order: and also seiz upon, and take possession of so much wines as to make payment of what Custom is due according to entries made, and is refused or neglected to be paid in due manner according to this Order. And all Constables and other Officers are heerby required to assist and ayd the Officer in the discharge of his duty, and helping to break open such Houses or Cellars, if the Owners of such wines shal refuse to open their doors or deliver their keys in a peaceable way. And any Smith, Carter, Owner of boat, Porter or other that shall be required by the Officer to put to their hand to help and assist in taking, loading & transporting such wines for the use of the Countrey, and shall refuse or neglect such service for due hire shall forfeit to the common Treasurie ten shillings for everie such default, to be levied by the Constable by warrant from any one Magistrate. And all debts due unto the Countrey for custom of wines, where wines are not to be found, they are to be recovered by way of Action, according to a course of law as in other cases, and this Order to be in force to recover Customs from all those that have landed wine in this Jurisdiction already and not paid Custom.

Entrie of wine

on payn of forfeiture.

Custom when paid.

Customers Deputie.

Rates of wine

Customers power.

Const: &c: to ayd the Customers

on penalty of 10 *li*.

Custom recovered by *A&S*

28	<i>Impresses. Imprisonment. Indians.</i>
<p>Only by Gen Court upō due recompence.</p> <p>Pres-free, for defects:</p> <p>from forrein wars:</p> <p>Limitation.</p> <p>for cattle and goods. Limitation twofold.</p> <p>Recompence</p>	<p style="text-align: center;"><i>Impresses.</i></p> <p>IT is ordered, and by this Court declared, that no man shall be compelled to any publick work, or service, unlesse the Presse be grounded upon some act of the General Court; and have reasonable allowance therefore: nor shall any man be compelled in person to any office, work, wars, or other publick service that is necessarily and sufficiently exempted, by any natural or personal impediment; as by want of years, greatnes of age, defect of minde, failing of senses, or impotencye of lims. Nor shall any man be compelled to go out of this Jurisdiction upon any offensive wars, which this Common-wealth, or any of our freinds or confederates shall voluntarily undertake; but only upō such vindictive and defensive wars, in our own behalf, or the behalf of our freinds and confederates; as shall be enterprized by the counsell, and consent of a General Court, or by Authoritie derived from the same. Nor shall any mans cattle or goods of what kinde soever be pressed, or taken for any publick use or service; unles it be by <i>Warrant</i> grounded upon some act of the General Court: nor without such reasonable prizes and hire as the ordinarie rates of the Countrie doe afford. And if his cattle or goods shall perish, or suffer damage in such service, the Owner shall be sufficiently recompenced. [1641]</p>
<p>Who be buy-able.</p>	<p style="text-align: center;"><i>Imprisonment.</i></p> <p>IT is ordered, and by this Court declared; that no mans person shall be restrained or imprisoned by any authoritie whatsoever before the Law hath sentenced him therto: if he can put in sufficient securitie, <i>Bayle</i> or <i>Mainprize</i> for his appearance, and good behaviour in the mean time: unles it be in crimes Capital, and contempt in open Court, and in such cases where some expresse Act of Court doth allow it. [1641]</p>
<p>Licence to buy their land.</p> <p>none must repair their guns</p> <p>nor sell gun or amunition on pen: of 10 li.</p> <p>Who may restrain them frō profaning the Sabbath.</p>	<p style="text-align: center;"><i>Indians.</i></p> <p>IT is ordered by Authoritie of this Court; that no person whatsoever shall henceforth buy land of any Indian, without licence first had & obtained of the General Court: and if any shall offend heerein, such land so bought shall be forfeited to the Countrie.</p> <p>Nor shall any man within this Jurisdiction directly or indirectly amend, repair, or cause to be amended or repaired any gun, small or great, belonging to any Indian, nor shall indeavour the same. Nor shall sell or give to any Indian, directly or indirectly any such gun, or any gun-powder, shot or lead, or shot-mould, or any militarie weapons or armour: upon payn of ten pounds fine, at the least for everie such offence: and that the court of Assistants shall have power to increase the Fine; or to impose corporall punishment (where a Fine cannot be had) at their discretion.</p> <p>It is also ordered by the Authoritie aforesaid that everie town shall have power to restrain all Indians from profaning the Lords day. [1633 1637 1641]</p>
<p>No arms sold to Indian or Forreiner w- out licence.</p> <p>on forf: for a gun 10 li, for 1 li. powder 5 li. 1 li. shot &c: 40 li.</p>	<p>2 <i>Wheras it appeareth to this Court that notwithstanding the former Laws, made against selling of guns, powder and Amunition to the Indians, they are yet supplied by indirect means, it is therefore ordered by this Court and Authoritie therof;</i></p> <p>That if any person after publication heerof, shall sell, give or barter any gun or guns, powder, bullets, shot or lead to any Indian whatsoever, or unto any person inhabiting out of this Jurisdiction without licence of this Court, or the court of Assistants, or some two Magistrates, he shall forfeit for everie gun so sold, given or bartered ten pounds: and for everie pound of powder five pounds: and for everie pound of bullets, shot or lead fourty shillings: and so proportionably for any greater or lesser quantitie. [1642]</p>
<p>preservation of their corn.</p>	<p>3 It is ordered by this Court and Authoritie therof, that in all places, the English and such others as co-inhabit within our Jurisdiction shall keep their cattle frō destroying the Indians corn, in any ground where they have right to plant; and if any of their corn be destroyed for want of fencing, or hearding; the town shall make satisfaction, and shall have power among themselves to lay the charge where the occasion of the damage did arise. Provided that the Indians shall make proof that the cattle of such a town, farm, or person did the damage. And for encouragement of</p>

Indians. Inditements. In-keepers.

29

of the Indians toward the fencing in of their corn fields, such towns, farms or persons, whose cattle may annoy them that way, shall direct, assist and help them in felling of trees, ryving, and sharpening of rayls, & holing of posts: allowing one English-man to three or more Indians. And shall also draw the fencing into place for them, and allow one man a day or two toward the setting up the same, and either lend or sell them tools to finish it. Provided that such Indians, to whom the Countrey, or any town hath given, or shall give ground to plant upon, or that shall purchase ground of the English shall fence such their corn fields or ground at their own charge as the English doe or should doe; and if any Indians refuse to fence their corn ground (being tendred help as aforesaid) in the presence and hearing of any Magistrate or selected Townsmen being met together they shall keep off all cattle or lose one half of their damages.

Help in Fencing.

And it is also ordered that if any harm be done at any time by the Indians unto the English in their cattle; the Governour or Deputie Governour with two of the Assistants or any three Magistrates or any County Court may order satisfaction according to law and justice. [1640 1648]

Indians hurting cattle Satisfaction.

4 *Considering that one end in planting these parts was to propagate the true Religion unto the Indians: and that divers of them are become subjects to the English and have ingaged themselves to be willing and ready to understand the Law of God, it is therefore ordered and decreed,*

That such necessary and wholsom Laws, which are in force, and may be made from time to time, to reduce them to civilitie of life shall be once in the year (if the times be safe) made known to them, by such fit persons as the General Court shall nominate, having the help of some able Interpreter with them.

Considering also that interpretation of tongues is appointed of God for propagating the Truth: and may therefore have a blessed successe in the hearts of others in due season, it is therefore farther ordered and decreed,

That two Ministers shall be chosen by the Elders of the Churches everie year at the Court of Election, and so be sent with the consent of their Churches (with whomsoever will freely offer themselves to accompany them in that service) to make known the heavenly counsell of God among the Indians in most familiar manner, by the help of some able Interpreter; as may be most available to bring them unto the knowledge of the truth, and their conversation to the Rules of Jesus Christ. And for that end that something be allowed them by the General Court, to give away freely unto those Indians whom they shall perceive most willing & ready to be instructed by them.

Means for their instruction in Religion

And it is farther ordered and decreed by this Court; that no Indian shall at any time *powaw*, or performe outward worship to their false gods: or to the devil in any part of our Jurisdiction; whether they be such as shall dwell heer, or shall come hither: and if any shall transgresse this Law, the *Powawer* shall pay five pounds; the Procurer five pounds; and every other countenancing by his presence or otherwise being of age of discretion twenty shillings. [1646]

Against their false worship.

Inditements.

IF any person shall be indicted of any capital crime (who is not then in *durance*) & shall refuse to render his person to some Magistrate within one month after three Proclamations publickly made in the town where he usually abides, there being a month betwixt Proclamation and Proclamation, his lands and goods shall be seized to the use of the common Treasurie, till he make his lawfull appearance. And such withdrawing of himselfe shall stand in stead of one wittnes to prove his crime, unless he can make it appear to the Court that he was necessarily hindred. [1646]

In-keepers, Tippling, Drunkenes.

FORASMUCH as there is a necessary use of houses of common entertainment in every Common-wealth, and of such as retail wine, beer and victuals; yet because there are so many abuses of that lawfull libertie, both by persons entertaining and persons entertained, there is also need of strict Laws and Rules to regulate such an employment: It is therefore ordered by this Court and Authoritie thereof;

E

That

30	<i>In-keepers, Tippling, Drunkenes.</i>
No common Victuailer, Cook, Vintner &c. without licence.	That no person or persons shall at any time under any pretence or colour whatsoever undertake to be a common Victuailer, Keeper of a Cooks shop, or house for common entertainment, Taverner, or publick seller of wine, ale, beer or strong-water (by re-tale), nor shall any sell wine privatly in his house or out of doors by a lesse quantitie, or under a quarter cask: without approbation of the selected Townsmen and Licence of the Shire Court where they dwell: upon pain of forfeiture of five pounds for everie such offence, or imprisonment at pleasure of the Court, where satisfaction cannot be had.
On pen: 5 li.	
Signe	And every person so licenced for common entertainment shall have some inoffensive Signe obvious for strangers direction, and such as have no such Signe after three months so licenced from time to time shall lose their licence: and others allowed in their stead. And any licenced person that selleth beer shall not sell any above two-pence the ale-quart: upon penaltie of three shillings four pence for everie such offence. And it is permitted to any that will to sell beer out of doors at a pennie the ale-quart and under.
No beer above two pence the quart. Any may sell out of doors of 1 d. a quart.	
In-holders forfeit	Neither shall any such licenced person aforesaid suffer any to be drunken, or drink excessively viz: above half a pinte of wine for one person at one time; or to continue tippling above the space of half an hour, or at unseasonable times, or after nine of the clock at night in, or about any of their houses on penaltie of five shillings for everie such offence.
Penalty of drunkenes 10 sh. ex: 3 sh. 4 d. Tippl: unseasonably.	And everie person found drunken viz: so that he be thereby bereaved or disabled in the use of his understanding, appearing in his speech or gesture in any the said houses or elsewhere shall forfeit ten shillings. And for excessive drinking three shillings four pence. And for continuing above half an hour tippling two shillings six pence. And for tippling at unseasonable times, or after nine a clock at night five shillings: for everie offence in these particulars being lawfully convict therof. And for want of payment such shall be imprisoned untill they pay: or be set in the <i>Stocks</i> one hour or more [in some open place] as the weather will permit not exceeding three hours at one time.
Stocks.	
Proviso,	Provided notwithstanding such licenced persons may entertain sea-faring men, or land travellers in the night-season, when they come first on shore, or from their journey for their necessarie refreshment, or when they prepare for their voyage or journey the next day early; so there be no disorder among them; and also Strangers, Lodgers or other persons in an orderly way may continue in such houses of common entertainment during meal times, or upon lawfull busines what time their occasions shall require.
The laws further extent	Nor shall any Merchant, Cooper, Owner or Keeper of wines or other persons that have the government of them suffer any person to drink to excesse, or drunkenes, in any their wine-Cellars, Ships, or other vessels or places where wines doe lye; on pain to forfeit for each person so doing ten shillings.
Secod offence double penalt: Third offenc: Whipping,	And if any person offend in drunkenes, excessive or long drinking the secod time they shall pay double Fines. And if they fall into the same offence the third time they shall pay treble Fines. And if the parties be not able to pay the Fines then he that is found drunk shall be punished by whipping to the number of ten stripes: and he that offends in excessive or long drinking shall be put into the stocks for three hours when the weather may not hazzard his life or limbs. And if they offend the fourth time they shall be imprisoned untill they put in two sufficient Sureties for their good behaviour.
stocks.	
Fourth offenc:	
Victuailer convicted a third time disabled:	And it is farther ordered that if any person that keepeth, or heerafter shall keep a common house of entertainmen, shall be lawfully convicted the third time for any offence against this Law: he shall (for the space of three years next ensuing the said conviction) be disabled to keep any such house of entertainment, or sell wine, beer or the like; unles the Court aforesaid shall see cause to continue them. It is farther ordered that everie In-keeper, or Victuailer shall provide for the entertainment

In-keepers, Tippling, Drunkenes. Juries, Jurors.

31

of strangers horses viz: one or more inclosures for Summer and hay and provender for Winter with convenient stable room and attendance under penaltie of two shillings six pence for everie dayes default, and double damage to the partie therby wronged (except it be by inevitable accident.

Provisō for horses.

And it is farther ordered by the Authoritie aforesaid, that no Taverner or seller of wine by retale, licenced as aforesaid shall take above nine pounds profit by the Butt or Pipe of wine, (and proportionably for all other vessels) toward his waft in drawing and otherwise: out of which allowance everie such Taverner or Vintner shall pay fifty shillings by the Butt or Pipe and proportionably for all other vessels to the Countrie. For which he shall account with the Auditor general or his Deputie every six months and discharge the same. All which they may doe by selling six pence a quart in retale (which they shall no time exceed) more then it cost by the Butt, beside the benefit of their art and myserie which they know how to make use of. And everie Taverner or Vintner shall give a true account and notice unto the Auditor or his Deputie of everie vessell of wine he buies from time to time within three dayes; upon pain of forfeiting the same or the value therof.

Vintner.

pay 50 sh. 7 Butt to the Countrie.

give account.

And all such as retale strong waters shall pay in like manner two pence upon everie quart to the use of the Countrie, who also shall give notice to the Auditor or his Deputie of everie case and bottle or other quantitie they buy within three dayes upon payn of forfeiture as before.

Two pence a quart for retail of strong water.

Also it is ordered that in all places where week day Lectures are kept, all Taverners, Victuailers and Tablers that are within a mile of the Meeting-house, shall from time to time clear their houses of all persons able to goe to the Meeting, during the time of the exercise (except upon extraordinary cause, for the necessarie refreshing of strangers unexpectedly repairing to them) upō pain of five shillings for every such offence over and besides the penalties incurred by this Law for any other disorder.

Com: houses cleared in Lecture time.

It is also ordered that all offences against this Law may be heard and determined by any one Magistrate, who shall heerby have power by *Warrant* to send for parties, and witnesses, and to examin the said witnesses upon oath and the parties without oath, concerning any of these offences: and upon due conviction either by view of the said Magistrate, or affirmation of the Constable, and one sufficient witnes with circumstances concurring, or two witnesses, or confession of the partie to levie the said severall fines, by *Warrant* to the Constable for that end, who shall be accountable to the Auditor for the same.

One Magist: may hear &c.

Fines levied.

And if any person shall voluntarily confesse his offence against this Law in any the particulars therof, his oath shall be taken in evidence and stand good against any other offending at the same time.

Delinquents testimonie.

Lastly, it is ordered by the Authoritie aforesaid that all Constables may, and shall from time to time duly make search throughout the limits of their towns upon Lords dayes, and Lecture dayes, in times of Exercise; and also at all other times, so oft as they shall see cause for all offences and offenders against this Law in any the particulars therof. And if upon due information, or complaint of any of their Inhabitants, or other credible persons whether Taverner, Victuailer, Tabler or other; they shall refuse or neglect to make search as aforesaid, or shall not to their power perform all other things belonging to their place and Office of Constableship: then upon complaint and due proof before any one Magistrate within three months after such refusall or neglect; they shall be fined for everie such offence ten shillings, to be levied by the Marshal as in other cases by *Warrant* from such Magistrate before whom they are convicted, or *Warrant* from the Treasurer upon notice from such Magistrate. [1645 1646 1647] See Gaming, Licences.

Const: search

Constables neglect.

Juries, Jurors.

IT is ordered by this Court and Authoritie therof, that the Constable of everie town upon *Proces* from the Recorder of each Court, shall give timely notice to the Freemen of their town, to choof so many able discreet men as the *Proces* shal direct

32	<i>Juries, Jurors. Justice. Lands free. Leather.</i>
<p>Juries for tryalls.</p> <p>Verdict according to fact</p> <p>Equitie and law in the same case</p>	<p>which men so chosen he shall warn to attend the Court whereto they are appointed, and shall make return of the <i>Proces</i> unto the Recorder aforesaid: which men so chosen shall be <i>impannelled</i> and sworn truly to try betwixt partie and partie, who shall finde the matter of fact with the damages and costs according to their evidence, and the Judges shall declare the Sentence (or direct the Jurie to finde) according to the law. And if there be any matter of apparent equitie as upon the forfeiture of an Obligation, breach of covenant without damage, or the like, the Bench shall determin such matter of equitie.</p>
<p>Tryall for life &c: by 12 mē</p>	<p>2 Nor shall any tryall passe upon any for life or bannishment but by a special Jurie so summoned for that purpose, or by the General Court.</p>
<p>Juries for inquirie</p> <p>may be for tryal also,</p>	<p>3 It is also ordered by the Authoritie aforesaid that there shall be Grand-Juries summoned everie year unto the several Courts, in each Jurisdiction; to inform the Court of any misdemeanours that they shall know or hear to be committed by any perfon or persons whatsoever within this Jurisdiction. And to doe any other service of the Common-wealth that according to law they shall be enjoined to by the said Court; and in all cases wherein evidence is so obscure or defective that the Jurie cannot clearly and safely give a positive verdict, whether it be Grand, or Petty Jurie, it shall have libertie to give a <i>Non liquet</i> or a special verdict, in which last, that is, a special verdict the judgement of the Cause shall be left unto the Bench. And all Jurors shall have libertie in matters of fact if they cannot finde the <i>main issue</i> yet to finde and present in their verdict so much as they can.</p>
<p>Positive verd: Non liquet</p>	<p>4 And if the Bench and Jurors shall so differ at any time about their verdict that either of them cannot proceed with peace of conscience, the Case shall be referred to the General Court who shall take the question from both and determin it.</p>
<p>Partial verd:</p>	<p>5 And it is farther ordered that whensoever any Jurie of tryalls, or Jurors are not clear in their judgements or consciences, concerning any Case wherein they are to give their verdict, they shall have libertie, in open Court to advise with any man they shall think fit to resolve or direct them, before they give in their verdict. And no Freeman shall be compelled to serve upon Juries above one ordinary Court in a year: except Grand-jurie men, who shall hold two Courts together at the least, and such others as shall be summoned to serve in case of life and death or bannishment. [1634]</p>
<p>Differ: twixt Jury & Bench issued</p>	<p>[1641 1642] See <i>Secresie</i>.</p>
<p>Jurie in their doubts may advise openly none serv but once a year except:</p>	<p><i>Justice.</i></p> <p>IT is ordered, and by this Court declared; that every perfon within this Jurisdiction, whether Inhabitant or other shall enjoy the same justice and law that is general for this Jurisdiction which wee constitute and execute one towards another, in all cases proper to our cognifance without partialitie or delay. [1641]</p>
<p>Forreiners libertie.</p>	<p><i>Lands, Free lands.</i></p> <p>IT is ordered, and by this Court declared; that all our Lands and Heritages shall be free from all <i>Fines</i> and <i>Licences</i> upon alienations, and from all <i>Hariots</i>, <i>Wardships</i>, <i>Liveries</i>, <i>Primerseizins</i>, year, day and waft, <i>Escheats</i> and forfeitures, upon the death of Parents or Ancesters, be they natural, unnatural, casual or judicial and that for ever. [1641] See <i>Abilitie</i>, <i>Escheats</i>, <i>Strangers</i>.</p>
	<p><i>Leather.</i></p> <p>THIS Court taking into serious consideration the several deceits and abuses which in other places have been and are commonly practised by the Tanners, Curriers and workers of leather, as also the abuses and inconveniences which acruē to the severall members of this Common-wealth, by leather not sufficiently tanned and wrought, which is occasioned by the negligence and unskillfullnes of those severall trades-men which before, in, & after it is in the hands of the Tanner may be much bettered or impaired, for prevention wherof, it is ordered by this Court and the Authoritie therof;</p> <p>That no person using or occupying the feat or mysterie of a Butcher, Currier, or shoe-maker</p>

34	<i>Leather. Levies.</i>
Tryers of leather seized	and in such manner as in this Order is appointed <i>viz</i> : upon the forfeiture of any leather the Officer so seizing the same, shall within three dayes call to him four or six men, honest, and skilfull in such ware to view the same in the presence of the partie (who shall have timely notice therof) or without him, who shall certifie upon their oaths unto the next County Court for that Shire, or unto one of the Assistants the defect of the same leather, except the partie shall before submit to their judgement.
Searching wares made of leather. Searcher defaulting.	The like power shall the said Searcher have to search all leather wrought into shoos and boots, as also to seize all such as they finde to be made of insufficient leather, or not well and sufficiently wrought up. And if any Searcher or Sealer of leather shall refuse with convenient speed to seal any leather sufficiently tanned, wrought and used according to the true meaning of this Order, or shall seal that which shall be insufficient, then everie such Searcher and Sealer of leather shall forfeit for everie such offence the full value of so much as shall be insufficiently tanned.
Searchers Fee payd by the Tanner	And the Fees for searching and sealing of leather shall be one pennie a hyde for any parcel lesse then five, and for all other parcels after the rate of six pence a <i>Dekar</i> ; which the Tanner shall pay upon the sealing of the said leather from time to time.
Fines distr:	Lastly, it is ordered by the Authoritie aforesaid that the severall Fines and Forfeitures in this Order mentioned, shall be equally divided into three parts and distributed as followeth <i>viz</i> : one part to the common Tresurie of the Shire wherein the offence is committed, another third part to the common Tresurie of the Township where such offender inhabiteth, and the other third part to the Seizer or Seizers of such leather, shoos or boots, as is insufficiently tanned, curried or wrought from time to time. [1642]
Officer shall demand upon refusal may break open &c the person Necessarie charge	<p style="text-align: center;"><i>Levies.</i></p> <p>FORASMUCH as the Marshals and other Officers have complained to this Court that they are oftentimes in great doubt how to demean themselves in the execution of their offices, it is ordered by the Authoritie of this Court;</p> <p>That in case of Fines and Assessements to be levied, and upon Execution in civil Actions, the Officer shall demand the same of the partie, or at his house or place of usuall abode, and upon refusall or non-payment he shall have power (calling the Constable if he see cause for his assistance) to break open the door of any house, chest, or place where he shall have notice that any goods lyable to such Levie or Execution shall be; and if he be to take the person he may doe the like, if upon demand he shall refuse to render himself.</p> <p>And whatever charges the Officer shall necessarily be put unto upon any such occasion, he shall have power to levie the same, as he doth the debt, Fine, or Execution: and where the Officer shall levie any such goods upon execution as cannot be conveyed to the place where the partie dwells, for whom such Execution shall be levied, without considerable charge, he shall levie the said charge also with the Execution.</p>
Fines Things not subject to levie. Officer not bound to look out estate	<p>The like order shall be observed in levying of Fines. Provided it shall not be lawfull for such Officer to levie any mans necessarie bedding, apparel, tools, or Arms, neither implements of household which are for the necessarie upholding of his life, but in such cases he shall levie his land or person according to law: and in no case shall the Officer be put to seek out any mans estate farther then his place of abode; but if the partie will not discover his goods or lands, the Officer may take his person.</p> <p>And it is also ordered and declared that if any Officer shall doe injurie to any by colour of his Office, in these or any other cases he shall be lyable upon complaint of the partie wronged, by Action or Information to make full restitution. [1647]</p>

Liberties Common.

IT is ordered by this Court, decreed and declared ; that everie man whether Inhabitant or Forreiner, Free or not Free shall have libertie to come to any publick Court, Counsell, or Town-meeting ; and either by speech or writing, to move any lawfull, seasonable, or material question; or to present any necessarie motion, complaint, petition, bill or information wherof that Meeting hath proper cognisance, so it be done in convenient time, due order and respective manner. [1641]

2 Everie Inhabitant who is an hous-holder shall have free fishing and fowling, in any great Ponds, Bayes, Coves and Rivers so far as the Sea ebs and flows, within the precincts of the town where they dwell, unles the Free-men of the same town, or the General Court have otherwise appropriated them . Provided that no town shall appropriate to any particular person or persons, any great Pond conteining more then ten acres of land: and that no man shall come upon anothers proprietie without their leave otherwise then as heerafter expressed ; the which clearly to determin, it is declared that in all creeks, coves and other places, about and upon salt water where the Sea ebs and flows , the Proprietor of the land adjoyning shall have proprietie to the low water mark where the Sea doth not ebb above a hundred rods, and not more wherefoever it ebs farther . Provided that such Proprietor shall not by this libertie have power to stop or hinder the passage of boats or other vessels in, or through any sea creeks, or coves to other mens houses or lands . And for great Ponds lying in common though within the bounds of some town, it shall be free for any man to fish and fowl there, and may passe and repasse on foot through any mans proprietie for that end, so they trespasse not upon any mans corn or meadow . [1641 1647]

3 Every man of, or within this Jurisdiction shall have free libertie, (notwithstanding any civil power) to remove both himself and his familie at their pleasure out of the same . Provided there be no legal impediment to the contrary . [1641] *See Arrests, Records, Witnesses.*

Lying.

WHERAS truth in words as well as in actions is required of all men, especially of Chistians who are the professed Servants of the God of Truth ; and whereas all lying is contrary to truth, and some sorts of lyes are not only sinfull (as all lyes are) but also pernicious to the Publick weal, and injurious to particular persons ; it is therefore ordered by this Court and Authoritie therof,

That everie person of the age of discretion [which is accounted fourteen years] who shall wittingly and willingly make, or publish any Lye which may be pernicious to the publick weal , or tending to the damage or injurie of any particular person, or with intent to deceive and abuse the people with false news or reports : and the same duly proved in any Court or before any one Magistrate (who hath heerby power graunted to hear, and determin all offences against this Law) such person shall be fined for the first offence ten shillings, or if the partie be unable to pay the same then to be set in the stocks so long as the said Court or Magistrate shall appoint , in some open place, not exceeding two hours . For the second offence in that kinde wherof any shall be legally convicted the sum of twenty shillings , or be whipped upon the naked body not exceeding ten stripes . And for the third offence that way fourty shillings, or if the partie be unable to pay , then to be whipped with more stripes, not exceeding fifteen . And if yet any shall offend in like kinde, and be legally convicted therof, such person, male or female, shall be fined ten shillings a time more then formerly: or if the partie so offending be unable to pay , then to be whipped with five, or six more stripes then formerly not exceeding fourty at any time .

The aforesaid fines shall be levied, or stripes inflicted either by the Marshal of that Jurisdiction , or Constable of the Town where the offence is committed according

Freedom in
publ. Assemb.
[Freemen
For] 15-Frem.
[Strangers.

Fishing and
fowl: where
the Sea ebbs
and flows
except prop-
rieties.

to low water
not exceeding
100 rods.

water passag:
free & ponds
above 10 acres

Removals free

Age of dis-
cretion 14 years

One Magistr.
may hear &c:
First offence
10 sh or stocks.

Sec: offence
20 shill: or
whipped.
Third offence
40 shill: or
whipped.
Fourth offence
10 sh more or
5 stripes more

Who shall
execute.

36	Lying. Magistrates.
Libertie to appeal.	<p>according as the Court or Magistrate shall direct. And such fines so levied shall be paid to the Treasurie of that Shire where the Cause is tried.</p>
under 14 years corrected by Parents, the parties Action saved	<p>And if any person shall finde himselfe greived with the sentence of any such Magistrate out of Court, he may appeal to the next Court of the same Shire, giving sufficient securitie to prosecute his appeal and abide the Order of the Court. And if the said Court shall judge his appeal causlesse, he shall be double fined and pay the charges of the Court during his Action, or corrected by whipping as aforesaid not exceeding fourtie stripes; and pay the costs of Court and partie complaining or informing, and of Wittneses in the Case.</p>
Defame &c:	<p>And for all such as being under age of discretion that shall offend in lying contrary to this Order their Parents or Masters shall give them due correction, and that in the presence of some Officer if any Magistrate shall so appoint. Provided also that no person shall be barred of his just Action of Slauder, or otherwise by any proceeding upon this Order. [1645]</p>
Convict: Penaltie.	<p style="text-align: center;"><i>Magistrates.</i></p> <p>T HIS Court being sensible of the great disorder growing in this Common-wealth through the contempts cast upon the civil Authoritie, which willing to prevent, doe order and decree;</p> <p>That whosoever shal henceforth openly or willingly defame any Court of justice, or the Sentences or proceedings of the same, or any of the Magistrates or other Judges of any such Court in respect of any Act or Sentence therin passed, and being therof lawfully convict in any General Court or Court of Assistants shall be punished for the same by Fine, Imprisonment, <i>Disfranchisement</i> or Bannishment as the qualitie and measure of the offence shall deserve.</p>
Members of Court transgressing: reproof:	<p>And if any Magistrate or other member of any court shall use any reproachfull, or un-beseeming speeches, or behaviour towards any Magistrate, Judge, or member of the Court in the face of the said Court he shall be sharply reprov'd, by the Governour, or other principal Judge of the same Court for the time being. And if the qualitie of the offence be such as shall deserve a farther censure, or if the person so reprov'd shall reply again without leave, the same Court may proceed to punish any such offender by Fine, or Imprisonment, or it shall be presented to, and censured at the next superior Court.</p>
further censure,	<p>2 If in a General Court any miscarriage shall be amongst the Magistrates when they are by themselves, it shall be examined, and sentenced amongst 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 severall as before. [1637 1641]</p>
next superior Court	<p>3 And it is ordered by the Authoritie of this Court that the Governour, Deputie Governour, or greater part of the Assistants may upon urgent occasion call a General Court at any time. [1647]</p>
Offences in y Gen: Court	<p>4 And wheras there may arise some difference of judgement in doubtfull cases, it is therefore farther ordered;</p>
Who may call a Gen: Court	<p>That no Law, Order, or Sentence shall passe as an Act of the Court without the consent of the greater part of the Magistrates on the one partie, and the greater number of the Deputies on the other part.</p>
What shal be a valid Act	<p>5 And for preventing all occasions of partial and undue proceeding in Courts of justice, and avoyding of jealousies which may be taken up against Judges in that kinde, it is farther ordered,</p>
When a Magistrate shal have no vote	<p>That in everie Case of civil nature between partie and partie where there shall fall out so neer relation between any Judge and any of the parties as between Father and Son, either by nature or marriage, Brother and Brother; in like kinde Uncle and Nephew, Land-lord and Tenent in matters of considerable value, such Judge though he may have libertie to be present in the Court at the time of the tryall, and give reasonable advice in the Case, yet shall have no power to vote or give sentence therin, neither</p>

neither shall sit as Judge, but beneath the Bench when he shall so plead or give advice in the Case . [1635] See *Burglary, Causes, Charges publ: Sect: 3, Death untimely, Drukenes, Elections Sect: 3, Gaming, High-ways, In-keepers, Leather, Marriage, Masters Servants, Oaths, Transportation.*

Man-slaughter .

IT is ordered by this Court and Authoritie therof; that if any person in the just, and necessarie defence of his life, or the life of any other, shall kill any person attempting to rob, or murder in the field, or high-way, or to break into any dwelling house if he conceive he cannot with safety of his own person otherwise take the Felon, or Assailant, or bring him to Tryall he shall be holden blameles . [1647]

Marriage .

FOR preventing all unlawfull marriages, it is ordered by this Court and Authoritie therof,

That after due publication heerof no persons shall be joyned in marriage before the intention of the parties proceeding therein hath been three times published at some time of publick Lecture or Town-meeting, in both the towns where the parties or either of them doe ordinarily reside; or be set up in writing upon some post of their Meeting-house door in publick view, there to stand so as it may easily be read by the space of fourteen dayes . [1639]

2 And whereas God hath committed the care and power into the hands of Parents for the disposing their Children in marriage: so that it is against Rule to seek to draw away the affections of young maidens under pretence of purpose of marriage before their Parents have given way and allowance in that respect . And whereas it is a common practice in divers places for young men irregularly and disorderly to watch all advantages for their evil purposes to insinuate into the affections of young maidens, by coming to them in places, and seasons unknown to their Parents, for such ends; whereby much evil hath grown amongst us to the dishonour of God and damage of parties, for prevention wherof for time to come it is farther ordered by Authoritie of this Court,

That whatsoever person from henceforth shall indeavour directly, or indirectly to draw away the affections of any maid in this Jurisdiction under pretence of marriage, before he hath obtained libertie and allowance from her Parents or Governours (or in absence of such) of the neereſt Magistrate; he shall forfeit for the first offence five pounds, for the second offence toward the same partie ten pounds, and be bound to forbear any farther attempt and proceedings in that unlawfull designe without, or against the allowance aforesaid . And for the third offence upon information, or complaint by such Parents or Governours to any Magistrate, giving *Bond* to prosecute the partie, he shall be committed to prison, and upon hearing and conviction by the next Court shall be adjudged to continue in prison untill the Court of Assistants shall see cause to release him . [1647]

3 Whereas divers persons both men and woemen living within this Jurisdiction whose Wives, and Husbands are in England, or elf-where, by means wherof they live under great temptations heer, and some of them committing lewdnes and filthines heer among us, others make love to woemen, and attempt Marriage, and some have attained it; and some of them live under suspicion of uncleannes, and all to the great dishonour of God, reproach of Religion, Common-wealth and Churches, it is therefore ordered by this Court & Authoritie therof (for the prevention of all such future evils)

That all such married persons as aforesaid shall repair to their said relations by the first opportunitie of shipping upon the pain, or penaltie of twenty pounds, except they can shew just cause to the contrary to the next County Court, or Court of Assistants to be holden at *Boston*. after they are summoned by the Constable there to appear, who are heerby required so to doe upon pain of twenty shillings for everie such default wittingly made . Provided that this Order doe not extend to such as are come over to make way for their families, or are in a transient way only for traffick, or merchandize for some small time . [1647]

se defendendo

Three times published or posted four teen dayes

No pretence of marriage to any maid without consent of Parents on payn of 5 li first offence, Sec: offence to li. and good behaviour, Third offence: imprisoned.

Mar: persons to go to their Wives on pain of 20 li. except they shew cause. Constable to Summon on pain of 20 sh Caution.

Who may solemnize marriage.

not before due publication.

All fines payd presently or securitie givē

The Marshal by writt to Treasurer to levie all fines on pain of two shill; 7 pound or fine.

No servant shall give or truck without his Masters leave Corporal punishment or Fine. How long men shall work.

Pursuit after servants or Inhabit: fled. Impresse

Wages to be set by towns,

Penaltie for giving or tak: more wages. If towns diff: County court decide it

wherin wages may be paid and how to be valued.

Proviso for spec: contracts

4 As the Ordinance of Marriage is honourable amongst all so should it be accordingly solemnized. It is therefore ordered by this Court and Authoritie therof;

That no person whatsoever in this Jurisdiction shall joyn any persons together in Marriage but the Magistrate, or such other as the General Court, or Court of Assistants shall authorize in such places where no Magistrate is neer. Nor shall any joyn themselves in Marriage but before some Magistrate, or person authorized as aforesaid. Nor shall any Magistrate, or other person authorized as aforesaid joyn any persons together in Marriage, or suffer them to joyn together in Marriage in their presence before the parties to be married have been published according to Law. [1648] See Children Sect: 3. 4.

Marshal.

FORASMUCH as delay in executing justice is dangerous to any State, and whereas many offenders are punished only by Fines or pecuniarie Mults; if there be delay or neglect in Officers, that such Fines and Penalties are not duly levied, then sin is unpunished, the Name and Ordinance of God may thereby be reproached, it is therefore ordered by this Court and Authoritie therof;

That everie offender that shall at any time be fined for the breach of any pænal Law, such person or persons so offending shall forthwith pay his or their Fine or Penaltie, or put in securitie speedily to doe it, or else shall be imprisoned, or kept to work till it be payd that no losse may come to the Common-wealth: and what other fines or debts be already due, or shall be due to the Countrie the Marshal for the time being upon Warrant from the Treasurer, and according to his oath shall be faithfull in doing the duties of his place, in levying, and returning of the same upon pain of forfeiting two shillings out of his own estate for everie pound, or else such Fine as any Court of justice shall impose on him for his neglect. [1646] See Actions, Causes, Clerk of Writs, Oaths.

Masters, Servants, Labourers.

IT is ordered by this Court and the Authoritie therof, that no servant, either man or maid shall either give, sell or truck any commoditie whatsoever without licence from their Masters, during the time of their service under pain of Fine, or corporal punishment at the discretion of the Court as the offence shall deserve.

2 And that all workmen shall work the whole day allowing convenient time for food and rest.

3 It is also ordered that when any servants shall run from their masters, or any other Inhabitants shall privily goe away with suspicion of ill intentions, it shall be lawfull for the next Magistrate, or the Constable and two of the chief Inhabitants where no Magistrate is to presse men and boats or pinnaces at the publick charge to pursue such persons by Sea or Land and bring them back by force of Arms.

4 It is also ordered by the Authoritie aforesaid, that the Free-men of everie town may from time to time as occasion shall require agree amongst themselves about the prizes, and rates of all workmens labours and servants wages. And everie person inhabiting in any town, whether workman, labourer or servant shall be bound to the same rates which the said Freemen, or the greater part shall binde themselves unto: and whosoever shall exceed those rates so agreed shall be punished by the discretion of the Court of that Shire, according to the qualitie and measure of the offence. And if any town shall have cause of complaint against the Freemen of any other town for allowing greater rates, or wages then themselves, the Quarter Court of that Shire shall from time to time set order therein.

5 And for servants and workmens wages, it is ordered, that they may be paid in corn, to be valued by two indifferent Freemen, chosen the one by the Master, the other by the servant or workman, who also are to have respect to the value of the work or service, and if they cannot agree then a third man shall be chosen by the next Magistrate, or if no Magistrate be in the town then by the next Constable, unless the parties agree the price themselves. Provided if any servant or workman agree for any particular

particular payment, then to be payd *in specie*, or confideration for default therin. And for all other payments in corn, if the parties cannot agree they shall choof two indifferent men, and if they cannot agree then a third as before.

Corn, how to be prized in all payments.

6 It is ordered, and by this Court declared, that if any servant shall flee from the tyrannie and crueltie of his, or her Master to the house of any Freeman of the same town, they shall be there protected and susteined till due order be taken for their releif. Provided due notice therof be speedily given to their Master from whom they fled, and to the next Magistrate or Constable where the partie so fled is harboured.

Servants flying frō Masters cruelty reliev

proviso for due notice

7 Also that no servant shall be put off for above a year to any other, neither in the life time of their Master, nor after their death by their Executors or Administrators, unles it be by consent of Authorite assembled in some Court, or two Assistants: otherwise all, and everie such Assignment to be void in Law.

Servants not put off without licence Two Magistr

8 And that if any man smite out the eye, or tooth of his man-servant, or maid-servant; or otherwise maim, or much disfigure them (unles it be by meer casualtie) he shall let them goe free from his service, and shall allow such farther recompence as the Court shall adjudge him.

Servants maimed &c. Discharged.

9 And all servants that have served diligently and faithfully to the benefit of their Masters seven years shall not be sent away emptie: and if any have been unfaithfull, negligent, or unprofitable in their service, notwithstanding the good usage of their Masters, they shall not be dismissed till they have made satisfaction according to the judgement of Authoritie. [1630 1633 1635 1636 1641] See *Oppression*.

Faithful servants recompenced, unfaithful fined, detained

Militarie Affairs.

FORASMUCH as the wise, and well manning the Militia of this Commonwealth is a matter of great concernment, therefore that it may be carried on end with the utmost safety and certaintie for the best benefit of the Countrie, it is ordered by this Court and Authoritie therof;

That henceforth there shall be one Sergeant Major of everie Regiment chosen by the trained soldiers of everie Town in each Shire, not only Freemen, but all others that have taken, and shall take the Oath of fidelitie (except unsettled persons) who upon Warrant from the General Court, or Sergeant Major General shall meet together in their several Towns from time to time, and give in their Votes for such a man, or men as they shall judge fit for the Office of Sergeant Major of that Regiment, and where no Magistrate is in the Town, or neer hand to give Oath to such soldiers as desire to take the same before the Election, power is heerby given to the Captain, or in defect therof to the next cheif Officer of the Company in all Towns to administer the said Oath of fidelitie; who shall certifie the next Court of that County the names of all soldiers so sworn to be recorded there: which Votes of the whole Company shall be sealed up, and delivered to one, or both the Deputies of the said Town, or any other Freeman that the Town shall appoint to carie them to the Shire town of each County at such time as the Warrant shall direct, and there before one or two of the neereft Magistrates to open the *Proxies* with the said Deputies or Freemen. And he that shall have the greater number of Votes, being a Freeman, shall be presented by one of the said Magistrates of each Shire unto the Sergeant Major General within one week after the Election, who shall entall, confirm and establish each Sergeant Major in his place for one year, who shall also retain their place and power, till a new Election be made by the General Court, or otherwise according to this Order. And to avoid the vacancy of a place so necessarie for time to come, it is ordered, that if any such Officer leave their places, or be removed out of them the Sergeant Major General for the time being shall within one month at the farthest after such a change send forth his Warrants to each town in the same Shire to make choif of one or more for Majors according to the form afore-mentioned.

Serg: Major how to be chosen.

Oath of fidelitie.

where no Magistrate is } cheif Officer may give the Oath

Serg: Major Gen: shal entall him continue til new chosen.

Major Gen: to provide for supply &c:

2 And it is farther ordered, that everie Sergeant Major not only hath libertie, but also

40	<i>Militarie affairs .</i>
<p>Everie Regiment to train once a year at com: of the Major Gener:</p> <p>The chief Officers of everie Regiment to meet twice a year by war: from y Major for what ends</p> <p>punish delinquents.</p>	<p>also is heerby injoynd once everie year at least , and oftener upon any needfull occasion, or command from the Major General to draw forth his Regiment into one convenient place , and there to put everie Captain and Officer of their Companies in their places , and to instruct them in their duties according to the rules of militarie Disciplin, and to exercise his Regiment, whether it shall consist of Horse, Pikes or Muskietiers according to his best skill and abilities as if he were to lead them forth against an enemy . And farther, that everie Sergeant Major not only hath power , but is injoynd by the Court twice everie year to fend forth his <i>Warrants</i> or <i>Summons</i> to require the chief Officers of each Company in his Regiment to meet at such time and place as he shall appoint , and there, with them to confer, and give in command such Orders as shall by them be judged meet for the better ordering and setling their particular Companies in militarie Exercises: and that these Officers of particular Companies shall bring with them a note from the <i>Rolls</i> of their severall Clerks of the names of such in their severall Companies as remain delinquents, and have not given satisfaction to the Captain, or cheif Officers of their Companies for all defects either in their arms, amunition, appearances, watches, offences, or the like . And that the Sergeant Major with the consent of those Officers, then met together, shall impose such Fines or Penalties according to Law upon delinquents as shall be judged equal , and shall give order to the Clerks of the severall Bands to take <i>distresse</i> for the same, within one month after such order, if before, they give not satisfaction.</p>
<p>Clerk of Band, his duty.</p>	<p>3 And because we observe and understand many defects to be in making appearances, in Arms unfit for service and otherwise, we order that it shall be inserted into the Oath of everie Clerk of the Band as followeth,</p> <p>First, that upon everie training day twice, once in the forenoon, as also in the after-noon at such time as the Captain, or cheif Officer that is then in the field shall appoint to call, or cause to be called over the List of the names of all the soldiers ; and that he shall give his attendance in the field all the day (except he have special leave from his Captain, or chief Officer) for the taking notice of any defect by the absence of soldiers, and other offences that doe often fall out in the time of Exercise , as well as in the calling over of the <i>Rolls</i> .</p> <p>Secondly, that twice everie year, at least, he shall view all the Arms and Amunition of the Band to see if they be all according to Law : to which end, by direction of the Captain, or chief Officer of the Band he shall give notice to the soldiers that upon such a training day appointed, they be required to bring (in the fore-noon) all their Arms and Amunition into the field that is required by Law; where they shall be approved or dis-allowed by the judgements of the said chief Officers then in the field. Also, the Clerk shall see that everie <i>Muskietier</i> have one pound of powder , twenty bullets and two fathom of match, with <i>Musket</i>, <i>Sword</i>, <i>Bandeliers</i> and <i>Rest</i>, upon the penalty of ten shillings for everie defect . And to levie five shillings forfeit upon all soldiers that shall be absent from training, or defective in watching and warding, except they be discharged, or their Fine mittigated in any the particulars afore-mentioned, by the chief Officers of the Company . And that the Clerk as often as he shall see occasion is injoynd to use all diligence to view everie ones Arms, whether they be completely furnished with all Arms and Amunition that the Law requireth .</p> <p>Thirdly, he shall see that all Inhabitants, as well Sea-men as others have Arms in their houses fit for service , with <i>Powder</i>, <i>Bullets</i>, <i>Match</i> and other amunition as other soldiers : and that Fishermen, Ship-carpenters and all others, not exempted by Law (except <i>Deacons</i>, who heerby are freed from watching and warding) shall watch or provide a sufficient Watch-man in their room, and to train twice a year according to the Order .</p>
<p>milit: Officers appoint what Arms.</p>	<p>Fourthly, that the militarie Officers of each Company shall appoint what arms everie soldier shall serve with, so that there be two thirds <i>Muskets</i>, and those which serve with <i>Pikes</i> to have their <i>Corsets</i> and <i>Head-pieces</i> .</p> <p>Fifthly, that the Clerk shall within one week after everie training day truly present</p>

<i>Militarie affayrs .</i>	41
<p>present a List of the names of all that are delinquents, and of the defects of the Band to the Captain, or chief Officer of the Company, that he may have them all in a readines to carrie with him when the Major of the Regiment shall appoint his meeting, which have not before given satisfaction at home, according to Law. And the Order that gives power to Magistrates to releaf upon non-appearance is heerby repealed.</p>	<p>Clerk to present defects within one week.</p>
<p>Sixtly, that the Clerk (without all partialitie) shall demand, and receive all Fines, which if any shall refuse to pay, then he shall make <i>distresse</i> upon the goods of all such persons as first by the chief Officer of their own Company at home, or by the Major and chief Officers met together (<i>as before mentioned</i>) shall be judged delinquents. And that the Clerk with the advise of the chief Officers of their own company shall speedily lay out all Fines received either in <i>Ensigne, Drum, Halberds</i>, candle, or wood for their Court of Guard, or to provide <i>Powder</i> or <i>Arms</i> for the poorer sort, or otherwise for the use of the Company. Provided, that no Clerk of the Band shall stand charged with the execution of any former Order by vertue of his said Office, other then such as are committed to his care and charge by this present Order.</p>	<p>Clerks duty about fines</p> <p>How fines shall be employed.</p> <p>The Clerk not charged w any former Orders</p>
<p>Lastly, if any Clerk of a Band, chofen, shall refuse either to accept the place, or to take his Oath, he shall pay to the use of the Company fourty shillings, and the Company shall choof another, and all that refuse the said Place, or Oath as before shall pay fourty shillings a peece till one doth accept the Place. And he that doth hold the Place shall have a fourth part of the Fines for his labour.</p>	<p>refusing to be Clerk &c</p> <p>fourty shillings fine fourth part of 4 fines to the Clerk milit: watch how to be ordered.</p>
<p>4 For the militarie Watch in all Towns it is ordered;</p> <p>First, that the Watch shall be set and have their charge by the direction of the chief militarie Officers of that place, half an hour after sun-setting.</p> <p>Secondly, that the Watch being set [which shall stand double, a <i>Pike</i> and a <i>Musket</i> together] shall examin all persons that they shall meet withall within the compasse of their Watch or Round: and all such as they suspect they shall carry to the Court of Guard there to be kept untill the morning, and before they be dismissed they shall carrie them to their chief Officers to be examined and proceeded with according to Law.</p>	
<p>Thirdly, if the Centinel, or Watch shall meet with such persons as shall prove too strong for them, or by their carriage shall give just cause of suspicion, or will not submit to their command, or if they shall either draw upon them, or offer any such affronts, in words or actions as shall put them in fear or hazzard of their lives, they shall charge their <i>Pike</i> and discharge their <i>Musket</i> upon them, and return with speed to their Court of Guard and raise an Alarm. Provided alwayes that in times of peace when the Council of war, or the chief Officers of any Company shall not apprehend danger by the neernes of an enemy, it shall not be in the libertie of any Centinel to hazzard the killing of any person, or persons, except in his own necessarie defence, but if the cause require it he shall raise an Alarm, or retire to the Court of Guard.</p>	<p>Caution for prev't. Manslaughter</p>
<p>5 For the well ordering of the militarie Companies and affairs throughout this Jurisdiction. it is ordered by this Court and Authoritie therof;</p> <p>That the militarie Officers of each Company upon three or four dayes warning or more, in any publick Meeting, or otherwise in their own Town shall from time to time appoint the dayes for training their Companies; so as there be eight dayes appointed for the same everie year, and none of them to be in the fift or sixth months.</p>	<p>Who shall appoint training dayes</p>
<p>Also, it is ordered, for ease of all soldiers when, and where the Regiments are exercised, That so many dayes as they shall necessarily expend by the injunction of the Sergeant Major, both in marching to and from exercise at General trainings, shall be deduct- ed out of their eight dayes annual trainings.</p>	<p>Dayes of genl training deducted fro the 8 dayes of tee Company</p>
<p>And that all Magistrats, Deputies, and Officers of court, Elders and Deacons, the President, Fellows, Students and Officers of <i>Harvard-Colledge</i>, and all professed School-masters, allowed by any two Magistrates, the Treasurer, Auditor general and Surveyor General of the Arms, Publick Notaries, Physitians and Chirurgions, allowed</p>	<p>persons exempt from trainings.</p>

42	Militarie affairs .
<p>Any Court may discharge upon cause</p> <p>whose sons & servants shal be exempted.</p> <p>Major Gē.</p> <p>persons exempt shal have Arms except.</p>	<p>allowed by two Magistrates, Masters of shippes and other vessels above twenty tunnes, Millers and constant Heards-men, and such other as by any Court shall be discharged, either for bodily infirmity, or other reasonable cause shall be exempt from ordinary trainings, and from watchings and wardings but not their sons or servants, save one servant of everie Magistrate and Teaching Elder allowed exemption : and all such as keep families at remote Farms shall not be compellable to send their servants to watch and ward in Towns . And the sons, and household servants of the Major General for the time being shall be exercised by his own order , and not otherwise compellable to attend the ordinary trainings . But all persons whatsoever exempted as aforesaid, except Magistrates and Teaching Elders shall be provided of Arms and Amunition, as other men are .</p>
<p>who have vote in election of mil: Officers to be allowed by the next Cou: court</p>	<p>6 Also that everie soldier Listed in any trayned Band, having taken the Oath of fidelitie , and everie Freeman (though not so listed) shall have his Vote in nomination of militarie Officers of that Company, or Town whereof he is , provided they be Freemen . And everie Captain, Lievtenant and Ensigne so nominated shall be presented to the next County Court to be allowed .</p>
<p>where Arms cannot be had</p> <p>want of ability to bring Arms</p>	<p>7 And if any person who is by Law to provide Arms or Amunition cannot purchase them by such means as he hath , he shall bring to the Clerk so much corn, or other merchantable goods as by apprizement of the said Clerk and two others of the Company (wherof one to be chosen by the partie) shall be adjudged of greater value, by a fift part then such Arms or Amunition is of, he shall be excused of the penaltie for want of Arms (but not for want of appearance) untill he be provided . And the Clerk shall indeavour to furnish him so soon as may be by sale of such goods so deposited, rendring the partie the overplus . But if any person shall not be able to provide himselfe Arms or Amunition through meer povertie , if he be single, he shall be put to service by some Magistrate , & the Constable shall provide him Arms and Amunition , and shall appoint him when, and with whom to earn it out .</p>
<p>affize of muskets & their furniture</p> <p>Snap-sack.</p>	<p>8 Also, that no <i>Musket</i> shall be allowed for service under bastard musket bore, and not under three foot nine inches in length , nor any piece above four foot three inches long . And everie such soldier shall be furnished with a priming wyer, Worm, Scourer and Mould, fitted to the bore of his <i>Musket</i> : and everie soldier with a Snap-sack .</p>
<p>Smiths &c: attēd repair for country pay &c: Penalty five pounds. Pen: ten shill:</p>	<p>9 It is also ordered by the Authoritie aforesaid ; that upon any militarie expedition upon occasion of an enemy all Smiths and other needfull Workmen shall attend the repairing of Arms , and other necessaries : for which they shall not refuse such pay as the Countrey affords upon pain of five pounds for everie such neglect . And for such neglect at any other time more then ten dayes , to forfeit for everie such offence ten shillings .</p>
<p>Surveyor Gē: may sell country Arms Town Arms safely kept pen: 10 ls. the week.</p>	<p>10 Also, power is given to the Surveyor general to sell any of the common Arms, when he seeth occasion .</p> <p>11 And everie Town which shall have any arms or amunition belonging to the common Store of the Town shall provide a meet place to keep the same in ; and shall safely preserve the same upon pain of ten shillings for everie weeks default therein .</p>
<p>Bring arms to Meet: houses</p> <p>Secur: Arms at Farms Exercising youth &c:</p>	<p>12 Also, the militarie Officers of everie Company in such places and at such times as they shall apprehend danger from an enemy, shall have power to order the soldiers of their Companies what arms to bring to the Meeting-houses , at the times of the publick Assemblies : and to take order for the securing the arms and amunition at remote Farms . Also, in everie Company some under Officer shall be appointed by the cheif Commander to exercise such children as by their Parents and Masters allowance shall resort to the Traynings .</p>
<p>mill: watches in time of danger. Shooting in night Penalty 40 ls.</p>	<p>13 It is also ordered, that in the times of danger the watches & wards shal be set by the militarie Officers in such places as they shall judge most convenient, and if any man shall shoot off a gun after such watch is set (except in case of Alarm) he shall forfeit to the Tresurie forty shillings. See <i>Watches</i>.</p>

<i>Militarie affayrs. Mills, Millers. Monopolies. Oaths. Oppressions. Payments.</i>	43
<p>14 And for an Alarm, either the distinct discharge of three <i>Muskets</i> or the continued beat of the <i>Drum</i>, or the fying of a <i>Beacon</i>, or discharge of a <i>Piece of Ordnance</i> and two <i>Muskets</i> after it, or any of these in the night; or the sending of a messenger on purpose to give notice of an enemy at hand shall be accounted a general Alarm, which everie trayned Soldier is to take immediately, on pain of five pounds. And besides the said general Alarm there shall be a special Alarm for the Town <i>viz</i>: one <i>Musket</i> discharged, which the Centinell shall answer by going to all the houses in his quarters and crying arm, arm. And if the danger appear the chief Officers may either strengthen their quarters, or give a general Alarm; and they shal set their Centinels or Courts of guard where they shall judge most convenient: and upon certain intelligence of an enemy at one Town, the Commanders of the three next Towns shall repair thither with a sufficient company according to the intelligence given them of the enemies strength.</p>	<p>What shall be a gen: Alarm Every trained Soldier must take it Penaltie, five pound What, a special Alarm what, to be done upon it.</p>
<p>15 Also any three chief Officers of each company shall heerby have power to punish such Soldiers as shall commit any disorder, or contempt upon any day, or time of militarie exercise, or upon any Watch or Ward by <i>Stocks</i>, <i>Bilboes</i> or any other usual military punishment, or by Fine, not exceeding twenty shillings, or may commit such offender to the Constable to be carried before some Magistrate, who may binde him over to the next Court of that Shire if the cause so require, or commit him to prison.</p>	<p>Three chief Officers may punish contempts &c: upon trayning days, or watches and wards or send the offender to a Magistrate: The Govern: General.</p>
<p>16 It is heerby declared, that it belongeth to the place of the Governour for the time being to be General of all the militarie Forces. But when occasion of service shall be against an enemy, the General Court or standing Council may appoint some other to that Office untill the Forces rayfed shall be disbanded.</p>	<p>watch-hous in everie town.</p>
<p>17 Lastly, every Town shall provide a sufficient Watch-house before the last of the fifth month next upon pain of five pounds. [1645 1647] See Council.</p>	
<i>Mills, Millers.</i>	
<p>IT is ordered by this Court and Authoritie therof, that no Miller shall take above the sixteenth part of the corn he grindes. And that everie Miller shall have all-ways ready in his mill, weights and skoals provided at his own charges, to weigh corn to and from mill, if men desire it. [1635 1638]</p>	<p>Toll weights & skoals.</p>
<i>Monopolies.</i>	
<p>IT is ordered, decreed and by this Court declared; that there shall be no <i>Monopolies</i> graunted or allowed amongst us, but of such new inventions that are profitable for the Countrie, and that for a short time. [1641]</p>	
<i>Oaths, Subscription.</i>	
<p>IT is ordered and decreed, and by this Court declared; that no man shall be urged to take any oath, or subscribe any Articles, Covenants, or remonstrance of publick and civil nature but such as the General Court hath considered, allowed and required. And that no oath of Magistrate, Councillor or any other Officer shall binde him any farther, or longer then he is resident, or reputed an Inhabitant of this Jurisdiction [1641]</p>	<p>How far public oaths binde.</p>
<i>Oppression.</i>	
<p>FOR avoyding such mischeifs as may follow by such ill disposed persons as may take libertie to oppresse and wrong their neighbours, by taking excessive wages for work, or unreasonable prizes for such necessarie merchandizes or other commodities as shall passe from man to man, it is ordered, That if any man shall offend in any of the said cases he shall be punished by Fine, or Imprisonment according to the qualitie of the offence, as the Court to which he is presented upon lawfull tryall & conviction shall adjudge. [1635]</p>	
<i>Payments.</i>	
<p>IT is ordered by the Authoritie of this Court, that all payments of Debt, Legacies and Fines shall be satisfied in kinde according to covenant or ingagement, or in default therof in corn, cattle, fish or other comodities at such rates as this Court shall appoint from time to time, or by apprizement of indifferent men to be appointed by the Officer one, and either partie one. Provided that in all and everie the cases aforesaid</p>	<p>Satisfaction according to covenant.</p>

aforsaid all just damages shall be satisfied together with the debt , or other payment to the partie for not paying in kinde according to the bargain . [1640]

Pipe-staves .

WHERAS information hath come to this Court from divers forrein parts of the insufficiencie of our Pipe-staves in regard especially of worm holes, whereby the commoditie is like to be prohibited in those parts, to the great damage of the Countreie; it is therefore ordered and enacted by the Authoritie of this Court ,

Searchers of
Pipe-staves

sworn.

Affize of
Pipe-staves

attend,
Register.

Owners ship-
ping lawfull
Pipestaves.
Drie cask
Forfeit.
Searchers
allowance.

Master, ship-
ping lawfull
Pipe-staves

Forfeit.

Dry cask.

To be settled
where, & by
whom.

That the Select-men of *Boston* and *Charlstown*, and of all other towns in this Jurisdiction where Pipe-staves use to be shipped; shall forthwith, and so from time to time as need shall require nominate two men of each town, skilfull in that commoditie, and such as can attend that service to be Viewers of Pipe-staves; who so chosen, shall by the Constable be convented before some Magistrate, to be sworn diligently and faithfully to view and search all such Pipe-staves as are to be transported to any parts of *Spain*, *Portugal*, or within either of their Dominions, or elsewhere to be used for making of tight cask, who shall cast bye all such as they shall judge not merchantable both in respect of worm-holes and due affize viz that are not in length four foot & half, in breadth three inches and half without sap, in thicknes three quarters of an inch, & not more or lesse then an eight part of an inch then three quarters thick : well, and even hewed and sufficient for that use . And they or some one of them shall at all times upon request give attendance; & they shall enter in a book the number of all such merchantable Pipe-staves as they shall approve, and for whom .

And if any man shall put aboard any Ship, or other vessel any Pipe-staves other then shall be so searched and approved, to the end to be transported to any part of *Spain* or *Portugal*, except they should be shipped for dry cask, he shall forfeit the same whole parcell or the value therof; and the said Viewers shall be allowed two shillings for everie thousand of Pipe-staves which they shall so search, as well the refuse as the merchantable, to be paid by him that sets them a work .

And if any Master or other Officer of any Ship, or other vessel shall receive into such Ship or vessel any parcel of Pipe-staves to be transported into any of the said Dominions which shall not be searched, and allowed as merchantable, and so certified by a note under the hand of one of the said Viewers such Master shall forfeit for everie thousand of Pipe-staves so unduly received five pounds; except he can procure one of the said Viewers to come aboard and search such staves as they shall be delivered into the Ship .

Provided, cask staves or other red oak staves may be transported into those parts, which may be of good use for drye cask . And that there be the like Officers chosen for *Salem*, and *Pescataway*, where staves may be shipped away as well as from *Boston*. [1646]

Poor .

IT is ordered by this Court and Authoritie therof; that any Shire Court, or any two Magistrates out of Court shall have power to determin all differences about lawfull settling, and providing for poor persons : and shall have power to dispose of all unfetled persons into such towns as they shall judge to be most fit for the maintenance, and imployment of such persons and families, for the ease of the Countreie. [1639]

Pound, Pound breach .

FOR prevention, and due recompence of damages in corn fields, and other inclosures, done by swine and cattle, it is ordered by this Court and Authoritie therof;

That there shall be one sufficient Pound, or more made and maintained in everie Town and Village within this Jurisdiction, for the impounding of all such swine and cattle as shall be found in any corn field or other inclosure . And who so impounds any swine or cattle shall give present notice to the Owner, if he be known, otherwise they shal be cryed at the two next Lectures or Markets, and if swine or cattle escape out of pound the owners, if known, shal pay all damages according to law. [1645 1647]

2 *Wheras*

2 *Wheras impounding of cattle in case of trespass hath been alwayes found both needfull and profitable, and all breaches about the same very offensive and injurious, it is therfore ordered by this Court and Authoritie therof;*

That if any person shall resist, or rescue any cattle going to the *Pound*, or shall by any way or means convey them out of *pound* or other custodie of the Law, whereby the partie wronged may lose his damages, and the Law be deluded, that in case of meer *rescues* the partie so offending shall forfeit to the *Treasurie* fourty shillings. And in case of *pound breach* five pounds, and shall also pay all damages to the partie wronged, and if in the *rescues* any bodily harm be done to the person of any man or other, they may have remedie against the *Rescuers*; and if either be done by any not of abilitie to answer the Forfeiture and damages aforesaid, they shall be openly whipped, by *Warrant* from any Magistrate before whom the offender is convicted, in the Town or Plantation where the offence was committed, not exceeding twenty stripes for the meer *rescues* or *pound breach*. And for all damages to the partie they shall satisfie by service as in case of theft. And if it appear there were any procurement of the Owner of the cattle therunto, and that they were *Abettors* therin, they shall also pay Forfeiture and damages as if themselves had done it. [1647]

Powder.

IT is ordered by this Court and the Authoritie therof, that whosoever shall transport any *Gun-powder* out of this Jurisdiction without licence first obtained from some two of the Magistrates, shall forfeit for everie such offence all such *powder* as shall be transporting or transported, or the value therof. And that there may be noe defect for want of an Officer to take care therabouts, this Court, the Court of Assistants, or any Shire Court shall appoynt meet persons from time to time in all needfull places, who have heerby power graunted them, to search all persons and vessels that are, or any way shall be suspicious to them to be breakers of the Court Order in this respect, and what they finde in any vessel, or hands without order, as aforesaid, to keep the one half to their own use, in recompence of their pains and vigilancy, the other half forthwith to deliver to the Treasurer. [1645] *See Indians.*

Prescriptions.

IT is ordered, decreed, and by this Court declared; that no *Custom* or *Prescription* shall ever prevail amongst us in any moral case [our meaning is] to maintein any thing that can be proved to be morally sinfull by the Word of God. [1641]

Prisoners, Prisons.

IT is ordered by Authoritie of this Court; that such malefactors as are committed to any common *Prison* shall be conveyed thither at their own charge, if they be able, otherwise at the charge of the Country. [1646] *See Marshal.*

Profane swearing.

IT is ordered, and by this Court decreed, that if any person within this Jurisdiction shall *swear* rashly and vainly either by the holy Name of God, or any other oath, he shall forfeit to the common *Treasurie* for everie such severall offence ten shillings. And it shall be in the power of any Magistrate by *Warrant* to the Constable to call such person before him, and upon sufficient proof to passe sentence, and levie the said penaltie according to the usuall order of Justice. And if such person be not able, or shall utterly refuse to pay the aforesaid Fine, he shal be committed to the *Stocks* there to continue, not exceeding three hours, and not lesse then one hour. [1646]

Protestation contra Remonstrance.

IT is ordered, decreed, and by this Court declared; that it is, and shall be the libertie of any member, or members of any Court, Council or civil Assemblie in cases of making or executing any Order or Law that properly concerneth Religion, or any cause Capital, or Wars, or subscription to any publick 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 writing, and upon their request, to have their dissent recorded in the *Rolls* of that Court, so it be

Rescues simpl

Fine.

Pound breach.
Fine.
Rescues with
Battery.

Whipped,
one Magistr:

damage satis-
fied by serv:

Searchers for
powder.

Forfeit di-
vided,

Not for evil.

Their charges.

Fine, to sa.

Stocks.

Freedom of
dissent.

46	Punishment. Rates, Fines. Records.
Once for one offence. None inhumane.	<p>done christianly and respectively, for the manner, and the dissent only be entred without the reasons therof for avoyding tediousnes . [1641]</p> <p style="text-align: center;"><i>Punishment.</i></p> <p>IT is ordered, decreed, and by this Court declared; that no man shall be twice sentenced by civil Justice for one and the same Crime, Offence or Trespasse . And for bodily punishments, wee allow amongst us none that are in-humane, barbarous or cruel . [1641] <i>See Appearance , Torture .</i></p>
The Const: levie Rates after his Office is expired. If defective y Treasurer distr: Const: goods else himself payeth / Town pays for Const: remedy where one suffers for y town	<p style="text-align: center;"><i>Rates, Fines .</i></p> <p>WHERAS much wrong hath been done to the Countrie by the negligence of Constables in not gathering such Levies as they have received Warrants from the Treasurer, during their Office, it is therefore ordered;</p> <p>That if any Constable shall not have gathered the Levies committed to his charge by the Treasurer then being, during the time of his Office, that he shall notwithstanding the expiration of his Office have power to levie by <i>distresse</i> all such Rates and Levies . And if he bring them not in to the old Treasurer according to his Warrants, the Treasurer shall distrein such Constables goods for the same . And if the Treasurer shall not so distrein the Constable, he shall be answerable to the Countrie for the same. And if the Constable be not able to make payment, it shall be lawfull for the Treasurer, old or new, respectively to distrein any man, or men of that Town where the Constables are unable for all arrerages of Levies . And that man, or men upon petition to the General Court shall have order to collect the same again equally of the Town, with his just damages for the same . [1640] <i>See Charges publ: Constable, Ecclesiasticall: Fines .</i></p>
presidents for posteritie	<p style="text-align: center;"><i>Records .</i></p> <p>WHERAS Records of the evidence and reasons wherupon the Verdict and Judgement in cases doth passe, being duly entred, and kept would be of good use (for president to posteritie, and to such as shall have just cause to have their causes reviewed), it is therefore ordered by this Court and the Authoritie therof,</p>
Tryalls by three men their records	<p>That henceforth everie Judgement given in any Court, with all the substantial reasons shall be recorded in a book, to be kept to posteritie . And that in all Towns within this Jurisdiction where there is no Magistrate, the three men appointed, and sworn to end small causes not exceeding fourty shillings value shall from time to time keep a true Record of all such Causes as shall come before them to be determined . And that everie Plaintiffe shall pay one shilling six pence for everie Cause so tryed, toward the charge therof . And that the times of their meetings be published, that all may take notice therof that are concerned therein . And also that in all Towns where a Magistrate shall end such small Causes, he shall keep the like Record, and take the like Fee of one shilling sixpence .</p>
& Fees.	
One Magistr: to record	
small causes tryable where	<p>2 Also, it is ordered by the Authoritie aforesaid that where parties dwell in severall Towns it shall be in the libertie of the Plaintiffe in which Town to trie his Action .</p>
Town records, kept by Clerk of writs his Fee, Transcript recorded in Coll: Courts	<p>3 Also, that heerafter the Clerk of the Writs in severall Towns shall record all Births and Deaths of persons in their Towns ; and that for everie Birth and Death they so record they are allowed the sum of three pence: who shall yearly deliver in to the Recorder of the Court belonging to the Jurisdiction where they live a true Transcript therof, together with so many pence as there are Births and Deaths to be recorded, under the penaltie of fourty shillings for everie such neglect .</p>
Births, deaths marriages certified.	<p>4 And it is ordered by the Authoritie aforesaid that all Parents, Masters of servants, Executors and Administrators respectively shall bring in, to the Clerks of the Writs in their severall Towns the names of such persons belonging to them, or any of them, as shall either be born, or dye . And also, that everie new married man shall likewise bring in a Certificat of his marriage under the hand of the Magistrate which married him to the said Clerk of the Writs, who shall under the penaltie of twenty shillings deliver as aforesaid unto the Recorder a Certificat under his hand, with a penie a name, as well for the recording of marriages as the rest . And for each neglect the person to whom</p>

Punishment. Rates, Fines. Records.

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Punishment.

IT is ordered, decreed, and by this Court declared; th at no man shall be twico sentenced by civil Justice for one and the same Crime, Of fence or Trespasse. And for bodily punishments, wee allow amongst us none that are in humane, barbarous or cruel. [1641] See Appearance, Torture.

Rates, Fines.

WHERAS much wrong hath been done to the Countrie by the negligence of Constables in not gathering such Levies as they have received Warrants from the Treasurer, during their Office, it is therefore ordered;

That if any Constable shall not have gathered the Levies committed to his charge by the Treasurer then being, during the time of his Office, that he shall notwithstanding the expiration of his Office have power to levie by distresse all such Rates and Levies. And if he bring them not in to the old Treasurer according to his Warrants, the Treasurer shall distrein such Constables goods for the same. And if the Treasurer shall not so distrein the Constable, he shall be answerable to the Countrie for the same. And if the Constable be not able to make payment, it shall be lawfull for the Treasurer, old or new, respectively to distrein any man, or men of that Town where the Constables are unable for all arerages of Levies. And that man, or men upon petition to the General Court shall have order to collect the same again equally of the Town, with his just damages for the same. [1640] See Charges paid: Constable, Ecclesiastick: Fines.

Records.

WHERAS Records of the evidence and reasons whereinon the Verdict and Judgements in cases doth passe, being duly entered, and kept would be of good use (for presidents to posteritie, and to such as shall have just cause to have their causes reviewed), it is therefore ordered by this Court and the Authoritie thereof,

That henceforth everie Judgement given in any Court, with all the substantial reasons shall be recorded in a booke, to be kept to posteritie. And that in all Towns within this Jurisdiction where there is no Magistrate, the three men appointed, and sworn to end small causes not exceeding forty shillings value shall from time to time keep a true Record of all such Causes as shall come before them to be determined. And that everie Plaintiffe shall pay one shilling six pence for everie Cause so tryed, toward the charge thereof. And that the times of their meetings be published, that all may take notice thereof that are concerned therein. And also that in all Towns where a Magistrate shall end such small Causes, he shall keep the like Records, and take the like Fee of one shilling sixpence.

2 Also, it is ordered by the Authoritie aforesaid that where parties dwell in severall Towns it shall be in the libertie of the Plaintiffe in which Town to trye his Action.

3 Also, that heerafter the Clerk of the Writs in severall Towns shall record all Births and Deaths of persons in their Towns; and that for everie Birth and Death they so record they are allowed the sum of three pence: who shall yearly deliver in to the Recorder of the Court belonging to the Jurisdiction where they live a true Transcript thereof, together with so many pence as there are Births and Deaths to be recorded, under the penaltie of forty shillings for everie such neglect.

4 And it is ordered by the Authoritie aforesaid that all Parents, Masters of servants, Executors and Administrators respectively shall bring in, to the Clerk of the Writs in their severall Towns the names of such persons belonging to them, or any of them, as shall either be born, or dye. And also, that everie new married man shall likewise bring in a Certificat of his marriage under the hand of the Magistrate which married him to the said Clerk of the Writs, who shall under the penaltie of twenty shillings deliver as aforesaid unto the Recorder a Certificat under his hand, with a penie a name, as well for the recording of marriages as the rest. And for each neglect the person to whom

Once for oth
offence;
None take
maide.

The Const:
levie Rates
after his Off:
is expired:
If defective
of Treasurer
distrein Const:
goods
else himself
payeth
Town pays
for Const:
remedy where
one suffers
for 5 towa

presidents for
posteritie

Tryalls by 3
office men
their records

& Fees.

One Magist:
to record

small causes
tryable where

Town records,
kept by Clerk
of writs.
his Fee.
Transcript
recorded in
Court: Court

Births, deaths
marriages
certified.

whom it doth belong shall forfeit as followeth *viz*: if any person shall neglect to bring in a *note* or *Certificat* as aforesaid, together with three pence a name to the said *Clerk* of the *Writs* to be recorded more then one month after such Birth, Death, or Marriage he shall then pay six pence to the said *Clerk*: if he neglect two months twelve pence, if three months five shillings . All which forfeits shall be returned into the Treasury. Also, the Grand-Jurors may present all neglects of this Order .

5 It is ordered, decreed, and by this Court declared; that everie man shall have libertie to record in the publick *Rolls* of any Court, any testimonie given upon oath in the same Court, or before two Assistants; or any *Deed* or *Evidence* legally confirmed, there to remain in *perpetuam rei memoriam*. And that everie Inhabitant of the Countreishal have free libertie to search and view any *Rolls*, *Records* or *registers* of any Court or Office except of the Council. And to have a *Transcript* or *exemplification* therof written, examined and signed by the hand of the Officer of the Office, paying the appointed Fees therefore . Also, everie Action between partie and partie and proceedings against delinquents in *criminal* Causes shall be briefly and distinctly entred in the *rolls* of everie Court by the *Recorder* therof, that such Actions be not afterwards brought again to the vexation of any man . [1639 1642 1643 1644 1647] See *Conveyances fraudulent*.

Presentment

Oaths recorded for settling estates.

Free use of Records.

Criminal & civil proceedings recor:

Replevin.

IT is ordered, decreed and by this Court declared; that everie man shall have libertie to *replevie* his cattle or goods impounded, distreined, seized or extended, unles it be upon Execution after judgement, and in payment of Fines . Provided he puts in good securitie to prosecute the *Replevin*, and to satisfie such demand as his Adversarie shall recover against him in Law . [1641] See *Clerk of Writs* , *Presidents*.

Schools .

IT being one chief project of that old deluder, Satan, to keep men from the knowledge of the *Scriptures* , as in former times keeping them in an unknown tongue, so in these later times by perswading from the use of *Tongues*, that so at least the true sense and meaning of the Originall might be clouded with false glosses of Saint-seeming-deceivers; and that Learning may not be buried in the graves of our fore-fathers in Church and Commonwealth, the Lord assisting our indeavours: it is therefore ordered by this Court and Authority therof;

That everie Township in this Jurisdiction, after the Lord hath increafed them to the number of fifty Housholders shall then forthwith appoint one within their Town to teach all such children as shall resort to him to write and read, whose wages shall be paid either by the Parents or Masters of such children, or by the Inhabitants in general by way of supply, as the major part of those that order the *prudentials* of the Town shall appoint . Provided that those which send their children be not oppressed by paying much more then they can have them taught for in other Towns .

In what town Schools shal be erected, how maintained

Proviso.

Gram: school

town neglect: to pay s li. per annu to the next School

2 And it is farther ordered, that where any Town shall increase to the number of one hundred Families or Housholders they shal set upon a Grammar-School, the Masters therof being able to instruct youth so far as they may be fitted for the Universitie . And if any Town neglect the performance heerof above one year then everie such town shall pay five pounds *per annum*. to the next such School, till they shall perform this Order . [1647]

Secrecie .

IT is ordered, decreed, and by this Court declared; that no Magistrate, Juror, Officer or other man shall be bound to inform, present or reveal any private crime or offence wherein there is no perill or danger to this Colonie, or any member therof, when any necessarie tye of conscience, grounded on the word of God bindes him to secrecy; unles it be in case of testimonie lawfully required. [1641] See *Oath Grand-Jurie*.

Proviso

Secretarie .

TO the end that all *Acts* of the General Court may be amply, distinctly and more exactly drawn up, ingrossed and recorded , and the busines of all perticular Courts may

may also be more duly entred, and severally recorded for publick good, it is ordered by this Court and the Authoritie therof;

That henceforth there shall be one able, judicious man chosen at the Court of Election annually (as other general Officers are chosen) for Secretarie of the General Court. And that all other Courts shall choof their own Officers frō time to time. [1647]

Ships, Ship-masters.

WHERAS now the Countrie is in hand with the building of Ships, which is a busines of great importance for the Common good, and therefore suitable care is to be taken that it be well performed according to the commendable course of England and other places, it is therefore ordered by this Court and the Authoritie therof;

That when any Ship is to be built within this Jurisdiction, or any vessell above thirty tuns, the Owner, or builder in his absence shall before they begin to plank, repair to the Governour or Deputie-Governour, or any two Magistrates upon the penaltie of ten pounds, who shall appoint some able man to survey the work and workmen from time to time as is usual in England. And the same so appointed shall have such libertie and power as belongs to his office. And if any Ship-carpenter shall not upon his advice reform and amend any thing which he shall finde to be amisse, then upon complaint to the Governour or Deputie Governour or any other two Magistrates, they shall appoint two of the most sufficient Ship-carpenters of this Jurisdiction, and shall authorize them from time to time as need shall require to take view of everie such ship, and all works thereto belonging, and to see that it be performed and caried on according to the rules of their Art. And for this end an oath shall be administred to them to be faithfull and indifferent between the Owner and the Workmen; and their charges shall be born by such as shall be found in default. And those Viewers shall have power to cause any bad timbers, or other insufficient work or materials to be taken out, and amended at the charge of them through whose default it grows. [1641 1647]

2 It is ordered by the Authoritie of this Court, that all ships which come for trading only, from other parts, shall have free accesse into our Harbours, and quiet riding there, and free libertie to depart without any molestation by us: they paying all such duties, and charges required by law in the Countrie, as others doe. [1645]

Straies.

IT is ordered by this Court and the Authoritie therof; that whosoever shall take up any straie beast, or finde any goods lost wherof the owner is not known, he shall give notice therof to the Constable of the same Town within six dayes, who shall enter the same in a book and take order that it be cryed at their next Lecture day, or general Town-meeting upon three severall dayes. And if it be above twenty shillings value, at the next Market or two next towns publick meetings, where no Market is within ten miles, upon pain that the partie so finding, and the said Constable having such notice and failing to do as is heer appointed, to forfeit either of them for such default one third part of the value of such straie, or lost goods.

And if the finder shall not give notice as aforesaid within one month, or if he keep it more then three months, and shall not apprise it by indifferent men, and also record it with the Recorder of the County Court where it is found, he shall then forfeit the full value therof. And if the Owner appears within one year after such publication he shall have restitution of the same, or the value therof paying all necessarie charges, and to the Constable for his care and paines as one of the next Magistrates or the deputed three men of the Town shall adjudge. And if no Owner appear within the time prefixed the said Stray or lost goods shall be to the use of the finder, paying to the Constable ten shillings, or the fifth part of the value of such Straie or goods lost, at the finders choice.

Provided that everie such finder shall put, and keep from time to time a With or Wreath about the neck of all such stray beast within one month after such finding, upon penaltie of losing all his charges that shall arise about it afterwards. Provided also, that

Surveyor
appointed for
vessels above
30 tuns,

his power.

Two Ship-
carpenters
chosen and
sworn,
their office,

their charges.

Freedom for
forrein ships

How dis-
posed,
Constable.
Cryed three
dayes.

Finder neg-
lecting &c.
Forfeit.

Restitu: to
owner.

One Magist:
or 3 men.
No Owner
appears in
the year.

Proviso
A with about
the neck &c.

that if any Owner or other shall take off such With or Wreath, or take away such beast before he have discharged according to this Order, he shall forfeit the full value of the thing apprizd as aforesaid, to the use of the finder, as is before expressed. [1647]

Strangers .

IT is ordered by this Court and the Authoritie therof; that no Town or person shal receive any stranger resorting hither with intent to reside in this Jurisdiction, nor shall allow any Lot or Habitation to any, or entertain any such above three weeks, except such person shall have allowance under the hand of some one Magistrate, upon pain of everie Town that shall give, or sell any Lot or Habitation to any not so licenced such Fine to the Countrie as that County Court shall impose, not exceeding fifty pounds, nor lesse then ten pounds. And of everie person receiving any such for longer time then is heer expressed or allowed, in some special cases as before, or in case of entertainment of friends resorting from other parts of this Country in amitie with us, shall forfeit as aforesaid, not exceeding twenty pounds, nor lesse then four pounds: and for everie month after so offending, shal forfeit as aforesaid not exceeding ten pounds, nor lesse then fourty shillings. Also, that all Constables shall inform the Courts of new comers which they know to be admitted without licence, from time to time. [1637 1638 1647] See *Fugitives*, *Lib. com: Tryalls*.

Summons .

IT is ordered, and by this Court declared; that no *Summons*, Pleading, Judgement or any kinde of proceeding in Court or course of justice shall be abated, arrested or reversed upon any kinde of circumstantial errors or mistakes, if the person and the Cause be rightly understood and intended by the Court.

2 And that in all cases where the first *Summons* are not served six dayes before the Court, and the Case briefly specified in the *Warrant* where appearance is to be made by the partie summoned; it shall be at his libertie whether he will appear, or not, except all Cases that are to be handled in Courts suddenly called upon extraordinarie occasions. And that in all cases where there appears present and urgent cause any Assistant or Officer appointed shall have power to make out Attachments for the first *Summons*. Also, it is declared that the day of *Summons* or Attachment served, and the day of appearance shall be taken inclusively as part of the six dayes. [1641 1647] See *Presidents*.

Suits, vexatious suits .

IT is ordered and decreed, and by this Court declared; that in all Cases where it appears to the Court that the Plaintiffe hath willingly & wittingly done wrong to the Defendant in commencing and prosecuting any Action, Suit, Complaint or Indictment in his own name or in the name of others, he shall pay treble damages to the partie greived, and be fined fourty shillings to the Common Treasurie. [1641 1646]

Swyne .

IT is ordered by this Court, and by the Authoritie therof; that everie *Township* within this Jurisdiction shall henceforth have power, and are heerby required from time to time to make Orders for preventing all harms by swine in corn, meadow, pastures and gardens; as also to impose penalties according to their best discretion: and to appoint one of their Inhabitants by *Warrant* under the hands of the Select-men, or the Constable where no Select-men are, to levie all such Fines and Penalties by them in that case imposed (if the Town neglect it).

And where Towns border each upon other, whose Orders may be various, satisfaction shall be made according to the Orders of that Town where the damage is done.

But if the swine be sufficiently ringed and yoked, as the Orders of the Town to which they belong doeth require, then where no fence is, or that it be insufficient through which the swine come to trespassse, the Owner of the land or fence shall bear all damages.

If taken after
forfeit the
value.

Strangers
allowed by
whom, and
when.

How towns
& persons
finable for
entertain:

monthly for-
feit.
Const: duty.

Circumst:
errors not
prejudice

Six days
allowed the
Defendant.

Proviso.

Where, &
by whom
Attachments
granted &c.

Treble dam:
& Fine.

Town make
orders.

impose pen:
levie them.

Orders of
neigh: towns
various.
yoked &c:

insufficient
fence.

50	Swine . Tile earth. Tobacco. Torture. Townships.
<p>Swine in 7 Pound 3 days how disposed.</p> <p>Town not order: swine forfeit 2 li.</p> <p>One Magist: may hear &c:</p>	<p>And if any swine be impounded for damage done as aforesaid, & there be kept three dayes, and that no person will own them; then the partie damnified shall give notice to the two next Towns (where any are within five miles compasse) that such swine are to be sold, by an out-crie, within three dayes next after such notice by the partie damnified; and in case none will buy, he shall cause them to be apprized by two indifferent men (one wherof shall be the Constable, or one chosen by him) signified under their hands in writing, and may keep them to his own use. And in both cases if the Owner shall after appear, the overplus according to valuation as afore-said (all damages and charges being payd) shall forthwith be rendred to him. And if any Town shall neglect to take order for preventing harms by swine according to this Law, more then one month after due publication heerof, such town shall forfeit to the Tresaurie forty shillings for everie month so neglecting, to be levied by the Marshal by <i>Warrant</i> from the Tresurer, upon due conviction before any Court or Magistrate, and signified to the Tresurer from time to time. [1647]</p>
<p>Tobac: where not to be taken Penal: 10 sh, recompence besides. Nor in any Inn except &c:</p> <p>pen: 2 sh. 6 d. Penalty to the Informer & poor.</p>	<p><i>Tile-earth.</i></p> <p>IT is ordered by the Authoritie of this Court; that all <i>Tile-earth</i> to make sale ware shall be digged before the first of the ninth month, and turned over in the last, & first month ensuing, a month before it be wrought upon pain of forfeiting one half part of all such <i>tiles</i> as shal be otherwise made, to the use of the Common tresaurie. [1646]</p> <p><i>Tobacco.</i></p> <p>THIS Court finding that since the repealing of the former Laws against Tobacco, the same is more abused then before doth therfore order,</p> <p>That no man shall take any tobacco within twenty poles of any house, or so neer as may indanger the same, or neer any Barn, corn, or hay-cock as may occasion the fyring therof, upon pain of ten shillings for everie such offence, besides full recompence of all damages done by means therof. Nor shall any take tobacco in any Inne or common Victualing-house, except in a private room there, so as neither the Master of the said house nor any other Guests there shall take offence therat, which if any doe, then such person shall forthwith forbear, upon pain of two shillings sixpence for everie such offence. And for all Fines incurred by this Law, one half part shall be to the Informer the other to the poor of the town where the offence is done. [1638 1647]</p>
<p>whipping.</p>	<p><i>Torture.</i></p> <p>IT is ordered, decreed, and by this Court declared; that no man shall be forced by torture to confesse any crime against himselfe or any other, unles it be in some Capital case, where he is first fully convicted by clear and sufficient evidence to be guilty. After which, if the Case be of that nature that it is very apparent there be other Conspirators or Confoederates with him; then he may be tortured, yet not with such tortures as be barbarous and inhumane.</p> <p>2 And that no man shal be beaten with above forty stripes for one Fact at one time. Nor shall any man be punished with whipping, except he have not otherwise to answer the Law, unles his crime be very shameful, and his course of life vitious and <i>profligate</i>. [1641]</p>
<p>offensive behaviour at town meet: pen: not above 20 sh. by law &c:</p> <p>limitation.</p> <p>power to levie Penalties.</p>	<p><i>Townships.</i></p> <p>IT is ordered, decreed, and by this Court declared, that if any man shall behave himselfe offensively at any Town-meeting, the rest then present shall have power to sentēce him for such offence, so be it the <i>mult</i> or penalty exceed not twēty shillings.</p> <p>2 And that the Freemen of everie <i>Township</i>, and others authorized by law, shall have power to make such Laws and Constitutions as may concern the welfare of their Town. Provided they be not of a criminal but only of a prudential nature, and that their penalties exceed not twenty shillings (as aforesaid) for one offence, and that they be not repugnant to the publick Laws and Orders of the Countrie. And if any Inhabitant shall neglect or refuse to observe them, they shall have power to levie the appointed penalties by <i>distresse</i>.</p> <p>3 Also that the Freemē of everie town or <i>Township</i>, with such other the Inhabitāts as have</p>

Townships. Treasure. Trespasse. Tryalls.

51

have taken the Oath of fidelitie shall have full power to choof yearly, or for lesse time, within each *Township* a convenient number of fit men to order the planting and *prudential* occasions of that Town, according to instructions given them in writing.

Provided, nothing be done by them contrary to the publick Laws and Orders of the Countrey. Provided also that the number of such Select persons be not above nine.

4 Farther, it is ordered by the Authoritie aforesayd, that all Towns shall take care from time to time to order and dispose of all single persons, and In-mates within their Towns to service, or otherwise. And if any be grieved at such order or dispose, they have libertie to appeal to the next County Court.

5 *This Court taking into consideration the usefull Parts and abilities of divers Inhabitants amongst us, which are not Freemen, which if improved to publick use, the affairs of this Common-wealth may be the easier caried an end in the severall Towns of this Jurisdiction, doth order, and heerby declare;*

That henceforth it shall and may be lawfull for the Freemen within any of the said Towns, to make choice of such Inhabitants (though non-Freemen) who have taken, or shall take the Oath of fidelitie to this Government to be Jurie-men, and to have their Vote in the choice of the Select-men for the town Affairs, *Assessments* of Rates, and other *Prudentials* proper to the Select-men of the severall Towns. Provided still that the major part of all companyes of Select-men be Free-men from time to time that shall make any valid Act. As also, where no Select-men are, to have their Vote in ordering of Schools, hearing of cattle, laying out of High-wayes and distributing of Lands; any Law, Use or Custom to the contrary notwithstanding. Provided also that no non-Freeman shall have his Vote, untill he have attained the age of twenty one years. [1636 1641 1647] *See Ecclesiast: Freeman, High-wayes.*

Treasure.

IT is ordered, decreed and by this Court declared; that the general or publick Treasure, or any part therof shall never be expended but by the appointment of a General Court, nor any Shire treasure but by the appointment of the Freemen therof, nor any Town treasure but by the Freemen of that *Township*; except small sums upon urgent occasion, when the Court or the Freemen cannot direct therein, provided a just account be given therof. [1641]

Trespasse.

IT is ordered, decreed, and by this Court declared; that in all trespasses, or damages done to any man or men, if it can be proved to be done by the meer default of him or them to whom the trespasse is done, it shall be judged no trespasse, nor any damage given for it. [1641] *See Punishment.*

Tryalls.

WHERAS this Court is often taken up in hearing and deciding particular Cases, between partie and partie, which more properly belong to other inferiour Courts, it is therefore ordered, and heerby declared,

That henceforth all Causes between partie and partie shall first be tryed in some inferiour Court. And that if the partie against whom the Judgment shall passe shall have any new evidence, or other new matter to plead, he may desire a new Tryall in the same Court upon a *Bill of review*. And if justice shall not be done him upon that Tryall he may then come to this Court for releif. [1642] *See Causes, Juries.*

2 It is ordered, and by this Court declared, that in all Actions of Law it shall be the libertie of the Plaintiffe and Defendant by mutuall consent to choof whether they will be tryed by the Bench or a Jurie, unles it be where the Law upon just reason hath otherwise determined. The like libertie shall be graunted to all persons in any criminal Cases.

3 Also it shall be in the libertie both of Plaintiffe and Defendant, & likewise everie delinquent to be judged by a Jurie, to challenge any of the Jurors, & if the challenge be found just and reasonable, by the Bench or the rest of the Jurie as the Challenger shall choof, it shall be allowed him, & *tales de circumstantibus* impannelled in their room.

4 Also

Select Towns-
men
their power
in writing &c.
not above
nine.

Single persons
In-mates.

Non-Freemen
chosen to
office in
Towns.

Caution.

Caution.

Publick
Treasure

Town
Treasure.

No Cause be-
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Gen: Court
Review

publ: liberty
for tryals

& of delinq:
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Challenges

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cumstanti-
bus*

52 51	<i>Votes . Usurie . Watching . Weights & measures .</i>
Infants, Ideots, strangers, like libertie	4 Also, children, Ideots, distracted persons and all that are strangers or new comers to our Plantation shall have such allowances, and dispensations in any Case, whether criminal or others, as Religion and reason require . [1641]
Freedom of votes & Caution.	<i>Votes .</i> IT is ordered, decreed and by this Court declared; that all, and everie Freeman, and others authorized by Law, called to give any Advice, Vote, Verdict or Sentence in any Court, Council or civil Assemblie, shall have full freedom to doe it according to their true judgements and consciences, so it be done orderly and inoffensively, for the manner . And that in all cases wherein any Freeman or other is to give his Vote be it in point of Election, making Constitutiōs and Orders or passing Sentence in any case of Judicature or the like, if he cannot see light or reason to give it positively, one way or other, he shall have libertie to be silent, and not pressed to a determinate vote . And farther that whensoever any thing is to be put to vote, and Sentence to be pronounced or any other matter to be proposed, or read in any Court or Assemblie, if the President or Moderator shall refuse to perform it, the major part of the members of that Court or Assemblie shall have power to appoint any other meet man of them to doe it . And if there be just cause, to punish him that should, and would not . [1641]
liberty to be silent or neuter	<i>See Age , Townships Sect. 5.</i>
where the Presid: will not put to vote.	<i>Usurie .</i> IT is ordered, decreed & by this Court declared, that no man shall be adjudged for the meer forbearance of any debt, above eight pounds in the hundred for one year, and not above that rate proportionably for all sums whatsoever, <i>Bills of Exchange</i> excepted, neither shall this be a colour or countenance to allow any <i>usurie</i> amongst us contrary to the Law of God . [1641 1643]
Conf: present defaults to next Magistrate. Fin. 5 shill: to the use of the watch.	<i>Watching .</i> FOR the better keeping <i>Watches and Wards</i> by the Constables in time of peace, it is ordered by this Court and Authoritie therof; That everie Constable shall present to one of the next Magistrates the name of everie person who shall upon lawfull warning refuse, or neglect to watch or ward, either in person, or by some other sufficient for that service . And if being convented, he cannot give a just excuse, such Magistrate shall graunt <i>Warrant</i> to any Constable to levie five shillings of such offender for everie such default; the same to be employed for the use of the Watch of the same Town . And it is the intent of the Law that everie person of able body (not exempted by Law) or of estate sufficient to hire another shall be lyable to watch and ward, or to supplie it by some other when they shall be therunto required . And if there be in the same house divers such persons, whether sons, servants or sojourners, they shall all be compellable to watch as aforesaid . Provided that all such as keep families at their Farms, being remote from any Town, shall not be compellable to send their servants or sons from their Farms to watch and ward in the Towns . [1636 1646] <i>See Constables , Militarie:</i>
Who are compellable to watch	<i>Weights & Measures.</i> TO the end measures and weights may be one and the same throughout this Jurisdiction, it is ordered by the Authoritie of this Court, That within one month after publication heerof the Auditor general shall provide upon the Countries charge such weights and measures, of all sorts as are heerafter expressed, for continuall Standards to be sealed with the Countrie Seal viz: one <i>Busbell</i> , one <i>Half-busbell</i> , one <i>Peck</i> and one <i>Half-peck</i> , one <i>Ale-quart</i> , one <i>Wine-pinte</i> and <i>Half-pinte</i> , one <i>Ell</i> and one <i>Yard</i> : as also a Set of brasse weights to four pounds, which shall be after sixteen ounces to the <i>Pound</i> , with fit <i>Skoals</i> and <i>Steel-beams</i> to weigh and trye withall .
Auditor gent: to provide a Standard	2 And it is farther ordered by the Authortie aforesaid, that the Constable of everie Town within this Jurisdiction shall within three months after publication heerof provide upon the Towns charge all such <i>Weights</i> , at the least of <i>Lead</i> , or such like; and also sufficient <i>Measures</i> as are above expressed, tryed and sized by the Countries Standards
Conf: duty	

Standards, and sealed by the sayd Auditor general, or his Deputie in his presence (which shall be kept and used only for Standards for their severall towns) who is heerby authorized to doe the same; for which he shall receive from the Constable of each town, two pence for everie *weight* and *measure* so proved, sized and sealed. And the said Constables of everie town shall commit these *weights* and *measures* unto the custodie of the Select-men of their towns, for the time being, who with the said Constable are heerby injoynd to choof out of their company one able man to be the Sealer of such things for their town from time to time, and till another be chosen: which man, so chosen, they shall present to the next County Court there to be sworn to the faithfull discharge of his duty, who shall have power to send forth his *Warrants* by the Constables to all the Inhabitants of their town to bring in all such *measures* and *weights* as they make any use of, in the second month from year to year, at such time and place as he shall appoint, and make return to the Sealer in writing of all persons so summoned, that then and there all such *weights* and *measures* may be proved and sealed with the towns Seal (such as in the Order for town cattle) provided by the Constable of each towns charge; who shall have for everie *weight* and *measure* so sealed, one pennie from the Owners therof at the first sealing.

his Fee, two pence.

Consts and Select-men appoint a Sealer, to be sworn next County Court, his power & duty.

his Fee, one pennie.

What meas^r destroyed. No Fees.

And all such *measures* and *weights* as cannot be brought to their just Standard he shall deface, or destroy; and after the first sealing shall have nothing so long as they continue just with the Standard. And that none may neglect their duty therein, it is farther ordered by the Authoritie aforesaid, that if any Constable, Select-men or Sealer doe not execute this Order, as to everie of them appertains, they shall forfeit to the common Treasurie fourty shillings for everie such neglect the space of one month: and also that everie person neglecting to bring in their *weights* and *measures* at the time and place appointed, they shall pay three shillings four pence for everie such default, one half part wherof shall be to the Sealer, and the other half to the common Treasurie, which the Sealer shall have power to levie by *distresse* from time to time. [1647]

Wharfage .

IT is ordered by this Court and the Authoritie therof; that these Orders shall be observed by all such as shall bring goods to any *Wharf*, and these rates following be allowed; first, for wood by the tun three pence, for timber by the tun four pence, for pipestaves by the thousand nine pence, for boards by the thousand six pence. For Merchants goods, whether in cask or otherwise, by the tun six pence; for drie fish by the *Quintall* one pennie, for corn by the quarter one pennie and a half pennie, for great cattle by the head two pence, for Goats, Swine or other small cattle, except such as are sucking upon the dams, by the head a half-pennie: for hay, straw and all such combustable goods by the load six pence. For stones by the tun one pennie, for cot-ten wool by the bag two pence, for sugar by the chest three pence. Provided that *Wharfage* be taken only where the *Wharfs* are made and maintained. And that wood, stone and weighty goods shall be set up an end, or layd seven foot from the side of the *Wharf*, upon penalty of double *Wharfage*, and so for other goods. And that no goods lye upon the *Wharf* above fourtie eight hours, without farther agreement with the *Wharfinger*: and that it shall be lawful for the *Wharfinger* to take according to these rates out of the goods that are landed, except they be satisfied otherwise.

Rates for wharfage.

Wharfs made & maintain: orderly plac- ing goods.

2 And it is farther ordered, that none shall cast an Anker, Graplin or Killack within, or neer the Cove, where it may indanger any other vessels, upon penaltie of ten shillings half to the Countrie, half to the *Wharfinger* besides paying all damages.

cast: Ankers, pen: 10 sh & damages,

3 And that it shall not be lawfull for any person to cast any dung, draught, dirt, or any thing to fill up the Cove, or to annoy the neighbours, upon penaltie of fourty shillings, the one half to the Countrie, and the other half to the *Wharfinger*. [1647]

cast: dung &c: penal: 40 sh.

Wills intestate .

IT is ordered, and by this Court declared; that when Parents dye *intestate*, the eldest son shall have a double portion of his whole estate reall, and personall unles the General Court upon just cause alledged shall judge otherwise. And when Parents

54	<i>Witnesses . Wolves . Wood .</i>
	<p>dye <i>intestate</i> having no Heirs males of their bodyes, their daughters shall inherit as co-partners, unles the General Court upon just reason shall judge otherwise. [1641]</p> <p style="text-align: center;"><i>Witnesses .</i></p> <p>IT is ordered, decreed, and by this Court declared, that no man shall be put to death without the testimonie of two or three <i>witnesses</i>, or that which is equivalent therunto. [1641]</p>
Testimonie taken before one Magist:	<p>2 And it is ordered by this Court and the Authoritie therof, that any one Magistrate, or Commissioner authorized therunto by the General Court may take the Testimonie of any person of fourteen years of age, or above, of sound understanding and reputation, in any Case civil or criminal; and shall keep the same in his own hands till the Court, or deliver it to the Recorder, publick Notarie or Clerk of the writs to be recorded, that so nothing may be altered in it. Provided, that where any such <i>witnesse</i> shall have his abode within ten miles of the Court, and there living and not disabled by sicknes, or other infirmitie, the said Testimonie so taken out of Court shall not be received, or made use of in the Court, except the <i>witnes</i> be also present to be farther examined about it. Provided also, that in all capital cases all <i>witnesses</i> shall be present wheresoever they dwell.</p>
how ordered:	
Where witnesses to appear in person.	
Capital cases.	
charges of witnesses in civil cases to be layd down	<p>3 And it is farther ordered by the Authoritie aforesaid, that any person summoned to appear as a <i>witnes</i> in any civil Court between partie and partie, shall not be compellable to travell to any Court or place where he is to give his Testimonie, except he who shall so summon him shall lay down or give him satisfaction for his travell and expences, outward and home-ward; and for such time as he shall spend in attendance in such case when he is at such Court or place, the Court shall award due recompence. And it is ordered that two shillings a day shall be accounted due satisfaction to any <i>Witnes</i> for travell and expences: and that when the <i>Witnes</i> dwelleth within three miles, and is not at charge to passe over any other Ferrie then betwixt <i>Charlstown</i> and <i>Boston</i>, then one shilling six pence <i>per diem</i> shall be accounted sufficient. And if any <i>Witnes</i> after such payment or satisfaction shall fail to appear to give his Testimonie he shall be lyable to pay the parties damages upon an action of the <i>Case</i>. And all <i>Witnesses</i> in criminal cases shall have suitable satisfaction, payd by the Treasurer upon <i>Warrant</i> from the Court or Judge before whom the case is tryed. And for a general rule to be observed in all criminal causes, both where the Fines are put in <i>certain</i>, and also where they are otherwise, it is farther ordered by the Authoritie aforesayd, that the charges of <i>Witnesses</i> in all such cases shall be borne by the parties delinquent, and shall be added to the Fines imposed; that so the Treasurer having upon <i>Warrant</i> from the Court or other Judge satisfied such <i>Witnesses</i>, it may be repaid him with the Fine: that so the <i>Witnesses</i> may be timely satisfied, and the countrie not damnified. [1647]</p>
Allowance to witnesses by the day.	
Witnes not appearing pay damages,	
witness in criminal cases payd by the Treasurer, levied of delinquents	<p style="text-align: center;"><i>Wolves .</i></p> <p>WHERAS great losse & damage doth befall this <i>Common-wealth</i> by reason of <i>Wolves</i> which destroy great numbers of our cattle notwithstanding provison formerly made by this Court for suppressing of them: therefore for the better encouragement of any to set about a work of so great concernment, it is ordered by this Court and Authoritie therof; That any person either English or Indian that shall kill any <i>wolfe</i> or <i>wolves</i> within ten miles of any Plantation in this Jurisdiction, shall have for everie <i>wolfe</i> by him or them so killed ten shillings payd out of the Treasurie of the Countrie. Provided that due proof be made therof unto the Plantation next adjoyning where such <i>wolfe</i> or <i>wolves</i> were killed: and also they bring a <i>Certificat</i> under some Magistrates hand, or the Constable of that place unto the Treasurer. Provided also that this Order doth intend only such Plantations as do contribute with us to publick charges, and for such Plantations upon the river of <i>Piscataway</i> that do not joyn with us to carie on publick charges they shall make payment upon their own charge. [1645]</p> <p style="text-align: center;"><i>Wood .</i></p> <p>FOR the avoyding of injuries by carts and boats, to sellers and buyers of wood, it is ordered by this Court and the Authoritie therof,</p>
	<p style="text-align: right;">That</p>

That where wood is brought to any town or house, by boat, it shall be thus accounted and assized. A boat of four tuns shall be accounted three loads; twelve tun nine loads, twenty tun fifteen loads. Six tun four load and half, fourteen tun ten load and half, twenty-four tun eighteen load. Eight tun six load, sixteen tun twelve load, twenty eight tun twenty one load. Ten tun seven load and half, eighteen tun thirteen load and half; thirty tun twenty two load and half. Except such wood as shall be sold by the *Cord*, which is, and is heerby declared to be eight foot in length, four foot in height, and four foot broad. [1646 1647]

Workmen.

BECAUSE the harvest of hay, corn, hemp and flax comes usually so neer together that much losse can hardly be avoyded, it is therefore ordered by the *Authoritie* of this Court;

That the Constables of everie town, upon request made to them, shal require any artificers or handy-crafts-men meet to labour, to work by the day for their neighbours in mowing, reaping of corn and inning therof. Provided that those men whom they work for shall duly pay them for their work. And that if any person so required shall refuse, or the Constable neglect his Office heerin, they shall each of them pay to the use of the poor of the town double so much as such dayes work comes unto. Provided no artificer or handy-crafts-man shall be compelled to work as aforesaid, for others, whiles he is necessarily attending on the like busines of his own. [1646]

Wrecks of the sea .

IT is ordered, decreed and by this Court declared; that if any ships or other vessels, be it freind or enemy, shall suffer ship-wreck upon our Coasts, there shall be no violence or wrong offered to their persons; or goods; but their persons shall be harboured and releived, and their goods preserved in safety, till *Authoritie* may be certified, and shall take farther order therein. Also, any Whale, or such like great fish, cast upon any shore shall be safely kept, or improved where it cannot be kept, by the town or other proprietor of the land; till the General Court shall set order for the same. [1641 1647]



Presidents and Forms of things frequently used .



TO (IB) Carpenter, of (D). You are required to appear at the next Court, holden at (B) on the day of the month next ensuing; to answer the complaint of (N C) for with-holding a debt of due upon a *Bond* or *Bill*: or for two heifers &c: sold you by him, or for work, or for a trespassse done him in his corn or hay, by your cattle, or for a slander you have done him in his name, or for striking him, or the like, and heerof you are not to fail at your peril. Dated the day of the month 1641.

Summons.

TO the Marshal or Constable of (B) or to their Deputie. You are required to attach the body and goods of (WF) and to take *Bond* of him, to the value of with sufficient Suertie or Suerties for his appearance at the next Court, holden at (S) on the day of the month; then, and there to answer to the complaint of (TM) for &c: as before. And so make a true return therof under your hand. Dated the day &c:

Attach-ment.

By the Court.

R F.

KNOW all men by these presents, that wee (AB) of (D) Yeoman, and (C C) of the same, Carpenter, doe binde our selves, our Heirs and Executors to (R P) Marshal, or M O Constable of D aforesaid, in pounds; upon condition that the

Bond for appearance

<i>Replevin.</i>	<p>said <i>AB</i> shall personally appear at the next Court, at <i>S</i> to answer <i>LM</i> in an Action of And to abide the order of the Court therein, & not to depart without licence.</p> <p>TO the Marshal or Constable of You are required to <i>replevie</i> three heifers of <i>TP</i> now distreined or impounded by <i>AB</i>, and to deliver them to the said <i>TP</i>. Provided he give <i>Bond</i> to the value of with sufficient Suertie or Suerties to prosecute his <i>Replevin</i> at the next Court, holden at (<i>B</i>) and so from Court to Court till the Cause be ended, and to pay such costs and damages as the said (<i>AB</i>) shall by law recover against him; and so make a true return therof under your hand. Dated &c:</p> <p style="text-align: right;">By the Court. <i>R. F.</i></p>
<p><i>Commissioners for the united Colonies.</i></p> <p><i>their power</i></p>	<p>WHERAS upon serious consideration, wee have concluded a confederacie with the english Colonies of New-Plimouth, Connecticut and New-Haven, as the bond of nature, reason, Religion and respect to our Nation doth require:</p> <p>Wee have this Court chosen our trustie and well-beloved freinds (<i>SB</i>) and (<i>WH</i>) for this Colonie, for a full and compleat year, as any occasions and exigents may require and particularly for the next Meeting at (<i>B</i>). And do invest them with full power and authoritie to treat, and conclude of all things, according to the true tenour and meaning of the Articles of confederation of the united Colonies, concluded at <i>Boston</i> the ninth day of the third month 1643.</p>
<i>Oath of fidelitie.</i>	<p>I (<i>AB</i>) being by Gods providence an Inhabitant within the Jurisdiction of this Common-wealth, doe freely and sincerely acknowledge my selfe to be subject to the Government therof. And doe heer swear by the great and dreadfull Name of the Ever-living God, that I will be true and faithfull to the same, and will accordingly yeild assistance therunto, with my person and estate, as in equitie I am bound: and will also truly indeavour to maintein and preserve all the Liberties & Priviledges therof, submitting my self unto the wholsom Laws made, & established by the same. And farther, that I will not plot or practice any evil against it, or consent to any that shall so doe: but will timely discover and reveal the same to lawfull Authoritie now heer established, for the speedy preventing therof. So help me God in our Lord Jesus Christ.</p>
<i>Freemans Oath.</i>	<p>I (<i>AB</i>) being by Gods providence an Inhabitant within the Jurisdiction of this Common-wealth, and now to be made free; doe heer freely acknowledge my self to be subject to the Government therof: and therefore do heer swear by the great and dreadfull Name of the Ever-living God, that I will be true and faithfull to the same, & will accordingly yeild assistance & support therunto, with my person and estate, as in equitie I am bound, and will also truly indeavour to maintein & preserve all the Liberties and Priviledges therof, submitting my self unto the wholsom Laws made and established by the same. And farther, that I will not plot or practice any evil against it, or consent to any that shall so doe; but will timely discover & reveal the same to lawfull authoritie now heer established, for the speedy prevention therof.</p>
<i>Governours Oath.</i>	<p>Moreover, I do solemnly binde my self in the sight of God, that when I shall be called to give my voice touching any such matter of this State, wherein Free-men are to deal; I will give my vote and <i>suffrage</i> as I shall in mine own conscience judge best to conduce and tend to the publick weal of the Body, without respect of persons, or favour of any man. So help me God &c:</p> <p>WHERAS you (<i>FW</i>) are chosen to the place of a Governour over this Jurisdiction, for this year, and till a new be chosen & sworn: you do heer swear by the Living God, that you will in all things concerning your place, according to your best power and skill carie and demean your self for the said time of your Government, according to the Laws of God, & for the advancement of his Gospell, the Laws of this land, and the good of the people of this Jurisdiction. You shall doe justice to all men without partialitie, as much as in you lyeth: you shall not exceed the limitations of a Governour in your place. So help you God &c:</p>
<i>Deputie Gover:</i>	<p>VVHERAS you (<i>TD</i>) are chosen to the place of the Deputie-Governour &c: as in the Governours Oath, <i>mutatis mutandis</i>.</p> <p style="text-align: right;">Wheras</p>

W HERAS you (*R B*) are chosen to the place of *Assitant* over this Jurisdiction, for this year, and till new be chosen and sworn: you doe heer swear by the Living God, that you will trulie indeavour according to your best skill, to carie and demean your self in your place, for the said time, according to the Laws of God & of this land, for the advancement of the Gospell & the good of the people of this Jurisdiction. You shall dispenſe justice equallie and impartiallie, according to your best skill in all cases wherein you shall act by vertue of your place . You shall not wittinglie & willingly exceed the limitations of your place . And all this to be understood, during your abode in this Jurisdiction . So help you God in our Lord Jesus Christ .

Assitants

W HERAS you (*J E*) have been chosen to the Office of Sergeant Major General, of all the militarie Forces of this Jurisdiction, for this present year : You doe heer swear by the Ever-living God, that by your best skill and abilitie you will faithfullie discharge the trust committed to you, according to the tenour and purport of the Commission given you by this Court . So help you God &c:

Major General.

I (*R R*) beng chosen *Treasurer* for the Jurisdiction of the *Massachusetts*, for this year, and untill a new be chosen; doe promise to give out *Warrants* with all convenient diligence, for collecting all such sums of monie as by any Court, or otherwise have been, or shall be appointed, and to pay out the same, by such sums and in such manner as I shall be lawfullie appointed by this Court, if I shall have it in my hands of the Common Treasurie . And will return the names of such Constables as shall be failing in their Office, in not collecting and bringing in to mee such sums as I shall give *Warrant*. for . And will render a true account of all things concerning my said Office, when by the General Court I shall be called thereto . So help me God in our Lord Jesus Christ .

Treasurer

Y Ou (*W A*) heer swear by the Name of the Living God; that in the Office of a *Publick Notarie*, to which you have been chosen, you shall demean your selfe diligentlie and faithfullie according to the dutie of your Office . And in all writings, instrumēts & articles that you are to give testimonie unto, when you shall be required, you shall perform the same trulie and sinceerlie according to the nature therof, without delay or *covin*. And you shall enter, and keep a true Register of all such things as belong to your Office . So help &c:

Publick Notarie.

Y Ou (*E M*) shall diligentlie, faithfullie, and with what speed you may , collect and gather up all such Fines, and sums of monie, in such goods as you can finde, of everie person for which you shall have *Warrant* so to do by the Treasurer for the time being . And with like faithfullnes, speed and diligence levie the goods of everie person for which you shall have *Warrant* so to doe, by vertue of any *Execution* graunted by the Secretarie, or other Clerk authorized therunto, for the time being . And the same goods so collected or levied , you shall with all convenient speed deliver in to the Treasurer, or the persons to whom the same shall belong . And you shall with like care & faithfullnes, serve all *Attachments* directed to you, which shall come to your hands ; & return the same to the Court where they are returnable, at the times of the return therof.

Marshal.

And you shall perform, doe and execute all such lawfull commands, directiōs and warrants , as by lawfull Authoritie heer established shall be committed to your care & charge , according to your Office . All these things in the presence of the Living God you binde your selfe unto, by this your Oath to perform , during all the time you continue in your Office, without favour, fear, or partialtie of any person . (And if you meet with anie case of difficultie which you cannot resolve by your selfe, you may suspend till you may have advice from Authoritie) So help &c:

Y Ou (*N D*) do swear by the Living God, that you will well and trulie serve this Common-wealth in the Office of *Auditor General*, wherunto you have been chosen ; so long as you shall continue in the same . You shall keep a true account of all things committed to your charge . You shall not omit or delay without just occasion, to examin, signe and dispatch all accounts and bills which shall be brought to you for that end, without taking any Fee or reward for the same, other then the

Auditor General.

58	<i>Presidents & Forms .</i>
<i>Associates.</i>	<p>General Court hath allowed, or shall allow : and shall give a true account of all your busines, when you shall be thereto required by the said Court . So help you God &c:</p> <p>YOU (<i>M N</i>) being chosen Associate for the Court, for this year, and till new be chosen or other order taken, doe heer swear, that you will doe equal right and justice in all cases that shall come before you, after your best skill and knowledge, according to the laws heer established . So help you God &c:</p>
<i>Three men.</i>	<p><i>Wheresoever any three men are deputed to end small Causes, the Constable of the place within one month after, shall return their names to the next Magistrate, who shall give Summons for them forthwith to appear before him; who shall administer to them this Oath:</i></p> <p>YOU (<i>A B</i>) being chosen & appointed to end small Causes, not exceeding fourty shillings value, according to the laws of this Jurisdiction, for this year ensuing, doe heer swear by the Living God that without favour or affection, according to your best light, you will true Judgement give and make, in all the Causes that come before you . So help you God &c:</p>
<i>Grand Iurie.</i>	<p>YOU swear by the Living God, that you will diligently inquire, & faithfully present to this Court, whatsoever you know to be a breach of any law established in this Jurisdiction according to the minde of God ; and whatsoever criminal offences yon apprehend fit to be heer presented, uules some necessarie and religious tye of conscience, truly grounded upon the word of God binde you to secreisie. And whatsoever shall be legally committed by this Court to your judgement, you will return a true and just Verdict therin, according to the evidence given you, and the laws established amongst us . So help you God &c:</p>
<i>Pettie Iurie.</i>	<p>YOU swear by the Living God, that in the Cause or Causes now legally to be committed to you by this Court, you will true trial make, and just verdict give therin, according to the evidence given you, and the laws of this Jurisdiction . So help you God &c:</p>
<i>Life & death.</i>	<p>YOU doe swear by the great Name of Almighty God, that you will well & truly trie, and true deliverance make of such prisoners at the <i>Bar</i> as you shall have in charge, according to your evidence . So help you God &c:</p>
<i>Witnesses.</i>	<p>YOU swear by the Living God, that the evidence you shall give to this Court, concerning the Cause now in question, shall be the truth, the whole truth, and nothing but the truth . So help you God &c:</p>
<i>Untimely death.</i>	<p>YOU swear by the Living God, that you will truly present the cause and the manner of the death of (<i>J B</i>) according to evidence, or the light of your knowledge and conscience. So help you God &c:</p>
<i>Sergeant Major & other chief Officers.</i>	<p><i>The form of the Oath to be administered to the Sergeant Majors of the severall Regiments, and so, mutatis mutandis, to the other militarie Officers .</i></p> <p>WHERAS you (<i>R S</i>) have been chosen to the Office of Sergeant Major, of the Regiment in the Countie of <i>M</i>. for this present year, and untill another be chosen in your place; You doe heer swear by the Living God, that by your best skill & abilitie you will faithfully discharge the trust committed to you, according to such commands and directions as you shall from time to time upon all occasions receive from the Sergeant Major General, by vertue of his Commission from the Court, and according to the Laws and Orders by this Court made and established in this behalf . So help you God &c:</p>
<i>Clerk of the Band.</i>	<p>YOU (<i>R. B</i>) swear trulie to perform the Office of a Clerk of a trained Band, to the utmost of your abilitie, or indeavours, according to the particulars specified [and peculiar to your office] in the militarie Laws . So help &c:</p>
<i>Commissio: of martial disciplin.</i>	<p>YOU shall faithfullie indeavour with all good conscience, to discharge this trust committed to yon, as you shall apprehend to conduce most to the safetie of this Common-wealth . You shall not by any sinister devices, or for any partial respects, or private ends doe any thing to the hindrance of the effects of any good and seasonable Counsels . You shall appoint or remove no Officer by anie partialitie, or for personal respects, or other prejudice : but according to the merit</p>

merit of the persons in your apprehensions . You shall faithfully indeavour to see that martial disciplin may be strictly upholden , not easing or burthening any , otherwise then you shall judge to be just and equal . You shall use your power over mens lives, as the last and only means which in your best apprehensions shall be most for the publick safety in such case . So help you God in our Lord Jesus Christ .

WHERAS you (*E G*) are chosen Constable within the Town of (*C*), for one year now following , and untill other be sworn in the place: you doe heer swear by the Name of Almighty God , that you will carefully intend the preservation of the peace , the discovery and preventing all attempts against the same . You shall duly execute all *Warrants* which shall be sent unto you from lawfull Authoritie heer established , & shall faithfully execute all such Orders of Court as are committed to your care : and in all these things you shall deal seriously and faithfully while you shall be in office, without any sinister respects of favour or displeasure , So help you God &c:

Constable.

WHERAS you (*J G*) are chosen an Officer for the searching and sealing of leather within the Town where you now dwell , for the space of a year , and till another be chosen and sworn in your room . You do heer swear by the Ever-living God, that you will carefully and duly attend the execution of your said Office , with all faithfullnes for the good of the Common-wealth , according to the true intent of the Laws in such case provided . So help you God &c:

*Leather
Sealer.*

YOU (*C D*) heer swear by the Living God that you will from time to time faithfully execute your Office of *Clerk of the Market* , in the limits whereto you are appointed , for this ensuing year, and till another be chosen and sworn in your place : and that you will doe therein impartially, according to the Laws heer established , in all things to which your Office hath relation . So help you God &c:

*Clerk of
Market.*

YOU (*S S*) doe heer swear by the Ever-living God , that you will to your power faithfully execute the Office of a *Searcher* for this year ensuing , and till another be chosen and sworn in your place, concerning all goods prohibited; and in special, for *Gun-powder, Shot, Lead and Amunition* : and that you will diligently search all vessels, carriages and persons that you shall know, suspect, or be informed are about to transport, or carie the same out of this Jurisdiction contrary to Law . And that you will impartially seiz, take, and keep the same in your own custodie: one half part wherof shall be for your service in the said Place; the other you shall forthwith deliver to the Treasurer . All which goods so seized and disposed, you shall certifie under your hand to the Auditor-general within one month from time to time . So help you God &c:

Searcher.

WHERAS you (*T. D.*) are chosen *Apprizers* of such *lands* or goods as are now to be presented to you , you doe heer swear by the Living God , that all partialitie, prejudice and other sinister respects layd aside , you shall apprize the same, and everie part therof, according to the true and just value therof at this present, by common account, by your best judgement and conscience . So help you God &c:

Apprizers

WHERAS you (*J. B.*) are chosen to be *Viewers of Pipe-slaves* within the Town of (*B*) you doe heer swear by the Ever-living God, that at all convenient times while you shall be in place, when you shall be required to execute your Office , you shall diligently attend the same; and shall faithfully without any sinister respects, try and sort all *Pipe-slaves* presented to you, and make a true entrie therof according to law . So help you God in our Lord Jesus Christ .

*Viewers of
Pipeslaves.*

FINIS

