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# THE CODE

OF

1650,

BEING A COMPILATION OF THE EARLIEST LAWS AND ORDERS

OF THE

GENERAL COURT OF CONNECTICUT :

ALSO, THE

CONSTITUTION, OR CIVIL COMPACT,

ENTERED INTO AND ADOPTED BY THE TOWNS OF

WINDSOR, HARTFORD, AND WETHERSFIELD,

IN 1638-9.

*TO WHICH IS ADDED,*

SOME EXTRACTS FROM THE LAWS AND JUDICIAL  
PROCEEDINGS OF NEW-HAVEN COLONY,

COMMONLY CALLED

**BLUE LAWS.**



HARTFORD :

PUBLISHED BY SILAS ANDRUS.

1822.

DISTRICT OF CONNECTICUT, ss.

L. S. **B**E IT REMEMBERED, That on the first day of January, in the forty-sixth year of the Independence of the United States of America, SILAS ANDRUS, of the said district, has deposited in this office the title of a book, the right whereof he claims as proprietor, in the words following, to wit: "The code of 1650, being a compilation of the earliest laws and orders of the General Court of Connecticut. Also, the Constitution, or civil compact, entered into and adopted by the towns of Windsor, Hartford and Wethersfield, in 1638-9. To which is added, some extracts from the laws and judicial proceedings of New-Haven colony, commonly called blue laws."

In conformity to the act of the Congress of the United States, entitled, "An act for the encouragement of learning, by securing the copies of Maps, Charts and Books, to the authors and proprietors of such copies, during the times therein mentioned."

CHARLES A. INGERSOLL,  
Clerk of the District of Connecticut.

A true copy of Record, examined and sealed by me,  
CHARLES A. INGERSOLL,  
Clerk of the District of Connecticut.

## ADVERTISEMENT.



THE following sheets contain an exact copy of the constitution, or form of civil government, as adopted by the the towns of Windsor, Hartford and Wethersfield, and the Code of 1650, as confirmed by the General Court of Connecticut. These were both taken from the original records remaining in the office of the Secretary for the State. Much time and accuracy were required to obtain an exact copy, on account of the orthography, and particularly for the reason, that the record, in some parts, was nearly obliterated, and in others, totally gone. Other parts of the record, therefore, have been resorted to, and the copy rendered complete. The ancient orthography has been accurately preserved.

This small volume is offered to the public, without apology or comment : nor does the publisher deem it necessary to detail the reasons which induced him to undertake the publication. Only, suffice it to say, that the first revision of the early laws of Connecticut, was never before printed. Prior to the revision of 1672, which was printed in 1675, the laws and orders of the General Court, were promulgated only by manuscript copies. They were recorded in the public records of the court, and also in the town records, and it was made the duty of the constables of the several towns, to publish such laws as should be made from time to time, and, annually, to read the capital laws at some public meeting.

To this Code may be traced the origin of almost all our civil and religious institutions. Our ancestors have thus, in a great

## ADVERTISEMENT.

measure, transmitted to their posterity their present customs, manners, and civil and religious opinions. The laws were few and simple, yet they were such as the exigences of the commonwealth required, and such as may be supposed to exist in the infancy of civil governments.

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## CONSTITUTION OF 1688.

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FORASMUCH as it hath pleased the Almighty God, by the wise disposition of his divine providence, so to order and dispose of things, that we the Inhabitants and residents of Windsor, Hartford and Weathersfeild, are now cohabiting, and dwelling in and uppon the river of Conneticut, and the lands thereunto adjoining, and well knowing when a people are gathered together, the word of God requires, that to meinteine the peace and union of such a people, there should bee an orderly and decent governement established according to God, to order and dispose of the affaires of the people at all seasons, as occassion shall require ; doe therefore associate and conjoine ourselves to bee as one publique STATE OF COMMONWEALTH; and doe for ourselves and our successors, and such as shall bee adjoined to us at any time hereafter, enter into combination and confederation together, to mein-

teine and preserve the libberty and purity of the Gospell of our Lord Jesus, which we now profess, as also the discipline of the churches, which, according to the truth of the said Gospell, is now practised amongst us; as also, in our civill affaires to be guided and governed according to such lawes, rules, orders, and decrees, as shall bee made, ordered, and decreed, as followeth:

1. *It is ordered, sentenced and decreed.* That there shall bee yearly, two Generall Assembly's or Courts, the one the second Thursday in Aprill, the other the second Thursday in September following: The first shall bee called the Courte of Election, wherein shall bee yearely chosen, from time to time, so many magistrates and other publique officers, as shall bee found requisite, whereof one to be chosen Governor for the yeare ensuing, and untill another bee chosen, and no other magistrate to bee chosen for more then one yeare; provided always, there bee six chosen besides the Governor, which being chosen and sworne according to an oath recorded for that purpose, shall have power to administer justice according to the lawes here established, and for want thereof, according to the rule of the word of God; which choyce shall bee made by all that are admitted Freemen, and have taken the oath of fidelity, and do colabit within this jurissdiction, having bene admitted inhabitants by the major parte of the town where they live or the major parte of such as shall bee then present.

2. *It is ordered, sentenced, and decreed.* That the Election of the aforesaid magistrate shall bee on

this manner; every person present and qualified for choyce, shall bring in (to the persons deputed to receive them) one single paper, with the name of him written in it whom he desires to have Governor, and hee that hath the greatest number of papers shall bee Governor for that yeare: And the rest of the Magistrates or publique officers, to be chosen in this manner; the Secretary for the time being, shall first read the names of all that are to be put to choyce, and then shall severally nominate them distinctly, and every one that would have the person nominated to bee chosen, shall bring in one single paper written uppon, and hee that would not have him chosen, shall bring in a blanke, and every one that hath more written papers than blanks, shall bee a magistrate for that yeare, which papers shall bee received and told by one or more that shall bee then chosen, by the Courte, and sworn to bee faithfull therein; but in case there should not bee six persons as aforesaid, besides the Governor, out of those which are nominated, then hee or they which have the most written papers, shall bee a Magistrate or Magistrates for the ensuing yeare, to make up the aforesaid number.

3. *It is ordered, sentenced, and decreed,* That the Secretary shall not nominate any person, nor shall any person bee chosen newly into the Magistracy which was not propounded in some General Courte before, to bee nominated the next election: And to that end, it shall be lawfull for each of the Townes aforesaid, by their Deputies, to nominate any two whoe they conceive fitt to be put to election, and the Courte may add so many more as they judge requisite.

4. *It is ordered, sentenced and decreed,* That no person bee chosen Governor above once in two

years, and that the Governor bee always a member of some approved congregation, and formerly of the magistracy, within this Jurisdiction, and all the Magistrates, freemen of this Commonwealth; and that no Magistrate or other publique Officer, shall execute any parte of his or their office before they are severally sworne, which shall bee done in the face of the Courte, if they bee present, and in case of absence, by some deputed for that purpose.

5. *It is ordered, sentenced and decreed,* That to the aforesaid Courte of Election, the severall Townes shall send their Deputyes, and when the Elections are ended they may proceed in any publique service, as at other Courtes; also, the other Generall Courte in September, shall bee for making of lawes and any other publique occasion, which concerns the good of the Commonwealth.

6. *It is ordered, sentenced, and decreed,* That the Governor shall, either by himselfe or by the Secretary, send out summons to the Constables of every Towne, for the calling of these two standing Courts, one month at least before their severall times; And also, if the Governor and the greatest parte of the magistrates see cause, upon any speciall occasion, to call a Generall Courte, they may give order to the Secretary so to doe, within fourteene dayes warning, and if urgent necessity so require, upon a shorter notice, giving sufficient grounds for it, to the Deputyes, when they meete, or else, bee questioned for the same; and if the Governor and major parte of the Magistrates, shall either neglect, or refuse, to call the two Generall standing Courts, or either of them; as also, at other times, when the occasions of the Commonwealth require; the Freemen thereof, or the major parte of them, shall petition to them so to doe, if then it bee either

denied or neglected, the said Freemen or the major parte of them, shall have power to give order to the Constables of the severall Towns to doe the same, and so many meete together and choose to themselves a moderator, and may proceed to doe any act of power which any other Generall Courte may.

7. *It is ordered, sentenced and decreed,* That after there are warrants given out for any of the said Generall Courts, the Constable or Constables of each Towne shall forthwith give notice distinctly to the inhabitants of the same, in some publique Assembly, or by going or sending from howse to howse, that at a place and time, by him or them limited and sett, they meete and assemble themselves together, to elect and choose certaine Deputyes to bee at the Generall Courte then following, to agitate the affaires of the Commonwealth; which said Deputyes, shall bee chosen by all that are admitted inhabitants in the reverall Towns and have taken the oath of fidelity: provided, that none bee chosen a Deputye for any Generall Courte which is not a Freeman of this Commonwealth: The aforesaid Deputyes shall bee chosen in manner following; Every person that is present and qualified as before expressed, shall bring the names of such written in severall papers, as they desire to have chosen, for that employment; and these three or foure, more or less, being the number agreed on to bee chosen, for that time, that have greatest number of papers written for them, shall bee Deputyes for that Courte; whose names shall be indorsed on the backside of the warrant and returned into the Courte, with the Constable or Constables hand unto the same.

8. *It is ordered, sentenced and decreed,* That

Wyndsor, Hartford and Weathersfeild, shall have power, each Towne, to send foure of their Freemen as their Deputyes, to every Generall Courte, and whatsoever other Townes shall bee hereafter adged to this Jurisdiction, they shall send so many Deputyes, as the Courte shall judge meete; a reasonable proportion to the number of Freemen, that are in the said Towns, being to bee attended therein; which Deputyes shall have the power of the whole Towne, to give their voates and allowance to all such lawes and orders, as may bee for the publique good, and unto which the said Towns are to bee bound; And it is also ordered, that if any Deputyes shall bee absent upon such occasions, as the Governor for the time being, shall approve of, or by the Providence of God, shall decease this life, within the adjournment of any Courte, that it shall bee at the libbertye of the Governor to send forth a warrant, in such case, for supply thereof upon reasonable warning.

9. *It is ordered, sentenced and decreed,* That the Deputyes thus chosen, shall have power and libberty, to appoint a time and place of meeting together, before any Generall Courte, to advise and consulte of all such thinges as may concerne the good of the publique; as also to examine their owne Elections, whether according to the order; and if they or the greatest parte of them, finde any election to be illegall, they may seclude such for present, from their meetinge, and returne the same and their reasons to the Courte; and if it prove true, the Courte may fyne the party or parties so intruding, and the Towne if they see cause, and give out a warrant to goe to a new election in a legall way, either in parte or in whole. Also the said Deputyes shall have power to fyne any that shall

bee disorderly at their meeting, or for not coming in due time or place, according to appointment, and they may returne the said fyne into the Courte, if it bee refused to bee paid, and the Treasurer to take notice of it, and to estreite or levye as hee doth other fynes.

10. *It is ordered, sentenced and decreed,* That every generall Courte (except such as through neglect of the Governor and the greatest parte of Magistrates, the Freemen themselves doe call,) shall consist of the Governor or some one chosen to moderate the Courte, and foure other Magistrates at least, with the major parte of the Deputyes of the severall Towns legally chosen, and in case the Freemen or the major parte of them, through neglect or refusall of the Governor and major parte of the Magistrates, shall call a Courte, it shall consist of the major parte of Freemen, that are present, or their Deputyes, with a moderator chosen by them, in which said General Courts, shall consist the Supreme power of the Commonwealth, and they onely shall have power to make lawes and repeale them, to graunt levyes, to admitt of Freemen, dispose of lands undisposed of, to severall Towns or persons; and also, shall have power to call either Courte or Magistrate, or any other person whatsoever into question, for any misdemeanor, and may for such cause, displace, or deale otherwise, according to the nature of the offence; and also may deale in any other matter that concernes the good of this Commonwealth, except election of Magistrates, which shall bee done by the whole body of Freemen; in which Courts the Governor or Moderator shall have the power to order the Courte, to give libbertye of Speech, and silence unreasonable and disorderly speaking, to put all things to voate, and

in case the voate bee equall, to have the casting voice : But none of these Courts shall bee adjourned or dissolved without the consent of the major parte of the Courte. Provided, notwithstanding, that the Governor or Deputy Governor, with two Magistrates shall have power to keepe a Perticular Courte according to the lawes established : And in case the Governor or Deputy Governor bee absent, or some way or other incapable either to sitt or to bee present ; if three Magistrates meete and chuse one of themselves to bee a Moderator, they may keepe a Perticular Courte, which to all ends and purposes shall bee deemed as legall as though the Governor or Deputy did sitt in Courte.

11. *It is ordered, sentenced, and decreed,* That when any Generall Courte, upon the occasions of the Commonwealth, have agreed upon any summ or summs of monye, to be levyed upon the severall Townes within this Jurisdiction, that a Committee bee chosen, to sett out and appoint, what shall bee the proportion of every Towne to pay of the said levye ; Provided the Committee bee made up of an equal number out of each Towne.(1)

Forasmuch as the free fruition of such libberties, immunities, priviledges, as humanity, civillity and Christianity call for, as due to every man in his place and proportion, without impeachment and infringement, hath ever beene and ever will bee the tranquillity and stability of Churches and Commonwealths ; and the denyall or deprivall thereof, the disturbance, if not ruine of both :

12. *It is thereof ordered by this Courte, and un-*

(1) The eleven preceding sections were "voated" or enacted at a General Courte, held January 14th, 1633 ; and the following provision was added at the revision in 1650.

*thority thereof,* That no man's life shall bee taken away ; no man's honor or good name shall be stained ; no man's person shall bee arrested, restrained, bannished, dismembred, nor any way punnished ; no man shall bee deprived of his wife or children ; no man's goods or estate shall bee taken away from him nor any ways indammaged, under colour of law, or countenance of authority ; unless it bee by the vertue or equity of some express law of the Country warranting the same, established by a Generall Courte and sufficiently published, or in case of the defect of a law, in any perticular case. by the word of God.

## CODE OF 1650.

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### ABILITY.

It is ordered by this Courte, that all persons of the age of twenty-one years, and of right understanding and memorye, whether excommunicated, condemned or otherways, have full power and liberty to make their Wills, Testaments, and other lawfull Alienations of their goods and estates, and may bee plaintiffs in a civill Case.

### ACTIONS.

*It is further ordered and decreed,* That in all Actions brought to any Courte, the Plaintiff shall have liberty to withdraw his Action, or to be nonsuted before the Jury have given in their verdict, in which case, hee shall always pay full costs and charges to the defendant, and may afterwards renew his sute at another Courte, the former nonsute being first recorded.

## AGE.

*It is ordered by this Courte and the authority thereof,* that the Age for passing away of lands or such kinde of hereditaments, or for giving of voates. or sentences in any Civill Courts or Causes, shall bee twenty and one yeares ; but in case of choosing of Guardians, fourteene years.

## ARRESTS.

*It is ordered, and decreed by this Court and authority thereof,* That no person shall bee Arrested or imprisoned for any debt or fyne, if the law can find any competent means of satisfaction otherwise, from his estate, and if not, his person may bee arrested and imprisoned, where hee shall bee kept at his owne charge, not the plaintiffs, till satisfaction bee made, unless the Courte that had cognicance of the cause. or some superior Courte, shall otherwise determine. Provided, nevertheless, that no man's person shall bee kept in prison for debt, but when there appears some estate which hee will not produce ; to which end, any Courte or Commissioners authorized by the Generall Courte, may administer an oath to the partye, or any others suspected to bee privy in concealing his estate, hee shall satisfye by service, if the creditor require it ; but shall not bee sould to any, but of the English nation.

## ATTACHEMENT.

*It is ordered, sentenced, and decreed,* That the ordinary summons or process for the present, within this Jurisdiction, and untill other provision made to the contrary, bee a warrraat, fairely written, un-

der some Magistrate or Magistrates hand or hands, mentioning the time and place of appearance, and if the said partye or partyes do not appeare according to the said warrant or summons, upon Affidavitt first made, of the serving of the said person or persons, the Courte shall graunt an attachment against the person or persons delinquent, to arrest or apprehend the said person or persons for his or their willfull contempt, and in case no sufficient securitye or bayle bee tendered, to imprison the said partye or partyes returneable the next Courte, that is capeable to take cogniscance of the said business in question, and upon returne of the said Attachment, the said Courte to doe therein, as according to the laws and orders of this Jurisdiction, and in that case also, the party delinquent to bear his owne charges.

*It is also ordered,* That attachments to seize upon any man's lands or estate bee onely graunted for, or against, such goods as are fforreigner's, and doe not dwell or inhabitt within this Jurisdiction: or, in case upon credible information it appeare, that any inhabitant that is indebted, or ingaged, go about to convey away his estate to defraud his creditors, or to convey away his person out of this Jurisdiction, so as the process of this Jurisdiction may not bee served upon his person, in that or any other just cases, there may bee Attachment, or Attachements graunted upon the limitations expressed; provided, that in all cases of Attachements, all or any of the creditors have libberty to declare upon the said Attachment, if hee come in at the return of the said Attachment; provided also, that if any Attachment, laid upon any man's estate upon a

pretence of a great summ; and if it bee not proved to bee due, in some neare portion to the summ challenged, and mentioned in the Attachement, then the security given shall bee lyable to such dammages as are susteined thereby.

*It is further ordered and decreed by this Courte,* That whosoever takes out an Attachement against any man's person, goods, chattles, lands or hereditaments, sufficient security and caution shall bee given by him to prosecute his action in the next courte, and to answer the defendant such costs as shall bee awarded to him by the Courte; and in all Attachements of goods, or lands, legall notice shall bee given unto the partye, or left in writing at his howse or place of usual abode, if hee live within this Jurissdiction; otherwise, his sute shall not proceed: *And it is further ordered und declared,* That every man shall have libberty to replevye his cattle or goods impounded, distreined, seized or extended (unless it bee upon execution after judgement, and in payment of ffynes:) provided in like manner hee put in good securitye to prosecute his replevye, and to satisfie such dammages, demaunds, or dues as his adversary shall recover against him in lawe.

### BALLAST.

*It is ordered by this Courte and Authority thereof,* That no ballast shall bee taken from any shoare in any Towne within this Jurissdiction by any person whatsoever, without allowance under the hands of those men that are to order the affaires in each Towne, uppon the penalty of six pence for every shovell full so taken; unless such stones as they had laid there before: *It is also ordered by the author-*

*ity aforesaid*, That no shipp nor other vessell shall cast out any Ballast in the channell or other place inconvenient, in any harbor within this Jurisdiction ; uppon the penalty of Ten Pounds.

## BARRATRY.

*It is ordered, decreed, and by this Courte declared*, That, if any man bee proved and adjudged a common Barrater vexing others with unjust, frequent, and needless sutes ; it shall bee in the power of Courtes, both, to reject his cause, and to punish him for Barratry.

## BILLS.

*It is ordered by the authority of this Courte ;* That any Debt or Debts due uppon Bill or other speciality, assigned to another, shall bee as good a debt, and estate, to the assignee, as it was to the assigner at the time of its assignation, and that it shall bee lawfull for the said assignee, to sue for and recover the said Debt due uppon Bill and so assigned, as fully as the originall Creditor might have done : provided the said assignment be made uppon the backside of the Bill or speciality, not excluding any just or cleare interest any man may have in any Bills or specialities made over to them by Letters of Attorneys, or otherwise.

## BOUNDS

### OF TOWNES AND PERTICULAR LANDS.

Forasmuch as the Bounds of Townes and of the lands of perticular persons are carefully to bee meinteined, and not without great danger to bee

removed by any ; which notwithstanding, by deficiency and decay of markes, may at unawares bee done, whereby great jealousies of persons, trouble in Townes, and incumbrances in Courtes, doe often arise, which by due care and meanes might be prevented :

*It is therefore ordered by this Courte and authority thereof,* That every Towne shall sett out their bounds within twelve months after the publishing hereof, and after their Bounds are graunted, and that when their Bounds are once sett out, once in the yeare, three or more persons in the Towne appointed by the Select men, shall appointe with the adjacent Townes, to goe the Bounds betwixt their said Townes, and renew their markes, which markes shall bee a great heape of Stones, or a trench of six foott long and two foott broad, the most ancient Towne (which for the River is determined by the Courte to bee Weathersfeild,) to give notice of the time and place of meeting for this perambulation, which time shall bee in the first or second month, uppon paine of five pounds for every Towne that shall neglet the same ; provided, that the three men appointed for perambulation shall goe in their severall quarters, by order of the select men, and at the charge of the severall Townes :

*And it is further ordered,* That if any perticular proprietor of lands lying in common with others shall refuse to goe by himselfe or his assigne, the Bounds betwixt his land and other mens, once a yeare, in the first or second month, beeing requested thereunto, uppon one weekes warning, hee shall forfeit for every day so neglecting, ten shillings, halfe to the party mooving thereto, the other halfe to the Towne ; and the owners of all impropriated

grounds shall Bound every perticular parcell thereof with sufficient meare-stones and shall preserve and keepe them so, upon the former penalty.

## BURGLARY AND THEFT.

Forasmuch as many persons of late yeares have beene and are apt to be injurious to the goods and lives of others, notwithstanding all care and meanes to prevent and punish the same ;

*It is therefore ordered by this Courte and authority thereof,* That if any person shall committ Burglary by breaking up any dwelling howse, or shall robb any person in the feild, or highwayes, such a person so offending, shall, for the first offence, bee branded on the forehead with the letter (B) ; if hee shall offend in the same kinde, the second time, hee shall bee branded as before, and allso, bee severely whipped ; and if hee shall fall into the same offence the third time, hee shall bee put to death as being incorrigible ; and if any person shall committ such Burglary, or rob in the feilds or howse on the Lords day, besides the former punishments, hee shall for the first offence have one of his eares cutt of, and for the second offence in the same kinde, he shall looss his other eare in the same manner ; and if hee fall into the same offence the third time, hee shall bee put to death.

Secondly, for the prevention of pillfring and Theft.

*It is ordered by this Courte and authority thereof,* That if any person, whether children, servants or others, shall bee taken or known to robb any orchards or garden, that shall hurte or steale away

any grafts or fruite trees, fruits, linnen, woollen, or any other goods left out in orchyards, gardens, back-sides, or other place, in howse or feilds, or shall steale any wood, or other goods from the water side, from mens dores or yards, hee shall forfeitt treble dammage to the owners thereof, and such severe punishment as the Courte shall thinke meete.

And forasmuch as many times it so falls out, that small thefts and other offences of a criminall nature are committed, both by English and Indians in Townes remote from any prison, or other fitt place, to which such malefactors may bee committed till the next Courte ;

*It is therefore hereby ordered,* That any Magistrate upon complaint made to him, may heare. and upon due prooffe determine, any such small offences of the aforesaid nature, according to the lawes here established, and give warrant to the Constable of that Towne where the offender lives, to levye the same : provided the damage or fyne exceed not forty shillings ; provided also, it shall bee lawfull for either partye to appeal to the next Courte to bee holden in that Jurisdiction, giving sufficient caution to prosecute the same to effect, at the said Courte ; and every magistrate shall make returne yearly to the Courte of the Jurisdiction wherein hee liveth, of what cases he hath so ended ; and also the Constable, of all such fynes 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.

It is also ordered that all servants or workemen imbeazling the goods of their masters, or such as sett them on worke, shall make restitution and bee lyable to all lawes and penaltyes, as other men.

## CAPITALL LAWES.

1. If any man after legall conviction, shall have or worship any other God but the Lord God. hee shall bee put to death. Deut. 13. 6—17. 2.—Exodus 22. 20.

2. If any man or woman bee a Witch, that is, hath or consulteth with a familliar spirritt, they shall bee put to death. Exodus 22. 18.—Levit. 20. 27.—Deut. 18. 10, 11.

3. If any person shall blaspheme the name of God the ffather. Sonne or holy Ghost, with direct, express, presumptuous or highhanded blasphemy, or shall curse in the like manner, hee shall bee put to death. Lev. 24. 15, 16.

4. If any person shall committ any willfull murder, which is manslaughter committed uppon malice, hatred or cruelty, not in a man's necessary and just defence, nor by mere casualty against his will, hee shall be put to death. Exo. 21. 12, 13, 14.—Numb. 35. 30, 31.

5. If any person shall slay another through guile, either by poisonings or other such Devellish practice, hee shall bee put to death. Exo. 21. 14.

6. If any man or woman shall lye with any beast or brute creature, by carnall copulation, they shall surely bee put to death, and the beast shall be slaine and buried. Levit. 20. 15, 16.

7. If any man lyeth with mankind as hee lyeth with woman, both of them have committed abomination. they both shall surely be put to death.—Levit. 20. 13.

8. If any person committeth adultery with a married or espoused wife, the Adulterer and the Adulteress shall surely bee put to death. Levit. 20. 10. and 18. 20.—Deut. 22. 23, 24.

9. If any man shall forcibly, and without consent, Ravish any maide, or woman that is lawfully married or contracted, hee shall bee putt to death.—Deut. 22. 25.

10. If any man stealeth a man or mankinde, hee shall bee put to death.—Exodus 21. 16.

11. If any man rise up by false wittness, wittingly and of purpose to take away any man's life, hee shall be put to death.—Deut. 19. 16. 18. 19.

12. If any man shall conspire or attempt any invasion, insurrection or rebellion against the Commonwealth, hee shall bee put to death.

13. If any Childe or Children above sixteene years old and of sufficient understanding, shall Curse or smite their naturall father or mother, hee or they shall bee put to death; unless it can be sufficiently testified that the parents have beene very unchristianly negligent in the education of such children, or so provoke them by extreme and cruell correction that they have beene forced thereunto to preserve themselves from death, maiming.—Exo. 21. 17.—Levit. 20.—Ex. 21. 15.

14. If any man have a stubborne and rebellious sonne of sufficient yeares and understanding, viz. Sixteene yeares 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 hearken unto them; then may his ffather and mother, being his naturall parents, lay hold on him and bring him to the Magistrates assembled in Courte, and testifie unto them, that their sonne is stubborne and rebellious and will not obey their voice and Chastisement, but lives in sundry notorious Crimes, such a sonne shall bee put to death. Dut. 21. 20. 21.

*It is also ordered by this Courte, and authority thereof,* That whatsoever Childe or servant within these Libberties, shall bee convicted of any stubborne, or rebellious carriage against their parents or governors, which is a forrunner of the aforementioned evils ; the Governor or any two Magistrates have libberty, and power from this Courte, to committ such person or persons to the Housse of Correction ; and there to remaine under hard labour, and severe punishment so long as the Courte, or the major parte of the Magistrates, shall judge meete.

And whereas frequent experience, gives in sad evidence of severall other wayes of uncleanes, and lascivious carriages, practised amongst us ; whereunto in regarde of the variety of circumstances, perticular and express lawes and orders cannott suddenly be suted ; this Courte cannott but looke upon evils in that kinde, as very pernicious and destructive to the wellfare of this Commonwealth:

And, doe judge, that severe and sharpe punishment, should bee inflicted upon such delinquents ; And as they doe approve of what hath beene already done, by the perticular Courte, as agreeing with the Generall power formerly graunted ; so they doe hereby confirme the same power to the perticular Courte ; whoe may proceed either by fyne, committing to the house of correction, or other corporall punishment, according to their discretion ; desiring such seasonable and exemplary executions, may bee done upon offenders in that kinde, that others may heare and feare.

## CASCK AND COOPER.

*It is ordered by this Courte and Authority thereof,* That all Casck used for Tarr or other commodities to bee put to sale, shall bee assized as followeth : viz: Every Casck, commonly called barrills, or halfe-hogs heads, shall contain twenty eight gallons wine measure, and other vessells proportionable ; and that fitt persons shall be appointed from time to time, in all placcs needfull to gage all such vessells or Cascks, and such as shall be found of due assize shall be marked with the gagers marke and no other, who shall have for his paines foure pence for every Tunn, and so proportionably.

And, It is also ordered, that every Cooper shall have a distinct brand-marke, on his owne Casck, upon paine of forfeiture of Twenty shillings in either case, and so proportionably for lesser vessells.

## CATTLE, CORNEFEILDS, FFENCES.

Fforasmuch as complaints have beene made of a very evill practise of some disordered persons in the country whoe use to take other mens horses, sometimes upon the Commons, sometimes out of their owne grounds, common feilds, and inclosures, and ride them at their pleasure, without any leave or privity of their owners :

*It is therefore ordered and Enacted,* by the authority of this Courte, that whosoever shall take eny other mans Horse, Mare, or Drawing Beast, out of his inclosure, uppon any Common, out of any common-feild or elsewhere ; Except such bee taken dammage-faisant, and disposed of according to

law, without leave of the owners, and shall ride or use the same, hee shall pay to the partye wronged, treble dammages. or if the complainant shall desire it, then to pay onely ten shillings, and such as have not to make satisfaction, shall bee punished by whipping, imprisonment, or otherwise, as by law shall be adjudged; And any one magistrate may heare and determine the same.

*It is also further ordered.* That where lands lye in common, unfenced; if one shall improve his lands, by fencing in severall, and another shall not; hee whoe shall so improve, shall secure his land against other mens cattle, and shall not compell such as joine upon him, to make any fence with him; except hee shall also improve in severall, as the other doth: And where one man shall improve, before his neighbour, and so make the whole fence, if after his said neighbour shall improve also, he shall then satisfie for halfe the others fence against him, according to the present value, and shall meinteine the same: And if either of them shall after lay open his said feilds (which none shall doe without three months warning) hee shall have libberty, to buy the dividend fence, payinge according to the present valuation, to bee sett by two men, chosen by either party one: The like order shall bee, where any man shall improve land, against any Towne Common; provided, this order shall not extend to house lotts, not exceeding ten acres; but, if in such, one shall improve, his neighbour shall be compellable to make and meinteine one halfe of the fence between them, whether he improve or not.

Provided also, that no man shall bee lyable to satisfie for dammage done in any ground not sufficiently fenced; except it shall bee for dammage done by swyne under a yeare old, or unruly Cattle.

which will not be restrained by ordinary fences, or where any man shall put his Cattle, or otherwise voluntarily trespass upon his neighbours ground: And if the partye damnified find the Cattle damage-faisant, hee may impound or otherwise dispose of them. (1)

### CATTLE TO BE MARKED.

For the preventing of differences that may arise &c. in the owning of cattle, that bee lost or stray away :

*It is ordered by this Courte,* that the owners of any Cattle within this Jurisdiction, shall care marke or brand all their Cattle and swyne, that are above halfe a yeare old (except horses) and that they cause their severall markes to bee registred in the towne booke; and whatsoever cattle shall be found unmarked, after the first of July next, shall forfeitt five shillings a head, whereof two shillings sixpence to him that discovers it, and the other to the country.

### COMMON FIELDS.

Whereas the condition of these severall plantations in these beginnings, wherein we are, is such, that necessity constraines to improve much of the ground belonging to the severall townes, in a common way, and it is observed, that the publique and generall good (which ought to bee attended in all such improvements as are most

(1) At a session of the General Court, in October 1652, it was declared and explained, that this order did not reach the lands on the east side of the great river.

propper to them, and may best advance the same) receives much prejudice through want of a prudent ordering and disposing of those severall common lands, so as may best effect the same :

*It is ordered by this Courte and authority thereof,* That each towne shall chuse from among themselves, five able and discreet men, whoe, by this order. have power given them, and are required, to take the common lands belonging to each of the severall townes respectively, into serious and sadd consideration, and after a thorough digesting of their owne thoughts, sett downe under their hands, in what way the said lands may, in their judgments, bee best improved for the common good; And whatsoever is decreed and determined by the saide five men in each towne, or any three of them, concerning the way of improvement of any such lands, shall bee attended by all such persons that have any propriety or interest in any such lands so judged.

And whereas also, much damage hath arisen, not onely from the unrulines of some kinde of cattle, but also from the weaknes and insufficiency of many fences, whereby much variance and difference hath followed, which, if not prevented for the future, may bee very prejudiciall to the publique peace ;

*It is likewise, therefore ordered,* that the said five men, so chosen, or at least, three of them, shall sett downe what fences shall bee made in any common grounds, and after they are made, to cause the same to bee viewed, and to sett such fynes as they judge meete, upon any as shall neglect, or not duely at-

tend their order therein ; and what fences are made and judged sufficient by them, whatsoever damage is done by hoggs or any other cattle, shall bee paid by the owners of the said cattle. - And the severall townes shall have libberty once every yeare, to allter any three of the former five, and to make choyce of others in their roome : It being provided, that any perticular man or men shall have libberty to inclose any of their perticular grounds, and improve them according to their owne discretion, by mutuall agreement, notwithstanding this order.

### CAVEATS ENTRED.

Whereas it appears, that divers, to defeat and defraud their creditors, may secretly and under hand, make bargaines and contracts of their lands, lotts and accommodations, by means whereof, when the creditor thinks hee hath a meanes, in due order of law, to declare against the said lands, lotts and accommodations, and so recover satisfaction for his debt, hee is wholly deluded and frustrated, which is contrary to a righteous rule, that every man should pay his debt with his estate, bee it in what it will bee, either reall or personall ; this courte taking it into consideration, doe order, sentence and decree, that if any creditor, for the future, doe suspect any debtor, that hee may prove non-solvent in his personall estate, hee may repaire to the register or recorder of the plantation where the lands, lotts or accommodations lyes, and enter a caveatt against the lands, lotts and accommodations of the said debtor, and shall give to the said register or recorder foure pence for the entry thereof ; and the said creditor or creditors shall take

out summons against the said debtor, and in due forme of law, the next perticular courte, either for the whole colony, or for the perticular plantation where the said lands, lotts or accommodations lyes, or the next courte ensuing, declare, against the said debtors lands, lotts and accommodations: And so if the creditor recover, hee may enter a judgement upon the said lotts, lands and accommodations, and take out an extent against the said land, directed to a knowne officer, whoe may take two honest and sufficient men of the neighbours, to apprize the said lands, lotts, and accommodations, either to be sould out right, if the debtor so require, or sett a reasonable rent upon the same, untill the debt bee paid, and deliver the possession thereof either to the creditor or creditors, his or their assignee or assigns, or any other; and what sale or sales, lease or leases the said officer makes, being orderly recorded, according to former order of recording of lands, shall be as legall and bynding, to all intents and purposes, as though the debtor himselfe had done the same: Provided, that if the said debtor can then presently procure a chapman or tennant that can give to the creditor or creditors, satisfaction to his or their content, hee shall have the first refusing thereof: Also it is declared, that hee which first enters caveatts as above said, and his debt being due at his entering the said caveatt, shall bee first paid: and so every creditor, as hee enters his caveatt, and his debt becomes due, shall bee orderly satisfied: unless it appears at the next courte, the debtors lands, lotts and accommodations prove insufficient to pay all his creditors, then every man to have a sutable proportion to his debt out of the same; and yet notwithstanding every man to receive his parte according to the entry of his cave-

att; yet this is not to seclude any creditor to recover other satisfaction, either upon the person or estate of the said debtor, according to lawe and custome of the colony: As also, it is further decreed, that what sale or bargaine soever, the debtor shall make concerning the said lotts, lands and accommodations, after the entring of the said caveatt, shall be voide as to defraude the said creditors.

*It is also further explained and declared,* That if the said debtor bee knowne to bee a non-solvent man before the first caveatt entred against the said lotts, lands and accommodations, and the same appeare at the next perticular courte, then the courte shall have power to call in all the creditors in a shorte time, and sett an equall and indifferent way how the creditors shall bee-paid out of the said lotts, lands and accommodations; otherwise, if the said debtor proove insolvent after the first caveatt entred, then this order to be dulye observed according to the premisses, and true intent and meaning thereof.

*It is also, further declared, and explained,* That the said recorder or register of the said caveatt shall, the next perticular courte, as aforesaid, returne the said caveatts that are with him, at which time and courte, the enterers of the said caveatts, shall be called forth to prosecute the same the next perticular courte following; and if the enterer of the said caveatts fail to prosecute according to this order, the register or recorder of the said caveatt or caveatts, shall put a vacatte upon the said caveatt or caveatts, which shall be invalid or voide to hold the said lotts, lands and accommodations, aforesaid.

## DISORDER IN COURTE.

*It is ordered by this courte,* that whosoever doth disorderly speake privately, during the sitting of the courte, with his neighbour, or two or three together, shall presently pay twelve pence, if the courte so thinke meett.

## SECREETS IN COURTE.

*It is ordered and decreed,* That whatsoever member of the generall courte, shall reveale any secreett that the courte enjoynes to be kept secreett, or shall make knowne to any person what any one member of the courte speakes concerning any person or business that may come into agitation, in the courte, shall forfeitt for every such fault, ten pounds, and bee otherwise dealt withall, at the discretion of the courte; and the secretary is to read this order at the beginning of every generall courte.

## CHILDREN.

Forasmuch as the good education of children is of singular behoofe and benefit to any commonwealth; and whereas many parents and masters are too indulgent and negligent of their duty in that kinde:

*It is therefore ordered by this courte, and authority thereof,* That the selectmen of every towne in the severall precincts and quarters where they dwell, shall have a vigilant eye over their brethren and neighbours, to see, first, that none of them shall suffer so much barbarisme in any of their fare-

they, as not to indeavor to teach by themselves or others, their children and apprentices, so much learning, as may enable them perfectly to read the English tongue, and knowledge of the capitall lawes, upon penalty of twenty shillings for each neglect therein; also, that all masters of families, doe, once a week, at least, catechise their children and servants, in the grounds and principles of religion, and if any bee unable to doe so much, that then, at the least, they procure such children or apprentices to learne some shorte orthodox catechisme, without booke that they may bee able to answer to the questions that shall bee propounded to them out of such catechismes by their parents or masters, or any of the selectmen, where they shall call them to a tryall of what they have learned in this kinde; and further, that all parents and masters doe breed and bring up their children and apprentices in some honest lawfull calling, labour or imployment, either in husbandry or some other trade profitable for themselves and the commonwealth, if they will not nor cannot traine them up in learning, to fitt them for higher imployments; and if any of the selectmen, after admonition by them given to such masters of families, shall finde them still negligent of their duty, in the particulars aforementioned, whereby children and servants become rude, stubborne and unruly, the said selectmen, with the helpe of two magistrates, shall take such children or apprentices from them, and place them with some masters for years. boyes till they come to twenty-one, and girles eightene years of age compleat. which will more strictly looke unto and force them to submit unto government, according to the rules of this order, if by faire meanes and former instructions they will not bee drawne unto it.

## CONSTABLES.

*It is further ordered by the authority aforesaid, that any person tendered to any constable of this jurisdiction, by any constable or other officer belonging to any foreinge jurisdiction in this country, or by warrant from any such authority, such shall presently bee received and conveyed forthwith, from constable to constable, till they shall bee brought unto the place to which they are sent, or before some magistrate of this jurisdiction, whoe shall dispose of them, as the justice of the cause shall require; and that all hue and cryes shall be duely received and dilligently pursued to full effect.*

*It is ordered by the authority of this Courte, That every constable within one jurisdiction shall, henceforth, have full power to make, signe and put forth, persuits or hue and cryes, after murthers, malefactors, peacebreakers, theeves, robbers, burglarers, and other capitall offenders, where no magistrate is neare hand; also, to apprehend, without warrant, such as are overtaken with drinke, swearing, saboath-breaking, slighting the ordinances, lying, vagrant persons, night walkers, or any other that shall offend in any of these: Provided they bee taken in the manner, either by sighte of the constable, or by present information from others; as also, to make search for all such persons, either on the saboath day, or other, when there shall bee occasion, in all howses lycenced to sell either beare or wyne, or in any other suspected or disordered places, and those to apprehend and keepe in safe custody, till opportunity serves to bring them before one of the next magistrates, for further examination; provided, that when a constable is employed by any*

of the magistrates for apprehending of any person, hee shall not doe it without warrant in writing ; and if any person shall refuse to assiste any constable in the execution of his office, in any of the things aforementioned, being by him required thereto, they shall pay for neglect thereof, ten shillings to the use of the country, to bee levyed by warrant from any magistrate before whom any such offender shall be brought ; and if it appeare, by good testimony, that any shall willfully, obstinately or contemptuously, refuse or neglect to assiste any constable, as is before expressed, hee shall pay to the use of the country, forty shillings ; and if any magistrate or constable, or any other, uppon urgent occassions, shall refuse to doe their best indeavor in raising and prosecuting hue and cryes, by foott, and if need bee, by horse, after such as have committed capitall crimes, they shall forfeitt, for the use aforesaid, for every such offence, forty shillings.

*And it is allso ordered,* That the constables in each towne, shall be chosen from yeare to yeare, before the first of March, and sworne to that office the next courte following, or by some magistrate or magistrates.

## CONVEYANCES FRAUDULENT.

*It is ordered by this Courte, and authority thereof,* That all covenous or fraudulent alienations or conveyances of lands, tenements or any hereditaments, shall bee of no validity to defeat any man from due debts or legacies, or from any just title, clayme or possession of that which is so fraudulently conveyed ; and that no conveyance, deed or promise whatsoever, shall bee of validity, if it bee gotten by illegall violence, imprisonment, threatening, or any kind of forcible compulsion, called *dures*.

## CRUELTY.

*It is ordered by this Courte, and authority thereof.* That no man shall exercise any tyranny or cruelty towards any brute creatures, which are usually kept for the use of man.

## DAMMAGES PRETENDED.

*It is ordered by this Courte,* That no man in any sute or action against another, shall falsely pretend great dammages or debts, to vexehis adversary; and if it shall appeare any doth so, the Courte shall have power to sett a reasonable fyne on his head.

## DEATH UNTIMELY.

*It is ordered by this Courte and authority thereof.* That whensoever any person shall come to any very sudden, untimely or unnaturall death, some magistrate, or the constable of that towne, shall forthwith summon a jury of sixe or twelve discreet men to inquire of the cause and manner of their death, whoe shall present a true verdict thereof unto some neare magistrate, upon their oath.

## DELINQUENTS.

*It is ordered,* That all persons hereafter Committed upon delinquency, shall beare the charges the country shall bee at in the prosecution of them: and shall pay to the master of the prison or howse of correction, two shillings six pence, before hee bee freed therefrom. *Vide* execution upon delinquents.

## ECLESEASTICALL.

Forasmuch, as the open contempt of Gods word, and messengers thereof, is the desolating sinne of civill states and churches, and that the preaching of the word by those whome God doth send, is the cheife ordinary meanes ordained by God, for the converting, edefying and saving the soules of the elect, through the presence and power of the Holy Ghost thereunto promised; and that the ministry of the word is sett up by God in his churches for those holy ends; and according to the respect or contempt of the same, and of those whome God hath sett aparte for his owne worke and imployment, the weale or woe of all christian states, is much furthered and promoted:

*It is therefore ordered and decreed,* That if any christian, so called, within this jurissdiction, shall contemptuously beare himselfe towards the word preached, or the messengers that are called to dispense the same in any congregation, when hee 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 an error, which hee hath not taught, in the open face of the church, or like a sonne of Korah, cast uppon his true doctrine, or himselfe, any reproach to the dishonor of the Lord Jesus, whoe hath sent him, and to the disparagement of that his holy ordinance, and making Gods wayes contemptible and ridiculous, that every such person or persons, whatsoever censure the church may passe, shall, for the first scandall bee convented and reprov'd openly, by the magistrates, at some lecture,

and bound to their good behaviour: And if a second time they breake forth into the like contemptuous carriages, they shall either pay five pounds to the publique treasure, or stand two houres openly, uppon a block or stoole foure foott high, uppon a lecture day, with a paper fixed on his breast written with capital letters, AN OPEN AND OBSTINATE CONTEMNER OF GODS HOLY ORDINANCES, that others may feare and bee asbamed of breaking out into the like wickedness.

*It is ordered and decreed by this Courte, and authority thereof,* That wheresoever the ministry of the word, is established, according to the order of the gossell, throughout this jurissdiction, every person shall duely resorte and attend thereunto respectively, uppon the Lords day, and uppon such publique fast days, and dayes of thanksgiving, as are to bee generally kept by the appointment of authority: And if any person within this jurisdiction shall, without just and necessary cause, withdraw himselfe from hearing the publique ministry of the word, after due meanes of conviction used, hee shall forfeitt for his absence, from every such publique meeting, five shillings: All such offences to bee heard and determined by any one magistrate, or more, from time to time.

Forasmuch, as the peace and prosperity of churches, and members thereof, as well as civill rights and libberties, are carefully to bee maintained:

*It is ordered by this Courte and decreed,* That the civill authority heere established, hath power and libberty to see the peace, ordinances and rules of Christe, bee observed in every church, according to his word: As allso, to deale with any church

member, in a way of civill justice, notwithstanding any church relation, office or interest, so it bee done in a civill, and not in an ecclseasticall way, nor shall any church censure degrade or depose any man from any civill dignitye, office or authority hee shall have in the commonwealth.

### ESCHEATS.

*It is ordered by this Courte and authority thereof,* That where no heire or owner of howses, lands, tenements, goods or chattells, can bee found, they shall bee seized to the publique treasury, till such heirs or owners shall make due clayme thereunto; unto whome they shall bee restored uppon just and reasonable termes.

### EXECUTIONS.

Whereas by reason of the great scarcity of mony, execution being taken of severall persons goods, that have been sould at very cheape rates, to the extreme damage of the debtor;

*It is therefore ordered,* That whatsoever execution shall bee graunted uppon any debts made after the publishing of this order, the creditor shall make choyce of one partye, the debtor of a second, and the courte of a thirde, who shall prise the goods so taken uppon execution aforesaid, and deliver them to the creditor.

### EXECUTION UPON DELINQUENTS.

It is ordered, That the governor, or any other magistrate in this jurissdiction, shall have libberty

and power to call forth any person that hath beene publicly corrected for any misbehavior, to doe execution upon any person or persons, by whipping or otherwise ; and that at any time hereafter, as occasion doth require, and in case of defect or want of such, any other person, as hee or they shall thinke meete.

### FENCES.

For the preventing of differences that may arise, in making or setting downe of fences, as well in meadows as up land ;

*It is ordered,* That in the setting of posts and rayles, or hedges in the meadow and home lotts, there shall bee a libberty for either partye of twelve inches from the dividend lyne, for breaking of the ground to sett the posts on, for the laying on the hedges ; but the stakes and postes are to be sett in the devident lyne ; and in upland there is allowed a libbertye of foure foott for a ditch from the dividend lyne, ffor either of the bordering partyes, where the proportion of ffences belongs unto them.

### FFYNES.

*It is ordered by this Courte,* That the estreits for the levying of ffynes shall goe forth once every yeare, both in the townes on the river and by the sea side ; and that some officer in each place, shall bee appointed to levyc and receive the same, and the accounts to bee given in by the severall plantations of their generall charge, at the Courte in September, for the perfecting of the accounts betwixt them ; Mr. Ludlow is desired to graunt out warrants for the ffynes by the sea side.

## FFYRE.

*It is ordered by this Courte and authority thereof,*  
 That whosoever shall kindle any fire in the woods or grounds lying in Common, or inclosed, so as the same shall run into such corne 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 weeke, or on the Lords day, shall pay all damages and halfe so much, for a fyne, or if not able to pay, then to bee corporally punished by warrant from one magistrate, or more, as the offence shall deserve, not exceeding twenty stripes for one offence ; provided that any man may kindle fyre upon his owne ground, at any time, so as no damage come thereby, either to the country or any perticular person ; and whosoever shall wittingly and willingly burne or destroy any frame, timber, hewne, sawne, or riven, heapes of wood, charcoale, corne, hay, strawe, hampe, illaxe, pitch or tarr, hee shall pay double dammages.

## FFORGERIE.

*It is ordered by this Courte and authority thereof,*  
 That if any person shall forge any debt, or conveyance, testament, bond, bill, release, acquittance, letter of attorneye, or any writing to prevent equity and justice, hee shall stand in the pillorye three severall lecture dayes, and render double dammages to the partye wronged ; and allso, bee disabled to give any evidence or verdict to any Courte or magistrate.

## FFORNICATION.

*It is ordered by this Courte and authority thereof,* That if any man shall committ fornication, with any single woman, they shall bee punnished, either by injoyning to marriage, or fyne, or corporall punnishment, or all, or any of these, as the Courte or magistrates shall appoint, most agreable to the word of God.

## GAMING.

Uppon complaint of great disorder, by the use of the game called shuffle board, in howses of common interteinement, whereby much precious time is spent unfruitfully, and much waste of wyne and beare occasioned ;

*It is therefore, ordered and enacted by the authority of this Courte,* That no person shall henceforth use the said game of shuffle board in any such howse, nor in any other howse, used as common for such purpose, uppou payne for every keeper of such howse, to forfeitt for every such offence, twenty shillings : And for every person playing at the said game in any such howse, to forfeitt for every such offence, five shillings ; the like penalty shall bee for playing in any place, at any unlawfull game.

## GUARDS AT MEETING.

*It is ordered by this Courte,* That there shall bee a guard of twenty men every sabbath and lecture-day, compleat in their armes, in each severall towne uppou the river, and at Seabrooke and flarm-

ington eight a piece ; each towne upon the sea side, in this jurissdiction, ten ; and as the number of men increase in the townes, their guardes are to increase : And it is further ordered, that each map in the guards aforesaid, shall bee allowed halfe a pound of powder yearely, by their several townes.

### HIGHEWAYES.

Whereas the mainteining of high wayes, in a fitt posture for passage, according to the severall occasions that occure, is not onely necessary, for the comfort and safety of man and beast, but tends to the proffit and advantage of any people, in the issue ;

*It is thought fitt and ordered,* That each towne within this jurissdiction shall, every yeare, chuse one or two of their inhabitants, as surveyors, to take care of, and oversee the mending and repairing of the highways within their severall townes respectively, who have hereby, power allowed them to call out the severall cartes or persons fitt for labour in each towne, two dayes at least, in each yeare, and so many more, as in his or their judgements, shall bee found necessary for the attaining of the aforementioned end, to be directed in their worke by the said surveyor or surveyors ; and it is left to his or their libberties, either to require the labour of the severall persons in any familye, or of a teame and one person, where such are, as hee finds most advantageous to the publique occasions, hee or they giving at least three dayes notice or warning beforehand, of such employment ; and if any refuse or neglect to attend the service in any manner aforesaid, hee shall forfeit for every

days neglect of a mans worke, two shillings six pence, and of a teame, sixe shillings; which said fynes shall bee employed by the surveyors to hire others to worke in the said wayes; and the surveyors shall, within foure dayes after the severall dayes appointed for worke, deliver in to some magistrate, a true presentment of all such as have bene defective, with their severall neglects, who are immediately to graunt a distress to the marshall or constable, for the levyng of the incurred forfeiture, by them to bee delivered to the surveyors, for the use aforesaid; and if the surveyor neglect to performe the service hereby committed to him, either in not calling out all the inhabitants in their severall proportions, as before, or shall not returne the names of those that are deficient, hee shall incur the same penalty as those whome hee so passes by, are lyable to, by virtue of this order; which shall bee employed to the use aforesaid, and to bee levied also by distress, uppon information and prooffe before any one magistrate.

### IDLENES.

*It is ordered by this courte and authority thereof,* That no person, howsholder, or other, shall spend his time iddely or unprofitably, under paine of such punishment, as the courte shall thinke meete to inflict, and for this end, it is ordered, that the constable of every place, shall use speciall care and dilligence, to take knowledge of offenders in this kinde; especially, of common coasters, unprofitable fowlers, and tobacko takers, and present the same unto any magistrate, who shall have power to heare and determine the case, or transfer it to the next courte.

## INDIANS.

*It is ordered and decreed,* That where any company of indians doe sitt downe neare any English plantations, that they shall declare who is their Sachem or Cheife, and that the said Cheife or Sachem shall pay to the said English, such trespases as shall bee committed by any indian, in the said plantation adjoining, either by spoyling or killing any cattle or swyne, either with trapps, doggs or arrowes; and they are not to pleade, that it was done by strangers, unless they can produce the partye, and deliver him or his goods into the custody of the English; and they shall pay the double damage, if it were done voluntarily. The like ingagement this courte also makes to them, in case of wrong or injurye done to them by the English; which shall bee paid by the partye by whome it was done, if hee can bee made to appeare; or otherwise, by the towne in whose limmits such facts are committed.

Forasmuch, as our lenity and gentlenes towards indians, hath made them growe bold and insolent to enter into English mens howses and unadvisedly handle swords, and peeces, and other instruments, many times to the hazzard of limbs or lives of English or indians; and also, oft steale diverse goods out of such howses where they resorte, for the preventing whereof,

*It is ordered,* That whatsoever indian shall hereafter, meddle with, or handle any English mans weapons of any sorte, either in their howses, or in the feilds, they shall forfeitt for every such defaulte,

halfe a fathom of wampum ; and if any hurte or injurye shall thereuppon follow to any persons life or limbe, though accidentall. they shall pay life for life, limbe for limbe, wound for wound ; and shall pay for the healing of such wounds, and other damages : And for any thinge they steale, they shall pay double, and suffer such further punishment as the magistrates shall adjudge them. The constable of any towne may attache and arrest any indian that shall transgress in any such kinde beforementioned, and bring them before some magistrate, who may execute the penalty of this order uppon offenders in any kinde, except life or limbe ; and any person that doth see such defaults, may prosecute, and shall have halfe the forfeiture.

*It is ordered by this courte, and authority thereof,* That no man within this jurissdiction, shall directly, or indirectly, amend, repaire, or cause to be amended or repaired, any gunn, small or great, belonging to any indian, nor shall indeavor the same, nor shall sell nor give to any indian, directly or indirectly, any such gunn, nor any gunpowder or shott, or lead, or shott mould, or any military weapon or weapons, armor, or arrowe heads, nor shall sell nor barter, nor give any dogg or doggs, small or great, uppon paine of ten pounds fyne for every offence, at least, in any one of the aforementioned perticulars ; and the court shall have power to increase the fyne, or to impose corporall punishment, where a fyne cannott bee had, at theirre discretion.

*And it is also ordered.* That no person nor persons shall trade with them, at, or about their wigwams, but in theirre vessells or pinnaces, or at their owne howses, on penalty of twenty shillings for each default.

Whereas it doth appeare, that notwithstanding the former lawes made against selling gunns and powder, to indians, they are yet supplied by indirect means ;

*It is therefore ordered and decreed,* That if any person, after publishing of this order, shall sell, barter or transporte any gunns, powder, bullitts or lead, to any person inhabiting out of this jurissdiction, without license of this courte, or from some two magistrates, hee shall forfeitt for every gunn, ten pounds : for every pound of gun powder, five pounds ; for every pound of bullitts, or lead, forty shillings ; and so proportionably, for any greater or lesser quantity ; provided notwithstanding, that is left to the judgement of the courte, that where any offence is committed against the said order, either to agravate or lessen the penalty, according as the nature of the offence shall require.

Whereas diverse persons departe from amongst us, and take up their abode with the indians, in a prophane course of life, for the preventing whereof ;

*It is ordered,* That whatsoever person or persons, that now inhabiteth, or shall inhabitt within this jurissdiction, and shall departe from us, and settle or joyne with the indians, that they shall suffer three years imprisonment, at least, in the howse of correction ; and undergo such further censure, by fyne or corporall punishment, as the perticular courte shall judge meete to inflict in such cases.

Whereas the ffrench, Dutch, and other forraigne nations doe ordinarily trade gunns, powder, shott.

&c. with the indians, to our great prejudice, and the strengthening and animating of the indians against us, as by dayly experience we finde ; and whereas the aforesaid ffrench, Dutch, &c. doe prohibitt all trade with the indians, within their respective jurissdiction, under penalty of confiscation ;

*It is therefore, hereby ordered by this courte and authority thereof,* That after due publication hereof, it shall not bee lawfull for any ffrenchmen, Dutchmen, or person of any other forraigne nation, or any English living amongst them, or under the government of them, or any of them, to trade with any indian or indians, within the limmits of this jurissdiction, either directly or indirectly, by themselves or others, under penalty of confiscation of all such goods and vessells, as shall bee found so trading, or the due value thereof, uppon just prooffe made of any goods, or any vessells so trading or traded : And it shall bee lawful for any person or persons inhabiting within this jurissdiction, to make seizure of any such goods or vessells trading with the indians, as by this law is prohibited, the one halfe whereof shall bee to the propper use and benefitt of the partye seizing, and the other to the publike.

This courte judging it necessary that some means should bee used to convey the light and knowledge of God and his worde to the indians and natives amongst us, doe order, that one of the teaching elders of the churches in this jurissdiction, with the helpe of Thomas Staunton, shall bee desired, twice, at least, in every yeare, to goe amongst the neighbouring indians, and indeavour to make knowne to them, the counsell of the Lord, and thereby to draw and stirr them up : to direct and order all

theire wayes and conversations, according to the rule of his worde ; and Mr. Governor, and Mr. Deputy, and the other magistrates, are desired to take care to see the thing attended, and with theire owne presence, so farre as may bee convenient, encourage the same.

This courte having duly weighed the joint determination and agreement of the commissioners of the United English colonyes, at New-Haven, in Anno 1646, in reference to the indians, and judging it to bee both according to rules of prudence and righteousnes, doe fully assent thereunto, and order that it bee recorded amongst the acts of this courte, and attended in future practice, as occasions may present and require : The said conclusion is as follows :

The commissioners seriously considering the many willfull wrongs and hostile practices of the indians, against the English, together with theire interteining, protecting and rescuing of offenders, as late our experience sheweth, which, if suffered, the peace of the colonyes cannot hee secured ;

It is therefore concluded, that in such case, the magistrates of any of the jurissdictions, may, at the charge of the plaintiff, send some convenient strength of English, and according to the nature and value of the offence and dammage, seize and bring away any of that plantation of indians that shall interteine, protect or rescue the offender, though hee should bee in another jurissdiction, when through distance of place, commission or direction cannott bee had, after notice and due warning given them, as actors, or at least, accessory to the injurye and dammage done to the English ; onely women and children to bee sparingly seized, unless knowne to bee someway guilty ; and because it will be charge-

able keeping indians in prison, and if they should escape, they are like to prove more insolent and dangerous after. It was thought fitt, that uppon such seizure, the delinquent, or satisfaction bee again demanded of the Sagamore, or plantation of indians guilty, or accessory, as before ; and if it bee denyed, that then the magistrates of this jurisdiction, deliver up the indian seized by the partye or partyes endammaged, either to serve, or to bee shipped out and exchanged for neagers, as the case will justly beare ; and though the comissioners foresee, that said severe, though just proceeding may provoke the indians to an unjust seizing of some of ours, yet they could not, at present, find no better means to preserve the peace of the colonyes ; all the aforementioned outrages and insolences tending to an open warr ; onely they thought fitt, that before any such seizure bee made in any plantation of indians, the ensuing declaration bee published, and a coppye given to the perticular Saggamores.

The commissioners for the United Colonyes considering how peace with righteousnes may bee preserved betwixt all the English, and the severall plantations of the indians, thought fitt to declare and publish, as they will doe no injurye to them, so if any indian or indians of what plantation soever, doe any willfull dammage to any of the English colonyes, uppon prooffe, they will in a peaceable way, require just satisfaction, according to the nature of the offence and dammage ; but if any Saggamore or plantation of indians, after notice and due warninge, interteine, hyde, protect, keepe, convey away, or further the escape of any such offender or offenders, the English will require satisfaction of such indian and Saggamore, or indian plantation ; and if they deny it, they will right themselves, as

they may, uppon such as so meinteine them that doe the wrong, keeping peace and all termes of amity and agreement with all other indians.

### INKEEPERS.

Forasmuch, as there is a necessary use of howses of common interteinment, in every commonwealth, and of such as retaile wine, beare and victualls; yet, because there are so many abuses of that lawfull libberty, both by persons interteining, and persons interteined, there is allso need of strict lawes and rules to regulate such an imployment :

*It is therefore ordered by this Courte and authority thereof,* That no person or persons licenced for common interteinment, shall suffer any to bee drunken, or drinke excessively, viz. above halfe a pinte of wyne, for one person, at one time, or to continue tipling above the space of halfe an houre, or at unreasonable times, or after nine of the clock at night, in or about any of their howses, on penalty of five shillings for every such offence; and every person found drunken, viz. so that hee bee thereby bereaved or dissabled in the use of his understanding, appearing in his speech or gesture, in any of the said howses or elsewhere, shall forfeitt ten shillings; and for excessive drinking, three shillings foure pence; and for continuing above halfe an houre, tipling, two shillings six pence; and for tipling at unseasonable times, or after nine o'clock at night, five shillings, for every offence in these perticulars, being lawfully convicted thereof; and for want of payment, such shall bee imprisoned unfill they pay, or bee sett in the stocks, one houre or

more, in some open place, as the weather will permit, not exceeding three houres at one time; provided, notwithstanding, such licensed persons may interteine seafaring men or land travellers in the night season, when they come first on shoare, or from their journye, for their necessary refreshment, or when they prepare for their voyage or journye the next day early, so bee no disorder amongst them; and also, strangers and other persons, in an orderly way, may continue at such howses of common interteinement during meal times, or upon lawfull business, what time their occasions shall require.

*And it is also ordered,* That if any person offend in drunkenness, excessive or long drinking, the second time, they shall pay double fynes; and if they fall into the same offence the third time, they shall pay treble fynes and if the parties bee not able to pay their fynes, then hee that is found drucken shall bee punished by whipping, to the number of ten stripes; and hee that offends by excessive or long drinking, shall bee 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 bee imprisoned untill they put in two sufficient sureties for their good behavior.

*And it is further ordered,* That the severall townes upon the river, within this jurissdiction, shall provide amongst themselves, in each towne, one sufficient inhabitant, to keepe an ordinary for provision and lodging, in some comfortable manner, that passengers or strangers may know where to resorte; and such inhabitants, as by the severall townes, shall bee chosen for the said service, shall bee presented to two magistrates, that they may judge

meete for that employment ; and this to be effected by the severall townes within one month, under the penalty of forty shillings a month, for each month that either towne shall neglect the same.

*And it is allso further ordered,* That every inkeeper or victuailer shall provide for interteinement of strangers horses, viz. one or more inclosures for summer, and hay and provender for winter, with convenient stable roome and attendance, under penalty of two shillings six pence for every dayes default, and double dammage to the partye thereby wronged, except it bee by inevitable accident.

Lastly, *It is ordered by the authority aforesaid,* That all constables may, and shall, from time to time, duely make search throughout the limmitts of their townes, uppon Lords dayes and lecture dayes, in times of exercise ; and allso, at all other times, so oft as they shall see cause, for all offences and offenders against this law, in any the particulars thereof ; and if uppon due information or complaint of any of their inhabitants, or other credible persons whether taverner, victualler, tabler, or other, they shall refuse or neglect to make search as aforesaid, or shall not to their power, performe all other things belonging to their place or office of constableness, then uppon complaint and due prooffe before any one magistrate, within three months after such refusall or neglect, they shall bee fyned for every such offence, ten shillings, to bee levied by the marshall, as in other cases, by warrant from such magistrate before whome they are convicted, or warrant from the Treasurer, uppon notice from such magistrate.

*It is ordered by this courte and authority thereof,* That no inkeeper, victualler, wine drawer, or other.

shall deliver any wyne, nor suffer any to bee delivered out of his howse to any which come for it, unless they bring a note under the hand of some one master of some familye and allowed inhabitant of that towne ; neither shall sell or draw any hott water to any, but in case of necessity, and in such moderation for quantity, as they have good grounds to conceive it may not bee abused, and shall bee ready to give an account of their doings herein, when they are called thereto, under censure of the courte, in case of delinquency.

### INDITEMENTS.

If any person shall bee indicted for any capitall crime, who is not then in durance, and shall refuse to render his person to some magistrate, within one month after three proclamations publicquely made in the town where hee usually abides, there being a month betwixt proclamation and proclamation, his lands and goods shall bee seized to the use of the common treasury, till hee make his lawfull appearance, and such withdrawing of himselfe, shall stand in stead of one wittness to prove his crime, unless hee can make it appeare to the courte, that hee was necessarily hindred.

### JURYES AND JURORS.

*It is ordered by the authority of this court,* That in all cases which are entred, under forty shillings, the sute shall bee left to be tryed by the courte of magistrates, as they shall judge most agreeable to equity and righteousnes ; and in all cases that are tryed by juries, it is left to the magistrates to impannell a jury of sixe or twelve, as they shall judge

the nature of the case shall require : and if foure or sixe, or eight of twelve agree, the verdict shall bee deemed, to all intents and purposes, sufficient and full ; uppon which, judgment may bee entred and execution granted, as if they had all concurred ; but if it fall out, that there bee not such a concurrence, as is before mentioned, the jurors shall returne the case to the courte with their reasons, and a speciall verdict is to be drawne thereupon, and the vote of the greater number of magistrates shall carrye the same, and the judgment to bee entred, and other proceedings as in case of a verdict by a jury.

*And it is further ordered,* That the courte of magistrates shall have libbertye, (if they do not finde in their judgements the jury to have attended the evidence given in, and true issue of the case in their verdict) to cause them to returne to a second consideration thereof ; and if they still persist in their former opinion, to the dissatisfaction of the courte, it shall bee in the power of the Courte, to impannell another jurye, and committ the consideration of the case to them : and it is also left in the power of the courte to varye and alter the damages given in by any jurye, as they shall judge most equall and righteous ; provided, that what alteration shall at any time bee made in that kinde, bee done in open court, before plaintiff and defendant, or affidavitt made, that they have beene required to bee present ; and that alteration which is made, bee done either the same courte, or provision made to secure the verdict of the jury, untill the case bee fully issued : And whereas many persons, after their severall causes in courte have beene tryed and issued, have slipt away, or otherwise neglected, if not refused, to pay the charges of the courte, according to order, for preventing

thereof, for the future, it is ordered, that whosoever shall have any action or sute in Courte after publishing hereof, shall, as soon as his cause is issued, pay the whole charges of the courte, that concernes either jury or secretary, before hee departs the same ; and the like allso shall bee done by all those whose actions are not taken up and withdrawne before the sitting of the courte wherein they were to be tryed, or otherwise, for neglect or nonperformance of either, bee committed to prison, there to remaine till hee or they have satisfied the same.

### GRAND JURY.

*It is ordered und decreed,* That there shall be a grand jury of twelve or fourteen able men, warned to appear every courte, yearly, in September, or as many and oft as the Governor or court shall thinke meete, to make presentment of the breaches of any lawes or orders, or any other misdeameanors they shall know of in this jurissdiction.

### LANDS. FREELANDS.

*It is ordered, and by this courte declared,* That our lands and heritages, shall be free from all fynes and lycences upon alienations ; and from all harriotts, wardships, liveries, primer seizins, yeare day and waste, escheats and forfeitures, upon the death of parents or ancestors, bee they naturall, unnaturall, casuall or juditiall, and that forever.

### LEVYES.

Forasmuch as the marshalls and other officers, have complained to this courte, that they are of-

ten times in great doubt how to demean themselves in the execution of their offices ;

*It is ordered by the authority of this court,* That in case of fynes and assessments to bee levyed, and uppon execution, in civill actions, the officer shall demand the same of the party, or at his howse and place of usuall aboade, and uppon refusall or non-payment, hee shall have power of calling the constable, if hee see cause for his assistance, to breake open the dore of any howse, chest, or place, where hee shall have notice that any goods lyable to such levye or execution, shall bee ; and if hee bee to take the person, hee may doe the like, if uppon demand, hee shall refuse to render himselfe ; and whatsoever charges the officer shall necessarily bee put unto uppon any such occassion, hee shall have power to levye the same, as hee doth the debt, tyne or execution ; and if the officer shall levye any such goods uppon execution, as cannot bee conveyed to the place where the party dwells, for whome such execution shall bee levyed, without considerable charge, hee shall levye the said charge allso with the execution : the like order shall bee observed in levying of fynes, provided, it shall not bee lawfull for such officer to levye any mans necessary bedding, apparrell, tooles or armes, neither implements of household, which are for the necessary upholding of his life ; but in such case, hee shall leveye his land or person, according to law ; and in no case, shall the officer bee put to seeke out any mans estate further then his place of aboade ; but if the party will not discover his goods or land, the officer may take his person.

*And it is allso ordered and declared,* That if any

officer shall doe injurys to any, by colour of his office, in these, or any other cases. hee shall bee lyable, uppon complaint of the party wronged, by action or information, to make full restitution.— See *Marshall*.

## LYINGE.

Whereas truth in words, as well as in actions, is required of all men, especially, of christians, who are the professed servants of the Lord of truth ; and whereas all lying is contrary to truth, and some sortes of lyes are not only sinfull, as all lyes are, but allso, pernicious to the publique weal, and injurious to perticular persons :

*It is therefore ordered by this courte, and authority thereof,* That every person of the age of discretion, which is accounted fourteene yeares, who shall wittingly and willingly, make or publish any lye, which may bee pernicious to the publique weal, or tending to the daimage or injury of any perticular person, to deceive and abuse the people with false news or reportes, and the same duly proved in any courte, or before any one magistrate, who hath hereby power graunted, to heare and determine all offences against this lawe, such persons shall bee fynyed for the first offence, ten shillings, or if the party bee unable to pay the same, then to bee sett in the stocks so long as the said courte or magistrate shall appointe, in some open place, not exceeding three houres ; for the second offence in that kinde, whereof any shall bee legally convicted, the summe of twenty shillings, or be whipped uppon the naked body, not exceeding twenty stripes, and for the third offence that way, forty shillings.

or if the party bee unable to pay, then to be whipped with more stripes, not exceeding thirtye; and if yett, any shall offend in like kinde, and bee legally convicted thereof, such person, male or female, shall bee fyned ten shillings at a time, more then formerly, or if the party so offending, bee unable to pay, then to be whipped with five or six stripes more then formerly, not exceeding forty at any time: And for all such as being under age of discretion, that shall offend in lyinge 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 appointe; provided allso, that no person shall bee barred of his just action of slander, or otherwise, by any proceeding upon this order.

#### MASTERS, SERVANTS, SOJOURNERS.

*It is ordered by this courte and authority thereof,* That no master of a familye shall give interteiment or habitation to any younge man to sojourne in his familye, but by the allowance of the inhabitants of the towne where he dwells, under the penalty of twenty shillings per week: *And it is allso ordered,* That no young man that is neither married, nor hath any servant, nor is a publique officer, shall keepe howse by himselfe, without the consent of the towne, for, and under paine or penalty of twenty shillings a week.

*It is allso ordered by the authority aforesaid,* That no servant, either man or maid, shall either give, sell or truck, any commodity whatsoever, without license from their master, during the time of their service, under paine of fyne or corporall punishment, at the discretion of the Courte, as

the offence shall deserve ; and that all workmen shall work the whole day, allowing convenient time for food and rest.

*It is also ordered,* That when any servants shall run from their masters, or any other inhabitants shall privately goe away with suspicion of ill intentions, it shall bee lawfull for the next magistrate, or the constable and two of the cheifest inhabitants, where no magistrate is, to press men and boates or pinnaces, at the publique charge, to pursue such persons by sea or land, and bring them back, by force of armes.

And whereas many stubborne, refractory and discontented servants and apprentices, withdraw themselves from their masters services, to improve their time to their owne advantage, for the preventing whereof,

*It is ordered,* That whatsoever servant or apprentice shall hereafter offend in that kinde, before their covenants or terme of service are expired, shall serve their said masters, as they shall be apprehended or retained, the treble term, or three fold time of their absence in such kinde.

### MANSLAUGHTER.

*It is ordered by this court and authority thereof,* That if any person in the just and necessary defence of his life, or the life of any other, shall kill any person attempting to rob or murder in the fields or highway, or to breake into any dwelling howse, if hee conceive hee cannot with safety of his owne person, otherwise take the felon, or assailant, and bring him to tryall, hee shall be holden blameless.

## MAGISTRATES.

This courte being sensible of the great disorders growing in this commonwealth, through the contempts cast upon the civill authority, which willing to prevent,

*Doe order and decree,* That whosoever shall henceforth, openly or willingly, defame any courte of justice, or the sentences and proceedings of the same, or any of the magistrates or judges of any such courte, in respect of any act or sentence therein passed, and being thereof lawfully convicted in any generall courte, or courte of magistrates, shall bee punished for the same, by fyne, imprisonment, disfranchisement, or bannishment, as the quality and measure of the offence shall deserve.

## MARRIAGE.

Forasmuch as many persons intangle themselves with rashe and inconsiderate contracts for their future joininge in marriage covenant, to the great trouble and greife of themselves and their freinds, for the preventing thereof,

*It is ordered by the authority of this courte,* That whosoever intends to joine themselves in marriage covenant, shall cause their purpose of contract to bee published in some publique place, and at some publique meeting, in the severall townes where such persons dwell, at the least, eight dayes before they enter into such contract, whereby they engage themselves each to other ; and that they shall forbear to joine in marriage covenant, at least eight days after the said contract.

*And it is also ordered and declared, That no person whatsoever, male or female, not being at his or her owne dispose, or that remaineth under the government of parents, masters or guardians, or such like, shall either make or give intertainment to any motion or sute, in way of marriage, without the knowledge and consent of those they stand in such relation to, under the severe censure of the courte, in case of delinquency not attending this order; nor shall any third persons intermeddle in making any motion to any such, without the knowledge and consent of those under whose government they are. under the same penalty. Marriages and Births. See Records.*

### MARSHALL.

*It is ordered by this courte, That the marshall shall bee allowed for every execution hee serves, which is under the summe of five pounds, two shillings six pence, and foure pence for every myle hee goes to serve the said execution, out of the towne where hee liveth; and for every execution hee serves, of, or above five pounds, and under the summe of ten pounds, hee shall bee allowed three shillings foure pence, and foure pence for every myle, as before; and for every execution hee serves, of, or above the summe of ten pounds, hee shall bee allowed five shillings, and four pence for every myle, as before; Also, hee is to bee allowed his other just and necessary charges: onely it is provided, that if hee bee excessive therein, uppon due complaint and prooffe made, it shall bee redressed.*

*And it is also further ordered, That the marshall shall bee allowed for every attachement hee serves, halfe so much as is before allowed him for execu-*

tions; onely hee is to have four pence for every myle he goes to serve the attachement, as before.

*It is further ordered by this court and authority thereof,* That every officer that shall, at any time bee fyned for the breach of any pœnall lawe, or other just cause, such person or persons so offending, shall forthwith pay his or their fyne or penalty, or give in security speedily to do it, or else shall bee imprisoned, or kept to worke till it bee paid, that no loss may bee to the commonwealth; and what other fynes or debts are already due, or shall bee due to the country, the marshall, for the time being, uppon warrant from the Treasurer, and according to his oath, shall bee faithfull in doing the duty of his place in levyinge and returning the same, uppon paine of forfeiting two shillings of his owne estate, for every pound, or else such fyne as any courte of justice shall impose on him for his neglect.

## MEASURES AND WEIGHTS.

Forasmuch as it is observed, that there are diversities of weights, yardes and measures amongst us, whereby dammages many times ensueth by commerce with severall persons, for the preventing whereof,

*It is now ordered,* That no man within these liberties, shall, after the publishing of this order, sell any commodityes, but by sealed weight or measure, under the penalty of twelve pence each default; the clarke is to have a penny for sealing a weight or measure, each time; and no weight or measure is to be accounted authentick that is not sealed or approved by the Clark once every

yeare, and the said clark is to break or demolish such weights, yardes or measures as are defective.

### MILLITARY AFFAIRES.

*It is ordered, and by this courte declared,* That all persons that are above the age of sixteene yeares, except magistrates and church officers, shall beare arms. unless they have, uppon just occassion, exemption graunted by the courte ; and every male person within this jurissdiction, above the said age, shall have in continuall readines, a good muskitt or other gunn, fitt for service, and allowed by the clark of the band, with a sword, rest and bandaleers, or other serviceable provision in the roome thereof, where such cannott bee had ; as also such other millitary provision of powder, match and bullitts as the lawe requires ; and if any person who is to provide armes or ammunition, cannot purchase them by such means as he hath, hee shall bring to the clark so much corne or other merchantable goods, as by apprizement of the said clark and two others of the company, (whereof one to bee chosen by the party, and the other by the clarke.) as shall be judged of a greater value by a fifth parte, then such armes or ammunition is of, hee shall bee excused of the penalty for want of armes, (but not for want of appearance) untill hee bee provided ; and the clark shall indeavour to furnish him so soon as may bee, by sale of such goods so deposited, rendering the overplus to the partye : But if any person shall not bee able to provide himselfe armes or ammunition through incere poverty, if hee bee single, hee shall bee put to service by some magistrate, and the constable shall appoint him armes and ammunition, and

shall appointe him where, and with whome to earne it out.

*And it is ordered,* That all the souldgers within this jurissdiction shall bee trained, at least, six times yearely, in the months of March, Aprill, May, September, October or November, by the appointment of the captaine or cheife officer in the severall townes : and the times of their meeting together shall bee at eight of the clock in the morninge : And the clarke of each band, shall twice every yeare, at least, view the armes and ammunition of the band, to see if they bee all accordinge to lawe ; and shall upon every traininge day, give his attendance in the feild every day, (except hee hath speciall leave from his captaine or cheife officer,) to call over the rolle of the souldgers, and take notice of any defect by their absence or otherwise : And hee shall duely present to the Governor, or some of the magistrates, all defects in armes or ammunition, at least once in each yeare, and oftener, if it bee required. And it is left to the judgement of the magistrates to punish all defects in that kinde, according to the nature of the offence, wherein due regard is to bee had of willfull neglects in any, that such may not pass without a severe censure : And whosoever shall bee absent any of the days appointed for traininge, after the houre appointed, or shall not continue the whole time, shall forfeitt the summe of two shillings six pence, for every default, except such as are licensed under the hand of two magistrates ; The clark of the severall bands are to distreine the delinquents within fourteene days after the forfeiture, whereof six pence shall bee to himselfe, and the remainder for the maintenance of drums, cullers, &c. And if any of the said clarks shall omitte to distreine any

delinquents above the said terme of fourteene dayes, hee shall forfeitt and pay to the use of the publike, double the fyne so neglected by him.

*It is ordered,* That the souldgers shall onely make choyce of their millitary officers, and present them to the perticular courte; but such onely shall bee deemed officers, as the courte shall confirme.

The state and condition of the place where we live, by reason of the indians and otherwise, requires all due means to bee used for the preservation, the safety and peace of the same; this courte judgeth it necessary that there should bee a magazine of powder and shott provided and meinteined in the country in each towne within this jurissdiction, *And do therefore order and decree,* that there shall bee two barrills of powder, and six hundred weight of lead provided by this commonwealth, before the generall courte in September next, which shall bee meinteined and continued and accounted as the country stock.

*And it is also further ordered,* that the severall townes in this jurissdiction shall provide and meinteine as followeth, viz.

WyndSOR, one barrill and halfe of powder, foure hundred and fifty pound of lead, one hundred fathom of match, and nine cotton coates or corseletts, and serviceable pikes to either of them.

Hartford, two barrills of powder, six hundred weight of lead, and six score fathom of match, and twenty cotton coates or corseletts, with serviceable pikes to either of them.

Weathersfeild, one barrill of powder, three hundred weight of lead, eighty fathom of match, and eight cotton coates or corseletts, with serviceable pikes to either of them.

Seabrook, halfe a barrill of powder, one hundred

and fifty pound of lead, forty fathom of match, and three cotton coates or corseletts, with serviceable pikes to either of them.

ffarmington, the same, in each perticular with Seabrook.

ffairefeild and Stratford, in each towne, one barrill of powder, three hundred weight of lead, one hundred fathom of match, and six coates or corseletts, with serviceable pikes to either of them.

Southhampton and Pequett, in each towne, halfe barrill of powder, one hundred and fifty pounds of lead, forty fathom of match, with three cotton coates or corseletts, with servicable pikes to either of them. Each towne allso, shall provide so many firelocke muskitts, and good back swords or cutlasses, as the the corseletts are they are charged with by this order: All which shall bee provided by the severall townes, by the courte in September next, and meinteined constantly for the future, uppon the penalty of ten shillings permonth, for each townes defect or neglect herein.

*Allso, it is further ordered,* That every male person within this jurissdiction, that is above the age of sixteene yeares, whether magistrates, ministers, or any other (though exempted from training, watching and warding) shall bee always provided with, and have in readines, by them, halfe a pound of powder, two pound of serviceable bullitts, or shott, and two fathom of match to every matchlock, uppon<sup>e</sup> the penalty of five shillings a month, for each persons default herein; provided notwithstanding, that if the proportions of powder laid uppon each towne and person, either doth not at present, or shall not, by reason of the increase of their numbers, for the future, amount in all to three pound of powder for every souldger, then each

towne shall, upon the former penalty, provide so much more, as shall bee three pound of powder for a souldger, and other provision of lead, &c. increase in each towne, according to the same proportion.

Whereas many inconveniences doe appeare by reason that the severall souldgers of the trained bands in each towne within this jurissdiction, have not been allowed some powder upon their training dayes, for their practice and exercise in their severall firings :

*It is ordered by the authority of this courte,* That there shall bee allowed to every souldger in the severall trained bands in each towne, as aforesaid, halfe a pound of powder a piece, for a yeare, and so from yeare to yeare, for the future, to bee provided by, and at, the propper costs and charges of the masters and governors of each family unto which the said souldgers doe belong, to bee called forth, improved and disposed of, at the discretion of the captaine, or other principall leaders in each trained bands.

*It is also ordered,* That the captaines, leiftenants and ensignes, shall bee freed from watching and warding, and the Serjeants from warding and halfe their watch.

### MINISTERS MEINTENANCE.

Whereas the most considerable persons in the land came into these partes of America, that they might enjoye Christe, in his ordinances, without disturbance ; and whereas, amongst many other pretious meanes, the ordinances have beene, and are dispensed amongst us, with much purity and pow-

er, they tooke it into their serious consideration, that a due meintenance according to God, might bee provided and settled, both for the present and future, for the incouragement of the ministers worke therein; and doe order, that those who are taught in the word, in the severall plantations, bee called together, that every man voluntarily sett downe what hee is willing to allow to that end and use; and if any man refuse to pay a meete proportion, that then hee bee rated by authority, in some just and equall way; and if after this, any man withhold or delay due payment, the civill power to be exercised as in other just debts.

### OATHS.

I A. W. now chosen to be Governor within this jurissdiction, for this yeare ensuing, and untill a new bee chosen, doe sweare by the great and dreadfull name of the everlasting God, to promoate the publique good and peace of the same, according to the best of my skill; as allso, will meinteine the lawfull priviledges of this commonwealth; as allso, that all wholesome lawes, that are or shall bee made by lawfull authority, here established, bee duly executed, and will further the execution of justice, according to the rule of Gods word; so helpe mee God, in the name of the Lord Jesus Christe.

I N. W. being chosen a magistrate within this jurissdiction, for the yeare ensuing. do sweare, by the great and dreadfull name of the everlasting God, to promoate the publique good and peace of the same, according to the best of my skill; and allso, that I will meinteine all the lawfull priviledges thereof, according to my understanding, as allso. to

assiste in the execution of all such wholesome lawes as are made, or shall be made by lawfull authority, here established, and further the execution of justice for the time aforesaid, according to the righteous rule of Gods worde : So help me God.

I A. B. doe sweare by the great and dreadfull name of the everliving God, that for the yeare ensuing, and until a new bee chosen, I will faithfully execute the place and office of a constable, for, and within, the plantation of W. and the limmitts thereof; and that I will indeavour to preserve the publique peace of the saide place and commonwealth, and will doe my best indeavour to see all watches and wardes executed, and to obey and execute all lawfull commands or warrants that come from any magistrate, magistrates or courte; so helpe mee God, in the Lord Jesus Christe.

I A. B. being by the providence of God, an inhabitant within the jurissdiction of Connecticut, being to bee made free, doe acknowledge my selfe to bee subject to the governement thereof, and doe sweare by the great and fearfull name of the everliving God, to bee true and faithfull unto the same, and doe submitt both my person and estate thereunto, according to all the wholesome lawes and orders that there are, or hereafter shall bee there made and established by lawfull authority; and that I will neither plott nor practice any evill against the same, nor consent to any that shall so doe, but will timely discover the same to lawfull authority there established; and that I will, as in duty I am bound, mainteine the honor of the same, and of the lawfull magistrates thereof, promoating the publique good of it, whilst I shall so continue an inhabitant there; and whensoever I shall give my voate or suffrage touching any matter which concerns this common-

wealth, being called thereunto, will give it as in my conscience I shall judge may conduce to the best good of the same, without respect of persons, or favour of any man : So helpe me God, in our Lord Jesus Christe.

You sweare, that you A. B. shall duely try the cause or causes now to bee given you in charge, between the plaintiff and defendant, or plaintiffs and defendants, according to your evidence given in courte, and accordingly, a true verdict give; your owne counsells and your fellowes, you shall duely keepe, you shall speake nothing to any one of the buisness and matters in hand, but among yourselves, nor shall you suffer any to speake unto you about the same, but in courte, and when you are agreed of any verdict, you shall keepe it secreet, till you deliver it up in courte : So helpe you God, in our Lord Jesus Christe.

You doe sweare by the great and dreadfull name of the everlasting God, that for this yeare ensuing, and untill new bee chosen, you shall faithfully execute the place and office you are chosen unto, according to the extent of your comission : So helpe you God in the name of the Lord Jesus Christe. (Note—The preceding form of oath was prescribed for commissioners.)

A. B. you being chosen secretary for this jurisdiction, during this yeare, doe sweare by the great name of God, that you shall keepe the secreets of the courte, and shall carefully execute the place of a secretary, and shall truly and faithfully record all orders of the courte, and shall deliver true copies and certificates when they shall bee necessarily required : So helpe you God, in our Lord Jesus Christe.

You doe sweare by the great and dreadfull name of God, that you will with all due care and faith-

ullines, make presentment according to order, at the quarter courte in September next, such misdemeanors and transgressions of the lawes and orders of this commonwealth, as shall come to your cognisance. as allso, to doe your indeavours to finde out such things as are contrary to religion and peace: So helpe you God, in our Lord Jesus Christe. (Note—This form of oath was prescribed for Grand-jurors.)

### PEAGE.

*It is ordered by this courte, and decreed,* That no peage, white or black, bee paid or received, but what is strunge, and in some measure, strunge sutably, and not small and great, uncomely and disorderly mixt, as formerly it hath beene.

### POORE.

*It is ordered by this courte and authority thereof,* That the courte of magistrates shall have power to determine all differences about lawfull settling, and providing for pore persons, and shall have power to dispose of all unsettled persons, into such townes as they shall judge to bee most fitt, for the maintenance and employment of such persons and families, for the ease of the countrey.

### POUND, POUND-BREACH.

For prevention and due recompence of dammage in cornefields and other inclosures, done by swyne and cattle :

*It is ordered by this Courte and Authority thereof,*

that there shall bee one sufficient pound, or more, made and meinteined in every towne and village within this jurissdiction, for the impounding of all such swyne and cattle as shall bee found in any cornefeild, or other inclosure; and whosoever impounds any swyne or eattle, shall give present notice to the owners, if hee bee knowne, or otherwise, they shall be cryed at the two next lectures or mærkitts; and if swyne or cattle escape out of the pound, the owner, if knowne, shall pay all dammages according to lawe.

And whereas impounding of cattle, in case of trespasses, hath beene alwayes found both needfull and profitable, and all the breaches about the same, very offensive and injurious:

*It is therefore ordered by this Courte and authority thereof,* That if any person shall resiste or rescue any cattle going to the pound, or shall, by any way or meanes, convey them out of pound, or custody of the lawe, whereby the party wronged, may lose his damage, and the lawe bee deluded, that in case of meere rescues, the party offending, shall forfeitt to the treasure, forty shillings; and in case of pound breach, five pounds, and shall allso, pay all dammages to the party wronged; and if in the rescue, any bodily harmes bee done to the person of any man, or other, they shall have remedye against the rescuers; and if either bee done by any not of abilitye to answer the damage and forfeitt aforesaid, they shall bee bodily whipped by warrant from any magistrate before whome the offender is convicted, in the towne or plantation where the offence was committed, not exceeding twenty stripes for the meere rescues or pound breach, and

for all dammages to the party, they shall satisfie by service, as in case of theft; and if it appear, there were any procurement of the owner of the cattle, thereunto, and that they were abettors, they shall all pay forfeitures and dammages, as if themselves had done it.

### PROFANE SWEARING.

*It is ordered, and by this Courte decreed,* That if any person within this jurissdiction shall sweare rashly and vainely, either by the holy name of God, or any other oath. and shall sinfully and wickedly curse any, hee shall forfeitt to the common treasure, for every such severe offence, ten shillings: And it shall bee in the power of any magistrate, by warrant to the constable, to call such persons before him, and uppon just prooffe to pass a sentence, and levye the said penalty, according to the usual order of justice; and if such persons bee not able, or shall utterly refuse to pay the aforesaid fyne, hee shall bee committed to the stocks, there to continue, not exceeding three hours, and not less than one houre.

### RATES.

*It is ordered by this Courte and authority thereof,* That every inhabitant shall henceforth contribute to all charges, both in church and commonwealth, whereof hee doth or may receive benefitt; and every such inhabitant who shall not voluntarily contribute proportionably to his ability with the rest of the same towne, to all common charges, both civill and ecclesasticall, shall bee compelled thereunto by assessments and distress, to be levyed by the constable or other officer of the towne, as in other

cases ; and that the lands and estates of all men, whereever they dwell, shall bee rated for all towne charges, both civill and eccleseasticall, as aforesaid. where the lands and estates shall lye, and their persons where they dwell.

For a more equall and ready way of raising meanes of defraying of publike charges in time to come, and for preventing such inconveniences as have fallen out uppon former assessments ;

*It is ordered and enacted by the authority of this Courte,* that the treasurer for the time being, shall from yeare to yeare, in the first month, without expecting any other order, send forth his warrant to the constables of every towne within this jurissdiction, requiring the constable to call together the inhabitants of the towne, whoe being so assembled, shall chuse three or foure of their able inhabitants whereof, one to bee a commissioner for the towne, who shall some time or times in the sixth month then next ensuing, make a list of all the male persons in the same towne, from sixteene yeares old and upwards, and a true estimation of all personall and reall estates being, or reputed to bee, the estate of all and every the persons in the same towne, or otherwise under their custody or managing, according to just valuation, and to what persons the same belong, whether in their owne towne or otherwise, so neare as they can, by all lawfull wayes and meanes, which they may use. viz. of howses, lands of all sortes, as well unbroken up as other, except such as doth or shall lye common for free food of cattle to the use of the inhabitants in generall whether belonging to townes or perticular persons, but not to bee kept or hearded uppon it to the damage of the proprietors, mills, shippes, and all

small vessells, merchantable goods, cranes, wharves, and all sortes of cattle, and all other knowne estate whatsoever ; as also, all visible estate, either at sea, or on shoare ; all which persons and estates, are by the said commissioners and selectmen, to bee assessed and rated, as here followeth, viz. every person aforesaid, except magistrates and elders of the churches, two shillings sixpence by the head, and all estates both reall and personall, at one penny for every twenty shillings, according to the rates of cattle hereafter mentioned ; and for a more certaine rule in rating of cattle, every cowe of foure yeare old and upward, shall bee valued at five pounds, every heifer and steare between three and foure yeare old, foure pounds, and between two and three yeare old fifty shillings ; and between one and two yeare old, thirty shillings ; every oxe and bull of foure yeare old and upwards, six pounds ; every horse and mare of foure yeare old and upwards, twelve pound, of three yeare old, eight pounds, betweene two and three yeares old, five pounds, of one yeare old, three pounds ; every sheepe of one yeare old thirty shillings ; every goate above one yeare old eight shillings ; every swyne above one yeare old, twenty shillings ; and all cattle of all sortes, under a yeare old, are hereby exempted ; as also, all hay and corne in the husbandmans hand, because all meadow, earable ground, and cattle are rateable as aforesaid. And for all such persons as by the advantage of their artes and trades, are more able to helpe beare the publique charge, then common labourers, and workmen, as butchers, bakers, bruers, victuailers, smiths, carpenters, taylors, shoemakers, joiners, barbers, millers and masons, with all other manuell persons and artists, such are to bee rated for their returns and gaires proportionably unto other men for the produce of their

estates ; provided, that in the rate by the polls, such persons as are disabled by sickness, lameness, or other infirmities, shall be exempted ; and for such servants and children as take not wages, their parents and masters shall pay for them, but such as take wages shall pay for themselves.

*And it is further ordered,* That the commissioners for the severall townes upon this river, shall yearely meet upon the third Thursday in the sixth month at Hartford ; and the commissioners for the townes of Ffairefeild and Stratford, shall meett the same day in one of those townes, and bring with them, fairely written, the just number of males listed as aforesaid, the assessment of estates made in their severall townes, according to the rules and directions in this present order expressed. And the said comissioners being so assembled, shall duely and carefully examine all the said lists and assessments of the severall townes, and shall correct and perfect the same, according to the true intent of this order, and the same so perfected, they shall transmitt under their hands, to the generall courte, the second Thursday in September, and then directions shall bee given to the Treasurer for gathering of the said rate ; and every one shall pay their rate to the constable of the towne where it shall bee assessed ; nor shall any land or estate bee rated in any other towne, but where the same shall lye, is or was improved to the owners, reputed owners, or other proprietors use or behoofe, if it bee within this jurisdiction. And for all peculiars, viz. Such places as are not yet laid within the bounds of any towne, the same land, with the persons and estates thereupon, shall bee assessed, by the rates of the towne next unto it, and the measure or estimation, shall bee by the distance of the meeting howses ;

and if any of the said comissioners, or of the selectmen, shall willingly faile or neglect to performe 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, every such offender shall bee fyned forty shillings for every such offence, or so much as the country shall bee damnified thereby, so as it exceeds not forty shillings for one offence; provided, that such offence or offences bee complained of and prosecuted, in due course of law, within six months.

*And it is further ordered,* That uppon all distresses to bee taken for any of the rates and assessments aforesaid, the officer shall distreine goods or cattle, if they may bee had; and if no goods, then lands or howses, and if neither goods nor lands can bee had within the towne where such distresses are to bee taken, then uppon such returns to the treasurer, he shall give warrants to attache the body of such persons to bee carried to prison, there to bee kept till the next courte, except they put in security for their appearance there, or that payment bee made in the meane time.

*And it is further ordered,* That the prises of all sortes of corne to bee received uppon any rate, by virtue of this order, shall bee such as the courte shall sett from yeare to yeare, and in default thereof, they shall bee accepted at the price current, to bee judged by the said comissioners.

*And it is further ordered,* That all estates of land in England, shall not be rated in publique assessment.

*It is also provided and ordered,* That all towne rates shall bee made after the same manner, and by the same rule, as the country rate.

Whereas much wrong hath beene done to the country, by the negligence of constables in not gathering such levyes as they have received warrants from the Treasurer, during their office :

*It is therefore ordered,* That if any constable shall not have gathered the levyes committed to his charge by the Treasurer then being, during the time of his office, that he shall notwithstanding expiration of his office, have power to levye by distress, all such rates and levyes ; and if he bring them not in to the old treasurer, according to his warrants, the Treasurer shall distreine such constables goods for the same ; and if the Treasurer shall not so distreine the constable, hee shall bee answerable to the country for the same ; and if the constable bee not able to make payment, it shall bee lawfull for the Treasurer, old or new respectively, to distreine any man or men of that towne where the constables are unable for all arrearages of levyes, and that man or men, upon petition to the Generall courte, shall have order to collect the same againe, equally of the towne, with his just dammages for the same.

*It is further ordered by this Courte,* That all collectors and gatherers of rates, shall appoint a day and place, and give reasonable warning to the inhabitants to bring in their proportions. upon which, every man so warned, shall duely attend to bring in his rate, or upon neglect thereof, shall forfeitt two pence in the shilling for what hee falls shorte, and the said collector shall have authority hereby to distreine the delinquents, or bee accountable themselves for the rates and penalties so neglected by them.

## RECORDS.

*It is ordered by this courte and authority thereof,* That the towne clark or register in the severall townes of this jurissdiction shall record, all births and deaths of persons in their towne, and that all parents, masters of servants, executors and administrators respectively, shall bring into the register of their severall townes, the names of such persons belonging to them or any of them, as shall either bee borne or dye; and also, that every new married man shall likewise bring in a certificate of his marriage, under the hand of the magistrate which married him, to the said register, and for each neglect, the person to whome it doth belong, shall forfeitt as followeth, viz. If any person shall neglect to bring in a noate or certificate as aforesaid, together with three pence a name, to the said register, for all births and deaths, and sixpence for each marriage to bee recorded, more then one month after such birth, death or marriage, shall forfeitt for every default, five shillings, and the penalty further increased, upon longer neglect, according to the judgement of the courte; and the register of each towne shall yearely, convey to the Secretary of the courte, a true transcript of the births, deaths and marriages given under their hands, with a third parte of the aforementioned fees, under the penalty of forty shillings for every such neglect, all which forfeitures shall bee returned into the Treasury; also, the grand jurors may present all neglects of this order.

*It is ordered by the authority aforesaid,* That the severall townes within this jurissdiction, shall each of them provide a ledger booke, with an index or

alphabett unto the same, aliso shall chuse one whoe shall bee a towne clerke or register. whoe shall before the Generall courte in September next, record every mans howse and lands already graunted and measured out to him, with the bounds and quantity of the same; and whosoever shall neglect three months after notice given, to bring in to the said towne clerke or register, a noate of his howse and land, with the bounds and quantity of the same, by the nearest estimation, shall forfeitt ten shillings; and so ten shillings a month, for every month hee shall so neglect; the like to bee done for all lands hereafter graunted and measured to any; and if any such granter, being required by the grantee, his heirs or assigns, to make an acknowledgment of any graunt, sale, bargaine or morgage by him made, shall refuse so to do, it shall bee in the power of any magistrate, to send for the partye so refusing. and committ him to prison without bayle or maineprise, untill he shall acknowledge the same: And the grantee is to enter his caution with the recorder. and this shall save his interest in the meane time; and all bargaines or morgages of lands whatsoever, shall bee accounted of no value untill they bee recorded; for which entry the register shall receive six pence for every parcell, delivering every owner a copy of the same under his hand; whercof, foure pence shall bee for himselfe, and two pence for the secretary of the courte. And the said register shall, every Generall courte, in May and September, deliver unto the same, a transcript, fairely written, of all such graunts, bargaines or engagements, recorded by him in the towne booke; and the secretary of the courte, shall record it in a booke fairely written, provided for that purpose, and shall preserve the cobby brought in under the

hand of the towne clarke: Allso, the said towne clarke shall have for every search of a parcell, one penny, and for every copy of a parcell, two pence, and a copy of the same under the hand of the said register, or towne clarke, and two of the men chosen to governe the towne, shall bee a sufficient evidence to all that have the same.

Ffor the better keeping in minde those passages of Gods providence, which have beene remarkable, since our first undertaking of these plantations; Mr. Deputy, Capt. Mason, Mr. Stone with Mr. Goodwyn, are desired to take the paines severally, in their severall townes, and then jointly together, to gather up the same, and deliver them into the Generall courte in September next, and if it bee judged then fitt, they may bee recorded; and for future times, whatsoever remarkable passages shall bee, and if they bee publique, the said parties are desired to deliver in the same to the Generall courte; but if any perticular person doe bring in any thinge, hee shall bring it under the hands of two of the aforementioned parties, that it is true, then present it to the Generall courte, that if it bee there judged requisitt, it may bee recorded; provided, that any Generall courte, for the future, may alter any of the parties before mentioned, or add to them, as they shall judge meett.

*It is also ordered by this courte, and decreed,* That after the death and decease of any person possessed of any estate, bee it more or less, and whoe maketh a will in writing, or by word of mouth, those men which are appointed to order the affaires of the towne, where any such person deceaseth, shall within one month after the same, at furthest, cause a true inventory to bee taken of the said estate, in writing, as also, take a copy of the said will or

testament, and enter it into a booke, or keepe the copy in safe custody; as also, enter the names upon record, of the children, and legatees of the testator or deceased person: And the said orderers of the affaires of the towne, are to see every such will and inventory, to bee exhibited into the publique courte, within one quarter of a yeare, where the same is to bee registred: And the said orderers of the affaires of the towne, shall doe their endeavors in seeing that the estate of the testator bee not wasted nor spoiled, but improved for the best advantage of the children or legatees of the testator, according to the minde of the testator, for their, and every of their use, and their and every of their allowance and approbation: But where any person dyeth intestate, the said orderers of the affaires of the towne, shall cause an inventory to bee taken, and then the publique courte may graunt the administration of the goods and chattles to the next of kinn, jointly and severally, and devide the estate to wife, (if any bee) children or kindred, as in equity they shall see meett. And if no kindred bee found, the courte to administer for the publique good of the common; provided there bee an inventory registred, that if any of the kindred, in future time appeare, they may have justice and equity done unto them. And all charges that the publique courte, or the orderers of the affaires of the towne are at, about the trust committed to them, either for writing, or otherwise, to bee paid out of the estate.

Whereas also, it was recomended by the commissioners, that for the more free and speedy passage of justice in each jurisdiction, to all the confederates, if the last will and testament of any person, bee duely proved in, and duely certified

from any one of the colonies, it bee without delay. accepted and allowed in the rest of the colonies. unless some just exception bee made against such will, or the proving of it, which exception to bee duely forthwith duely certified back to the colony where the said will was proved, that some just course may bee taken to gather in and dispose the estate, without delay or damage: And also, that if any knowne planters or settled inhabitants, dye intestate, administration bee granted by that colony unto which the deceased belong, though dying in another colony: And the administration being duely certified to, bee of force for the gathering in of the estate, in the rest of the colonies, as in the case of wills proved, where no just exception is returned: But if any person possessed of an estate, whoe is neither planter, nor settled inhabitant in any of the colonies, dye intestate, the administration (if just cause bee found to give administration) bee granted by that colony where the person shall dye and departe this life, and that care bee taken by that governement, to gather in and secure the estate, untill it bee demaunded, and may bee delivered according to rules of justice; which upon due consideration, was confirmed by this courte, in the behalfe of this colony, and ordered to bee attended in all such occasions, for the future: provided, the Generall courtes of the other colonies, yeild the like assent thereunto.

### SCHOOLES.

It being one cheife project of that old deluder, Sathan, to keepe men from the knowledge of the scriptures, as in former times, keeping them in an unknowne tongue, so in these latter times, by

perswading them from the use of tongues, so that at least, the true sence and meaning of the originall might bee clouded with false glosses of saint seeming deceivers; and that learning may not bee buried in the grave of our forefathers, in church and commonwealth, the Lord assisting our indeavors;

*It is therefore ordered by this courte and authority thereof,* That every towneshipp within this jurisdiction, after the Lord hath increased them to the number of fifty howshoulders, shall then forthwith appointe one within their towne, to teach all such children as shall resorte to him, to write and read, whose wages shall bee paid, either by the parents or masters of such children, or by the inhabitants in generall, by way of supplye, as the major parte of those who order the prudentialls of the towne, shall appointe; provided, that those who send their children, bee not oppressed by paying much more then they can have them taught for, in other townes.

*And it is further ordered,* That where any towne shall increase to the number of one hundred families or howshoulders, they shall sett up a grammar schoole, the masters thereof, being able to instruct youths, so farr as they may bee fitted for the university: and if any towne neglect the performance hereof, above one yeare, then every such towne shall pay five pounds per annum, to the next such schoole, till they shall performe this order.

The propositions concerning the meintenance of schollars at Cambridge, made by the comissioners, is confirmed.

*And it is ordered,* That two men shall bee appointed in every towne within this jurisdiction, whoe shall demand what every familie will give, and the same to bee gathered and brought into some

roome, in March; and this to continue yearely, as it shall bee considered by the comissioners.

### SECRETARY.

*It is ordered and decreed,* That within twenty dayes after the session of every Generall courte, the secretary thereof. shall send forth copies of such lawes and orders as are or shall bee made, at either of them, which are of generall concernement for the governement of this commonwealth, to the constables of each towne within this jurissdiction, for them to publish within Fourteene dayes more, at some publike meeting in their severall townes, and cause to bee written into a booke, and kept for the use of the towne, and once every yeare, the constables in each towne, shall read or cause to bee read, in some publike meeting, all the capitall lawes, and give notice to all the inhabitants, where they may, at any time, see the rest of the lawes and orders, and acquaint themselves therewith: And the secretary of the courte, shall have twelve pence, for the copy of the orders of each session as aforesaid, from each of the townes.

*And it is further ordered.* That the secretary of the courte, shall record such wills and inventories as are exhibited into the said courte, and shall fyle the originall of them, and give a cobby thereof, to such as desire it, for which hee shall have for every record of any will or inventory, or both, which is above the summ of forty pounds, three shillings foure pence, and for every cobby of them, or either of them, one shilling eight pence; and for every search or supervising of them, six pence; also, for recording of every will or inventory, or both, which is above the summ of thirty pounds, and

under the summ of forty pounds, two shillings six pence; and for every copy of them, or either of them, fifteene pence. and for every search or supervising of them, foure pence; also for every attachment, twelve pence, and for every bond or recognisance in or about the same, six pence; also, for every execution above five pounds, the secretary shall have twelve pence, and for every execution under five pounds, six pence; also, for the entry of every or any recognisance in courte, six pence, and for the withdrawing of it, twelve pence, which shall bee paid before the bounden bee freed from his said recognisance.

*It is also ordered,* That whosoever shall take out any warrant from the secretary of the courte, that concerns an action, shall before hee hath a warrant, enter his action with the secretary, and then take out his warrant for summons to answer the same, for which they shall pay for every entry, twelve pence, and for every warrant, foure pence, though they agree with their defendants before the courte: Also, if any other magistrate shall graunt a warrant, which concerns an action, they shall enter the action in a small booke for that purpose, before they graunt the warrant, and shall make a due returne, at every courte, to the secretary thereof, what such warrants, and to whome they have graunted, and all such persons shall bee as lyable to pay twelve pence for every such action, to the secretary of the courte, as if they should have had their warrants of him.

### STRAYES.

*It is ordered by this Courte, and authority thereof,* That whosoever shall take up any straye beast, or

find any goods lost, whereof the owner is not knowne, he shall give notice thereof to the constable of the same towne, within six dayes, who shall enter the same in a booke, and take order that it bee cryed at their next lecture day, or generall meeting upon three severall dayes, and if it bee above twenty shillings value, at the next markitt, or two next townes publique meetinge, where no markitt is within ten miles, upon paine, that the partye so finding, and the said constable having such notice, and failing to doe as is heereby appointed, to forfeitt, either of them, for such default, one thirde parte of the value of such straye, or lost goods.

And if the finder shall not give notice as aforesaid, within one month, or if hee keepe it more then three months, and shall not aprize it by sufficient men, and also record it with the register of the towne where it is found, hee shall then forfeitt the full value thereof, and if the owner appeare within one yeare after such publication, hee shall have restitution of the same, or the value thereof, hee paying all necessary charges, and the constable for his care and paines, as one of the next magistrates, or one of the townsmen shall adjudge; and if no owner appeare within the time prefixed, the said straye or lost goods shall bee thus divided, one fourth parte thereof, with his reasonable charge, shall bee to the finder; one fifth parte thereof, or ten shillings, to the constable, at the choyce of the courte, and the rest to the commonwealth; provided there bee three streakes clipt in the haire of the neare buttock, six inches long, that they may bee knowne.

## SWYNE.

*It is ordered by this courte,* That all the swyne, either hoggs or shoates, in the severall plantations, that are kept at home within the towne, shall by September next, bee ringed or yoaked, or kept up in their yards, under the penalty of foure pence for every such swyne, to bee paid by the owner, to the party that shall take the swyne so defective, and impound them ; also, all such as are kept by heards in the woods, shall not bee suffer'd to abide above one nighte, in the towne ; but that it shall bee lawfull to impound them, in case they come at any time home, from the middle of March to the middle of November. (Ffairefeild and Stratford desire to bee included in this order.)

Ffor the better preserving corne and meadow on the east side of the Great River ;

*It is ordered by this courte,* That there shall no hoggs nor swyne of any sorte bee put over thither, or kept there, at any time after the publishing of this order, except they bee kept out of the bounds of the severall townes, or in their yards. under the penalty of two shillings a head for every hogg or swyne, for every time they shall bee found there, contrary to this order.

## TIMBER.

*It is ordered by this courte,* That no timber shall bee felled within three myles of the mouth of Mattabeseck river, nor at unseasonable times, viz. from the beginning of Aprill to the end of September ;

and that it bee improved into pipe-staves, or some other merchantable comodity, within one month after the felling thereof, or carted together; and that the timber so improved, shall not bee transported from the river, but for discharge of debts, or fetching in some necessary provision.

### TOBACKO.

INASMUCH as it is observed, that many abuses are crept in, and comitted, by frequent taking of tobacko,

*It is ordered by the authority of this Courte,* That no person under the age of twenty one years, nor any other, that hath not already accustomed himselfe to the use thereof, shall take any tobacko, untill hee hath brought a certificate under the hands of some who are approved for knowledge and skill in phisick, that it is usefull for him, and also, that hee hath received a lycense from the courte, for the same.—And for the regulating of those, who either by their former taking it, have, to their owne apprehensions, made it necessary to them, or upon due advice, are persuaded to the use thereof.

*It is ordered.* That no man within this colonye, after the publication hereof, shall take any tobacko, publiquely, in the streett, highwayes, or any barne yardes, or upon training dayes, in any open places, under the penalty of six pence for each offence against this order, in any the particulars thereof, to bee paid without gainesaying, upon conviction, by the testimony of one witness, that is without just exception, before any one magistrate. And the constables in the severall townes, are required to

make presentment to each peticular courte, of such as they doe understand, and can evict to bee transgressors of this order.

### TRESSPASSES.

*It is ordered by this Courte and authority thereof,* That if any horse or other beast, trespass in corne, or other inclosure, being fenced in such sorte as secures against coves, oxen, small calves, and such like orderly cattle, the party or parties trespased, shall procure two able men of good reporte and creditt, to view and adjudge the harmes, which the owner of the beast shall satisfie (when knowne) upon reasonable demaund, whether the beast were impounded or not; but if the owner bee knowne and neare residing, as in the same towne, or the like, notice shall bee left at the usuall place of his aboade, of the trespass, before an estimation bee made thereof, to the end hee, or any others appointed by him, may bee present when the judgement is made; the like notice allso, shall bee left for him, of the dammage charged upon him, that if hee approve not thereof, hee may repaire to the select townsmen, or some of them, who shall, in such case, nominate and appoint two able and indifferent men, to review and adjudge the said harmes, which being forthwith discharged, together with the charge of the notice, former and latter view, and determination of dammages. the first judgement to bee void, or else to stand in lawe.

### TREASURER.

*It is ordered,* That the Treasurer shall deliver no money out of his hands, to any person, without the

hands of two magistrates, if the sum be above twenty shillings ; if it be under, then the Treasurer is to accept of the hand of one ; but if it be for the payment of some bills to be allowed, which are referred to some committees to consider of, whether allowed or not, that such bills as they allowe and sett their hands unto, the Treasurer shall accept and give satisfaction.

### VOATES.

*It is ordered by this Courte, and decreed,* That if any person within these liberties, have beene or shall bee fyned or whipped for any scandalous offence, hee shall not bee admitted, after such time, to have any voate in towne or commonwealth, nor to serve on the jury, untill the courte shall manifest their satisfaction.

### VERDICTS.

That love and peace, with truth and righteousness may continue and flourish in these confederated colonyes,

It was upon the recommendation of the commissioners, ordered, that any verdict or sentence of any courte within the colonyes, presented under authentique testimony, shall have a due respect in the severall courtes of this jurisdiction, where there may be occasion to make use thereof ; and shall bee accounted good evidence for the partye, untill better evidence, or other just cause appeare, to alter, or make the same voide ; and that in such case, the issuing of the cause in question, bee respited for some convenient time, that the courte

may bee advised with, where the verdict or sentence first passed; provided notwithstanding, that this order shall bee accounted valid, and improved onely for the advantage of such as live within some of the confœderated colonyes, and where the verdicts in the courts of this colony, may receive reciprocall respect by a like order established by the Generall courte of that colonye.

### WYNE AND STRONG WATER.

Whereas many complaints are brought into the courte, by reason of diverse abuses that fall out by severall persons that sell wyne and strong water, as well in vessels on the river, as allso in severall howses, for the preventing hereof,

*It is now ordered by the authority of this Courte,* That no person or persons, after the publishing of this order, shall neither sell wyne nor strong water, by retaile, in any place within these libberties, without license from the perticular court or any two magistrates, or where there is but one magistrate, by a magistrate and one of those appointed to order the affaires of the towne.

### WATCHES.

*It is ordered by this Courte, and decreed,* That there shall bee a sufficient watch meinteined in every towne, and that the constable of each towne shall duely warne the same, and see that the inhabitants or residents, doe severally in their turnes, observe the same, according as the inhabitants doe agree: And this courte doth explaine themselves, and order, that whosoever within this jurissdiction.

that is lyable to watch, shall take a journeye out of the towne wherein hee liveth, after he hath had timely notice and warninge to watch, hee shall provide a watchman for that turne, though himselfe bee absent; and if any man that takes a journeye, or goes out of the towne wherein hee liveth, if hee returne home within a weeke after the watch is past his howse, hee shall be called back to watch that turne, past a weeke before.

And for the better keeping watches and wardes.  
by the constables, in time of peace,

*It is ordered by this Courte, and authority thereof,*  
That every constable shall present to one of the next magistrates, the name of every person, who shall uppon lawfull warning, refuse or neglect to watch or ward, either in person, or some other, fitt for that service; and if being convented, hee cannott give a just excuse, such magistrate shall graunt warrant to levye five shillings on every such offender, for every such default, the same to bee employed for the use of the watch of the same towne; and it is the intent of the lawe, that every person of able body (not exempted by lawe) or of estate to hire another, shall bee lyable to watch and warde, or to supplye it by some other, when they shall bee thereunto required; and if there bee, in the same howse, diverse such persons, whether sonnes, servants or sojourners, they shall all be compellable to watch, as aforesaid; provided, that all such as keepe families at their farmes, being remoate from any towne, shall not bee compellable to send their servants or sonnes from their farmes, to watch and warde in the townes.

## WOLVES.

Whereas great loss and damage doth befall this Commonwealth, by reason of wolves, which destroy great numbers of our cattle, notwithstanding provision formerly made by this courte for supressing of them ; therefore, for the better encouragement of any to sett about a worke of so great concernement,

*It is ordered by this Courte, and authority thereof,* That any person, either English or indian, that shall kill any wolfe or wolves, within ten myles of any plantation within this jurissdiction, shall have for every wolfe by him or them so killed, ten shillings paid out of the Treasurye of the country ; provided, that due prooffe be made thereof, unto the plantation next adjoining where such wolfe or wolves were killed ; and allso, bring a certificate under some magistrates hand, or the constable of that place, unto the Treasurer.

## WRECKS OF THE SEA.

*It is ordered and decreed, and by this court declared,* That if any shippes or other vessells, bee it freind or enemye, shall suffer shipwreck upon our coasts, there shall bee no violence or wrong offered to their persons or goods, but their persons shall be harboured and relieved, and their goods preserved in safety, till authority may bee certified, and shall take further order therein.

## VESSELS.

*It is ordered by this Courte, and authority thereof,* That no vessell nor boat, shall have libberty to goe from any porte in any towne within this jurissdiction, before they have entred with the register or recorder, in each towne. what quantity of powder and shott they carry forth with them in their said vessells, and shall take a certificate under the said registers or recorders hand. of the same, paying to him for every certificate, four pence; and if any vessell shall attempt to goe from the said towne or porte, or townes and portes, before hee hath entred as aforesaid, or shall be found with any more or greater quantity of powder and shott, aboard the vessell or vessells, then they had a certificate to shew they had entred, shall forfeit and pay for each default, the true value of all such powder and shott as they should have entred as aforesaid: And all such persons, or masters of such vessells, shall give a true account uppon their return, to the said recorder, where they have entred the premises, how they have disposed thereof, uppon the former penalty: And if the said towne register, or recorder, shall have just cause to conceive that hee or they carry forth more of the premises, then in an ordinary way, is requisite for their necessary defence and safety in their intended voyage, then the said persons or masters of vessells, shall give in security unto the said recorder, if by him required thereunto, that hee shall give a due account to this commonwealth, of the same, uppon his returne.

# NEW-HAVEN ANTIQUITIES,

OR

## BLUE LAWS.

EXTRACTED FROM THE ANCIENT RECORDS OF NEW-HAVEN.



*At a Court held at New-Haven, A. D. 1643.*

Andrew Low, jun. for breaking into Mr. Ling's house, where he brake open a cupboard and took from thence some Strong Water,\* and 6d. in money, and ransackt the house from roome to roome, and left open the doors, for which fact being committed to prison brake forth and escaped, and still remains horrible obstinate and rebellious against his parents, and incorrigible under all the means that have been used to reclaim him. Whereupon it was ordered that he shall be as severely whipt as the rule will bare, and work with his father as a prisoner with a lock upon his leg so that he may not escape.

*December 3d, 1651.*

It was propounded that some safer way might be found out to Connecticote, that the danger of the East River may be avoyded. The new way was

\**Rum.*

desired to be viewed again, as William Bradley offered to lend his cannow to lie in the East River, if the town will find ropes to draw it to and agayne.

*At a Court, held May 1, 1660.*

Jacob M. Murline and Sarah Tuttle being called appeared, concerning whom the Governor declared, that the business for which they were warned to this court he had heard in private at his house, which he related to stand thus.

On the day that John Potter was married Sarah Tuttle went to Mistress Murline's house for some thredd, Mistress Murline bid her go to her daughters in the other roome, where they felle into speeche of John Potter and his wife, that they were both lame, upon which Sarah Tuttle said, that she wondered what they would do at night. Whereupon Jacob came in, and tooke up or tooke away her gloves. Sarah desired him to give her the gloves, to which he answered he would do so if she would give him a kysse, upon which they sat down together, his arme being about her waiste, and her arme upon his shoulder or about his necke, and *he* kysed her and *she* kysed him, or they kysed oneanother, continuing in this posture about half an hour, as Marian and Susan testified, which Marian, now in court, affirmed to be so.

Mistress Murline, now in court said that she heard Sarah say she wondered what they would do at night, and shee replyed they must sleep; but it was matter of sorrow and shame unto her.

Jacob was asked what he had to say to these things, to which he answered that he was in the other roome, and when he heard Sarah speak those words, he went in, when shee having let fall her

gloves he tooke them up and she asked him for them, he told her he would if she would kysse him. Further said hee tooke her by the hand, and they both sat down upon a chest, but whether his arme were about her waiste, and her arm upon his shoulder or about his neck, he knows not, for he never thought of it since, till Mr. Raymond told him of it at Mannatos for which he was blamed and told he had not layde it to heart as he ought. But Sarah Tuttle replied that shee did not kysse him. Mr. Tuttle replied that Marian hath denied it, and he doth not looke upon her as a competent witness. Thomas Tuttle said that he asked Marian if his sister kyssed Jacob, and she said not. Moses Mansfield testified that he told Jacob Murline that he heard Sarah kyssed him, but he denied it. But Jacob graunted not what Moses testified.

Mr. Tuttle pleaded that Jacob had endeavoured to steal away his daughter's affections. But Sarah being asked if Jacob had inveagled her, she said no. Thomas Tuttle said that he came to their house two or three times before he went to Holland, and they two were together, and to what end he came he knows not, unless it were to inveagle her. And their mother warned Sarah not to keep company with him. And to the same purpose spake Jonathan Tuttle. But Jacob denied that he came to their house with any such intendment, nor did it appeare so to the court.

The Governor told Sarah that her miscarriage is the gteatest, that a virgin should be so bold in the presence of others to carry it as she had done, and to speake suche corrupt words, most of the things charged against her being acknowledged by herself, though that about kyssing is denied, yet the *thing* is proved. Sarah professed that she was sorry that

shee had carried it so sinfully and foolishly, which she saw to be hateful. She hoped GOD would help her to carry it better for time to come.

The Governour also told Jacob that his carriage hath been very evil and sinful so to carry it towards her, and to make such a light matter of it as not to think of it. (as he exprest,) doth greatly aggravate, and for Marian, who was a married woman, to suffer her brother and a man's daughter, to sit almost half an hour in such a way as they have related was a very great evil. She was told that she should have showed her indignation against it, and have told her mother, that Sarah might have been shut out of doors. Mrs. Murline was told that she, hearing such words, should not have suffered it. Mrs. Tuttle and Mrs. Murline being asked if they had any more to say they said no.

Whereuppon the court declared, that we have heard in the Publique Ministry that it is a thing to be lamented, that young people should have their meetings to the corrupting of themselves and one another. As for Sarah Tuttle her miscarriages are very great, that she should utter so corrupt a speeche as she did concerning the persons to be married, and that she should carry it in such a wanton, uncivil, immodest and lascivious manner as hath been proved. And for Jacob his carriage hath been very corrupt and sinful, such as brings reproach upon the family and place.

The sentence therefore concerning them is, that they shall pay either of them as a fine 20s. to the Treasurer.

*A Court holden 3d November, 1639.*

It is ordered, that Mr. Hopkins shall have two hogsheds of lime for his present use, and as much more as will finish his house as he now intends itt, he thinking that two hogsheds more will serve.

It is ordered, that a meeting-house shall be built forthwith. fifty foote square; and that the carpenters shall fall timber where they can finde it till a plotment be layed out, and men know ther own proprieties.

It is ordered, that Mr. Gregson and Mr. Evance shall have fower dayes liberty after this day to square their timber, before the former order shall take hold of them.

It is ordered, that Mr. Eaton, Mr. Davenport, Robt. Newman, Matthew Gilbert, Capt. Turner and Thomas Fflugill shall from hence forward have the disposing of all the house lotts, yett undisposed of, about this towne, to such per-sons as they shall judge meete for the good of the plantation; and thatt none shall come to dwell as planters here without their consent and allowance, whether they come in by purchase or otherwise.

It is ordered, that every one thatt beares armes shall be compleatly furnished with armes, (viz.) a muskett, a sword, vandaleers, a rest, a pound of powder, 20 bullets fitted to their muskett, or 4 pound of pistoll shott, or swan shott att least, and be ready to show them in the market place upon Monday the 6th of this moneth, before Captaine Turner and Lieutenant Seeley, under the penalty of 20s fine for every default or absence.

*A Court holden the 4th of December, 1639.*

It is ordered that Thomas Saule shall agree with Goodman Spinnage before the next Court, or else

the Court will determine the difference between them.

Roger Duhurst and James Stewart are enjoined to make double restitution to John Cockerill for five pound and seventeen shillings, which they stole out of his chist on the Lords day in the meeting time, and they being servants to the said Cockerill, for which aggravation they were whipped also.

Thomas Manchester, servant to Mr. Perry, being accused by his master for being drunk, and for giving his master uncomely language, for which his master having given him some correction, the Court (only) caused him to be sett in the stocks for a certain time.

Nicholas Tamer, servant to the said Mr. Perry, for drunkenness and abusing his master in words, was whipped.

*A General Court 4th of January, 1639.*

It is agreed by the towne, and accordingly ordered by the Courte, that the Neck shall be planted or sown for the term of seven years, and that John Brockett shall goe about laying it out, for which, and all differences betwixt party and party about ground formerly broke up and planted by English there, shall be arbitrated by indifferent men, which shall be chosen to that end.

It is ordered, that some speedy course shall be taken to keep hogs out of the neck.

It is ordered, that a convenient way to the Hay-place be left comon for all the towne.

It is ordered, that no cattell belonging to this towne shall goe without a keeper after the first of May next.

*A General Court, 5th February, 1639.*

It is ordered, thatt brother Andrews, bro. Kimberly, Wm. Enos and Sergeant Beckley shall assist Mr. Ling to ripen Goodman Tap's business against the next Courte, concerning his demands of certain monyes which he disbursed for bringing cattell from the Bay, appertaining to divers persons.

It is ordered, that brother Andrews shall detaine so much of Robt. Campion, his wages in his hands, as may secure a debt of 3*lb* which Mr. Moulend demaunds of the said Robt.

It is ordered, that Mr. Moulend shall pay to Mr. Perry 20*s* which he owes to him.

It is ordered, that Mr. Wilkee shall pay 5 bushell and a halfe of Indian corne to Thomas Buckingham, for corne destroyed by Mr. Wilks his hogs.

Isaiah, Captaine Turner's man, fined 5*lb* for being drunk on the Lords day.

Wm. Bromfield Mr. Malbon's man was sett in the stocks for prophaning the Lord's day and stealing wine from his master, which he drunk and gave to others.

Ellice, Mr. Eaton's boy, was whipped for stealing a sow and a goate from his master, and selling them.

David Anderson was whipped for being drunke.

John Fenner, accused for being drunke with strong waters, was acquitted, itt appearing to be of infirmity, and occasioned by the extremity of the cold.

Mr. Moulend accused of being drunke, but nott clearly proved. was respited.

Peter Browne, Licensed to bake to sell, so long as he gives no offence in it justly.

*18th February, 1639.*

John Charles forbidden to draw wine, because there hath been much disorder by itt.

Goodman Leone was whipped and sent out of the plantation, being not onely a disorderly person himselfe, butt an encourager of others to disorderly drinking meetings.

George Spencer being prophane and disorderly in his whole conversation, and an abettor of others to sin, and drawing on others in to a conspericie to carry away the Cock to Virginia, was whipped and sent out of the plantation.

John Proute, Hen. Brasier and William Bromfield was whipped for joyning in the aforesaid conspericie, and the said Hen. and Wm. were ordered to weare irons during the magistrate's pleasure.

*A Courte holden the 1st of July, 1640.*

Thomas Parsons and John ——— servants to Elias Parkmore, were whipped for their sinfull dalliance and folly with Lydia Browne.

*5th August, 1640*

It is ordered, that none in this plantatione shall either sell or lett a lott to any stranger, for years, without allowance from the Courte.

It is ordered thatt att this day, every yeare all the Ram Goates in the towne shall either be side stringed, or some other Course taken with them so as they cannot Ram the Ewes till the fittest season.

*A Court held at New-Haven the 3d of the 7th month. 1642.*

Matthew Willson for killing a dog of Mr. Perry's, willfully and disorderly, fined 20s for his disorder, and ordered to pay 20s damage to Mr Perry, which 10s Edward Chipperfield undertooke to see pay'd by the last of September next.

John Lobell the Miller, for sinfull dalliance with a little wench of Goodman Halls, was whipped.

8th month, 1642.

It is ordered, thatt whosoever findes any things thatt are Lost shall deliver them to the Marshall, to be kept safe till the owners challenge them.

*New-Haven, 2nd November, 1642.*

Jerwas Boykin is ordered to pay unto George Badcocke the sum of 20s for taking his cannow without leave.

It is ordered, thatt those who have their ffarmes att the River, Called stony River, shall have Liberty to make a sluice in the River for their owne convenience.

7th December, 1642.

Fforasmuch as John Owen hath had some damage done in his corne by hogs, occasioned through the neglect of Mr. Lamberton, John Bud and Will Preston, in not makeing up their fence in season, It is therefore ordered, thatt the said Mr Lamberton, John Bud and Will Preston shall make Satisfaction to the said John Owen, for the damage done ; (viz.) Eight days worke and two Pecks of Corne, which is to be payd according to the several apportions of ffence unset up respectively.

1st of 1st month, 1643.

John Lawrence and Valentine, servants to Mr Malbon, for Imbezilling their masters Goods, and keeping disorderly night Meetings with Will Harding, a Lewd and disorderly person, plotting with him to carry their master's daughters to the farmes in the night, concealing divers uncleane filthy dalliances ; all which they confessed and was whipp'd.

Ruth Acie, a Covenant servant to Mr. Malbon, for stubbornes, lyeing, stealing from her Mrs. and yeilding to filthy dalliance with Will Harding, was whipped.

Martha Malbon, for consenting to goe in the night to the farmes with Will Harding, to a venison feast, for stealing things from her parents, and yeilding to filthy dalliance with the said Harding, was whipped.

Goodman Hunt and his Wife, for keepeing the Councells of the said William Harding, Bakeing him a Pastry and Plum Cakes, and keeping Company with him on the Lord's day, and she suffering Harding to kisse her, they being onely admitted to sojourn in this Plantation upon their Good behavior, was ordered to be sent out of this towne with in one moneth after the date hereof ; yea, in a shorter time ; if any miscarriage be found in them.

*At a Court held at New-Haven, September 2, .A. D. 1662.*

Edmund Dorman, plaintiff, entered an action of slander or defamation against Jeremiah Johnson, defendant. The plaintiff informed against him that he had heard that J. Johnson had reported at John Olvarde's house, that he heard Dorman at prayer in a swamp for a wife, and being asked by John Olvarde who the person was, he answered that it was his mare. And there was other circumstances of scoffing, &c.

The defendant was asked whether he graunted the thing or denied. The defendant desired proof and that the witnesses might speake apart. John Olvarde was first called, who testified that Johnson being at his house, he heard him say, that he heard Edmund Dorman at prayer in a swamp, (by John

Downes's,) for a wife; and sayde, 'Lord thou knowest my necessitie and canst supplie it. Lord bend and bow her wille, and make her sensible of my condition or necessitie.' He asked Jeremiah who it was: he answered it may be his mare, that she might be made servissable. John Olvarde being asked when it was, he said it was since harvest.

Stephen Bradley being called also testified the same thing. The defendant being asked what he had to say for himself, said he thought Bradley did it out of revenge. But he was told he must prove him a false person upon record, or perjured, or that he doth it out of revenge at this time. The defendant further said he did expect some other persons that was present at John Olvarde's would have been here, therefore did refuse to make his defence further at this time, and desired that the witnesses might not be sworn.

Then Jeremiah was told that it is a fearful thing to come to that height of sin, as to sit in the seat of the scorner. Therefore the court told him they should defer this business, and warned him to attend the next particular court to give answer thereunto.

*December 3d, 1651.*

Will Harding being convicted of a great deal of base carriage with divers yonge girls, together with enticing and corrupting divers men servants in this plantation, haunting with them at night-meetings and juncketings, &c. was sentenced to be severely whipped, and fined 5*l.* to Mr. Malbone, and 5*l.* to Will Andrews whose famylyes and daughters he hath so much wronged, and presently to depart the plantation, and not to retourne under the penalty of severer punishment.

1642. Samuel Hoskins and Elizabeth Cleverly being desirous to join together in the state of marriage, and not being able to make proof of their parent's consent, but seeing they both affirm they have the consent of their parents, and withall having entered into contract, and sinfully and wickedly made themselves both unfit for any other, and for which they have both received Publique correction, upon these considerations granted them liberty to marry.

1643. Margaret Bedforde being convicted of divers miscarriages, was severely whipped, and ordered to be married to Nicholas Jennings with whom she hath been naught.



*The following is the most ancient record of the Colony of New-Haven, and is a curiosity in the history of civil government.*

THE 4th day of the 4th moneth, called June, 1639, all the free planters assembled together in a general meetinge, to consult about settling civil government according to GOD, and about the nomination of persons that may be found by consent of all fittest in all respects for the foundation work of a Church which was intended to be gathered in Quinipieck. After sollemne invocation of the name of GOD in prayer, for the presence and help of his spirit and grace in these weighty businesses, they were reminded of the business whereabout they met (viz) for the establishment of such civil order as might be most pleasing unto GOD, and for the chusing the fittest men for the foundation work of a church to be gathered. For the better enabling them to discern the minde of GOD, and to agree accordingly concerning the establishment of civil order, Mr. John Davenport propounded divers queries unto them, publicly praying them to consider seriously in the presence and feare of GOD the weight of the business they met about, and not to be rash or sleight in giving their votes to things they understood not, but to digest fully and thoroughly

what should be propounded unto them, and without respect to men, as they should be satisfied and perswaded in their own minds to give their answers in such sort as they would be willing they should stand upon record for posterity.

This being earnestly expressed by Mr. Davenport, Mr. Robert Newman was intreated to write in characters and to read distinctly and audibly in the hearing of all the people, what was propounded and accorded on, that it might appear that all consented to matters propounded according to words written by him.

Quære 1. Whether the Scriptures doe holde fourth a perfect rule for the direction and government of all men in all duties which they are to perform to GOD and men as well in the government of familyes and commonwealths as in matters of the church?

This was assented unto by all, no man dissenting, as was expressed by holding up of hands. Afterwards it was read over to them, that they might see in what wordes their vote was expressed: They againe expressed their consent thereto, by holding up their hands, no man dissenting.

Quære 2. Whereas there was a covenant sollemnely made by the whole assembly of free planters of this plantation, the first day of extraordinary humiliation that we had after we came together, that as in matters that concern the gathering and ordering of a church, so likewise in all publique offices, which concern civil order, as choyce of magistrates, and officers, making and repealing of laws, deviding allotments of inheritances, and all things of like nature we would all of us be ordered by those rules which the scripture holds forth to us. This covenant was called a plantation covenant to distinguish it from a church covenant, which could not at that time be made, a church not being then gathered, but was deferred till a church might be gathered according to GOD. It was demanded whether all the free planters doe holde themselves bound by that covenant in all businesses of that nature which are expressed in the covenant, to submit themselves to be ordered by the rules which are held forth in the scripture.

This also was assented unto by all, and no man gainsaid it, and they did testify the same by holding up their hands, both when it was first propounded, and afterwards confirmed the same by holding up their hands when it was read unto them in publique. John Clark being absent when the covenant was made doth now manifest his consent to it. Also Richard Beach, Andrew Low, Goodman Bamster, Arthur Halbidge, John Potter, Richard Hill, John Brockett, and John Johnson, these persons being not admitted planters when the covenant was made doth now expresse their consent to it.

Quære 3. Those who have desired to be received as free planters and are settled in the plantation with a purposed resolution

and desire that they may be admitted into church fellowship, according to Christ, as soon as GOD shall fitt them thereunto, were desired to expresse it by holding up of hands, accordingly all did express this to be their desire, and purpose by holding up their hands twice, (viz) both at the proposal of it, and after when these written words were read unto them

Quere 4. All the free planters were called upon to express whether they held themselves bound to estblish such civil order as might best conduce to the securing the purity and peace of the ordinances to themselves and their pesterity according to GOD. In answer hereunto they expressed by holding up their hands twice as before. That they helde themselves bound to establish such civil order as might best conduce to the ends aforesaid.

Then Mr. Davenport declared unto them by the scriptures what kind of persons might best be trusted with matters of government, and by sundry arguments from scripture proved that such as were described Ex. 18. 1. Deut. 1. 13. with Deut. 19. 15. and 1 Cor. 6. 1 to 7, ought to be entrusted by them, seeing they were free to cast themselves into that mould and forme of commonwealth which appeareth best for them in reference to the securing the pure and peaceable enjoyment of all Christ his ordinances in the church according to GOD, whereunto they have bound themselves as hath been acknowledged. Having said this he sat down, praying the company freely to consider whether they would have it voted at this time or not. After some space of silence Mr. Theophilus Eaton answered it might be voted, and some others also spake to the same purpose, none at all opposing it. Then it was propounded to vote.

Quere 5. Whether free Burgesses shall be chosen out of Church members, they that are in the foundation work of the church being actually free burgesses, and to chuse to themselves out of the like estate of church fellowship, and the power of chusing magistrates and officers from among themselves and the power of making and repealing laws according to the word, and the dividing of inheritances, and the deciding differences that may arise, and all the businesses of like nature are to be transacted by those free burgesses.

This, (viz. Quere 5.) was put to vote, and agreed unto by the lifting up of hands twice, as in the former cases it was done. Then one man stood up after the vote was past, and expressing his dissenting from the rest, in that yet granting, 1. That magistrates should be men fearing GOD, 2. That the Church is the company whence ordinarily such men may be expected. 3. That they that chuse them ought to be men fearing GOD, onely at this he stucke, That free planters ought not to give the power out of their hands.

Another stood up and answered that in this case nothing was done but with their consent. The former answered that all the

tree planters ought to resume this power into their own hands again if things were not orderly carried. Mr. Theophilus Eaton answered that in all places they chuse committees. In like manner the companys of London chuse the liverys, by whom the publique magistrates are chosen. In this the rest are not wronged; because they expect to be of the livery themselves, and to have the same power. Some others intreated the former to give his arguments and reasons whereupon he dissented. He refused to doe it, and said they might not rationally demaund it, seeing he let the vote pass on freely, and did not speak till after it was past because he would not hinder what they agreed upon. Then Mr. Davenport, after a short relation of some former passages between them two about this question, prayed the company that nothing might be concluded by them in this weighty question but what themselves were persuaded to be agreeing with the minde of GOD, and they had heard what had been sayd since the vote, intreated them agayne to consider of it and agayne to put it to vote as before. Agayne all of them, by holding up their hands, did shew their consent as before. And some of them professed, that whereas they did waver before they came to the assembly, they were now fully convinced, that it is the minde of GOD. One of them said that in the morning before he came, reading Deuteronomy 17. 15. he was convinced at home. Another said that he came doubting to the assembly, but he blessed GOD, by what had beene said he was now fully satisfied that the choyce of burgeses out of Church members and to intrust these with the power before spoken of, is according to the minde of GOD revealed in the scripture. All having spoken their apprehensions it was agreed upon, and Mr. Robert Newman was desired to write it as an order whereunto every one that hereafter should be admitted here as planters should submit, and testify the same by subscribing their names to the order, namely,

That Church Members only shall be free Burgesses, and that they only shall chuse magistrates and officers among themselves, to have the power of transacting all publique civil affairs of this plantation. of making and repealing laws, deviding of inheritances, deciding of differences that may arise, and doing all things or businesses of like nature.

This being settled as a fundamental article concerning civil government, Mr. Davenport propounded and proposed some things to consideration aboute the gatheringe of a Church. And to prevent the blemishing of the first beginnings of the worke, He advised that the names of such as were to be admitted might be publicly propounded, to the end that they who were most approved might be chosen; for the town being cast into several private meetings wherein they that dwelt nearest together gave their accounts one to another of GOD's gracious work upon them, and prayed together, and conferred to their mutual edification, sum-

dry of them had knowledge one of another, and in every meeting some one was more approved of all than any other, - For this reason, and to prevent scandalls, the whole company was intreated to consider whom they found fittest to nominate for this worke.

Quere 6. Whether are you all willing and do agree in this, that twelve men be chosen, that their fitness for the foundation work may be tried, however there may be more named, yet it may be in their power who are chosen to reduce them to twelve and it be in the power of those twelve to chuse out of themselves 7, that shall be most approved of the major part to begin the church.

This was agreed upon by consent of all, as was expressed by holding up of hands, and that so many as should be thought fit for the foundation work of a church shall be propounded by the plantation and written down, and passe without exception, unlesse they had given public scandal or offence, yet so as in case of publique scandall and offence, every one should have liberty to propound their exceptions at that time publicly against any man that should be nominated when all the names should be writ down, but if the offence were private, that men's names might be tendered, so many as were offended, were intreated to deal with the offender privately. And if he gave not satisfaction to bring the matter to the twelve that they might consider of it impartially and in the feare of GOD. The names of the persons named and agreed upon were Mr. T. Eaton, Mr J. Davenport, Robert Newman, Matthew Gibb, Richard Malthie, Nahaniel Turner, Thomas Fugill, John Punderson, William Andrews, John Dixon. No exception was brought against any of these in public, except one about taking an excessive rate for meal that he had sold to one of Pequonnock in his neede, which he confessed with grief, and declared that having been smitten in heart, and troubled in his conscience, he offered such a part of the price back again, with confession of his sin to the party, as he thought himself bound to do. And it being feared that the report of the sin was heard further than the report of his satisfaction, a course was concluded on to make the satisfaction to as many as heard of the sin. It was also agreed upon at the said meetinge, that if the persons above named did find themselves straitened in the number of fit men for the 7, that it should be free for them to take into tryal of fitnessse such other as they should think meete. Provided that it should be signified to the town upon the Lord's day who they so take in, that every man may be satisfied of them, according to the course formerly taken.

[ The foregoing was subscribed and signed by one hundred and eleven persons. ]











