

American Colonial Documents



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The First Charter of Virginia

April 10, 1606

JAMES, by the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c. WHEREAS our loving and well-disposed Subjects, Sir Thomas Gates, and Sir George Somers, Knights, Richard Hackluit, Clerk, Prebendary of Westminster, and Edward-Maria Wingfield, Thomas Hanham, and Raleigh Gilbert, Esqrs. William Parker, and George Popham, Gentlemen, and divers others of our loving Subjects, have been humble Suitors unto us, that We would vouchsafe unto them our Licence, to make Habitation, Plantation, and to deduce a colony of sundry of our people into that part of America commonly called VIRGINIA, and other parts and Territories in America, either appertaining unto us, or which are not now actually possessed by any Christian Prince or People, situate, lying, and being all along the Sea Coasts, between four and thirty Degrees of Northerly Latitude from the Equinoctial Line, and five and forty Degrees of the same Latitude, and in the main Land between the same four and thirty and five and forty Degrees, and the Islands thereunto adjacent, or within one hundred Miles of the Coast thereof;

And to that End, and for the more speedy Accomplishment of their said intended Plantation and Habitation there, are desirous to divide themselves into two several Colonies and Companies; the one consisting of certain Knights, Gentlemen, Merchants, and other Adventurers, of our City of London and elsewhere, which are, and from time to time shall be, joined unto them, which do desire to begin their Plantation and Habitation in some fit and convenient Place, between four and thirty and one and forty Degrees of the said Latitude, amongst the Coasts of Virginia, and the Coasts of America aforesaid: And the other consisting of sundry Knights, Gentlemen, Merchants, and other Adventurers, of our Cities of Bristol and Exeter, and of our Town of Plimouth, and of other Places, which do join themselves unto that Colony, which do desire to begin their Plantation and Habitation in some fit and convenient Place, between eight and thirty Degrees and five and forty Degrees of the said Latitude, all amongst the said Coasts of Virginia and America, as that Coast lyeth:

We, greatly commending, and graciously accepting of, their Desires for the Furtherance of so noble a Work, which may, by the Providence of Almighty God, hereafter tend to the Glory of his Divine Majesty, in propagating of Christian Religion to such People, as yet live in Darkness and miserable Ignorance of the true Knowledge and Worship of God, and may in time bring the Infidels and Savages, living in those parts, to human Civility, and to a settled and quiet Government: DO, by these our Letters Patents, graciously accept of, and agree to, their humble and well-intended Desires;

And do therefore, for Us, our Heirs, and Successors, GRANT and agree, that the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, and Edward-Maria Wingfield, Adventurers of and for our City of London, and all such others, as are, or shall be, joined unto them of that Colony, shall be called the first Colony; And they shall and may begin their said first Plantation and Habitation, at any Place upon the said Coast of Virginia or America, where they shall think fit and convenient, between the said four and thirty and one and forty Degrees of the said Latitude; And that they shall have all the Lands, Woods, Soil, Grounds, Havens, Ports, Rivers, Mines, Minerals, Marshes, Waters,

Fishings, Commodities, and Hereditaments, whatsoever, from the said first Seat of their Plantation and Habitation by the Space of fifty Miles of English Statute Measure, all along the said Coast of Virginia and America, towards the West and Southwest, as the Coast lyeth, with all the Islands within one hundred Miles directly over against the same Sea Coast; And also all the Lands, Soil, Grounds, Havens, Ports, Rivers, Mines, Minerals, Woods, Waters, Marshes, Fishings, Commodities, and Hereditaments, whatsoever, from the said Place of their first Plantation and Habitation for the space of fifty like English Miles, all amongst the said Coasts of Virginia and America, towards the East and Northeast, or towards the North, as the Coast lyeth, together with all the Islands within one hundred Miles, directly over against the said Sea Coast; And also all the Lands, Woods, Soil, Grounds, Havens, Ports, Rivers, Mines, Minerals, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the same fifty Miles every way on the Sea Coast, directly into the main Land by the Space of one hundred like English Miles; And shall and may inhabit and remain there; and shall and may also build and fortify within any the same, for their better Safeguard and Defence, according to their best Discretion, and the Discretion of the Council of that Colony; And that no other of our Subjects shall be permitted, or suffered, to plant or inhabit behind, or on the Backside of them, towards the main Land, without the Express License or Consent of the Council of that Colony, thereunto in Writing first had and obtained.

And we do likewise, for Us, our Heirs, and Successors, by these Presents, GRANT and agree, that the said Thomas Hanham, and Raleigh Gilbert, William Parker, and George Popham, and all others of the Town of Plimouth in the County of Devon, or elsewhere, which are, or shall be, joined unto them of that Colony, shall be called the second Colony; And that they shall and may begin their said Plantation and Seat of their first Abode and Habitation, at any Place upon the said Coast of Virginia and America, where they shall think fit and convenient, between eight and thirty Degrees of the said Latitude, and five and forty Degrees of the same Latitude; And that they shall have all the Lands, Soils, Grounds, Havens, Ports, Rivers, Mines, Minerals, Woods, Marshes, Waters, Fishings, Commodities and Hereditaments, whatsoever, from the first Seat of their Plantation and Habitation by the Space of fifty like English Miles, as is aforesaid, all amongst the said Coasts of Virginia and America, towards the West and Southwest, or towards the South, as the Coast lyeth, and all the Islands within one hundred Miles, directly over against the said Sea Coast; And also all the Lands, Soils, Grounds, Havens, Ports, Rivers, Mines, Minerals, Woods, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the said Place of their first Plantation and Habitation for the Space of fifty like Miles, all amongst the said Coast of Virginia and America, towards the East and Northeast, or towards the North, as the Coast lyeth, and all the Islands also within one hundred Miles directly over against the same Sea Coast; And also all the Lands, Soils, Grounds, Havens, Ports, Rivers, Woods, Mines, Minerals, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the same fifty Miles every way on the Sea Coast, directly into the main Land, by the Space of one hundred like English Miles; And shall and may inhabit and remain there; and shall and may also build and fortify within any the same for their better Safeguard, according to their best Discretion, and the Discretion of the Council of that Colony; And that none of our Subjects shall be permitted, or suffered, to plant or inhabit behind, or on the back of them, towards the main Land, without express Licence of the Council of that Colony, in Writing thereunto first had and obtained.

Provided always, and our Will and Pleasure herein is, that the Plantation and Habitation of such of the said Colonies, as shall last plant themselves, as aforesaid, shall not be made within one hundred like English Miles of the other of them, that first began to make their Plantation, as aforesaid.

And we do also ordain, establish, and agree, for Us, our Heirs, and Successors, that each of the said Colonies shall have a Council, which shall govern and order all Matters and Causes, which shall arise, grow, or happen, to or within the same several Colonies, according to such Laws, Ordinances, and Instructions, as shall be, in that behalf, given and signed with Our Hand or Sign Manual, and pass under the Privy Seal of our Realm of England; Each of which Councils shall consist of thirteen Persons, to be ordained, made, and removed, from time to time, according as shall be directed and comprised in the same instructions; And shall have a several Seal, for all Matters, that shall pass or concern the same several Councils; Each of which Seals, shall have the King's Arms engraven on the one Side thereof, and his Portraiture on the other; And that the Seal for the Council of the said first Colony shall have engraven round about, on the one Side, these Words; *Sigillum Regis Magnae Britanniae, Franciae, & Hiberniae*; on the other Side this Inscription round about; *Pro Concilio primae Coloniae Virginiae*. And the Seal for the Council of the said second Colony shall also have engraven, round about the one Side thereof, the aforesaid Words; *Sigillum Regis Magnae Britanniae, Franciae, & Hiberniae*; and on the other Side; *Pro Concilio secundae Coloniae Virginiae*:

And that also there shall be a Council, established here in England, which shall, in like manner, consist of thirteen Persons, to be, for that Purpose, appointed by Us, our Heirs and Successors, which shall be called our Council of Virginia; And shall, from time to time, have the superior Managing and Direction, only of and for all Matters that shall or may concern the Government, as well of the said several Colonies, as of and for any other Part or Place, within the aforesaid Precincts of four and thirty and five and forty Degrees abovementioned; Which Council shall, in like manner, have a Seal, for Matters concerning the Council or Colonies, with the like Arms and Portraiture, as aforesaid, with this inscription, engraven round about on the one Side; *Sigillum Regis Magnae Britanniae, Franciae, & Hiberniae*; and round about on the other Side, *Pro Concilio suo Virginiae*.

And moreover, we do GRANT and agree, for Us, our Heirs and Successors; that the said several Councils of and for the said several Colonies, shall and lawfully may, by Virtue hereof, from time to time, without any Interruption of Us, our Heirs or Successors, give and take Order, to dig, mine, and search for all Manner of Mines of Gold, Silver, and Copper, as well within any Part of their said several Colonies, as of the said main Lands on the Backside of the same Colonies; And to HAVE and enjoy the Gold, Silver, and Copper, to be gotten thereof, to the Use and Behoof of the same Colonies, and the Plantations thereof; YIELDING therefore to Us, our Heirs and Successors, the fifth Part only of all the same Gold and Silver, and the fifteenth Part of all the same Copper, so to be gotten or had, as is aforesaid, without any other Manner of Profit or Account, to be given or yielded to Us, our Heirs, or Successors, for or in Respect of the same:

And that they shall, or lawfully may, establish and cause to be made a Coin, to pass current there between the people of those several Colonies, for the more Ease of Traffick and Bargaining between and amongst them and the Natives there, of such Metal, and in such Manner and Form, as the said several Councils there shall limit and appoint.

And we do likewise, for Us, our Heirs, and Successors, by these Presents, give full Power and Authority to the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, Edward-Maria Wingfield, Thomas Hanham, Raleigh Gilbert, William Parker, and George Popham, and to every of them, and to the said several Companies, Plantations, and Colonies, that they, and every of them, shall and may, at all and every time and times hereafter, have, take, and lead in the said Voyage, and for and towards the said several Plantations, and Colonies, and to travel thitherward, and to abide and inhabit there, in every the said Colonies and Plantations, such and so many of our Subjects, as shall willingly accompany them or any of them, in the said Voyages and Plantations; With sufficient Shipping, and Furniture of Armour, Weapons, Ordinance, Powder, Victual, and all other things, necessary for the said Plantations, and for their Use and Defence there: PROVIDED always, that none of the said Persons be such, as shall hereafter be specially restrained by Us, our Heirs, or Successors.

Moreover, we do, by these Presents, for Us, our Heirs, and Successors, GIVE AND GRANT Licence unto the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, Edward-Maria Wingfield, Thomas Hanham, Raleigh Gilbert, William Parker, and George Popham, and to every of the said Colonies, that they, and every of them, shall and may, from time to time, and at all times forever hereafter, for their several Defences, encounter, expulse, repel, and resist, as well by Sea as by Land, by all Ways and Means whatsoever, all and every such Person or Persons, as without the especial Licence of the said several Colonies and Plantations, shall attempt to inhabit within the said several Precincts and Limits of the said several Colonies and Plantations, or any of them, or that shall enterprise or attempt, at any time hereafter, the Hurt, Detriment, or Annoyance, of the said several Colonies or Plantations:

Giving and granting, by these Presents, unto the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, Edward-Maria Wingfield, Thomas Hanham, Raleigh Gilbert, William Parker, and George Popham, and their Associates of the said second Colony, and to every of them, from time to time, and at all times for ever hereafter, Power and Authority to take and surprise, by all Ways and Means whatsoever, all and every Person and Persons, with their Ships, Vessels, Goods, and other Furniture, which shall be found trafficking, into any Harbour or Harbours, Creek or Creeks, or Place, within the Limits or Precincts of the said several Colonies and Plantations, not being of the same Colony, until such time, as they, being of any Realms, or Dominions under our Obedience, shall pay, or agree to pay, to the Hands of the Treasurer of that Colony, within whose Limits and Precincts they shall so traffick, two and a half upon every Hundred, of any thing so by them trafficked, bought, or sold; And being Strangers, and not Subjects under our Obedience, until they shall pay five upon every Hundred, of such Wares and Merchandises, as they shall traffick, buy, or sell, within the Precincts of the said several Colonies, wherein they shall so traffick, buy, or sell, as aforesaid; WHICH Sums of Money, or Benefit, as aforesaid, for and during the Space of one and twenty Years, next ensuing the Date hereof, shall be wholly employed to the Use, Benefit, and Behoof of the said several Plantations, where such Traffick shall be made; And after the said one and twenty Years ended, the same shall be taken to the Use of Us, our Heires, and Successors, by such Officers and Ministers as by Us, our Heirs, and Successors, shall be thereunto assigned or appointed.

And we do further, by these Presents, for Us, our Heirs and Successors, GIVE AND GRANT unto the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, and Edward-Maria Wingfield, and to their Associates of the said first Colony and Plantation, and to the said Thomas Hanham, Raleigh Gilbert, William Parker, and George Popham, and their Associates of the said second Colony and Plantation, that they, and every of them, by their Deputies, Ministers, and Factors, may transport the Goods, Chattels, Armour, Munition, and Furniture, needful to be used by them, for their said Apparel, Food, Defence, or otherwise in Respect of the said Plantations, out of our Realms of England and Ireland, and all other our Dominions, from time to time, for and during the Time of seven Years, next ensuing the Date hereof, for the better Relief of the said several Colonies and Plantations, without any Customs, Subsidy, or other Duty, unto Us, our Heirs, or Successors, to be yielded or payed for the same.

Also we do, for Us, our Heirs, and Successors, DECLARE, by these Presents, that all and every the Persons being our Subjects, which shall dwell and inhabit within every or any of the said several Colonies and Plantations, and every of their children, which shall happen to be born within any of the Limits and Precincts of the said several Colonies and Plantations, shall HAVE and enjoy all Liberties, Franchises, and Immunities, within any of our other Dominions, to all Intents and Purposes, as if they had been abiding and born, within this our Realm of England, or any other of our said Dominions.

Moreover, our gracious Will and Pleasure is, and we do, by these Presents, for Us, our Heirs, and Successors, declare and set forth, that if any Person or Persons, which shall be of any of the said Colonies and Plantations, or any other, which shall traffick to the said Colonies and Plantations, or any of them, shall, at any time or times hereafter, transport any Wares, Merchandises, or Commodities, out of any of our Dominions, with a Pretence to land, sell, or otherwise dispose of the same, within any the Limits and Precincts of any of the said Colonies and Plantations, and yet nevertheless, being at Sea, or after he hath landed the same within any of the said Colonies and Plantations, shall carry the same into any other Foreign Country, with a Purpose there to sell or dispose of the same, without the Licence of Us, our Heirs, and Successors, in that Behalf first had and obtained; That then, all the Goods and Chattels of such Person or Persons, so offending and transporting, together with the said Ship or Vessel, wherein such Transportation was made, shall be forfeited to Us, our Heirs, and Successors.

Provided always, and our Will and Pleasure is, and we do hereby declare to all Christian Kings, Princes, and States, that if any Person or Persons which shall hereafter be of any of the said several Colonies and Plantations, or any other, by his, their, or any of their Licence and Appointment, shall, at any Time or Times hereafter, rob or spoil, by Sea or Land, or do any Act of unjust and unlawful Hostility to any the Subjects of Us, our Heirs, or Successors, or any the Subjects of any King, Prince, Ruler, Governor, or State, being then in League or Amitie with Us, our Heirs, or Successors, and that upon such Injury, or upon just Complaint of such Prince, Ruler, Governor, or State, or their Subjects, We, our Heirs, or Successors, shall make open Proclamation, within any of the Ports of our Realm of England, commodious for that purpose, That the said Person or Persons, having committed any such robbery, or Spoil, shall, within the term to be limited by such Proclamations, make full Restitution or Satisfaction of all such Injuries done, so as the said Princes, or others so

complaining, may hold themselves fully satisfied and contented; And, that if the said Person or Persons, having committed such Robbery or Spoil, shall not make, or cause to be made Satisfaction accordingly, within such Time so to be limited, That then it shall be lawful to Us, our Heirs, and Successors, to put the said Person or Persons, having committed such Robbery or Spoil, and their Procurers, Abettors, and Comforters, out of our Allegiance and Protection; And that it shall be lawful and free, for all Princes, and others to pursue with hostility the said offenders, and every of them, and their and every of their Procurers, aiders, abettors, and comforters, in that behalf.

And finally, we do for Us, our Heirs, and Successors, GRANT and agree, to and with the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, Edward-Maria Wingfield, and all others of the said first colony, that We, our Heirs and Successors, upon Petition in that Behalf to be made, shall, by Letters Patent under the Great Seal of England, GIVE and GRANT, unto such Persons, their Heirs and Assigns, as the Council of that Colony, or the most part of them, shall, for that Purpose nominate and assign all the lands, Tenements, and Hereditaments, which shall be within the Precincts limited for that Colony, as is aforesaid, TO BE HOLDEN of Us, our heirs and Successors, as of our Manor at East-Greenwich, in the County of Kent, in free and common Soccage only, and not in Capite:

And do in like Manner, Grant and Agree, for Us, our Heirs and Successors, to and with the said Thomas Hanham, Raleigh Gilbert, William Parker, and George Popham, and all others of the said second Colony, That We, our Heirs, and Successors, upon Petition in that Behalf to be made, shall, by Letters-Patent, under the Great Seal of England, GIVE and GRANT, unto such Persons, their Heirs and Assigns, as the Council of that Colony, or the most Part of them, shall for that Purpose nominate and assign, all the Lands, Tenements, and Hereditaments, which shall be within the Precincts limited for that Colony, as is aforesaid, to BE HOLDEN of Us, our Heirs and Successors, as of our Manor of East-Greenwich, in the County of Kent, in free and common Soccage only, and not in Capite.

All which Lands, Tenements, and Hereditaments, so to be passed by the said several Letters-Patent, shall be sufficient Assurance from the said Patentees, so distributed and divided amongst the Undertakers for the Plantation of the said several Colonies, and such as shall make their Plantations in either of the said several Colonies, in such Manner and Form, and for such Estates, as shall be ordered and set down by the Council of the said Colony, or the most part of them, respectively, within which the same Lands, Tenements, and Hereditaments shall lye or be; Although express Mention of the true yearly Value or Certainty of the Premises, or any of them, or of any other Gifts or Grants, by Us or any of our Progenitors or Predecessors, to the aforesaid Sir Thomas Gates, Knt. Sir George Somers, Knt. Richard Hackluit, Edward-Maria Wingfield, Thomas Hanham, Raleigh Gilbert, William Parker, and George Popham, or any of them, heretofore made, in these Presents, is not made; Or any Statute, Act, Ordinance, or Provision, Proclamation, or Restraint, to the contrary hereof had, made, ordained, or any other Thing, Cause, or Matter whatsoever, in any wise notwithstanding. IN WITNESS whereof, we have caused these our Letters to be made Patent; Witness Ourself at Westminster, the tenth Day of April, in the fourth Year of our Reign of England, France, and Ireland, and of Scotland the nine and thirtieth.

Ordinances for Virginia

(November 28, 1618)

July 24, 1621

TO all People, to whom these Presents shall come, be seen, or heard, The Treasurer, Council, and Company of Adventurers and Planters for the City of London for the first Colony of Virginia, send Greeting. KNOW YE, that we, the said Treasurer, Council, and Company, taking into our careful Consideration the present State of the said Colony of Virginia, and intending, by the Divine Assistance, to settle such a Form of Government there, as may be to the greatest Benefit and Comfort of the People, and whereby all Injustice, Grievances, and Oppression may be prevented and kept off as much as possible from the said Colony, have thought fit to make our Entrance, by ordering and establishing such Supreme Councils, as may not only be assisting to the Governor for the time being, in the Administration of Justice, and the executing of other Duties to this office belonging, but also, by their vigilant care and Prudence, may provide, as well for a Remedy of all Inconveniences, growing from time to time, as also for advancing of Increase, Strength, Stability, and Prosperity of the said Colony:

II. WE therefore, the said Treasurer, Council, and Company, by Authority directed to us from his Majesty under the Great Seal, upon mature Deliberation, do hereby order and declare, that, from hence forward, there shall be TWO SUPREME COUNCILS in Virginia, for the better Government of the said Colony aforesaid.

III. THE one of which Councils, to be called THE COUNCIL OF STATE (and whose Office shall chiefly be assisting, with their Care, Advise, and Circumspection, to the said Governor) shall be chosen, nominated, placed and displaced, from time to time, by Us, the said Treasurer, Council, and Company, and our Successors: Which Council of State shall consist, for the present, only of these Persons, as are here inserted, viz. Sir Francis Wyat, Governor of Virginia, Captain Francis West, Sir George Yeardley, Knight, Sir William Neuce, Knight Marshal of Virginia, Mr. George Sandys, Treasurer, Mr. George Thorpe, Deputy of the College, Captain Thomas Neuce, Deputy for the Company, Mr. Pawlet, Mr. Leech, Captain Nathaniel Powel, Mr. Christopher Davison, Secretary, Doctor Pots, Physician to the Company, Mr. Roger Smith, Mr. John Berkeley, Mr. John Rolfe, Mr. Ralph Hamer, Mr. John Pountis, Mr. Michael Lapworth, Mr. Harwood, Mr. Samuel Macock. Which said Counsellors and council we earnestly pray and desire, and in his Majesty's Name strictly charge and command, that (all Factions, Partialities, and sinister Respect laid aside) they bend their Care and Endeavours to assist the said Governor; first and principally, in the Advancement of the Honour and Service of God, and the Enlargement of his Kingdom amongst the Heathen People; and next, in erecting of the said Colony in due obedience to his Majesty, and all lawful Authority from his Majesty's Directions; and lastly, in maintaining the said People in Justice and Christian Conversation amongst themselves, and in Strength and Ability to withstand their Enemies. And this Council, to be always, or for the most Part, residing about or near the Governor.

IV. THE other Council, more generally to be called by the Governor, once yearly, and no oftener, but for very extraordinary and important occasions, shall consist, for the present, of the said

Council of State, and of two Burgesses out of every Town, Hundred, or other particular Plantation, to be respectively chosen by the Inhabitants: Which Council shall be called THE GENERAL ASSEMBLY, wherein (as also in the said Council of State) all Matters shall be decided, determined, and ordered, by the greater Part of the Voices then present; reserving to the Governor always a Negative Voice. And this General Assembly shall have free Power to treat, consult, and conclude, as well of all emergent Occasions concerning the Publick Weal of the said Colony and every Part thereof, as also to make, ordain, and enact such general Laws and Orders, for the Behoof of the said Colony, and the good Government thereof, as shall, from time to time, appear necessary or requisite;

V. WHEREAS in all other Things, we require the said General Assembly, as also the said Council of State, to imitate and follow the Policy of the Form of Government, Laws, Customs, and Manner of Trial, and other Administration of Justice, used in the Realm of England, as near as may be, even as ourselves, by his Majesty's Letters Patent, are required.

VI. PROVIDED, that no Law or Ordinance, made in the said General Assembly, shall be or continue in Force or Validity, unless the same shall be solemnly ratified and confirmed, in a General Quarter Court of the said Company here in England and so ratified, be returned to them under our Seal; It being our Intent to afford the like Measure also unto the said Colony, that after the Government of the said Colony shall once have been well framed, and settled accordingly, which is to be done by Us, as by Authority derived from his Majesty, and the same shall have been so by us declared, no Orders of Court afterwards shall bind the said Colony, unless they be ratified in like Manner in the General Assemblies. IN WITNESS whereof we have hereunto set our Common Seal, the 24th of July 1621, and in the Year of the Reign of our sovereign Lord, JAMES, King of England, &c., the *** and of Scotland the ***

Mayflower Compact

November 11, 1620

IN THE NAME OF GOD, AMEN. We, whose names are underwritten, the Loyal Subjects of our dread Sovereign Lord King James, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. Having undertaken for the Glory of God, and Advancement of the Christian Faith, and the Honour of our King and Country, a Voyage to plant the first Colony in the northern Parts of Virginia; Do by these Presents, solemnly and mutually, in the Presence of God and one another, covenant and combine ourselves together into a civil Body Politick, for our better Ordering and Preservation, and Furtherance of the Ends aforesaid: And by Virtue hereof do enact, constitute, and frame, such just and equal Laws, Ordinances, Acts, Constitutions, and Officers, from time to time, as shall be thought most meet and convenient for the general Good of the Colony; unto which we promise all due Submission and Obedience. IN WITNESS whereof we have hereunto subscribed our names at Cape-Cod the eleventh of November, in the Reign of our Sovereign Lord King James, of England, France, and Ireland, the eighteenth, and of Scotland, the fifty-fourth, Anno Domini, 1620.

Mr. John Carver,
Mr. William Bradford,
Mr. Edward Winslow,
Mr. William Brewster,
Isaac Allerton,
Myles Standish,
John Alden,
John Turner,
Francis Eaton,
James Chilton,
John Craxton,
John Billington,
Joses Fletcher,
John Goodman,

Mr. Samuel Fuller,
Mr. Christopher Martin,
Mr. William Mullins,
Mr. William White,
Mr. Richard Warren,
John Howland,
Mr. Steven Hopkins,
Digery Priest,
Thomas Williams,
Gilbert Winslow,
Edmund Margesson,
Peter Brown,
Richard Bitteridge,
George Soule,

Edward Tilly,
John Tilly,
Francis Cooke,
Thomas Rogers,
Thomas Tinker,
John Ridgdale,
Edward Fuller,
Richard Clark,
Richard Gardiner,
Mr. John Allerton,
Thomas English,
Edward Doten,
Edward Liester.

The Charter of Massachusetts Bay

March 4, 1629

[Original spelling]

CHARLES, BY THE GRACE OF GOD, Kinge of England, Scotland, Fraunce, and Ireland, Defendor of the Fayth, &c. To ALL to whome theis Presents shall come Greeting. WHEREAS, our most Deare and Royall Father, Kinge James, of blessed Memory, by his Highnes Letters-patents bearing Date at Westminster the third Day of November, in the eighteenth Yeare of his Raigne, HATH given and graunted vnto the Councell established at Plymouth, in the County of Devon, for the planting, ruling, ordering, and governing of Newe England in America, and to their Successors and Assignes for ever, all that Parte of America, lyeing and being in Breadth, from Forty Degrees of Northerly Latitude from the Equinoctiall Lyne, to forty eight Degrees of the saide Northerly Latitude inclusively, and in Length, of and within all the Breadth aforesaid, throughout the Maine Landes from Sea to Sea; together also with all the Firme Landes, Soyles, Groundes, Havens, Portes, Rivers, Waters, Fishing, Mynes, and Myneralls, as well Royall Mynes of Gould and Silver, as other Mynes and Myneralls, precious Stones, Quarries, and all and singular other Cornodities, Jurisdiccons, Royalties, Priviledges, Franchesies, and Prehemynences, both within the said Tract of Land vpon the Mayne, and also within the Islandes and Seas adjoining: PROVIDED alwayes, That the saide Islandes, or any the Premisses by the said Letters-patents intended and meant to be graunted, were not then actuallie possessed or inhabited, by any other Christian Prince or State, nor within the Boundes, Lymitts, or Territories of the Southerne Colony, then before graunted by our saide Deare Father, to be planted by divers of his loveing Subiects in the South Partes. TO HAVE and to houlde, possess, and enjoy all and singular the aforesaid Continent, Landes, Territories, Islandes, Hereditaments, and Precincts, Seas, Waters, Fishings, with all, and all manner their Comodities, Royalties, Liberties, Prehemynences, and Proffits that should from thenceforth arise from thence, with all and singuler their Appurtenances, and every Parte and Parcell thereof, vnto the saide Councell and their Successors and Assignes for ever, to the sole and proper Vse, Benefitt, and Behoofe of them the saide Councell, and their Successors and Asignes for ever: To be houlden of our saide most Deare and Royall Father, his Heires and Successors, as of his Mannor of East Greenwich in the County of Kent, in free and comon Soccage, and not in Capite nor by Knight's Service: YEILDINGE and paying therefore to the saide late Kinge, his heires and Successors, the fite Parte of the Oare of Gould and Silver, which should from tyme to tyme, and at all Tymes then after happen to be found, gotten, had and obteyned in, att, or within any of the saide Landes, Lymitts, Territories, and Precincts, or in or within any Parte or Parcell thereof, for or in Respect of all and all Manner of Duties, Demaunds anr Services whatsoever, to be don, made, or paide to our saide Dear Father the late Kinge his Heires and Successors, as in and by the saide Letters-patents (amongst sundrie and other Clauses, Powers, Priviledges, and Grauntes therein conteyned), more at large appeareth:

AND WHEREAS, the saide Councell established at Plymouth, in the County of Devon, for the plantinge, ruling, ordering, and governing of Newe England in America, have by their Deede, indented vnder their Comon Seale, bearing Date the nyneteenth Day of March last past, in the third Yeare of our Raigne, given, graunted, bargained, sould, enfeoffed, aliened, and confirmed to Sir

Henry Rosewell, Sir John Young, Knightes, Thomas Southcott, John Humphrey, John Endecott, and Symon Whetcombe, their Heires and Assignes, and their Associats for ever, all that Parte of Newe England in America aforesaid, which lyes and extendes betweene a greate River there comonlie called Monomack alias Merriemack, and a certen other River there, called Charles River, being in the Bottome of a certayne Bay there, comonlie called Massachusetts, alias Mattachusetts, alias Massatusetts Bay, and also all and singuler those Landes and Hereditaments whatsoever, lyeing within the Space of three English Myles on the South Parte of the said Charles River, or of any, or everie Parte thereof; and also, all and singuler the Landes and Hereditaments whatsoever, lyeing and being within the Space of three English Myles to the Southward of the Southermost Parte of the saide Bay called Massachusetts, alias Mattachusetts, alias Massatusetts Bay; and also, all those Landes and Hereditaments whatsoever, which lye, and be within the space of three English Myles to the Northward of the said River called Monomack, alias Merrymack, or to the Northward of any and every Parte thereof, and all Landes and Hereditaments whatsoever, lyeing within the Lymitts aforesaide, North and South in Latitude and bredth, and in Length and Longitude, of and within all the Bredth aforesaide, throughout the Mayne Landes there, from the Atlantick and Westernne Sea and Ocean on the East Parte, to the South Sea on the West Parte; and all Landes and Groundes, Place and Places, Soyles, Woodes and Wood Groundes, Havens, Portes, Rivers, Waters, Fishings, and Hereditaments whatsoever, lyeing within the said Boundes and Lymitts, and everie Parte and Parcell thereof; and also all Islandes lyeing in America aforesaide, in the saide Seas or either of them on the Westernne or Eastern Coastes or Partes of the said Tractes of Lande by the saide Indenture mencoed to be given, graunted, bargained, sould, enfeoffed, aliened, and confirmed, or any of them; and also, all Mynes and Myneralls, as well Royall Mynes of Gould and Silver, as other Mynes and Myneralls whatsoever, in the saide Lands and Premisses, or any Parte thereof; and all Jurisdiccons, Rights, Royalties, Liberties, Freedomes, Ymmunities, Priviledges, Franchises, Preheminences, and Comodities whatsoever, which they, the said Councill established at Plymouth, in the County of Devon, for the planting, ruling, ordering, and governing of Newe England in America, then had, or might vse, exercise, or enjoy, in or within the saide Landes and Premisses by the saide Indenture mencoed to be given, graunted, bargained, sould, enfeoffed, and confirmed, or in or within any Parte or Parcell thereof:

TO HAVE and to hould, the saide Parte of Newe England in America, which lyes and extendes and is abutted as aforesaide, and every Parte and Parcell thereof; and all the saide Islandes, Rivers, Portes, Havens, Waters, Fishings, Mynes, and Myneralls, Jurisdiccons, Franchises, Royalties, Liberties, Priviledges, Comodities, Hereditaments, and Premisses whatsoever, with the Appurtenances vnto the saide Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, their Heires and Assignes, and their Associatts, to the onlie proper and absolute vse and Behoofe of the said Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whettcombe, their Heires and Assignes, and their Associatts forevermore; TO BE HOULDEN of Us, our Heires and Successors, as of our Mannor of Eastgreenwich, in the County of Kent, in free and comon Soccage, and not in Capite, nor by Knightes Service; YEILDING and payeing therefore vnto Vs, our Heires and Successors, the fifte Parte of the Oare of Goulde and Silver, which shall from Tyme to Tyme, and at all Tymes hereafter, happen to be founde, gotten, had, and obteyned in any of the saide Landes, within the saide Lymitts, or in or within any Parte thereof, for, and in Satisfaccon of all manner

Duties, Demaundes and Services whatsoever to be donn, made, or paid to Vs, our Heires or Successors, as in and by the said recited Indenture more at large maie appeare.

NOWE Knoew Ye, that Wee, at the humble Suite and Peticon of the saide Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, and of others whome they have associated vnto them, HAVE, for divers good Causes and consideracons, vs moveing, graunted and confirmed, and by theis Presents of our especiall Grace, certen Knowledge, and meere Mocon, doe graunt and confirme vnto the saide Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, and to their Associatts hereafter named; (videlicet) Sir Richard Saltonstall, Knight, Isaack Johnson, Samuel Aldersey, John Ven, Mathew Cradock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniell Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcrofte, their Heires and Assignes, all the saide Parte of Newe England in America, lyeing and extending betweene the Boundes and Lymytts in the said recited Indenture expressed, and all Landes and Groundes, Place and Places, Soyles, Woods and Wood Groundes, Havens, Portes, Rivers, Waters, Mynes, Mineralls, Jurisdiccons, Rightes, Royalties, Liberties, Freedomes, Immunities, Priviledges, Franchises, Preheminences, Hereditaments, and Comodities whatsoever, to them the saide Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, their Heires and Assignes, and to their Associatts, by the saide recited Indenture, given, graunted, bargayned, solde, enfeoffed, aliened, and confirmed, or mencoed, or intended thereby to be given, graunted, bargayned, sold, enfeoffed, aliened, and confirmed: TO HAVE, and to hould, the saide Parte of Newe England in America, and other the Premisses hereby mencoed to be graunted and confirmed, and every Parte and Parcell thereof with the Appurtennces, to the saide Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Isaack Johnson, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, Samuel Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Nowell, William Vassall, William Pinchion, and George Foxcrofte, their Heires and Assignes forever, to their onlie proper and absolute Vse and Behoofe for evermore; To be holden of Vs, our Heires and Successors, as of our Mannor of Eastgreenewich aforesaid, in free and comon Socage, and not in Capite, nor by Knights Service; AND ALSO YEILDING and paying therefore to Vs, our Heires and Successors, the fifte parte onlie of all Oare of Gould and Silver, which from tyme to tyme, and att all tymes hereafter shalbe there gotten, had, or obteyned, for all Services, Exaccons and Demaundes whatsoever, according to the Tenure and Reservacon in the said recited Indenture expressed.

AND FURTHER, knowe yee, that of our more especiall Grace, certen Knowledg, and meere mocon, Wee have given and graunted, and by theis Presents, doe for Vs, our Heires and Successors, give and graunte vnto the saide Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Isaack Johnson, Samuell Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Nowell, Richard Pery, Richard Bellingham, Nathaniel Wright, Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George

Foxcrofte, their Heires and Assignes, all that Parte of Newe England in America, which lyes and extendes betweene a great River there, comonlie called Monomack River, alias Merrimack River, and a certen other River there, called Charles River, being in the Bottome of a certen Bay there, comonlie called Massachusetts, alias Mattachusetts, alias Massatusetts Bay; and also all and singuler those Landes and Hereditaments whatsoever, lying within the Space of Three Englishe Myles on the South Parte of the said River, called Charles River, or of any or every Parte thereof; and also all and singuler the Landes and Hereditaments whatsoever, lying and being within the Space of Three Englishe Miles to the southward of the southenmost Parte of the said Baye, called Massachusetts, alias Mattachusetts, alias Massatusets Bay: And also all those Landes and Hereditaments whatsoever, which lye and be within the Space of Three English Myles to the Northward of the saide River, called Monomack, alias Merrymack, or to the Norward of any and every Partc thereof, and all Landes and Hereditaments whatsoever, lyeing within the Lymitts aforesaide, North and South, in Latitude and Bredth, and in Length and Longltude, of and within all the Bredth aforesaide, throughout the mayne Landes there, from the Atlantick and Westerne Sea and Ocean on the East Parte, to the South Sea on the West Parte; and all Landes and Groundes, Place and Places, Soyles, Woodes, and Wood Groundes, Havens, Portes, Rivers, Waters, and Hereditaments whatsoever, lyeing within the said Boundes and Lymytts, and every Parte and Parcell thereof; and also all Islandes in America aforesaide, in the saide Seas, or either of them, on the Westerne or Easterne Coastes, or Partes of the saide Tracts of Landes hereby mencoed to be given and graunted, or any of them; and all Mynes and Mynerals as well Royal mynes of Gold and Silver and other mynes and mynerals, whatsoever, in the said Landes and Premisses, or any parte thereof, and free Libertie of fishing in or within any the Rivers or Waters within the Boundes and Lymytts aforesaid, and the Seas therevnto adjoining; and all Fishes, Royal Fishes, Whales, Balan, Sturgions, and other Fishes of what Kinde or Nature soever, that shall at any time hereafter be taken in or within the saide Seas or Waters, or any of them, by the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Isaack Johnson, Samuel Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Noell, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuel Vassell, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne; Thomas Hutchins, William Vassall, William Pinchion, and George Foxcrofte, their Heires and Assignes, or by any other person or persons whatsoever there inhabiting, by them, or any of them, to be appointed to fishe therein.

PROVIDED always, That yf the said Landes, Islandes, or any other the Premisses herein before menconed, and by theis presents, intended and meant to be graunted, were at the tyrne of the graunting of the saide former Letters patents, dated the Third Day of November, in the Eighteenth Yeare of our said deare Fathers Raigne aforesaide, actuallie possessed or inhabited by any other Christian Prince or State, or were within the Boundes, Lymytts or Territories of that Southerne Colony, then before graunted by our said late Father, to be planted by divers of his loveing Subiects in the south partes of America, That then this present Graunt shall not extend to any such partes or parcells thereof, soe formerly inhabited, or lyeing within the Boundes of the Southerne Plantacon as aforesaide, but as to those partes or parcells soe possessed or inhabited by such Christian Prince or State, or being within the Bounders aforesaide, shal be vtterlie voyd, theis presents or any Thinge therein conteyned to the contrarie notwithstanding. TO HAVE and hould, possesse and enioye the saide partes of New England in America, which lye, extend, and are abutted as aforesaide, and every

parte and parcell thereof; and all the Islandes, Rivers, Portes, Havens, Waters, Fishings, Fishes, Mynes, Myneralls, Jurisdiccons, Franchises, Royalties, Liberties, Priviledges, Comodities, and Premisses whatsoever, vnto the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Isaack Johnson, Samuell Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniell Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcroft, their Heires and Assignes forever, to the onlie proper and absolute Vse and Behoufe of the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Isaac Johnson, Samuell Aldersey, John Ven, Mathewe Cradocke, George Harwood, Increase Nowell, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcroft, their Heires and Assignes forevermore: TO BE HOLDEN of Vs, our Heires and Successors, as of our Manor of Eastgreenwich in our Countie of Kent, within our Realme of England, in free and comon Soccage, and not in Capite, nor by Knights Service; and also yeilding and paying therefore, to Vs, our Heires and Successors, the fite Parte onlie of all Oare of Gould and Silver, which from tyme to tyme, and at all tymes hereafter, shal be there gotten, had, or obeyned, for all Services, Exacons, and Demaundes whatsoever; PROVIDED alwaies, and our expresse Will and Meaninge is, that onlie one fite Parte of the Gould and Silver Oare above mencoed, in the whole, and noe more be reserved or payeable vnto Vs, our Heires and Successors, by Collour or Vertue of theis Presents, the double Reservacons or rentals aforesaid or any Thing herein conteyned notwithstanding. AND FORASMUCH, as the good and prosperous Successe of the Plantacon of the saide Partes of Newe-England aforesaide intended by the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Isaack Johnson, Samuell Aldersey, John Ven, Mathew Cradock, George Harwood, Increase Noell, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcrofte, to be speedily sett vpon, cannot but cheifly depend, next vnder the Blessing of Almightye God, and the support of our Royall Authoritie vpon the good Government of the same, To the Ende that the Affaires and Buysinneses which from tyme to tyme shall happen and arise concerning the saide Landes, and the Plantation of the same maie be the better mannged and ordered, WEE HAVE FURTHER hereby of our especial Grace, certain Knowledge and mere Mocon, Given, graunted and confirmed, and for Vs, our Heires and Successors, doe give, graunt, and confirme vnto our said trustie and welbeloved subiects Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endicott, Simon Whetcombe, Isaack Johnson, Samuell Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Nowell, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcrofte: AND for Vs, our Heires and Successors, Wee will and ordeyne, That the saide Sir Henry Rosewell, Sir John Young, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endicott, Symon Whetcombe, Isaack Johnson, Samuell Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Noell, Richard Pery, Richard Bellingharn, Nathaniell Wright, Samuell Vassall, Theophilus Eaton, Thomas Goffe, Thomas

Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcrofte, and all such others as shall hereafter be admitted and made free of the Company and Society hereafter mencoed, shall from tyme to tyme, and att all tymes forever hereafter be, by Vertue of theis presents, one Body corporate and politique in Fact and Name, by the Name of the Governour and Company of the Mattachusetts Bay in Newe-England, and them by the Name of the Governour and Company of the Mattachusetts Bay in Newe-England, one Bodie politique and corporate, in Deede, Fact, and Name; Wee doe for vs, our Heires and Successors, make, ordeyne, constitute, and confirrne by theis Presents, and that by that name they shall have perpetuall Succession, and that by the same Name they and their Successors shall and maie be capeable and enabled aswell to implead, and to be impleaded, and to prosecute, demaund, and aunswere, and be aunswared vnto, in all and singuler Suites, Causes, Quarrells, and Accons, of what kinde or nature soever. And also to have, take, possesse, acquire, and purchase any Landes, Tenements, or Hereditaments, or any Goodes or Chattells, and the same to lease, graunte, demisc, alien, bargaine, sell, and dispose of, as other our liege People of this our Realme of England, or any other corporacon or Body politique of the same may lawfully doe.

AND FURTHER, That the said Governour and Companye, and their Successors, maie have forever one comon Seale, to be vsed in all Causes and Occasions of the said Company, and the same Seale may alter, chaunge, breake, and newe make, from tyme to tyme, at their pleasures. And our Will and Pleasure is, and Wee doe hercby for Vs, our Heires and Successors, ordeyne and graunte, That from henceforth for ever, there shalbe one Governor, one Deputy Governor, and eightene Assistants of the same Company, to be from tyme to tyme constituted, elected and chosen out of the Freemen of the saide Company, for the twyme being, in such Manner and Forme as hercafter in theis Presents is expressed, which said Officers shall applie themselves to take Care for the best disposeing and ordering of the generall buysines and Affaires of, for, and concerning the said Landes and Premisses hereby mencoed, to be graunted, and the Plantacion thereof, and the Government of the People there. AND FOR the better Execucon of our Royall Pleasure and Graunte in this Behalf, WEE doe, by theis presents, for Vs, our Heires and Successors, nominate, ordeyne, make, & constitute; our welbeloved the saide Mathewe Cradocke, to be the first and present Governor of the said Company, and the saide Thomas Goffe, to be Deputy Governor of the saide Company, and the saide Sir Richard Saltonstall, Isaack Johnson, Samuell Aldersey, John Ven, John Humfrey, John Endecott, Simon Whetcombe, Increase Noell, Richard Pery, Nathaniell Wright, Samuell Vassall, Theophilus Eaton, Thomas Adams, Thomas Hutchins, John Browne, George Foxcrofte, William Vassall, and William Pinchion, to be the present Assistants of the saide Company, to continue in the saide several Offices respectivelie for such tyme, and in such manner, as in and by theis Presents is hereafter declared and appointed.

AND FURTHER, Wee will, and by theis Presents, for Vs, our Heires and Successors, doe ordeyne and graunte, That the Governor of the saide Cc.mpany for the tyme being, or in his Absence by Occasion of Sicknes or otherwise, the Deputie Governor for the tyme being, shall have Authoritie from tyme to tyme vpon all Occasions, to give order for the assembling of the saide Company, and calling them together to consult and advise of the Bussinesses and Affaires of the saide Company, and that the said Governor, Deputie Governor, and Assistants of the saide Company, for the tyme being, shall or maie once every Moneth, or oftener at their Pleasures, assemble and houlde and keepe

a Courte or Assemblie of themselves, for the better ordering and directing of their Affaires, and that any seaven or more persons of the Assistants, together with the Governor, or Deputie Governor soe assembled, shalbe saide, taken, held, and reputed to be, and shalbe a full and sufficient Courte or Assemblie of the said Company, for the handiing, ordering, and dispatching of all such Buysinneses and Occurrents as shall from tyme to tyme happen, touching or concerning the said Company or Plantacon; and that there shall or maie be held and kept by the Governor, or Deputie Governor of the said Company, and seaven or more of the said Assistants for the tyme being, vpon every last Wednesday in Hillary, Easter, Trinity, and Michas Ternes respectivelie forever, one greate generall and solempe assemblie, which foure generall assemblies shalbe stiled and called the foure greate and generall Courts of the saide Company; IN all and every, or any of which saide greate and generall Courts soe assembled, WEE DOE for Vs, our Heires and Successors, give and graunte to the said Governor and Company, and their Successors, That the Governor, or in his absence, the Deputie Governor of the saide Company for the tyme being, and such of the Assistants and Freeman of the saide Company as shalbe present, or the greater number of them so assembled, whereof the Governor or Deputie Governor and six of the Assistants at the least to be seaven, shall have full Power and authoritie to choose, nominate, and appointe, such and soe many others as they shall thinke fitt, and that shall be willing to accept the same, to be free of the said Company and Body, and them into the same to admitt; and to elect and constitute such Officers as they shall thinke fitt and requisite, for the ordering, manning, and dispatching of the Affaires of the saide Govenor and Company, and their Successors; And to make Lawes and Ordinnces for the Good and Welfare of the saide Company, and for the Government and ordering of the saide Landes and Plantacon, and the People inhabiting and to inhabite the same, as to them from tyme to tyme shalbe thought meete, soe as such Lawes and Ordinances be not contrarie or repugnant to the Lawes and Statuts of this our Realme of England. AND, our Will and Pleasure is, and Wee doe hereby for Vs, our Heires and Successors, establish and ordeyne, That yearly once in the yeare, for ever hereafter, namely, the last Wednesday in Easter Tearne, yearly, the Governor, Deputy-Governor, and Assistants of the saide Company and all other officers of the saide Company shalbe in the Generall Court or Assembly to be held for that Day or Tyme, newly chosen for the Yeare ensueing by such greater parte of the said Company, for the Tyme being, then and there present, as is aforesaide. AND, yf it shall happen the present governor, Deputy Governor, and assistants, by theis presents appointed, or such as shall hereafter be newly chosen into their Roomes, or any of them, or any other of the officers to be appointed for the said Company, to dye, or to be removed from his or their severall Offices or Places before the saide generall Day of Eleccion (whome Wee doe hereby declare for any Misdemeanor or Defect to be removeable by the Governor, Deputie Governor, Assistants, and Company, or such greater Parte of them in any of the publique Courts to be assembled as is aforesaid) That then, and in every such Case, it shall and maie be lawfull, to and for the Governor, Deputie Governor, Assistants, and Company aforesaide, or such greater Parte of them soe to be assembled as is aforesaide, in any of their Assemblies, to proceade to a new Eleccion of one or more others of their Company in the Roome or Place, Roomes or Places of such Officer or Officers soe dyeing or removed according to their Discrecons, And, ymediately vpon and after such Eleccion and Eleccons made of such Governor, Deputie Governor, Assistant or Assistants, or any other officer of the saide Company, in Manner and Forme aforesaid, the Authoritie, Office, and Power, before given to the former Governor, Deputie Governor, or other Officer and Officers soe removed, in whose Steade and Place newe shalbe soe chosen, shall as to him and them, and everie of them, cease and determine.

PROVIDED alsoe, and our Will and Pleasure is, That aswell such as are by theis Presents appointed to be the present Governor, Deputie Governor, and Assistants of the said Company, as those that shall succeed them, and all other Officers to be appointed and chosen as aforesaid, shall, before they vndertake the Execucon of their saide Offices and Places respectivelie, take their Corporal Oathes for the due and faithfull Performance of their Duties in their severall Offices and Places, before such Person or Persons as are by theis Presents herevnder appointed to take and receive the same; That is to saie, the saide Mathewe Cradock, whoe is hereby nominated and appointed the present Governor of the saide Company, shall take the saide Oathes before one or more of the Masters of our Courte of Chauncery for the Tyme being, vnto which Master or Masters of the Chauncery, Wee doe by theis Presents give full Power and Authoritie to take and administer the said Oathe to the said Governor accordnglie: And after the saide Governor shalbe soe sworne, then the said Deputy Governor and Assistants, before by theis Presents nominated and appointed, shall take the said severall Oathes to their Offices and Places respectivelie belonging, before the said Mathew Cradock, the present Governor, soe formerlie sworne as aforesaide. And every such person as shallbe at the Tyme of the annuall Eleccion, or otherwise, vpon Death or Removeall, be appointed to be the newe Governor of the said Company, shall take the Oathes to that Place belonging, before the Deputy Governor, or two of the Assistants of the said Company at the least, for the Tyme being: And the newe elected Deputie Governor and Assistants, and all other officers to be hereafter chosen as aforesaide from Tyme to Tyme, to take the Oathes to their places respectivelie belonging, before the Governor of the said Company for the Tyme being, vnto which said Governor, Deputie Governor, and assistants, Wee doe by theis Presents give full Power and Authoritie to give and administer the said Oathes respectively, according to our true Meaning herein before declared, without any Comission or further War.ant to be had and obteyned of our Vs, our Heires or Successors, in that Behalf. AND, Wee doe further, of our especial Grace, certen Knowledge, and meere mocon, for Vs, our Heires and Successors, give and graunte to the said Governor and Company, and their Successors for ever by theis Presents, That it shalbe lawfull and free for them and their Assignes, at all and every Tyme and Tymes hereafter, out of any our Realmes or Domynions whatsoever, to take, leade, carry, and transport, for in and into their Voyages, and for and towards the said Plantacon in Newe England, all such and soe many of our loving Subjects, or any other strangers that will become our loving Subjects, and live under our Allegiance, as shall willinglie accompany them in the same Voyages and Plantacon; and also Shipping, Armour, Weapons, Ordinance, Municon, Powder, Shott, Corne, Victualls, and all Manner of Clothing, Implements, Furniture, Beastes, Cattle, Horses, Mares, Merchandizes, and all other Things necessarie for the saide Plantacon, and for their Vse and Defence, and for Trade with the People there, and in passing and returning to and fro, any Lawe or Statute to the contrarie hereof in any wise notwithstanding; and without payeing or yeilding any Custome or Subsidie, either inward or outward, to Vs, our Heires or Successors, for the same, by the Space of seaven Yeares from the Day of the Date of theis Presents. PROVIDED, that none of the saide Persons be such as shalbe hereafter by especiall Name restrayned by Vs, our Heires or Successors. AND, for their further Encouragement, of our especiall Grace and Favor, Wee doe by theis Presents, for Vs, our Heires and Successors, yeild and graunt to the saide Governor and Company, and their Successors, and every of them, their Factors and Assignes, That they and every of them shalbe free and quitt from all Taxes, Subsidies, and Customes, in Newe England, for the like Space of seaven Yeares, and from all Taxes and Imposicons for the Space of twenty and one Yeares, vpon all Goodes and

Merchandizes at any Tyme or Tymes hereafter, either vpon Importacon thither, or Exportacon from thence into our Realme of England, or into any other our Domynions by the said Governor and Company, and their Successors, their Deputies, Factors, and Assignes, or any of them; EXCEPT onlie the five Pounds per Centum due for Custome vpon all such Goodes and Merchandizes as after the saide seaven Yeares shalbe expired, shalbe brought or imported into our Realme of England, or any other of our Dominions, according to the auncient Trade of Merchants, which five Poundes per Centum onlie being paide, it shall be thenceforth lawfull and free for the said Adventurers the same Goodes and Merchandizes to export and carry out of our said Domynions into forraine Partes, without any Custome, Tax, or other Dutie to be paid to Vs, our Heires or Successors, or to any other Officers or Ministers of Vs, our Heires and Successors. PROVIDED, that the said Goodes and Merchandizes be shipped out within thirteene Monethes, after their first Landing within any Parte of the saide Domynions.

AND, Wee doe for Vs, our Heires and Successors, give and graunte vnto the saide Governor and Company, and their Successors, That whensoever, or soe often as any Custome or Subsidie shall growe due or payeable vnto Vs, our Heires, or Successors, according to the Lymittacon and Appoyntment aforesaide, by Reason of any Goodes, Wares, or Merchandizes to be shipped out, or any Retorne to be made of any Goodes, Wares, or Merchandize vnto or from the said Partes of Newe England hereby moncoed to be graunted as aforesaid, or any the Landes or Territories aforesaide, That then, and soe often, and in such Case, the Farmors, Customers, and Officers of our Customes of England and Ireland, and everie of them for the Tyme being, vpon Request made to them by the saide Governor and Company, or their Successors, Factors, or Assignes, and vpon convenient Security to be given in that Behalf, shall give and allowe vnto the said Governor and Company, and their Successors, and to all and everie Person and Persons free of that Company, as aforesaide, six Monethes Tyme for the Payement of the one halfe of all such Custome and Subsidy as shalbe due and payeable unto Vs, our Heires and Successors, for the same; for which theis our Letters patent, or the Duplicate, or the inrollemt thereof, shalbe vnto our saide Officers a sufficient Warrant and Discharge. NEVERTHELES, our Will and Pleasure is, That yf any of the saide Goodes, Wares, and Merchandize, which be, or shalbe at any Tyme hereafter landed or exported out of any of our Realmes aforesaide, and shalbe shipped with a Purpose not to be carried to the Partes of Newe England aforesaide, but to some other place, That then such Payment, Dutie, Custome, Imposicon, or Forfeiture, shalbe paid, or belonge to Vs, our Heires and Successors, for the said Goodes, Wares, and Merchandize, soe fraudulently sought to be transported, as yf this our Graunte had not been made nor graunted. AND, Wee doe further will, and by theis Presents, for Vs, our Heires and Successors, firmlie enioine and comaunde, as well the Treasurer, Chauncellor and Barons of the Exchequer, of Vs, our Heires and Successors, as also all and singuler the Customers, Farmors, and Collectors of the Customes, Subsidies, and Imposts, and other the Officers and Ministers of Vs, our Heires and Successors whatsoever, for the Tyme Being, That they and every of them, vpon the shewing forth vnto them of theis Letters patents, or the Duplicate or exemplificacon of the same, without any other Writt or Warrant whatsoever from Vs, our Heires or Successors, to be obeyned or sued forth, doe and shall make full, whole, entire, and due Allowance, and cleare Discharge vnto the saide Governor and Company, and their Successors, of all Customes, Subsidies, Imposicons, Taxes and Duties whatsoever, that shall or maie be claymed by Vs, our Heires and Successors, of or from the said Governor and Company, and their Successors, for or by Reason of the said Goodes,

Chattels, Wares, Merchandizes, and Premises to be exported out of our saide Domynions, or any of them, into any Parte of the saide Landes or Premises hereby mencoed, to be given, graunted, and confirmed, or for, or by Reason of any of the saide Goodes, Chattells, Wares, or Merchandizes to be imported from the said Landes and Premises hereby mencoed, to be given, graunted, and confirmed into any of our saide Dominions, or any Parte thereof as aforesaide, excepting onlie the saide five Poundes per Centum hereby reserved and payeable after the Expiracon of the saide Terme of seaven Yeares as aforesaid, and not before: And theis our Letters-patents, or the Inrollment, Duplicate, or Exemplificacon of the same shalbe for ever hereafter, from time to tyme, as well to the Treasurer, Chauncellor and Barons of the Exchequer of Vs, our Heires and Successors, as to all and singuler the Customers, Farmors, and Collectors of the Customes, Subsidies, and Imposts of Vs, our Heires and Successors, and all Searchers, and other the Officers and Ministers whatsoever of Vs, our Heires and Successors, for the Time being, a sufficient Warrant and Discharge in this Behalf.

AND, further our Will and Pleasure is, and Wee doe hereby for Vs, our Heires and Successors, ordeyne and declare, and graunte to the saide Governor and Company, and their Successors, That all and every the Subiects of Vs, our Heires or Successors, which shall goe to and inhabite within the saide Landes and Premisses hereby mencoed to be graunted, and every of their Children which shall happen to be borne there, or on the Seas in going thither, or retorning from thence, shall have and enjoy all liberties and Immunities of free and naturall Subiects within any of the Domynions of Vs, our Heires or Successors, to all Intents, Construccons, and Purposes whatsoever, as yf they and everie of them were borne within the Realme of England. And that the Governor and Deputie Governor of the said Company for the Tyme being, or either of them, and any two or more of such of the saide Assistants as shalbe therevnto appointed by the saide Governor and Company at any of their Courts or Assemblies to be held as aforesaide, shall and maie at all Tymes, and from tyme to tyme hereafter, have full Power and Authoritie to minister and give the Oathe and Oathes of Supremacie and Allegiance, or either of them, to all and everie Person and Persons, which shall at any Tyme or Tymes hereafter goe or passe to the Landes and Premisses hereby mencoed to be graunted to inhabite in the same. AND, Wee doe of our further Grace, certen Knowledg and meere Mocon, give and graunte to the saide Governor and Company, and their Successors, That it shall and maie be lawfull, to and for the Governor or Deputie Governor, and such of the Assistants and Freemen of the said Company for the Tyme being as shalbe assembled in any of their generall Courts aforesaide, or in any other Courtes to be specially sumoned and assembled for that Purpose, or the greater Parte of them (whereof the Governor or Deputie Governor, and six of the Assistants to be alwaies seaven) from tyme to tyme, to make, ordeine, and establishe all Manner of wholesome and reasonable Orders, Lawes, Statutes, and Ordinnces, Direcccons, and Instruccons, not contrairie to the Lawes of this our Realme of England, aswell for setling of the Formes and Ceremonies of Governmt and Magistracy, fitt and necessary for the said Plantacon, and the Inhabitants there, and for nameing and setting of all sorts of Officers, both superior and inferior, which they shall finde needefull for that Governement and Plantacon, and the distinguishing and setting forth of the severall duties, Powers, and Lymytts of every such Office and Place, and the Formes of such Oathes warrantable by the Lawes and Statutes of this our Realme of England, as shalbe respetivelie ministred vnto them for the Execucon of the said severall Offices and Places; as also, for the disposing and ordering of the Elecccons of such of the said Officers as shalbe annuall, and of such others as shalbe to succede in Case of Death or Removeall, and ministring the said Oathes to the

newe elected Officers, and for Imposicons of lawfull Fynes, Mulcts, Imprisonment, or other lawfull Correccion, according to the Course of other Corporacons in this our Realme of England, and for the directing, ruling, and disposing of all other Matters and Thinges, whereby our said People, Inhabitants there, may be soe religiously, peaceable, and civilly governed, as their good Life and orderlie Conversacon, maie wynn and incite the Natives of Country, to the Knowledg and Obedience of the onlie true God and Sauior of Mankinde, and the Christian Fayth, which in our Royall Intencion, and the Adventurers free Profession, is the principall Ende of this Plantacion. WILLING, comaunding, and requiring, and by theis Presents for Vs, our Heires, and Successors, ordeyning and appointing, that all such Orders, Lawes, Statuts and Ordinnces, Instrucons and Direcons, as shalbe soe made by the Governor, or Deputie Governor of the said Company, and such of the Assistants and Freemen as aforesaide, and published in Writing, vnder their comon Seale, shalbe carefullie and dylie observed, kept, performed, and putt in Execucon, according to the true Intent and Meaning of the same; and theis our Letters-patents, or the Duplicate or exemplificacon thereof, shalbe to all and everie such Officers, superior and inferior, from Tyrne to Tyme, for the putting of the same Orders, Lawes, Statutes, and Ordinnces, Instrucons, and Direcons, in due Execucon against Vs, our Heires and Successors, a sufficient Warrant and Discharge.

AND WEE DOE further, for Vs, our Heires and Successors, give and graunt to the said Governor and Company, and their Successors by theis Presents, that all and everie such Chiefe Comaunders, Captaines, Governors, and other Officers and Ministers, as by the said Orders, Lawes, Statuts, Ordinnces, Instrucons, or Direcons of the said Governor and Company for the Tyme being, shalbe from Tyme to Tyme hereafter ymployed either in the Government of the saide Inhabitants and Plantacon, or in the Waye by Sea thither, or from thence, according to the Natures and Lymitts of their Offices and Places respectively, shall from Tyme to Tyme hereafter for ever, within the Precincts and Partes of Newe England hereby mencoed to be graunted and confirmed, or in the Waie by Sea thither, or from thence, have full and Absolute Power and Authoritie to correct, punishe, pardon, governe, and rule all such the Subiects of Vs, our Heires and Successors, as shall from Tyme to Tyme adventure themselves in any Voyage thither or from thence, or that shall at any Tyme hereafter, inhabite within the Precincts and Partes of Newe England aforesaid, according to the Orders, Lawes, Ordinnces, Instrucons, and Direcons aforesaid, not being repugnant to the Lawes and Statutes of our Realme of England as aforesaid. AND WEE DOE further, for Vs, our Heires and Successors, give and graunte to the said Governor and Company and their Successors, by theis Presents, that it shall and maie be lawfull, to and for the Chiefe Comaunders, Governors, and officers of the said Company, for the Tyme being, who shalbe resident in the said Parte of Newe England in America, by theis Presents graunted, and others there inhabiting by their Appointment and Direcon, from Tyme to Tyme, and at all Tymes hereafter for their speciall Defence and Safety, to incounter, expulse, repell, and resist by Force of Armes, aswell by Sea as by Lande, and by all fitting Waies and Meanes whatsoever, all such Person and Persons, as shall at any Tyrne hereafter, attempt or enterprise the Destrucon, Invasion, Detriment, or Annoyance to the said Plantation or Inhabitants, and to take and surprise by all Waies and Meanes whatsoever, all and every such Person and Persons, with their Shippes, Armour, Municon, and other Goodes, as shall in hostile manner invade or attempt the defeating of the said Plantacon, or the Hurt of the said Company and Inhabitants: NEVERTHELES, our Will and Pleasure is, and Wee doe hereby declare to all Christian Kinges, Princes and States, that yf any Person or Persons which shall hereafter be of the said

Company or Plantacon, or any other by Lycense or Appointment of the said Governor and Company for the Tyrne being, shall at any Tyme or Tymes hereafter, robb or spoyle, by Sea or by Land, or doe any Hurt, Violence, or vnlawful Hostilitie to any of the subjects of Vs, our Heires or Successors, or any of the Subjects of any Prince or State, being then in League and Amytie with Vs, our Heires and Successors, and that upon such injury don and vpon iust Complaint of such Prince or State or their Subjects, WEE, our Heires and Successors shall make open Proclamacon within any of the Partes within our Realme of England, comodious for that purpose, that the Person or Persons haveing comitted any such Roberie or Spoyle, shall within the Terme lymytted by such a Proclamacon, make full Restitucon or Satisfacon of all such Iniureis don, soe as the said Princes or others so complying, maie hould themselves fullie satisfied and contented; and that yf the said Person or Persons, haveing comitted such Robbery or Spoile, shall not make, or cause to be made Satisfacon accordingle, within such Tyme soe to be lymytted, that then it shalbe lawfull for Vs, our Heires and Successors, to putt the said Person or Persons out of our Allegiance and Protecon, and that it shalbe lawfull and free for all Princes to prosecute with Hostilitie, the said Offendors, and every of them, their and every of their Procurers, Ayders, Abettors, and Comforters in that Behalf: PROVIDED also, and our expresse Will and Pleasure is, And Wee doe by this Presents for Vs, our Heires and Successors ordeyne and appoint That this Presents shall not in any manner envre, or be taken to abridge, barr, or hinder any of our loving subjects whatsoever, to vse and exercise the Trade of Fishing vpon that Coast of New England in America, by this Presents mencoed to be graunted. But that they, and every, or any of them, shall have full and free Power and Liberty to continue and vse their said Trade of Fishing vpon the said Coast, in any the Seas therevnto adioyning, or any Armes of the Seas or Saltwater Rivers where they have byn wont to fishe, and to build and sett vp vpon the Landes by this Presents graunted, such Wharfes, Stages, and Workehouses as shalbe necessarie for the salting, drying, keeping, and packing vp of their Fish, to be taken or gotten vpon that Coast; and to cutt down, and take such Trees and other Materialls there groweing, or being, or shalbe needefull for that Purpose, and for all other necessarie Easements, Helpes, and Advantage concerning their said Trade of Fishing there, in such Manner and Forme as they have byn heretofore at any tyme accustomed to doe, without making any wilfull Waste or Spoyle, any Thing in this Presents conteyned to the contrarie notwithstanding. AND WEE DOE further, for Vs, our Heires and Successors, ordeyne and graunte to the said Governor and Company, and their Successors by this Presents that this our Letters-patents shalbe firme, good, effectuell, and availeable in all Things, and to all Intents and Construccions of Lawe, according to our true Meaning herein before declared, and shalbe construed, reputed, and adiudged in all Cases most favourable on the Behalf, and for the Benefitt and Behoofe of the saide Governor and Company and their Successors: ALTHOUH expresse mencon of the true yearely Value or certenty of the Premisses or any of them, or of any other Guiftes or Grauntes, by Vs, or any of our Progenitors or Predecessors to the foresaid Governor or Company before this tyme made, in this Presents is not made; or any Statute, Acte, Ordinance, Provision, Proclamacon, or Restrainte to the contrarie thereof, heretofore had, made, published, ordeyned, or provided, or any other Matter, Cause, or Thing whatsoever to the contrarie thereof in any wise notwithstanding.

IN WITNES whereof, Wee have caused this our Letters to be made Patents.

WITNES ourself, at Westminster, the fourth day of March, in the fourth Yeare of our Raigne.

The Charter of Massachusetts Bay

March 4, 1629

[Modernized spelling]

CHARLES, by the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, etc. To all to whom these presents shall come, greeting. Whereas, our most dear and royal Father, King James, of blessed memory, by his Highness letters-patents bearing date at Westminster the third day of November, in the eighteenth year of his reign, has given and granted unto the Council established at Plymouth, in the county of Devon, for the planting, ruling, ordering, and governing of New England in America, and to their successors and assigns forever, all that part of America, lying and being in breadth, from forty degrees of northerly latitude from the equinoctial line, to forty-eight degrees of the said northerly latitude inclusively, and in length, of and within all the breadth aforesaid, throughout the main lands from sea to sea; together also with all the firm lands, soils, grounds, havens, ports, rivers, waters, fishing, mines, and minerals, as well royal mines of gold and silver, as other mines and minerals, precious stones, quarries, and all and singular other commodities, jurisdictions, royalties, privileges, franchises, and pre-eminences, both within the said tract of land upon the main, and also within the islands and seas adjoining: Provided always, That the said islands, or any the premises by the said letters-patents intended and meant to be granted, were not then actually possessed or inhabited, by any other Christian prince or state, nor within the bounds, limits, or territories of the southern colony, then before granted by our said dear Father, to be planted by diverse of his loving subjects in the south parts. To have and to hold, possess, and enjoy all and singular the aforesaid continent, lands, territories, islands, hereditaments, and precincts, seas, waters, fishing, with all, and all manner their commodities, royalties, liberties, pre-eminences, and profits that should from thenceforth arise from thence, with all and singular their appurtenances, and every part and parcel thereof, unto the said Council and their successors and assigns forever, to the sole and proper use, benefit, and behalf of them the said Council, and their successors and assigns for ever: To be holder of our said most dear and royal Father, his heirs and successors, as of his manor of East Greenwich in the county of Kent, in free and common socage, and not *in capite* nor by knight's service; and also yielding and paying therefore to the said late king, his heirs and successors, the fifth part only of all ore of gold and silver, which should from time to time, and at all times then after happen to be found, gotten, had and obtained in, at, or within any of the said lands, limits, territories, and precincts, or in or within any part or parcel thereof, for or in respect of all and all manner of duties, demands and services whatsoever, to be done, made, or paid to our said dear Father the late King his heirs and successors, as in and by the said letters-patents (among sundry and other clauses, powers, privileges, and grants therein contained), more at large appears:

AND WHEREAS, the said Council established at Plymouth, in the county of Devon, for the planting, ruling, ordering, and governing of New England in America, have by their deed, indented under their common seal, bearing date the nineteenth day of March last past, in the third year of our reign, given, granted, bargained, sold, enfeoffed, alienated, and confirmed to Sir Henry Roswell, Sir John Young, knights, Thomas Southcott, John Humphrey, John Endecott, and Simon Whetcombe, their heirs and assigns, and their associates for ever, all that part of New England in America aforesaid, which lies and extends between a great river there commonly called Monomack

alias Merrimack, and a certain other river there, called Charles River, being in the bottom of a certain bay there, commonly called Massachusetts, alias Mattachusetts, alias Massatusetts Bay, and also all and singular those lands and hereditaments whatsoever, lying within the space of three English miles on the south part of the said Charles River, or of any, or every part thereof; and also, all and singular the lands and hereditaments whatsoever, lying and being within the space of three English miles to the southward of the southernmost part of the said bay called Massachusetts, alias Mattachusetts, alias Massatusetts Bay; and also, all those lands and hereditaments whatsoever, which lie, and be within the space of three English miles to the northward of the said river called Monomack, alias Merrimack, or to the northward of any and every part thereof, and all lands and hereditaments whatsoever, lying within the limits aforesaid, north and south in latitude and breadth, and in length and longitude, of and within all the breadth aforesaid, throughout the main lands there, from the Atlantic and Western Sea and ocean on the east part, to the South Sea on the west part; and all lands and grounds, place and places, soils, woods and wood grounds, havens, ports, rivers, waters, fishing, and hereditaments whatsoever, lying within the said bounds and limits, and ery part and parcel thereof; and also all islands lying in America aforesaid, in the said seas or either of them on the western or eastern coasts or parts of the said tracts of land by the said indenture mentioned to be given, granted, bargained, sold, enfeoffed, alienated, and confirmed, or any of them; and also, all mines and minerals, as well royal mines of gold and silver, as other mines and minerals whatsoever, in the said lands and premises, or any part thereof; and all jurisdictions, rights, royalties, liberties, freedoms, immunities, privileges, franchises, pre-eminences, and commodities whatsoever, which they, the said Council established at Plymouth, in the county of Devon, for the planting, ruling, ordering, and governing of New England in America, then had, or might use, exercise, or enjoy, in or within the said lands and premises by the said indenture mentioned to be given, granted, bargained, sold, enfeoffed, and confirmed, or in or within any part or parcel thereof:

TO HAVE and to hold, the said part of New England in America, which lies and extends and is abutted as aforesaid, and every part and parcel thereof; and all the said islands, rivers, ports, havens, waters, fishing, mines, and minerals, jurisdictions, franchises, royalties, liberties, privileges, commodities, hereditaments, and premises whatsoever, with the appurtenances unto the said Sir Henry Rosewell, Sir John Young, Thomas Southcott, John Humphrey, John Endecott, and Simon Whetcombe, their heirs and assigns, and their associates, to the only proper and absolute use and behalf of the said Sir Henry Rosewell, Sir John Young, Thomas Southcott, John Humphrey, John Endecott, and Simon Whetcombe, their heirs and assigns, and their associates forevermore; To be holden of us, our heirs and successors, as of our Manor of Eastgreenwich, in the county of Kent, in free and common socage, and not *in capite*, nor by knights service; Yielding and paying therefore unto us, our heirs and successors, the fifth part of the ore of gold and silver, which shall from time to time, and at all times hereafter, happen to be found, gotten, had, and obtained in any of the said lands, within the said limits, or in or within any part thereof, for, and in satisfaction of all manner duties, demands and services whatsoever to be done, made, or paid to us, our heirs or successors, as in and by the said recited indenture more at large may appear.

NOW Know ye, that we, at the humble suit and petition of the said Sir Henry Rosewell, Sir John Young, Thomas Southcott, John Humphrey, John Endecott, and Simon Whetcombe, and of others whom they have associated unto them, have, for diverse good causes and considerations, us moving,

granted and confirmed, and by these presents of our especial grace, certain knowledge, and mere motion, do grant and confirm unto the said Sir Henry Rosewell, Sir John Young, Thomas Southcott, John Humphrey, John Endecott, and Simon Whetcombe, and to their Associates hereafter named; (videlicet) [viz., or namely,] Sir Richard Saltonstall, Knight, Isaac Johnson, Samuel Aldersey, John Ven, Matthew Cradock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassell, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassell, William Pinchion, and George Foxcroft, their heirs and assigns, all the said part of New England in America, lying and extending between the bounds and limits in the said recited indenture expressed, and all lands and grounds, place and places, soils, woods and wood grounds, havens, ports, rivers, waters, mines, minerals, jurisdictions, rights, royalties, liberties, freedoms, immunities, privileges, franchises, pre-eminences, hereditaments, and commodities whatsoever, to them the said Sir Henry Rosewell, Sir John Young, Thomas Southcott, John Humphrey, John Endecott, and Simon Whetcombe, their heirs and assigns, and to their associates, by the said recited indenture, given, granted, bargained, sold, enfeoffed, alienated, and confirmed, or mentioned, or intended thereby to be given, granted, bargained, sold, enfeoffed, alienated, and confirmed: To have, and to hold, the said part of New England in America, and other the premises hereby mentioned to be granted and confirmed, and every part and parcel thereof with the appurtenances, to the said Sir Henry Rosewell, Sir John Young, Sir Richard Saltonstall, Thomas Southcott, John Humphrey, John Endecott, Simon Whetcombe, Isaac Johnson, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassell, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, Samuel Aldersey, John Ven, Matthew Cradock, George Harwood, Increase Nowell, William Vassell, William Pinchion, and George Foxcroft, their heirs and assigns forever, to their only proper and absolute use and behalf forevermore; To be holden of us, our heirs and successors, as of our Manor of Eastgreenwich aforesaid, in free and common socage, and not *in capite*, nor by knights service; And also yielding and paying therefore to us, our heirs and successors, the fifth part only of all ore of gold and silver, which from time to time, and at all times hereafter shall be there gotten, had, or obtained, for all services, exactions and demands whatsoever, according to the tenure and reservation in the said recited indenture expressed.

AND FURTHER, know ye, that of our more especial grace, certain knowledge, and mere motion, we have given and granted, and by these presents, do for us, our heirs and successors, give and grant unto the said Sir Henry Rosewell, Sir John Young, Sir Richard Saltonstall, Thomas Southcott, John Humphrey, John Endecott, Simon Whetcombe, Isaac Johnson, Samuel Aldersey, John Ven, Matthew Cradock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassell, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassell, William Pinchion, and George Foxcroft, their heirs and assigns, all that part of New England in America, which lies and extends between a great river there, commonly called Monomack River, alias Merrimack River, and a certain other river there, called Charles River, being in the bottom of a certain bay there, commonly called Massachusetts, alias Mattachusetts, alias Massatusetts Bay; and also all and singular those lands and hereditaments whatsoever, lying within the space of three English miles on the south part of the said river, called Charles River, or of any or every part thereof; and also all and singular the lands and hereditaments whatsoever, lying and being within the space of three English miles to the southward

of the southernmost part of the said bay, called Massachusetts, alias Mattachusetts, alias Massatusetts Bay: And also all those lands and hereditaments whatsoever, which lie and be within the space of three English miles to the northward of the said river, called Monomack, alias Merrimack, or to the northward of any and every part thereof, and all lands and hereditaments whatsoever, lying within the limits aforesaid, north and south, in latitude and breadth, and in length and longitude, of and within all the breadth aforesaid, throughout the main lands there, from the Atlantic and Western Sea and ocean on the east part, to the South Sea on the west part; and all lands and grounds, place and places, oils, woods, and wood grounds, havens, ports, rivers, waters, and hereditaments whatsoever, lying within the said bounds and limits, and every part and parcel thereof; and also all islands in America aforesaid, in the said seas, or either of them, on the western or eastern coasts, or parts of the said tracts of lands hereby mentioned to be given and granted, or any of them; and all mines and minerals as well royal mines of gold and silver and other mines and minerals, whatsoever, in the said lands and premises, or any part thereof, and free liberty of fishing in or within any the rivers or waters within the bounds and limits aforesaid, and the seas thereunto adjoining; and all fishes, royal fishes, whales, balan, sturgeons, and other fishes of what kind or nature soever, that shall at any time hereafter be taken in or within the said seas or waters, or any of them, by the said Sir Henry Rosewell, Sir John Young, Sir Richard Saltonstall, Thomas Southcott, John Humphrey, John Endecott, Simon Whetcombe, Isaac Johnson, Samuel Aldersey, John Ven, Matthew Cradock, George Harwood, Increase Noell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassell, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne; Thomas Hutchins, William Vassell, William Pinchion, and George Foxcroft, their heirs and assigns, or by any other person or persons whatsoever there inhabiting, by them, or any of them, to be appointed to fish therein.

PROVIDED always, that if the said lands, islands, or any other the premises herein before mentioned, and by these presents, intended and meant to be granted, were at the time of the granting of the said former letters patents, dated the third day of November, in the eighteenth year of our said dear Fathers reign aforesaid, actually possessed or inhabited by any other Christian prince or state, or were within the bounds, limits or territories of that Southern Colony, then before granted by our said late Father, to be planted by diverse of his loving subjects in the south parts of America, that then this present grant shall not extend to any such parts or parcels thereof, so formerly inhabited, or lying within the bounds of the Southern Plantation as aforesaid, but as to those parts or parcels so possessed or inhabited by such Christian prince or state, or being within the boundaries aforesaid, shall be utterly void, these presents or any thing therein contained to the contrary notwithstanding. To have and hold, possess and enjoy the said parts of New England in America, which lie, extend, and are abutted as aforesaid, and every part and parcel thereof; and all the islands, rivers, ports, havens, waters, fishing, fishes, mines, minerals, jurisdictions, franchises, royalties, liberties, privileges, commodities, and premises whatsoever, with the appurtenances, unto the said Sir Henry Rosewell, Sir John Young, Sir Richard Saltonstall, Thomas Southcott, John Humphrey, John Endecott, Simon Whetcombe, Isaac Johnson, Samuel Aldersey, John Ven, Matthew Cradock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassell, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassell, William Pinchion, and George Foxcroft, their heirs and assigns forever, to the only proper and absolute use and behalf of the said Sir Henry Rosewell, Sir John Young, Sir

Richard Saltonstall, Thomas Southcott, John Humphrey, John Endecott, Simon Whetcom, Isaac Johnson, Samuel Aldersey, John Ven, Matthew Cradock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassell, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassell, William Pinchion, and George Foxcroft, their heirs and assigns forevermore: To be holden of us, our heirs and successors, as of our Manor of Eastgreenwich in our county of Kent, within our realm of England, in free and common socage, and not *in capite*, nor by knights service; and also yielding and paying therefore, to us, our heirs and successors, the fifth part only of all ore of gold and silver, which from time to time, and at all times hereafter, shall be there gotten, had, or obtained, for all services, exactions, and demands whatsoever; Provided always, and our express will and meaning is, that only one fifth part of the gold and silver ore above mentioned, in the whole, and no more be reserved or payable unto us, our heirs and successors, by color or virtue of these presents, the double reservations or rentals aforesaid or any thing herein contained notwithstanding. And forasmuch, as the good and prosperous success of the plantation of the said parts of New England aforesaid intended by the said Sir Henry Rosewell, Sir John Young, Sir Richard Saltonstall, Thomas Southcott, John Humphrey, John Endecott, Simon Whetcombe, Isaac Johnson, Samuel Aldersey, John Ven, Matthew Cradock, George Harwood, Increase Noell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassell, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassell, William Pinchion, and George Foxcroft, to be speedily set upon, cannot but chiefly depend, next under the blessing of Almighty God, and the support of our royal authority upon the good government of the same, to the end that the affairs and businesses which from time to time shall happen and arise concerning the said lands, and the plantation of the same may be the better managed and ordered, We have further hereby of our especial grace, certain knowledge and mere motion, given, granted and confirmed, and for us, our heirs and successors, do give, grant, and confirm unto our said trustee and well-beloved subjects Sir Henry Rosewell, Sir John Young, Sir Richard Saltonstall, Thomas Southcott, John Humphrey, John Endecott, Simon Whetcombe, Isaac Johnson, Samuel Aldersey, John Ven, Matthew Cradock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassell, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassell, William Pinchion, and George Foxcroft: And for us, our heirs and successors, we will and ordain, that the said Sir Henry Rosewell, Sir John Young, Sir Richard Saltonstall, Thomas Southcott, John Humphrey, John Endecott, Simon Whetcombe, Isaac Johnson, Samuel Aldersey, John Ven, Matthew Cradock, George Harwood, Increase Noell, Richard Perry, Richard Bellingham, Nathaniel Wright, Samuel Vassell, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassell, William Pinchion, and George Foxcroft, and all such others as shall hereafter be admitted and made free of the company and society hereafter mentioned, shall from time to time, and at all times forever hereafter be, by virtue of these presents, one body corporate and politic in fact and name, by the name of the Governor and Company of the Massachusetts Bay in New England, and them by the name of the Governor and Company of the Massachusetts Bay in New England, one body politic and corporate, in deed, fact, and name; We do for us, our heirs and successors, make, ordain, constitute, and confirm by these presents, and that by that name they shall have perpetual succession, and that by the same name they and their successors shall and may be capable and enabled as well to implead, and to be impleaded, and to prosecute, demand, and answer, and be answered unto, in all and

singular suits, causes, quarrels, and actions, of what kind or nature soever. And also to have, take, possess, acquire, and purchase any lands, tenements, or hereditaments, or any goods or chattels, and the same to lease, grant, demise, alien, bargain, sell, and dispose of, as other our liege people of this our realm of England, or any other corporation or body politic of the same may lawfully do.

AND FURTHER, that the said Governor and Company, and their successors, may have forever one common seal, to be used in all causes and occasions of the said Company, and the same seal may alter, change, break, and new make, from time to time, at their pleasures. And our will and pleasure is, and we do hereby for us, our heirs and successors, ordain and grant, that from henceforth for ever, there shall be one Governor, one Deputy Governor, and eighteen assistants of the same Company, to be from time to time constituted, elected and chosen out of the freemen of the said Company, for the time being, in such manner and form as hereafter in these presents is expressed, which said officers shall apply themselves to take care for the best disposing and ordering of the general business and affairs of, for, and concerning the said lands and premises hereby mentioned, to be granted, and the plantation thereof, and the government of the people there. And for the better execution of our royal pleasure and grant in this behalf, we do, by these presents, for us, our heirs and successors, nominate, ordain, make, and constitute; our well-beloved the said Matthew Cradock, to be the first and present Governor of the said Company, and the said Thomas Goffe, to be Deputy Governor of the said Company, and the said Sir Richard Saltonstall, Isaac Johnson, Samuel Aldersey, John Ven, John Humphrey, John Endecott, Simon Whetcombe, Increase Noell, Richard Perry, Nathaniel Wright, Samuel Vassell, Theophilus Eaton, Thomas Adams, Thomas Hutchins, John Browne, George Foxcroft, William Vassell, and William Pinchion, to be the present assistants of the said Company, to continue in the said several offices respectively for such time, and in such manner, as in and by these presents is hereafter declared and appointed.

AND FURTHER, we will, and by these presents, for us, our heirs and successors, do ordain and grant, that the Governor of the said Company for the time being, or in his absence by occasion of sickness or otherwise, the Deputy Governor for the time being, shall have authority from time to time upon all occasions, to give order for the assembling of the said Company, and calling them together to consult and advise of the businesses and affairs of the said Company, and that the said Governor, Deputy Governor, and assistants of the said Company, for the time being, shall or may once every month, or oftener at their pleasures, assemble and hold and keep a Court or Assembly of themselves, for the better ordering and directing of their affairs, and that any seven or more persons of the assistants, together with the Governor, or Deputy Governor so assembled, shall be said, taken, held, and reputed to be, and shall be a full and sufficient Court or Assembly of the said Company, for the handling, ordering, and dispatching of all such businesses and occurrences as shall from time to time happen, touching or concerning the said Company or plantation; and that there shall or may be held and kept by the Governor, or Deputy Governor of the said Company, and seven or more of the said assistants for the time being, upon every last Wednesday in Hillary, Easter, Trinity, and Michas Terms respectively forever, one great general and solemn assembly, which four general assemblies shall be stilled and called the four great and general courts of the said Company; In all and every, or any of which said great and general courts so assembled, we do for us, our heirs and successors, give and grant to the said Governor and Company, and their successors, that the Governor, or in his absence, the Deputy Governor of the said Company for the time being, and such

of the assistants and freeman of the said Company as shall be present, or the greater number of them so assembled, whereof the Governor or Deputy Governor and six of the assistants, the least to be seven, shall have full power and authority to choose, nominate, and appoint, such and so many others as they shall think fit, and that shall be willing to accept the same, to be free of the said Company and body, and them into the same to admit; and to elect and constitute such officers as they shall think fit and requisite, for the ordering, managing, and dispatching of the affairs of the said Governor and Company, and their successors; And to make laws and ordinances for the good and welfare of the said Company, and for the government and ordering of the said lands and plantation, and the people inhabiting and to inhabit the same, as to them from time to time shall be thought meet, so as such laws and ordinances be not contrary or repugnant to the laws and status of this our realm of England. And, our will and pleasure is, and we do hereby for us, our heirs and successors, establish and ordain, that yearly once in the year, for ever hereafter, namely, the last Wednesday in Easter Term, yearly, the Governor, Deputy-Governor, and assistants of the said Company and all other officers of the said Company shall be in the General Court or Assembly to be held for that day or time, newly chosen for the year ensuing by such greater part of the said Company, for the time being, then and there present, as is aforesaid. And, if it shall happen the present Governor, Deputy Governor, and assistants, by these presents appointed, or such as shall hereafter be newly chosen into their rooms, or any of them, or any other of the officers to be appointed for the said Company, to die, or to be removed from his or their several offices or places before the said general day of election (whom we do hereby declare for any misdemeanor or defect to be removable by the Governor, Deputy Governor, Assistants, and Company, or such greater part of them in any of the public courts to be assembled as is aforesaid) that then, and in every such case, it shall and may be lawful, to and for the Governor, Deputy Governor, assistants, and Company aforesaid, or such grter part of them so to be assembled as is aforesaid, in any of their assemblies, to proceed to a new election of one or more others of their Company in the room or place, rooms or places of such officer or officers so dying or removed according to their discretion, and immediately upon and after such election and elections made of such Governor, Deputy Governor, assistant or assistants, or any other officer of the said Company, in manner and form aforesaid, the authority, office, and power, before given to the former Governor, Deputy Governor, or other officer and officers so removed, in whose stead and place new shall be so chosen, shall as to him and them, and every of them, cease and determine.

PROVIDED also, and our will and pleasure is, that as well such as are by these presents appointed to be the present Governor, Deputy Governor, and assistants of the said Company, as those that shall succeed them, and all other officers to be appointed and chosen as aforesaid, shall, before they undertake the execution of their said offices and places respectively, take their corporal oaths for the due and faithful performance of their duties in their several offices and places, before such person or persons as are by these presents hereunder appointed to take and receive the same; That is to say, the said Matthew Cradock, who is hereby nominated and appointed the present Governor of the said Company, shall take the said oaths before one or more of the Masters of our Court of Chancery for the time being, unto which Master or Masters of the Chancery, we do by these presents give full power and authority to take and administer the said oath to the said Governor accordingly: And after the said Governor shall be so sworn, then the said Deputy Governor and assistants, before by these presents nominated and appointed, shall take the said several oaths to

their offices and places respectively belonging, before the said Matthew Cradock, the present Governor, so formerly sworn as aforesaid. And every such person as shall be at the time of the annual election, or otherwise, upon death or removal, be appointed to be the new Governor of the said Company, shall take the oaths to that place belonging, before the Deputy Governor, or two of the assistants of the said Company at the least, for the time being: And the new elected Deputy Governor and assistants, and all other officers to be hereafter chosen as aforesaid from time to time, to take the oaths to their places respectively belonging, before the Governor of the said Company for the time being, unto which said Governor, Deputy Governor, and assistants, we do by these presents give full power and authority to give and administer the said oaths respectively, according to our true meaning herein before declared, without any commission or further warrant to be had and obtained of our us, our heirs or successors, in that behalf. And we do further, of our especial grace, certain knowledge, and mere motion, for us, our heirs and successors, give and grant to the said Governor and Company, and their successors for ever by these presents, that it shall be lawful and free for them and their assigns, at all and every time and times hereafter, out of any our realms or dominions whatsoever, to take, lead, carry, and transport, for in and into their voyages, and for and towards the said plantation in New England, all such and so many of our loving subjects, or any other strangers that will become our loving subjects, and live under our allegiance, as shall willingly accompany them in the same voyages and plantation; and also shipping, armor, weapons, ordinance, munitions, powder, shot, corn, victuals, and all manner of clothing, implements, furniture, beasts, cattle, horses, mares, merchandises, and all other things necessary for the said plantation, and for their use and defense, and for trade with the people there, and in passing and returning to and fro, any law or statute to the contrary hereof in any wise notwithstanding; and without paying or yielding any custom or subsidy, either inward or outward, to us, our heirs or successors, for the same, by the space of seven years from the day of the date of these presents. Provided, that none of the said persons be such as shall be hereafter by especial name restrained by us, our heirs or successors. And, for their further encouragement, of our especial grace and favor, we do by these presents, for us, our heirs and successors, yield and grant to the said Governor and Company, and their successors, and every of them, their factors and assigns, that they and every of them shall be free and quit from all taxes, subsidies, and customs, in New England, for the like space of seven years, and from all taxes and impositions for the space of twenty and one years, upon all goods and merchandises at a time or times hereafter, either upon importation thither, or exportation from thence into our realm of England, or into any other our dominions by the said Governor and Company, and their successors, their deputies, factors, and assigns, or any of them; Except only the five pounds *per centum* due for custom upon all such goods and merchandises as after the said seven years shall be expired, shall be brought or imported into our realm of England, or any other of our dominions, according to the ancient trade of merchants, which five pounds *per centum* only being paid, it shall be thenceforth lawful and free for the said adventurers the same goods and merchandises to export and carry out of our said dominions into foreign parts, without any custom, tax, or other duty to be paid to us, our heirs or successors, or to any other officers or ministers of us, our heirs and successors. Provided, that the said goods and merchandises be shipped out within thirteen months, after their first landing within any part of the said dominions.

AND, we do for us, our heirs and successors, give and grant unto the said Governor and Company, and their successors, that whensoever, or so often as any custom or subsidy shall grow

due or payable unto us, our heirs, or successors, according to the limitation and apportionment aforesaid, by reason of any goods, wares, or merchandises to be shipped out, or any return to be made of any goods, wares, or merchandise unto or from the said parts of New England hereby motioned to be granted as aforesaid, or any the lands or territories aforesaid, that then, and so often, and in such case, the farmers, customers, and officers of our customs of England and Ireland, and every of them for the time being, upon request made to them by the said Governor and Company, or their successors, factors, or assigns, and upon convenient security to be given in that behalf, shall give and allow unto the said Governor and Company, and their successors, and to all and every person and persons free of that Company, as aforesaid, six months time for the payment of the one half of all such custom and subsidy as shall be due and payable unto us, our heirs and successors, for the same; for which these our letters patent, or the duplicate, or the enrollment thereof, shall be unto our said officers a sufficient warrant and discharge. Nevertheless, our will and pleasure is, that if any of the said goods, wares, and merchandise, which be, or shall be at any time hereafter landed or exported out of any of our realms aforesaid, and shall be shipped with a purpose not to be carried to the parts of New England aforesaid, but to some other place, that then such payment, duty, custom, imposition, or forfeiture, shall be paid, or belong to us, our heirs and successors, for the said goods, wares, and merchandise, so fraudulently sought to be transported, as if this our grant had not been made nor granted. And, we do further will, and by these presents, for us, our heirs and successors, firmly enjoin and command, as well the Treasurer, Chancellor and Barons of the Exchequer, of us, our heirs and successors, as also all and singular the customers, farmers, and collectors of the customs, subsidies, and imposts, and other the officers and ministers of us, our heirs and successors whatsoever, for the time being, that they and every of them, upon the showing forth unto them of these letters patents, or the duplicate or exemplification of the same, without any other writ or warrant whatsoever from us, our heirs or successors, to be obtained or sued forth, do and shall make full, whole, entire, and due allowance, and clear discharge unto the said Governor and Company, and their successors, of all customs, subsidies, impositions, taxes and duties whatsoever, that shall or may be claimed by us, our heirs and successors, of or from the said Governor and Company, and their successors, for or by reason of the said goods, chattels, wares, merchandises, and premises to be exported out of our said dominions, or any of them, into any part of the said lands or premises hereby mentioned, to be given, granted, and confirmed, or for, or by reason of any of the said goods, chattels, wares, or merchandises to be imported from the said lands and premises hereby mentioned, to be given, granted, and confirmed into any of our said dominions, or any part thereof as aforesaid, excepting only the said five pounds *per centum* hereby reserved and payable after the expiration of the said term of seven years as aforesaid, and not before: And these our letters-patents, or the enrollment, duplicate, or exemplification of the same shall be for ever hereafter, from time to time, as well to the Treasurer, Chancellor and Barons of the Exchequer of us, our heirs and successors, as to all and singular the customers, farmers, and collectors of the customs, subsidies, and imposts of us, our heirs and successors, and all searchers, and other the officers and ministers whatsoever of us, our heirs and successors, for the time being, a sufficient warrant and discharge in this behalf.

AND, further our will and pleasure is, and we do hereby for us, our heirs and successors, ordain and declare, and grant to the said Governor and Company, and their successors, that all and every the subjects of us, our heirs or successors, which shall go to and inhabit within the said lands and

premises hereby mentioned to be granted, and every of their children which shall happen to be borne there, or on the seas in going thither, or returning from thence, shall have and enjoy all liberties and immunities of free and natural subjects within any of the dominions of us, our heirs or successors, to all intents, constructions, and purposes whatsoever, as if they and every of them were born within the realm of England. And that the Governor and Deputy Governor of the said Company for the time being, or either of them, and any two or more of such of the said assistants as shall be thereunto appointed by the said Governor and Company at any of their Courts or Assemblies to be held as aforesaid, shall and may at all times, and from time to time hereafter, have full power and authority to minister and give the oath and oaths of supremacy and allegiance, or either of them, to all and every person and persons, which shall at any time or times hereafter go or passe to the lands and premises hereby mentioned to be granted to inhabit in the same. And, we do of our further grace, certain knowledge and mere motion, give and grant to the said Governor and Company, and their successors, that it shall and may be lawful, to and for the Governor or Deputy Governor, and such of the assistants and freemen of the said Company for the time being as shall be assembled in any of their general Courts aforesaid, or in any other courts to be specially summoned and assembled for that purpose, or the greater part of them (whereof the Governor or Deputy Governor, and six of the assistants to be always seven) from time to time, to make, ordain, and establish all manner of wholesome and reasonable orders, laws, statutes, and ordinances, directions, and instructions, not contrary to the laws of this our realm of England, as well for settling of the forms and ceremonies of government and magistracy, fit and necessary for the said plantation, and the inhabitants there, and for naming and setting of all sorts of officers, both superior and inferior, which they shall find needful for that government and plantation, and the distinguishing and setting forth of the several duties, powers, and limits of every such office and place, and the forms of such oaths warrantable by the laws and statutes of this our realm of England, as shall be respectively ministered unto them for the execution of the said several offices and places; as also, for the disposing and ordering of the elections of such of the said officers as shall be annual, and of such others as shall be to succeed in case of death or removal, and ministering the said oaths to the new elected officers, and for impositions of lawful fines, mulcts, imprisonment, or other lawful correction, according to the course of other corporations in this our realm of England, and for the directing, ruling, and disposing of all other matters and things, whereby our said people, inhabitants there, may be so religiously, peaceably, and civilly governed, as their good life and orderly conversation, may win and incite the natives of country, to the knowledge and obedience of the only true God and Savior of mankind, and the Christian faith, which in our royal intention, and the adventurers free profession, is the principal end of this plantation. Willing, commending, and requiring, and by these presents for us, our heirs, and successors, ordaining and appointing, that all such orders, laws, statutes and ordinances, instructions and directions, as shall be so made by the Governor, or Deputy Governor of the said Company, and such of the assistants and freemen as aforesaid, and published in writing, under their common seal, shall be carefully and duly observed, kept, performed, and put in execution, according to the true intent and meaning of the same; and these our letters-patents, or the duplicate or exemplification thereof, shall be to all and every such officers, superior and inferior, from time to time, for the putting of the same orders, laws, statutes, and ordinances, instructions, and directions, in due execution against us, our heirs and successors, a sufficient warrant and discharge.

AND we do further, for us, our heirs and successors, give and grant to the said Governor and

Company, and their successors by these presents, that all and every such Chief Commanders, Captains, Governors, and other officers and ministers, as by the said orders, laws, statutes, ordinances, instructions, or directions of the said Governor and Company for the time being, shall be from time to time hereafter employed either in the government of the said inhabitants and plantation, or in the way by sea thither, or from thence, according to the natures and limits of their offices and places respectively, shall from time to time hereafter for ever, within the precincts and parts of New England hereby mentioned to be granted and confirmed, or in the way by sea thither, or from thence, have full and absolute power and authority to correct, punish, pardon, govern, and rule all such the subjects of us, our heirs and successors, as shall from time to time adventure themselves in any voyage thither or from thence, or that shall at any time hereafter, inhabit within the precincts and parts of New England aforesaid, according to the orders, laws, ordinances, instructions, and directions aforesaid, not being repugnant to the laws and statutes of our realm of England as aforesaid. And we do further, for us, our heirs and successors, give and grant to the said Governor and Company and their successors, by these presents, that it shall and may be lawful, to and for the Chief Commanders, Governors, and officers of the said Company, for the time being, who shall be resident in the said part of New England in America, by these presents granted, and others there inhabiting by their appointment and direction, from time to time, and at all times hereafter for their special defense and safety, to encounter, expel, repel, and resist by force of arms, as well by sea as by land, and by all fitting ways and means whatsoever, all such person and persons, as shall at any time hereafter, attempt or enterprise the destruction, invasion, detriment, or annoyance to the said plantation or inhabitants, and to take and surprise by all ways and means whatsoever, all and every such person and persons, with their ships, armor, munitions, and other goods, as shall in hostile manner invade or attempt the defeating of the said plantation, or the hurt of the said Company and inhabitants: Nevertheless, our will and pleasure is, and we do hereby declare to all Christian kings, princes and states, that if any person or persons which shall hereafter be of the said Company or plantation, or any other by license or appointment of the said Governor and Company for the time being, shall at any time or times hereafter, rob or spoil, by sea or by land, or do any hurt, violence, or unlawful hostility to any of the subjects of us, our heirs or successors, or any of the subjects of any prince or state, being then in league and amity with us, our heirs and successors, and that upon such injury don and upon just complaint of such prince or state or their subjects, we, our heirs and successors shall make open proclamation within any of the parts within our realm of England, commodious for that purpose, that the person or persons having committed any such robbery or spoil, shall within the term limited by such a proclamation, make full restitution or satisfaction of all such injuries done, so as the said princes or others so complaining, may hold themselves fully satisfied and contented; and that if the said person or persons, having committed such robbery or spoil, shall not make, or cause to be made satisfaction accordingly, within such time so to be limited, that then it shall be lawful for us, our heirs and successors, to put the said person or persons out of our allegiance and protection, and that it shall be lawful and free for all princes to prosecute with hostility, the said offenders, and every of them, their and every of their procurers, aiders, abettors, and comforters in that behalf: Provided also, and our express will and pleasure is, and we do by these presents for us, our heirs and successors ordain and appoint that these presents shall not in any manner enure, or be taken to abridge, bar, or hinder any of our loving subjects whatsoever, to use and exercise the trade of fishing upon that coast of New England in America, by these presents mentioned to be granted. But that they, and every, or any of them, shall have full and

free power and liberty to continue and use their said trade of fishing upon the said coast, in any the seas thereunto adjoining, or any arms of the seas or saltwater rivers where they have been wont to fish, and to build and set up upon the lands by these presents granted, such wharfs, stages, and workhouses as shall be necessary for the salting, drying, keeping, and packing up of their fish, to be taken or gotten upon that coast; and to cut down, and take such trees and other materials there growing, or being, or shall be needful for that purpose, and for all other necessary easements, helps, and advantage concerning their said trade of fishing there, in such manner and form as they have been heretofore at any time accustomed to do, without making any wilful waste or spoil, any thing in these presents contained to the contrary notwithstanding. And we do further, for us, our heirs and successors, ordain and grant to the said Governor and Company, and their successors by these presents that these our letters-patents shall be firm, good, effectual, and available in all things, and to all intents and constructions of law, according to our true meaning herein before declared, and shall be construed, reputed, and adjudged in all cases most favorable on the behalf, and for the benefit and behoove of the said Governor and Company and their successors: Although express mention of the true yearly value or certainty of the premises or any of them, or of any other gifts or grants, by us, or any of our progenitors or predecessors to the foresaid Governor or Company before this time made, in these presents is not made; or any statute, act, ordinance, provision, proclamation, or restraint to the contrary thereof, heretofore had, made, published, ordained, or provided, or any other matter, cause, or thing whatsoever to the contrary thereof in any wise notwithstanding.

IN WITNESS whereof, we have caused these our letters to be made patents.

WITNESS ourself, at Westminster, the fourth day of March, in the fourth year of our reign.

Breve de Privato Sigillo,

WOLSELEY.

The Charter of Maryland

June 20, 1632

Charles, by the Grace of God, of England, Scotland, France, and Ireland, king, Defender of the Faith, &c. To all to whom these Presents come, Greeting.

II. Whereas our well beloved and right trusty Subject Caecilius Calvert, Baron of Baltimore, in our Kingdom of Ireland, Son and Heir of George Calvert, Knight, late Baron of Baltimore, in our said Kingdom of Ireland, treading in the steps of his Father, being animated with a laudable, and pious Zeal for extending the Christian Religion, and also the Territories of our Empire, hath humbly besought Leave of us, that he may transport, by his own Industry, and Expense, a numerous Colony of the English Nation, to a certain Region, herein after described, in a Country hitherto uncultivated, in the Parts of America, and partly occupied by Savages, having no knowledge of the Divine Being, and that all that Region, with some certain Privileges, and Jurisdiction, appertaining unto the wholesome Government, and State of his Colony and Region aforesaid, may by our Royal Highness be given, granted and confirmed unto him, and his Heirs.

III. Know Ye therefore, that We, encouraging with our Royal Favour, the pious and noble purpose of the aforesaid Barons of Baltimore, of our special Grace, certain knowledge, and mere Motion, have Given, Granted and Confirmed, and by this our present Charter, for Us our Heirs, and Successors, do Give, Grant and Confirm, unto the aforesaid Caecilius, now Baron of Baltimore, his Heirs, and Assigns, all that Part of the Peninsula, or Chersonese, lying in the Parts of America, between the Ocean on the East and the Bay of Chesapeake on the West, divided from the Residue thereof by a Right Line drawn from the Promontory, or Head-Land, called Watkin's Point, situate upon the Bay aforesaid, near the river Wigloo, on the West, unto the main Ocean on the East; and between that Boundary on the South, unto that Part of the Bay of Delaware on the North, which lieth under the Fortieth Degree of North Latitude from the Equinoctial, where New England is terminated; And all that Tract of Land within the Metes underwritten (that is to say) passing from the said Bay, called Delaware Bay, in a right Line, by the Degree aforesaid, unto the true meridian of the first Fountain of the River of Pattowmack, thence verging toward the South, unto the further Bank of the said River, and following the same on the West and South, unto a certain Place, called Cinquack, situate near the mouth of the said River, where it disembogues into the aforesaid Bay of Chesapeake, and thence by the shortest Line unto the aforesaid Promontory or Place, called Watkin's Point; so that the whole tract of land, divided by the Line aforesaid, between the main Ocean and Watkin's Point, unto the Promontory called Cape Charles, and every the Appendages thereof, may entirely remain excepted for ever to Us, our Heirs and Successors.

IV. Also We do grant and likewise Confirm unto the said Baron of Baltimore, his Heirs, and Assigns, all Islands and Inlets within the Limits aforesaid, all and singular the Islands, and Islets, from the Eastern Shore of the aforesaid Region, towards the East, which had been, or shall be formed in the Sea, situate within Ten marine Leagues from the said shore; with all and singular the Ports, Harbours, Bays, Rivers, and Straits belonging to the Region or Islands aforesaid, and all the Soil, Plains, Woods, Marshes, Lakes, Rivers, Bays, and Straits, situate, or being within the Metes,

Bounds, and Limits aforesaid, with the Fishings of every kind of Fish, as well of Whales, Sturgeons, and other royal Fish, as of other Fish, in the Sea, Bays, Straits, or Rivers, within the Premises, and the fish there taken; And moreover all Veins, Mines, and Quarries, as well opened as hidden, already found, or that shall be found within the Region, Islands, or Limits aforesaid, of Gold, Silver, Gems, and precious Stones, and any other whatsoever, whether they be of Stones, or Metals, or of any other Thing, or Matter whatsoever; And furthermore the Patronages, and Advowsons of all Churches which (with the increasing Worship and Religion of Christ) within the said Region, Islands, Islets, and Limits aforesaid, hereafter shall happen to be built, together with License and Faculty of erecting and founding Churches, Chapels, and Places of Worship, in convenient and suitable places, within the Premises, and of causing the same to be dedicated and consecrated according to the Ecclesiastical Laws of our Kingdom of England, with all, and singular such, and as ample Rights, Jurisdictions, Privileges, Prerogatives, Royalties, Liberties, Immunities, and royal Rights, and temporal Franchises whatsoever, as well by Sea as by Land, within the Region, Islands, Islets, and Limits aforesaid, to be had, exercised, used, and enjoyed, as any Bishop of Durham, within the Bishoprick or County Palatine of Durham, in our Kingdom of England, ever heretofore hath had, held, used, or enjoyed, or of right could, or ought to have, hold, use, or enjoy.

V. And we do by these Presents, for us, our Heirs, and Successors, Make, Create, and Constitute Him, the now Baron of Baltimore, and his Heirs, the true and absolute Lords and Proprietaries of the Region aforesaid, and of all other Premises (except the before excepted) saving always the Faith and Allegiance and Sovereign Dominion due to Us, our Heirs, and Successors; to have, hold, possess, and enjoy the aforesaid Region, Islands, Islets, and other the Premises, unto the aforesaid now Baron of Baltimore, and to his Heirs and Assigns, to the sole and proper Behoof and Use of him, the now Baron of Baltimore, his Heirs and assigns, forever. To Hold of Us, our Heirs and Successors, Kings of England, as of our Castle of Windsor, in our County of Berks, in free and common Soccage, by Fealty only for all Services, and not *in capite*, nor by Knight's Service, yielding therefore unto Us, our Heirs and Successors Two Indian Arrows of these Parts, to be delivered at the said Castle of Windsor, every Year, on Tuesday in Easter Week: And also the fifth Part of all Gold and Silver Ore, which shall happen from Time to Time, to be found within the aforesaid Limits.

VI. Now, That the aforesaid Region, thus by us granted and described, may be eminently distinguished above all other Regions of that Territory, and decorated with more ample Titles, Know Ye, that We, of our more especial Grace, certain knowledge, and mere Motion, have thought fit that the said Region and Islands be erected into a Province, as out of the Plenitude of our royal Power and Prerogative, We do, for Us, our Heirs and Successors, erect and incorporate the same into a Province, and nominate the same Maryland, by which Name We will that it shall from henceforth be called.

VII. And forasmuch as We have above made and ordained the aforesaid now Baron of Baltimore, the true Lord and Proprietary of the whole Province aforesaid, Know Ye therefore further, that We, for Us, our Heirs and Successors, do grant unto the said now Baron, (in whose Fidelity, Prudence, Justice, and provident Circumspection of Mind, We repose the greatest Confidence) and to his Heirs, for the good and happy Government of the said Province, free, full,

and absolute Power, by the Tenor of these Presents, to Ordain, Make, and Enact Laws, of what Kind soever, according to their sound Discretions, whether relating to the Public State of the said Province, or the private Utility of Individuals, of and with the Advice, Assent, and Approbation of the Free-Men of the same Province, or the greater Part of them, or of their Delegates or Deputies, whom We will shall be called together for the framing of Laws, when, and as often as Need shall require, by the aforesaid now Baron of Baltimore, and his Heirs, and in the Form which shall seem best to him or them, and the same to publish under the Seal of the aforesaid now Baron of Baltimore, and his Heirs, and duly to execute the same upon all Persons, for the time being, within the aforesaid Province, and the Limits thereof, or under his or their Government and Power, in Sailing towards Maryland, or thence Returning, Outward-bound, either to England, or elsewhere, whether to any other Part of Our, or of any foreign Dominions, wheresoever established, by the Imposition of Fines, Imprisonment, and other Punishment whatsoever; even if it be necessary, and the Quality of the Offence require it, by Privation of Member, or Life, by him the aforesaid now Baron of Baltimore, and his Heirs, or by his or their Deputy, Lieutenant, Judges, Justices, Magistrates, Officers, and Ministers, to be constituted and appointed according to the Tenor and true Intent of these Presents, and to constitute and ordain Judges, Justices, Magistrates and Officers of what kind, for what Cause, and with what Power soever, within that Land, and the Sea of those Parts, and in such form as to the said now Baron of Baltimore, or his Heirs, shall seem most fitting; And also to Remit, Release, Pardon, and Abolish, all Crimes and Offences whatsoever against such Laws, whether before, or after Judgment passed; and to do all and singular other Things belonging to the Completion of Justice, and to Courts, Praetorian Judicatories, and Tribunals, Judicial Forms and Modes of Proceeding, although express Mention thereof in these Presents be not made; and, by Judges by them delegated, to award Process, hold Pleas, and determine in those Courts, Praetorian Judicatories, and Tribunals, in all Actions, Suits, Causes, and Matters whatsoever, as well Criminal as Personal, Real and Mixed, and Praetorian: Which said Laws, so to be published as above-said, We will enjoin, charge, and command, to be most absolute and firm in Law, and to be Kept in those Parts by all the Subjects and Liege-Men of Us, our Heirs, and Successors, so far as they concern them, and to be inviolably observed under the Penalties therein expressed, agreeable to or to be expressed. So, nevertheless, that the Laws aforesaid be consonant to Reason, and be not repugnant or contrary, but (so far as conveniently may be) agreeable to the Laws, Statutes, Customs, and Rights of this Our Kingdom of England.

VIII. And forasmuch as, in the Government of so great a Province, sudden accidents may frequently happen, to which it will be necessary to apply a Remedy, before the Freeholders of the said Province, their Delegates, or Deputies, can be called together for the framing of Laws; neither will it be fit that so great a Number of People should immediately, on such emergent Occasion, be called together, We therefore, for the better Government of so great a Province, do Will and Ordain, and by these Presents, for Us, our Heirs and Successors, do grant unto the said now Baron of Baltimore, and to his Heirs, that the aforesaid now Baron of Baltimore, and his Heirs, by themselves, or by their Magistrates and Officers, thereunto duly to be constituted as aforesaid, may, and can make and constitute fit and Wholesome Ordinances from Time to Time, to be Kept and observed within the Province aforesaid, as well for the Conservation of the Peace, as for the better Government of the People inhabiting therein, and publicly to notify the same to all Persons whom the same in any wise do or may affect. Which Ordinances We will to be inviolably observed within

the said Province, under the Pains to be expressed in the same. So that the said Ordinances be consonant to Reason and be not repugnant nor contrary, but (so far as conveniently may be done) agreeable to the Laws, Statutes, or Rights of our Kingdom of England: And so that the same Ordinances do not, in any Sort, extend to oblige, bind, charge, or take away the Right or Interest of any Person or Persons, of, or in Member, Life, Freehold, Goods or Chattels.

IX. Furthermore, that the New Colony may more happily increase by a Multitude of People resorting thither, and at the same Time may be more firmly secured from the Incursions of Savages, or of other Enemies, Pirates, and Ravagers: We therefore, for Us, our Heirs and Successors, do by these Presents give and grant Power, License and Liberty, to all the Liege-Men and Subjects, present and future, of Us, our Heirs and Successors, except such to whom it shall be expressly forbidden, to transport themselves and their Families to the said Province, with fitting Vessels, and suitable Provisions, and therein to settle, dwell and inhabit; and to build and fortify Castles, Forts, and other Places of Strength, at the Appointment of the aforesaid now Baron of Baltimore, and his Heirs, for the Public and their own Defence; the Statute of Fugitives, or any other whatsoever to the contrary of the Premises in any wise notwithstanding.

X. We will also, and of our more abundant Grace, for Us, our Heirs and Successors, do firmly charge, constitute, ordain, and command, that the said Province be of our Allegiance; and that all and singular the Subjects and Leige-Men of Us, our Heirs and Successors, transplanted, or hereafter to be transplanted into the Province aforesaid, and the Children of them, and of others their Descendants, whether already born there, or hereafter to be born, be and shall be Natives and Liege-Men of Us, our Heirs and Successors, of our Kingdom of England and Ireland; and in all Things shall be held, treated, reputed, and esteemed as the faithful Liege-Men of Us, and our Heirs and Successors, born within our Kingdom of England; also Lands, Tenements, Revenues, Services, and other Hereditaments whatsoever, within our Kingdom of England, and other our Dominions, to inherit, or otherwise purchase, receive, take, have, hold, buy, and possess, and the same to use and enjoy, and the same to give, sell, alien and bequeath; and likewise all Privileges, Franchises and Liberties of this our Kingdom of England, freely, quietly, and peaceably to have and possess, and the same may use and enjoy in the same manner as our Liege-Men born, or to be born within our said Kingdom of England, without Impediment, Molestation, Vexation, Impeachment, or Grievance of Us, or any of our Heirs or Successors; any Statute, Act, Ordinance, or Provision to the contrary thereof, notwithstanding.

XI. Furthermore, That our Subjects may be incited to undertake this Expedition with a ready and cheerful mind: Know Ye, that We, of our especial Grace, certain Knowledge, and mere Motion, do, by the Tenor of these Presents, give and grant, as well as to the aforesaid Baron of Baltimore, and to his Heirs, as to all other Persons who shall from Time to Time repair to the said Province, either for the Sake of Inhabiting, or of Trading with the Inhabitants of the Province aforesaid, full License to Ship and Lade in any the Ports of Us, our Heirs and Successors, all and singular their Goods, as well movable, as immovable, Wares and Merchandizes, likewise Grain of what Sort soever, and other Things whatsoever necessary for Food and Clothing, by the Laws and Statutes of our Kingdoms and Dominions, not prohibited to be transported out of the said Kingdoms; and the same to transport, by themselves, or their Servants or Assigns, into the said Province, without the

Impediment or Molestation of Us, our Heirs or Successors, or any Officers of Us, our Heirs or Successors, (Saving unto Us, our Heirs and Successors, the Impositions, Subsidies, Customs, and other Dues payable for the same Goods and Merchandizes) any Statute, Act, Ordinance, or other Thing whatsoever to the contrary notwithstanding.

XII. But because, that in so remote a Region, placed among so many barbarous Nations, the Incursions as well of the Barbarians themselves, as of other Enemies, Pirates and Ravagers, probably will be feared. Therefore We have Given, and for Us, our Heirs, and Successors, do Give by these Presents, as full and unrestrained Power, as any Captain-General of an Army ever hath had, unto the aforesaid now Baron of Baltimore, and to his Heirs and Assigns, by themselves, or by their Captains, or other Officers to summon to their Standards, and to array all men, of whatsoever Condition, or wheresoever born, for the Time being, in the said Province of Maryland, to wage War, and to pursue, even beyond the Limits of their Province, the Enemies and Ravagers aforesaid, infesting those Parts by Land and by Sea, and (if God shall grant it) to vanquish and captivate them, and the Captives to put to Death, or, according to their Discretion, to save, and to do all other and singular the Things which appertain, or have been accustomed to appertain unto the Authority and Office of a Captain-General of an Army.

XIII. We also will, and by this our Charter, do give unto the aforesaid now Baron of Baltimore, and to his Heirs and Assigns, Power, Liberty, and Authority, that, in Case of Rebellion, sudden Tumult, or Sedition, if any (which God forbid) should happen to arise, whether upon Land within the Province aforesaid, or upon the High Sea in making a Voyage to the said Province of Maryland, or in returning thence, they may, by themselves, or by their Captains, or other Officers, thereunto deputed under their Seals (to whom We, for Us, our Heirs and Successors, by these Presents, do Give and Grant the fullest Power and Authority) exercise Martial Law as freely, and in as ample Manner and Form, as any Captain-General of an Army, by virtue of his Office may, or hath accustomed to use the same, against the seditious Authors of Innovations in those Parts, withdrawing themselves from the Government of him or them, refusing to serve in War, flying over to the Enemy, exceeding their Leave of Absence, Deserters, or otherwise howsoever offending against the Rule, Law, or Discipline of War.

XIV. Moreover, left in so remote and far distant a Region, every Access to Honors and Dignities may seem to be precluded, and utterly barred, to Men well born, who are preparing to engage in the present Expedition, and desirous of deserving well, both in Peace and War, of Us, and our Kingdom; for this Cause, We, for Us, our Heirs and Successors, do give free and plenary Power to the aforesaid now Baron of Baltimore, and to his Heirs and Assigns, to confer Favors, Rewards and Honors, upon such Subjects, inhabiting within the Province aforesaid, as shall be well deserving, and to adorn them with whatsoever Titles and Dignities they shall appoint; (so that they be not such as are now used in England) also to erect and incorporate Towns into Boroughs, and Boroughs into Cities, with suitable Privileges and Immunities, according to the Merits of the Inhabitants, and Convenience of the Places; and to do all and singular other Things in the Premises, which to him or them shall seem fitting and convenient; even although they shall be such as, in their own Nature, require a more special Commandment and Warrant than in these Presents may be expressed.

XV. We will also, and by these Presents do, for Us, our Heirs and Successors, give and grant License by this our Charter, unto the aforesaid now Baron of Baltimore, his Heirs and Assigns, and to all Persons whatsoever, who are, or shall be Residents and Inhabitants of the Province aforesaid, freely to import and unlade, by themselves, their Servants, Factors or Assigns, all Wares and Merchandizes whatsoever, which shall be collected out of the Fruits and Commodities of the said Province, whether the Product of the Land or the Sea, into any the Ports whatsoever of Us, our Heirs and Successors, of England or Ireland, or otherwise to dispose of the same there; and, if Need be, within One Year, to be computed immediately from the Time of unlading thereof, to lade the same Merchandizes again, in the same, or other Ships, and to export the same to any other Countries they shall think proper, whether belonging to Us, or any foreign Power which shall be in Amity with Us, our Heirs or Successors: Provided always, that they be bound to pay for the same to Us, our Heirs and Successors, such Customs and Impositions, Subsidies and Taxes, as our other Subjects of our Kingdom of England, for the Time being, shall be bound to pay, beyond which We will that the Inhabitants of the aforesaid Province of the said Land, called Maryland, shall not be burdened.

XVI. And furthermore, of our more ample special Grace, and of our certain Knowledge, and mere Motion, We do, for Us, our Heirs and Successors, grant unto the aforesaid now Baron of Baltimore, his Heirs and Assigns, full and absolute Power and Authority to make, erect, and constitute, within the Province of Maryland, and the Islands and Islets aforesaid, such, and so many Sea-Ports, Harbors, Creeks, and other Places of Unlading and Discharge of Goods and Merchandizes out of Ships, Boats, and other Vessels, and of Lading in the same, and in so many, and such Places, and with such Rights, Jurisdictions, Liberties, and Privileges, unto such Parts respecting, as to him or them shall seem most expedient: And, that all and every the Ships, Boats, and other Vessels whatsoever, coming to, or going from the Province aforesaid, for the Sake of Merchandizing, shall be laden and unladen at such Ports only as shall be so erected and constituted by the said now Baron of Baltimore, his Heirs and Assigns, any Usage, Custom, or other Thing whatsoever to the contrary notwithstanding, Saving always to Us, our Heirs and Successors, and to all the Subjects of our Kingdoms of England and Ireland, of Us, our Heirs and Successors, the Liberty of Fishing for Sea-Fish, as well in the Sea, Bays, Straits, and navigable Rivers, as in the Harbors, Bays, and Creeks of the Province aforesaid; and the Privilege of Salting and Drying Fish on the Shores of the same Province; and, for that Cause, to cut down and take Hedging-Wood and Twigs there growing, and to build Huts and Cabins, necessary in this Behalf, in the same Manner, as heretofore they reasonably might, or have used to do. Which Liberties and Privileges, the said Subjects of Us, our Heirs and Successors, shall enjoy, without notable Damage or Injury in any wise to be done to the aforesaid now Baron of Baltimore, his Heirs or Assigns, or to the Residents and Inhabitants of the same Province in the Ports, Creeks, and Shores aforesaid, and especially in the Woods and Trees there growing. And if any Person shall do Damage or Injury of this Kind, he shall incur the Peril and Pain of the heavy Displeasure of Us, our Heirs and Successors, and of the due Chastisement of the Laws, besides making Satisfaction.

XVII. Moreover, We will, appoint, and ordain, and by these Presents, for Us, our Heirs and Successors, do grant unto the aforesaid now Baron of Baltimore, his Heirs and Assigns, that the same Baron of Baltimore, his Heirs and Assigns, from Time to Time, forever, shall have, and enjoy the Taxes and Subsidies payable, or arising within the Ports, Harbors, and other Creeks and Places

aforesaid, within the Province aforesaid, for Wares bought and sold, and Things there to be laden, or unladen, to be reasonably assessed by them, and the People there as aforesaid, on emergent Occasion; to whom We grant Power by these Presents, for Us, our Heirs and Successors, to assess and impose the said Taxes and Subsidies there, upon just Cause and in due Proportion.

XVIII. And furthermore, of our special Grace, and certain Knowledge, and mere Motion, We have given, granted, and confirmed, and by these Presents, for Us, our Heirs and Successors, do give, grant and confirm, unto the said now Baron of Baltimore, his Heirs and Assigns, full and absolute License, Power, and Authority, that he, the aforesaid now Baron of Baltimore, his Heirs and Assigns, from Time to Time hereafter, forever, may and can, at his or their Will and Pleasure, assign, alien, grant, demise, or enfeoff so many, such, and proportionate Parts and Parcels of the Premises, to any Person or Persons willing to purchase the same, as they shall think convenient, to have and to hold to the same Person or Persons willing to take or purchase the same, and his and their Heirs and Assigns, in Fee-simple, or Fee-tail, or for Term of Life, Lives or Years; to hold of the aforesaid now Baron of Baltimore, his Heirs and Assigns, by so many, such, and so great Services, Customs and Rents of this Kind, as to the same now Baron of Baltimore, his Heirs, and Assigns, shall seem fit and agreeable, and not immediately of Us, our Heirs and Successors. And We do give, and by these Presents, for Us, our Heirs and Successors, do grant to the same Person and Persons, and to each and every of them, License, Authority and Power, that such Person and Persons may take the Premises, or any Parcel thereof, of the aforesaid now Baron of Baltimore, his Heirs and Assigns, and hold the same to them and their Assigns, or Heirs, of the aforesaid Baron of Baltimore, his Heirs and Assigns, of what Estate of Inheritance soever, in Fee Simple or Fee-tail, or otherwise, as to them and the now Baron of Baltimore, his Heirs and Assigns, shall seem expedient; the Statute made in the Parliament of Lord Edward, Son of King Henry, late King of England, our Progenitor, commonly called the "Statute Quia Emptores Terrarum," heretofore published in our Kingdom of England, or any other Statute, Act, Ordinance, Usage, Law, or Custom, or any other Thing, Cause, or Matter, to the contrary thereof, heretofore had, done, published, ordained or provided to the contrary thereof notwithstanding.

XIX. We also, by these Presents, do give and grant License to the same Baron of Baltimore, and to his Heirs, to erect any Parcels of Land within the Province aforesaid, into Manors, and in every of those Manors, to have and to hold a Court-Baron, and all Things which to a Court Baron do belong; and to have and to Keep View of Frank-Pledge, for the Conservation of the Peace and better Government of those Parts, by themselves and their Stewards, or by the Lords, for the Time being to be deputed, of other of those Manors when they shall be constituted, and in the same to exercise all Things to the View of Frank Pledge belong.

XX. And further We will, and do, by these Presents, for Us, our Heirs and Successors, covenant and grant to, and with the aforesaid now Baron of Baltimore, His Heirs and Assigns, that We, our Heirs, and Successors, at no Time hereafter, will impose, or make or cause to be imposed, any Impositions, Customs, or other Taxations, Quotas, or Contributions whatsoever, in or upon the Residents or Inhabitants of the Province aforesaid for their Goods, Lands, or Tenements within the same Province, or upon any Tenements, Lands, Goods or Chattels within the Province aforesaid, or in or upon any Goods or Merchandizes within the Province aforesaid, or within the Ports or Harbors

of the said Province, to be laden or unladen; And We will and do, for Us, our Heirs and Successors, enjoin and command that this our Declaration shall, from Time to Time, be received and allowed in all our Courts and Praetorian Judicatories, and before all the Judges whatsoever of Us, our Heirs and Successors, for a sufficient and lawful Discharge, Payment, and Acquittance thereof, charging all and singular the Officers and Ministers of Us, our Heirs and Successors, and enjoining them under our heavy Displeasure, that they do not at any Time presume to attempt any Thing to the contrary of the Premises, or that may in any wise contravene the same, but that they, at all Times, as is fitting, do aid and assist the aforesaid now Baron of Baltimore, and his Heirs, and the aforesaid Inhabitants and Merchants of the Province of Maryland aforesaid, and their Servants and Ministers, Factors and Assigns, in the fullest Use and Enjoyment of the Charter.

XXI. And furthermore We will, and by these Presents, for Us, our Heirs and Successors, do grant unto the aforesaid now Baron of Baltimore, his Heirs and Assigns, and to the Freeholders and Inhabitants of the said Province, both Present and to come, and to every of them, that the said Province, and the Freeholders or Inhabitants of the said Colony or Country, shall not henceforth be held or reputed a Member or Part of the Land of Virginia, or of any other Colony already transported, or hereafter to be transported, or be dependent on the same, or subordinate in any kind of Government, from which We do separate both the said Province, and Inhabitants thereof, and by these Presents do will to be distinct, and that they may be immediately subject to our Crown of England, and dependent on the same forever.

XXII. And if, peradventure, hereafter it may happen, that any Doubts or Questions should arise concerning the true Sense and Meaning of any Word, Clause, or Sentence, contained in this our present Charter, We will charge and command, That Interpretation to be applied always, and in all Things, and in all Courts and Judicatories whatsoever, to obtain which shall be judged to be the more beneficial, profitable, and favorable to the aforesaid now Baron of Baltimore, his Heirs and Assigns: Provided always, that no Interpretation thereof be made, whereby God's holy and true Christian Religion, or the Allegiance due to Us, our Heirs and Successors, may in any wise suffer by Change, Prejudice, or Dimunition; although express Mention be not made in these Presents of the true yearly Value or Certainty of the Premises, or of any Part thereof; or of other Gifts and Grants made by Us, our Heirs and Successors, unto the said now Lord Baltimore, or any Statute, Act, Ordinance, Provision, Proclamation or Restraint, heretofore had, made, published, ordained or provided, or any other Thing, Cause, or Matter whatsoever, to the contrary thereof in any wise notwithstanding.

XXIII. In Witness Whereof We have caused these our Letters to be made Patent. Witness Ourselves at Westminster, the Twentieth Day of June, in the Eighth Year of our Reign.

Fundamental Orders of Connecticut

January 14, 1639

[Original spelling]

FORASMUCH as it hath pleased the Almighty God by the wise disposition of his diuyné prouidence so to Order and dispose of things that we the Inhabitants and Residents of Windsor, Harteford and Wethersfield are now cohabiting and dwelling in and vpon the River of Conectecotte and the Lands thereunto adioyneing; And well knowing where a people are gathered together the word of God requires that to mayntayne the peace and vnion of such a people there should be an orderly and decent Gouverment established according to God, to order and dispose of the affayres of the people at all seasons as occation shall require; doe therefore assotiate and conioyne our selues to be as one Publike State or Comonwelth; and doe, for our selues and our Successors and such as shall be adioyned to vs att any tyme hereafter, enter into Combination and Confederation together, to mayntayne and prsearue the liberty and purity of the gospell of our Lord Jesus wch we now prfesse, as also the disciplyne of the Churches, wch according to the truth of the said gospell is now practised amongst vs; As also in or Ciuell Affaires to be guided and gouerned according to such Lawes, Rules, Orders and decrees as shall be made, ordered & decreed, as followeth:--

I. It is Ordered, sentenced and decreed, that there shall be yerely two generall Assemblies or Courts, the one on the second thursday in Aprill, the other the second thursday in September, following; the first shall be called the Courte of Election, wherein shall be yerely Chosen fro tyme to tyme soe many Magestrats and other publike Officers as shall be found requisitte: Whereof one to be chosen Gouvernour for the yeare ensueing and vtill another be chosen, and noe other Magestrate to be chosen for more then one yeare; prouided allwayes there be sixe chosen besides the Gouvernour; wch being chosen and sworne according to an Oath recorded for that purpose shall haue power to administer iustice according to the Lawes here established, and for want thereof according to the rule of the word of God; wch choise shall be made by all that are admitted freemen and haue taken the Oath of Fidellity, and doe cohabitte wthin this Jurisdiction, (hauing beene admitted Inhabitants by the maior prt of the Towne wherein they liue,) or the mayor prte of such as shall be then present.

2. It is Ordered, sentensed and decreed, that the Election of the aforesaid Magestrats shall be on this manner: euery prson present and quallified for chovse shall bring in (to the prsons deputed to receaue thc) one single papr wth the name of him written in yt whom he desires to haue Gouvernour, and he that hath the greatest nūber of papers shall be Gouvernor for that yeare. And the rest of the Magestrats or publike Officers to be chosen in this manner: The Secretary for the tyme being shall first read the names of all that are to be put to choise and then shall seuerally nominate them distinctly, and euery one that would haue the prson nominated to be chosen shall bring in one single paper written vpon, and he that would not haue him chosen shall bring in a blanke: and euery one that hath more written papers than blanks shall be a Magistrat for that yeare; wch papers shall be receaued and told by one or more that shall be chosen by the court and sworne to be faythfull therein; but in case there should not be sixe chosen as aforesaid, besides the Gouvernor, out of those wch are nominated, then he or they wch haue the most written paprs shall be a Magestrate or Magestrats for the ensueing yeare, to make vp the aforesaid nūber.

3. It is Ordered, sentenced and decreed, that the Secretary shall not nominate any prson, nor shall any prson be chosen newly into the Magestracy wch was not prpowded in some Generall Courte before, to be nominated the next Election; and to that end yt shall be lawfull for ech of the Townes aforesaid by their deputyes to nominate any two who they conceaue fitte to be put to election; and the Courte may ad so many more as they iudge requisitt.

4. It is Ordered, sentenced and decreed that noe prson be chosen Gouvernor aboue once in two yeares, and that the Gouvernor be always a mēber of some approved congregation, and formerly of the Magestracy wthin this Jurisdiction; and all the Magestrats Freemen of this Comonwelth: and that no Magestrate or other publike officer shall execute any prte of his or their Office before they are seuerally sworne, wch shall be done in the face of the Courte if they be prsent, 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 seurall Townes shall send their deputyes, and when the Elections are ended they may pceed in any publike searvice as at other Courts. Also the other Generall Courte in September shall be for making of lawes, and any other publike occation, wch concerns the good of the Comonwelth.

6. It is Ordered, sentenced and decreed, that the Gournor shall, ether by himselfe or by the secretary, send out sumons to the Constables of eur Towne for the cauleing of these two standing Courts, on month at lest before their seurall tymes: And also if the Gournor and the gretest prte of the Magestrats see cause vppon any spetiall occation to call a generall Courte, they may giue order to the secretary soe to doe wthin fowerteene dayes wameing; and if vrgent necessity so require, vppon a shorter notice, giueing sufficient grownds for yt to the deputyes when they meete, or els be questioned for the same; And if the Gournor and Mayor prte of Magestrats shall ether neglect or refuse to call the two Generall standing Courts or ether of thc, as also at other tymes when the occations of the Comonwelth require, the Freemen thereof, or the Mayor prte of them, shall petition to them soe to doe: if then yt be ether denyed or neglected the said Freemen or the Mayor prte of them shall haue power to giue order to the Constables of the seuerall Townes to doe the same, and so may meete together, and chuse to themselues a Moderator, and may pceed to do any Acte of power, wch any other Generall Courte may.

7. It is Ordered, sentenced and decreed that after there are warrants giuen out for any of the said Generall Courts, the Constable or Constables of ech Towne shall forthwth give notice distinctly to the inhabitants of the same, in some Publike Assembly or by goeing or sending fro howse to howse, that at a place and tyme by him or them lymited and sett, they meet and assemble the selues together to elect and chuse certen deputyes to be att the Generall Courte then following to agitate the afayres of the comonwelth; wch said Deputyes shall be chosen by all that are admitted Inhabitants in the seurall Townes and haue taken the oath of fidellity; pruided that non be chosen a Deputy for any Generall Courte wch is not a Freeman of this Comonwelth.

The aforesaid deputyes shall be chosen in manner following: euery prson that is prsent and quallified as before expressed, shall bring the names of such, written in seurall papers, as they desire to haue chosen for that Imployment, and these 3 or 4, more or lesse, being the nūber agreed on to

be chosen for that tyme, that haue greatest nūber of papers written for the shall be deputyes for that Courte; whose names shall be endorsed on the backe side of the warrant and returned into the Courte, wth the Constable or Constables hand vnto the same.

8. It is Ordered, sentenced and decreed, that Wyndsor, Hartford and Wethersfield shall haue power, ech Towne, to send fower of their freemen as deputyes to euery Generall Courte; And whatsoever other Townes shall be hereafter added to this Jurisdiction, they shall send so many deputyes as the Courte shall judge meete, as resonable prportion to the nūber of Freemen that are in the said Townes being to be attended therein; wch deputyes shall haue the power of the whole Towne to giue their voats and allowance to all such lawes and orders as may be for the publike good, and unto wch the said Townes are to be bownd.

9. It is ordered and decreed, that the deputyes thus chosen shall haue power and liberty to appoynt a tyme and a place of meeting together before any Generall Courte to aduise and consult of all such things as may concerne the good of the publike, as also to examine their owne Elections, whether according to the order, and if they or the gretest prte of them find any election to be illegall they may seclud such for prsent fro their meeting, and returne the same and their resons to the Courte; and if yt proue true, the Courte may fyne the prty or prtyes so intruding and the Towne, if they see cause, and giue out a warrant to goe to a newe election in a legall way, either in whole or in prte. Also the said deputyes shall haue power to fyne any that shall be disorderly at their meetings, or for not corning in due tyme or place according to appoyntment; and they may returne the said fynes into the Courte if yt be refused to be paid, and the tresurcr to take notice of yt, and to estreete or levy the same as he doth other fynes.

10. It is Ordered, sentenced and decreed, that euery Generall Courte, except such as through neglecte of the Gournor and the greatest prte of Magestrats the Freemen themselves doe call, shall consist of the Gouvernor, or some one chosen to moderate the Court, and 4 other Magestrats at lest, wth the mayor prte of the deputyes of the seuerall Townes lcgally chosen; and in case the Frcemen or mayor Plte of the through neglect or refusall of the Gouvernor and mayor prte of the magestrats, shall call a Courte, that yt shall consist of the mayor prte of Freemen that are prsent or their deputyes, wth a Moderator chosen by the: In wch said Generall Courts shall consist the supreme power of the Comonwelth, and they only shall haue power to make laws or repeale the, to graunt leuyes, to admitt of Freemen, dispose of lands vndisposed of, to seurall Townes or prsons, and also shall haue power to call ether Courte or Magestrate or any other prson whatsoever into question for any misdemeanour, and may for just causes displace or deale otherwise according to the nature of the offence; and also may deale in any other matter that concerns the good of this cornon welth, excepte election of Magestrats, wch shall be done by the whole boddy of Freemen: In wch Courte the Gouvernour or Moderator shall haue power to order the Courte to giue liberty of spech, and silence vnreasonable and disorderly speakeings, to put all things to voate, and in case the vote be equall to haue the casting voice. But non of these Courts shall be adiorned or dissolued without the consent of the maior prte of the Court

11. It is ordered, sentenced and decreed, that when any Generall Courte vppon the occations of the Comonwelth haue agreed vppon any sume or somes of mony to be leuyed vppon the seuerall

Townes wthin this Jurisdiction, that a Committee be chosen to sett out and appoynt wt shall be the prportion of euery Towne to pay of the said leuy, prvided the Committees be made vp of an equall nūber out of each Towne.

14th January, 1638, the 11 Orders abouesaid are voted.

THE OATH OF THE GOURNOR, FOR THE /PRSENT/

I N. W. being chosen to be Gournor wthin this Jurisdiction, for the yeare ensueing, and vntil a new be chosen, doe sweare by the greate and dreadfull name of the everliueing God, to prnote the publicke good and peace of the same, according to the best of my skill; as also will mayntayne all lawfull priuiledges of this Comonwealth; as also that all wholsome lawes that are or shall be made by lawfull authority here established, be duly executed; and will further the execution of Justice according to the rule of Gods word; so helpe me God, in the name of the Lo: Jesus Christ.

THE OATH OF A MAGESTRATE, FOR THE PRSENT

I, N. W. being chosen a Magestrate within this Jurisdiction for the yeare ensueing, doe sweare by the great and dreadfull name of the euerliueing God, to prmote the publike good and peace of the same, according to the best of my skill, and that I will mayntayne all the lawfull priuiledges thereof according to my vnderstanding, as also assist in the execution of all such wholsome lawes as are made or shall be made by lawfull authority heare established, and will further the execution of Justice for the tyme aforesaid according to the righteous rule of Gods word; so helpe me God, etc.

Fundamental Orders of Connecticut

January 14, 1639

[Modernized spelling]

FORASMUCH as it has 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 Wethersfield are now cohabiting and dwelling in and upon the river of Connecticut and the lands thereunto adjoining; and well knowing where a people are gathered together the word of God requires that to maintain the peace and union of such a people there should be an orderly and decent government established according to God, to order and dispose of the affairs of the people at all seasons as occasion shall require; do therefore associate and conjoin ourselves to be as one public state or commonwealth; and do, for ourselves and our successors and such as shall be adjoined to us at any time hereafter, enter into combination and confederation together, to maintain and preserve the liberty and purity of the gospel of our Lord Jesus which we now profess, as also the discipline of the churches, which according to the truth of the said gospel is now practiced among us; as also in our civil affairs to be guided and governed according to such laws, rules, orders and decrees as shall be made, ordered and decreed, as follows:

1. It is ordered, sentenced and decreed, that there shall be yearly two general assemblies or courts, the one the second Thursday in April, the other the second Thursday in September, following; the first shall be called the Court of Election, wherein shall be yearly chosen from time to time so many magistrates and other public officers as shall be found requisite: whereof one to be chosen Governor for the year ensuing and until another be chosen, and no other magistrate to be chosen for more than one year; provided always there be six chosen besides the Governor; which being chosen and sworn according to an oath recorded for that purpose shall have power to administer justice according to the laws here established, and for want thereof according to the rule of the word of God; which choice shall be made by all that are admitted freemen and have taken the oath of fidelity, and do cohabit within this jurisdiction, (having been admitted inhabitants by the major part of the town wherein they live,) or the major parts of such as shall be then present.

2. It is ordered, sentenced and decreed, that the election of the aforesaid magistrates shall be on this manner: every person present and qualified for choice 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 he that has the greatest number of papers shall be Governor for that year. And the rest of the magistrates or public 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 choice and then shall severally nominate them distinctly, and every one that would have the person nominated to be chosen shall bring in one single paper written upon, and he that would not have him chosen shall bring in a blank: and every one that has more written papers than blanks shall be a magistrate for that year; which papers shall be received and told by one or more that shall be chosen by the court and sworn to be faithful therein; but in case there should not be six chosen as aforesaid, besides the Governor, out of those which are nominated, then he or they which have the most written papers shall be a magistrate or magistrates for the ensuing year, 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 be chosen newly into the magistracy which was not propounded in some General Court before, to be nominated the next election; and to that end it shall be lawful for each of the towns aforesaid by their deputies to nominate any two who they conceive fit to be put to election; and the court may add so many more as they judge requisite.

4. It is ordered, sentenced and decreed that no person be chosen Governor above once in two years, and that the Governor be 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 public officer shall execute any part of his or their office before they are severally sworn, which shall be done in the face of the court if they be present, and in case of absence by some deputed for that purpose.

5. It is ordered, sentenced and decreed, that to the aforesaid Court of Election the several towns shall send their deputies, and when the elections are ended they may proceed in any public service as at other courts. Also the other General Court in September shall be for making of laws, and any other public occasion, which concerns the good of the commonwealth.

6. It is ordered, sentenced and decreed, that the Governor shall, either by himself or by the Secretary, send out summons to the constables of our town for the calling of these two standing courts, one month at least before their several times: and also if the Governor and the greatest part of the magistrates see cause upon any special occasion to call a General Court, they may give order to the Secretary so to do within fourteen days warning; and if urgent necessity so require, upon a shorter notice, giving sufficient grounds for it to the deputies when they meet, or else be questioned for the same; and if the Governor and major part of magistrates shall either neglect or refuse to call the two general standing courts or either of them, as also at other times when the occasions of the commonwealth require, the freemen thereof, or the major part of them, shall petition to them so to do: if then it be either denied or neglected the said freemen or the major part of them shall have power to give order to the constables of the several towns to do the same, and so may meet together, and choose to themselves a moderator, and may proceed to do any act of power, which any other General Court may.

7. It is ordered, sentenced and decreed that after there are warrants given out for any of the said General Courts, the constable or constables of each town shall forthwith give notice distinctly to the inhabitants of the same, in some public assembly or by going or sending from house to house, that at a place and time by him or them limited and set, they meet and assemble themselves together to elect and choose certain deputies to be at the General Court then following to agitate the affairs of the commonwealth; which said deputies shall be chosen by all that are admitted inhabitants in the several towns and have taken the oath of fidelity; provided that none be chosen a deputy for any General Court which is not a freeman of this commonwealth.

The aforesaid deputies shall be chosen in manner following: every person that is present and qualified as before expressed, shall bring the names of such, written in several papers, as they desire to have chosen for that employment, and these 3 or 4, more or less, being the number agreed on to

be chosen for that time, that have greatest number of papers written for them shall be deputies for that court; whose names shall be endorsed on the back side of the warrant and returned into the court, with the constable or constables hand unto the same.

8. It is ordered, sentenced and decreed, that Windsor, Hartford and Wethersfield shall have power, each town, to send four of their freemen as deputies to every General Court; and whatsoever other towns shall be hereafter added to this jurisdiction, they shall send so many deputies as the court shall judge meet, as reasonable proportion to the number of freemen that are in the said towns being to be attended therein; which deputies shall have the power of the whole town to give their votes and allowance to all such laws and orders as may be for the public good, and unto which the said towns are to be bound.

9. It is ordered and decreed, that the deputies thus chosen shall have power and liberty to appoint a time and a place of meeting together before any General Court to advise and consult of all such things as may concern the good of the public, as also to examine their own elections, whether according to the order, and if they or the greatest part of them find any election to be illegal they may seclude such for present from their meeting, and return the same and their reasons to the court; and if yet prove true, the court may fine the party or parties so intruding and the town, if they see cause, and give out a warrant to go to a new election in a legal way, either in whole or in part. Also the said deputies shall have power to fine any that shall be disorderly at their meetings, or for not coming in due time or place according to appointment; and they may return the said fines into the court if it be refused to be paid, and the treasurer to take notice of it, and to estreat or levy the same as he does other fines.

10. It is ordered, sentenced and decreed, that every General Court, except such as through neglect of the Governor and the greatest part of magistrates the freemen themselves do call, shall consist of the Governor, or someone chosen to moderate the court, and 4 other magistrates at least, with the major part of the deputies of the several towns legally chosen; and in case the freemen or major part of them through neglect or refusal of the Governor and major part of the magistrates, shall call a court, that yet shall consist of the major part of freemen that are present or their deputies, with a moderator chosen by them: In which said General Courts shall consist the supreme power of the commonwealth, and they only shall have power to make laws or repeal them, to grant levies, to admit of freemen, dispose of lands undisposed of, to several towns or persons, and also shall have power to call either court or magistrate or any other person whatsoever into question for any misdemeanor, and may for just causes displace or deal otherwise according to the nature of the offense; and also may deal in any other matter that concerns the good of this commonwealth, except election of magistrates, which shall be done by the whole body of freemen: in which court the Governor or moderator shall have power to order the court to give liberty of speech, and silence unseasonable and disorderly speaking, to put all things to vote, and in case the vote be equal to have the casting voice. But none of these courts shall be adjourned or dissolved without the consent of the major part of the court.

11. It is ordered, sentenced and decreed, that when any General Court upon the occasions of the commonwealth have agreed upon any sum or sums of money to be levied upon the several towns

within this jurisdiction, that a committee be chosen to set out and appoint what shall be the proportion of every town to pay of the said levy, provided the committees be made up of an equal number out of each town.

14th January, 1638, the 11 orders abovesaid are voted.

The oath of the Governor, for the present:

I, N. W. [name withheld] being chosen to be Governor within this jurisdiction, for the year ensuing, and until a new be chosen, do swear by the great and dreadful name of the everliving God, to promote the public good and peace of the same, according to the best of my skill; as also will maintain all lawful privileges of this commonwealth; as also that all wholesome laws that are or shall be made by lawful authority here established, be duly executed; and will further the execution of justice according to the rule of God's word; so help me God, in the name of the Lord Jesus Christ.

The oath of a magistrate, for the present:

I, N. W. [name withheld] being chosen a magistrate within this jurisdiction for the year ensuing, do swear by the great and dreadful name of the everliving God, to promote the public good and peace of the same, according to the best of my skill, and that I will maintain all the lawful privileges thereof according to my understanding, as also assist in the execution of all such wholesome laws as are made or shall be made by lawful authority here established, and will further the execution of justice for the time aforesaid according to the righteous rule of God's word; so help me God, etc.

Massachusetts Body of Liberties

December 10, 1641

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

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

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

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

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

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

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

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

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

6. No man shall be pressed in person to any office, worke, warres or other publique service, that is necessarily and suffitiently exempted by any naturall or personall inpediment, as by want of yeares, greatnes of age, defect of minde, fayling of sences, or impotencie of Lymbes.

7. No man shall be compelled to goe out of the limits of this plantation upon any offensive warres which this Commonwealth or any of our freinds or confederats shall volentarily undertake. But onely upon such vindictive and defensive warres in our owne behalfe or the behalfe of our freinds and confederats as shall be enterprized by the Counsell and consent of a Court generall, or by Authority derived from the same.

8. No mans Cattel or goods of what kinde soever shall be pressed or taken for any publique use or service, unlesse it be by warrant grounded upon some act of the generall Court, nor without such reasonable prices and hire as the ordinarie rates of the Countrie do afford. And if his Cattle or goods shall perish or suffer damage in such service, the owner shall be suffitiently recompenced.

9. No monopolies shall be granted or allowed amongst us, but of such new Inventions that are profitable to the Countrie, and that for a short time.

10. All our lands and heritages shall be free from all fines and licences upon Alienations, and from all hariotts, wardships, Liveries, Primerseisins, yeare day and wast, Escheates, and forfeitures, upon the deaths of parents or Ancestors, be they naturall, casuall or Juditiall.

11. All persons which are of the age of 21 yeares, and of right understanding and meamories, whether excommunicate or condemned shall have full power and libertie to make there wills and testaments, and other lawfull alienations of their lands and estates.

12. Every man whether Inhabitant or fforreiner, free or not free shall have libertie to come to any publique Court, Councel, or Towne meeting, and either by speech or writeing to move any lawfull, seasonable, and materiall question, or to present any necessary motion, complaint, petition, Bill or information, whereof that meeting hath proper cognizance, so it be done in convenient time, due order, and respective manner.

13. No man shall be rated here for any estaite or revenue he hath in England, or in any forreine partes till it be transported hither.

14. Any Conveyance or Alienation of land or other estaite what so ever, made by any woman that is married, any childe under age, Ideott or distracted person, shall be good if it be passed and ratified by the consent of a generall Court.

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

16. Every Inhabitant that is an howse holder shall have free fishing and fowling in any great

ponds and Bayes, Coves and Rivers, so farre as the sea ebbes and flowes within the presincts of the towne where they dwell, unlesse the free men of the same Towne or the Generall Court have otherwise appropriated them, provided that this shall not be extended to give leave to any man to come upon others proprietic without there leave.

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

Rites Rules and Liberties concernning Juditiall proceedings.

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

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

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

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

22. No man in any suit or action against an other shall falsely pretend great debts or damages to vex his Adversary, if it shall appeare any doth so, The Court shall have power to set a reasonable fine on his head.

23. No man shall be adjudged to pay for detaining any debt from any Crediter above eight pounds in the hundred for one yeare, And not above that rate proportionable for all somes what so ever, neither shall this be a coulour or countenance to allow any usurie amongst us contrarie to the law of god.

24. In all Trespasses or damages done to any man or men, If it can be proved to be done by the meere default of him or them to whome the trespasse is done, It shall be judged no trespasse, nor any

damage given for it.

25. No Summons pleading Judgement, or any kinde of proceeding in Court or course of Justice shall be abated, arested or reversed upon any kinde of cercumstantiall errors or mistakes, If the person and cause be rightly understood and intended by the Court.

26. Every man that findeth himselfe unfit to plead his owne cause in any Court shall have Libertie to imploy any man against whom the Court doth not except, to helpe him, Provided he give him noe fee or reward for his paines. This shall not exempt the partie him selfe from Answering such Questions in person as the Court shall thinke meete to demand of him.

27. If any plantife shall give into any Court a declaration of his cause in writeing, The defendant shall also have libertie and time to give in his answer in writeing, And so in all further proceedings betwene partie and partie, So it doth not further hinder the dispach of Justice then the Court shall be willing unto.

28. The plantife in all Actions brought in any Court shall have libertie to withdraw his Action, or to be nonsuited before the Jurie hath given in their verdict, in which case he shall alwaies pay full cost and chardges to the defendant, and may afterwards renew his suite at an other Court if he please.

29. In all Actions at law it shall be the libertie of the plantife and defendant by mutual consent to choose whether they will be tryed by the Bench or by a Jurie, unlesse it be where the law upon just reason hath otherwise determined. The like libertie shall be granted to all persons in Criminall cases.

30. It shall be in the libertie both of plantife and defendant, and likewise every delinquent (to be judged by a Jurie) to challenge any of the Jurors. And if his challenge be found just and reasonable by the Bench, or the rest of the Jurie, as the challenger shall choose it shall be allowed him, and *tales de cercumstantibus* impaneled in their room.

31. In all cases where evidence is so obscure or defective that the Jurie cannot clearely and safely give a positive verdict, whether it be a grand or petit Jurie, It shall have libertie to give a *non Liquit*, or a spetiall verdict, in which last, that is in a spetiall verdict, the Judgement of the cause shall be left to the Court, and all Jurors shall have libertie in matters of fact if they cannot finde the maine issue, yet to finde and present in their verdict so much as they can, If the Bench and Jurors shall so differ at any time about their verdict that either of them cannot proceede with peace of conscience the case shall be referred to the Generall Court, who shall take the question from both and deterrnine it.

32. Every man shall have libertie to replevy his Cattell or goods impounded, distreined, seised, or extended; unlesse it be upon execution after Judgement, and in paiment of fines. Provided he puts in good securitie to prosecute his replevin, And to satisfie such demands as his Adversary shall recover against him in Law.

33. No mans person shall be Arrested, or imprisoned upon execution or judgment for any debt or fine, If the law can finde competent meanes of satisfaction otherwise from his estaite, and if not his person may be arrested and imprisoned where he shall be kept at his owne charge, not the plantife's till satisfaction be made: unlesse the Court that had cognizance of the cause or some superior Court shall otherwise provide.

34. If any man shall be proved and Judged a commen Barrator vexing others with unjust frequent and endlesse suites, It shall be in the power of Courts both to denie him the benefit of the law, and to punish him for his Barratry.

35. No mans Corne nor hay that is in the feild or upon the Cart, nor his garden stuffe, nor any thing subject to present decay, shall be taken in any distresse, unles he that takes it doth presently bestow it where it may not be imbesled nor suffer spoile or decay, or give securitie to satisfie the worth thereof if it comes to any harme.

36. It shall be in the libertie of every man cast condemned or sentenced in any cause in any Inferior Court, to make their Appeale to the Court of Assistants, provided they tender their appeale and put in securitie to prosecute it before the Court be ended wherein they were condemned, And within six dayes next ensuing put in good securitie before some Assistant to satisfie what his Adversarie shall recover against him; And if the cause be of a Criminall nature, for his good behaviour, and appearance, And everie man shall have libertie to complaine to the Generall Court of any Injustice done him in any Court of Assistants or other.

37. In all cases where it appeares to the Court that the plantife hath wilingly and witingly done wronge to the defendant in commenceing and prosecuting any action or complaint against him, They shall have power to impose upon him a proportionable fine to the use of the defendant, or accused person, for his false complaint or clamor.

38. Everie man shall have libertie to Record in the publique Rolles of any Court any Testimony given upon oath in the same Court, or before two Assistants, or any deede or evidence legally confirmed there to remaine *in perpetuam rei memoriam*, that is for perpetuall memoriall or evidence upon occasion.

39. In all actions both reall and personall betweene partie and partie, the Court shall have power to respite execution for a convenient time, when in their prudence they see just cause so to doe.

40. No Conveyance, Deede, or promise whatsoever shall be of validitie, If it be gotten by Illegal violence, imprisonment, threatenings, or any kinde of forcible compulsion called Dures.

41. Everie man that is to Answer for any Criminall cause, whether he be in prison or under bayle, his cause shall be heard and determined at the next Court that hath proper Cognizance thereof, And may be done without prejudice of Justice.

42. No man shall be twice sentenced by Civill Justice for one and the same Crime, offence, or

Trespasse.

43. No man shall be beaten with above 40 stripes, nor shall any true gentleman, nor any man equall to a gentleman be punished with whipping, unles his crime be very shamefull, and his course of life vitious and profligate.

44. No man condemned to dye shall be put to death within fower dayes next after his condemnation, unles the Court see spetiall cause to the contrary, or in case of martiall law, nor shall the body of any man so put to death be unburied 12 howers, unlesse it be in case of Anatomie.

45. No man shall be forced by Torture to confesse any Crime against himselfe nor any other unlesse it be in some Capitall case where he is first fullie convicted by cleare and suffitient evidence to be guilty, After which if the cause be of that nature, That it is very apparent there be other conspiratours, or confederates with him, Then he may be tortured, yet not with such Tortures as be Barbarous and inhumane.

46. For bodilie punishments we allow amongst us none that are inhumane Barbarous or cruel.

47. No man shall be put to death without the testimony of two or three witnesses or that which is equivalent thereunto.

48. Every Inhabitant of the Country shall have free libertie to search and veewe any Rooles, Records, or Regesters of any Court or office except the Councill, And to have a transcript or exemplification thereof written examined, and signed by the hand of the officer of the office paying the appointed fees therefore.

49. No free man shall be compelled to serve upon Juries above two Courts in a yeare, except grand Jurie men, who shall hould two Courts together at the least.

50. All Jurors shall be chosen continuallie by the freemen of the Towne where they dwell.

51. All Associates selected at any time to Assist the Assistants in Inferior Courts shall be nominated by the Townes belonging to that Court, by orderly agreement amonge themselves.

52. Children, Idiots, Distracted persons, and all that are strangers, or new commers to our plantation, shall have such allowances and dispensations in any Cause whether Criminall or other as religion and reason require.

53. The age of discretion for passing away of lands or such kinde of herediments, or for giving of votes, verdicts or Sentence in any Civill Courts or causes, shall be one and twentie yeares.

54. Whensoever anything is to be put to vote, any sentence to be pronounced, or any other matter to be proposed, or read in any Court or Assembly, If the president or moderator

thereof shall refuse to performe it, the Major parte of the members of that Court or Assembly shall have power to appoint any other meete man of them to do it, And if there be just cause to punish him that should and would not.

55. In all suites or Actions in any Court, the plaintife shall have libertie to make all the titles and claims to that he sues for he can. And the Defendant shall have libertie to plead all the pleas he can in answere to them, and the Court shall judge according to the entire evidence of all.

56. If any man shall behave himselfe offensively at any Towne meeting, the rest of the freemen then present, shall have power to sentence him for his offence. So be it the mulct or penaltie exceede not twentie shilings.

57. Whensoever any person shall come to any very suddaine untimely and unnaturall death, Some assistant, or the Constables of that Towne shall forthwith sumon a Jury of twelve free men to inquire of the cause and manner of their death, and shall present a true verdict thereof to some neere Assistant, or the next Court to be helde for that Towne upon their oath.

Liberties more peculiarie concerning the free men.

58. Civill Authoritie hath power and libertie to see the peace, ordinances and Rules of Christ observed in every church according to his word, so it be done in a Civill and not in an Ecclesiastical way.

59. Civill Authoritie hath power and libertie to deale with any Church member in a way of Civill Justice, notwithstanding any Church relation, office or interest.

60. No church censure shall degrad or depose any man from any Civill dignitie, office, or Authoritie he shall have in the Commonwealth.

61. No Magestrate, Juror, Officer, or other man shall be bound to informe present or reveale any private crim or offence, wherein there is no perill or danger to this plantation or any member thereof, when any necessarie tye of conscience binds him to secresie grounded upon the word of god, unlesse it be in case of testimony lawfully required.

62. Any Shire or Towne shall have libertie to choose their Deputies whom and where they please for the Generall Court. So be it they be free men, and have taken there oath of fealtie, and Inhabiting in this Jurisdiction.

63. No Governor, Deputy Governor, Assistant, Associate, or grand Jury man at any Court, nor any Deputie for the Generall Court shall at any time beare his owne chardges at any Court, but their necessary expences shall be defrayed either by the Towne or Shire on whose service they are, or by the Country in generall.

64. Everie Action betweene partie and partie, and proceedings against delinquents in Criminall

causes shall be briefly and distinctly entered on the Rolles of every Court by the Recorder thereof. That such actions be not afterwards brought againe to the vexation of any man.

65. No custome or prescription shall ever prevaile amongst us in any morall cause, our meaneing is maintaine anythinge that can be proved to bee morrallie sinfull by the word of god.

66. The Freemen of every Towneship shall have power to make such by laws and constitutions as may concerne the wellfare of their Towne, provided they be not of a Criminall, but onely of a prudentiall nature, And that their penalties exceede not 20 sh. for one offence. And that they be not repugnant to the publique laws and orders of the Countrie. And if any Inhabitant shall neglect or refuse to observe them, they shall have power to levy the appointed penalties by distresse.

67. It is the constant libertie of the free men of this plantation to choose yearly at the Court of Election out of the freemen all the General officers of this Jurisdiction. If they please to dischardge them at the day of Election by way of vote. They may do it without shewing cause. But if at any other generall Court, we hould it due justice, that the reasons thereof be alleadged and proved. By Generall officers we meane, our Governor, Deputy Governor, Assistants, Treasurer, Generall of our warres. And our Admirall at Sea, and such as are or hereafter may be of the like genrall nature.

68. It is the libertie of the freemen to choose such deputies for the Generall Court out of themselves, either in their owne Townes or elsewhere as they judge fittest. And because we cannot foresee what varietie and weight of occasions may fall into future consideration, And what counsells we may stand in neede of, we decree. That the Deputies (to attend the Generall Court in the behalfe of the Countrie) shall not any time be stated or inacted, but from Court to Court, or at the most but for one year, that the Countrie may have an Annuall libertie to do in that case what is most behoofefull for the best welfare thereof.

69. No Generall Court shall be desolved or adjourned without the consent of the Major parte thereof.

70. All Freemen called to give any advise, vote, verdict, or sentence in any Court, Counsell, or Civill Assembly, shall have full freedome to doe it according to their true Judgements and Consciences, So it be done orderly and inofensively for the manner.

71. The Governor shall have a casting voice whensoever an Equi vote shall fall out in the Court of Assistants, or generall assembly, So shall the presedent or moderator have in all Civill Courts or Assemblies.

72. The Governor and Deputy Governor Joyntly consenting or any three Assistants concurring in consent shall have power out of Court to reprove a condemned malefactor, till the next quarter or generall Court. The generall Court onely shall have power to pardon a condemned malefactor.

73. The Generall Court hath libertie and Authoritie to send out any member of this Comanwealth of what qualitie, condition or office whatsoever into forreine parts about any publique

message or Negotiation. Provided the partie sent be acquainted with the affaire he goeth about, and be willing to undertake the service.

74. The freemen of every Towne or Towneship, shall have full power to choose yearly or for lesse time out of themselves a convenient number of fitt men to order the planting or prudentiall occasions of that Town, according to Instructions given them in writeing, Provided nothing be done by them contrary to the publike laws and orders of the Countrie, provided also the number of such select persons be not above nine.

75. It is and shall be the libertie of any member or members of any Court, Councell or Civill Assembly in cases of makeing or executing any order or law, that properlie concerne religion, or any cause capitall, or warres, or Subscription to any publike articles or Remonstrance, in case they cannot in Judgement and conscience consent to that way the Major vote or suffrage goes, to make their contra Remonstrance or protestation in speech or writeing, and upon request to have their dissent recorded in the Rolles of that Court. So it be done Christianlie and respectively for the manner. And their dissent onely be entered without the reasons thereof, for the avoiding of tediousness.

76. Whensoever any Jurie of trialls or Jurours are not cleare in their Judgements or consciences consernein³ any cause wherein they are to give their verdict, They shall have libertie in open Court to advise with any man they thinke fitt to resolve or direct them, before they give in their verdict.

77. In all cases wherein any freeman is to give his vote, be it in point of Election, makeing constitutions and orders, or passing sentence in any case of Judicature or the like, if he cannot see reason to give it positively one way or an other, he shall have libertie to be silent, and not pressed to a determined vote.

78. The Generall or publike Treasure or any parte thereof shall never be expended but by the appointment of a Generall Court, nor any Shire Treasure, but by the appointment of the freemen thereof, nor any Towne Treasurie but by the freemen of that Towneship.

Liberties of Woemen

79. If any man at his death shall not leave his wife a competent portion of his estaite, upon just complaint made to the Generall Court she shall be relieved.

80. Everie married woeman shall be free from bodilie correction or stripes by her husband, unlesse it be in his owne defence upon her assalt. If there be any just cause of correction complaint shall be made to Authoritie assembled in some Court, from which onely she shall receive it.

Liberties of Children.

81. When parents dye intestate, the Elder sonne shall have a doble portion of his whole estate reall and personall, unlesse the Generall Court upon just cause alleadged shall Judge otherwise.

82. When parents dye intestate haveing noe heires males of their bodies their Daughters shall inherit as copartners, unles the Generall Court upon just reason shall judge otherwise.

83. If any parents shall wilfullie and unreasonably deny any childe timely or convenient marriage, or shall exercise any unnaturall severitie towards them, such children shall have free libertie to complaine to Authoritie for redresse.

84. No Orphan dureing their minoritie which was not committed to tuition or service by the parents in their life time shall afterwards be absolutely disposed of by any kindred, freind, Executor, Towneship, or Church, nor by themselves without the onsent of some Court, wherein two Assistants at least shall be present.

Liberties of Servants.

85. If any servants shall flee from the Tiranny and crueltie of their masters to the howse of any freeman of the same Towne, they shall be there protected and susteyned till due order be taken for their relife. Provided due notice thereof be speedily given to their maisters from whom they fled. And the next Assistant or Constable where the partie flying is harboured.

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

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

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

Liberties of Forreiners and Strangers.

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

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

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

Of the Bruite Creature.

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

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

94. Capitall Laws.

1. If any man after legall conviction shall have or worship any other god, but the lord god, he shall be put to death. Dut. 13:6, 10. Dut. 17:2, 6. Ex. 22:20.

2. If any man or woeman be a witch, (that is hath or consulteth with a familiar spirit,) They shall be put to death. Ex. 22:18. Lev. 20:27. Dut. 18:10.

3. If any man shall Blaspheme the name of god, the father, Sonne or Holie ghost, with direct, expresse, presumptuous or high handed blasphemie, or shall curse god in the like mannec, he shall be put to death. Lev. 24:15, 16.

4. If any person committ any wilfull murther, which is manslaughter, committed upon premeditated mallice, hatred, or Crueltie, not in a mans necessarie and just defence, nor by meere casualtie against his will, he shall be put to death. Ex. 21:12. Numb. 35:13, 14, 30, 31.

5. If any person slaveth an other suddaienly in his anger or Crueltie of passion, he shall be put to death. Numb. 25:20, 21. Lev. 24:17.

6. If any person shall slay an other through guile, either by poysoning or other such divelish practice, he shall be put to death. Ex. 21:14.

7. If any man or woeman shall lye with any beaste or brute creature by Carnall Copulation, They shall surely be put to death. And the beast shall be slaine and buried and not eaten. Lev. 20:15, 16.

8. If any man lyeth with mankinde as he lyeth with a woeman, both of them have committed abomination, they both shall surely be put to death. Lev. 20:13.

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

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

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

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

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

1. All the people of god within this Jurisdiction who are not in a church way, and be orthodox in Judgement, and not scandalous in life, shall have full libertie to gather themselves into a Church Estait. Provided they doe it in a Christian Way, with due observation of the rules of Christ revealed in his word.

2. Every Church hath full libertie to exercise all the ordinances of god, according to the rules of scripture.

3. Every Church hath free libertie of Election and ordination of all their officers from time to time, provided they be able, pious and orthodox.

4. Every Church hath free libertie of Admission, Recommendation, Dismission, and Expulsion, or deposall of their officers and members, upon due cause, with free exercise of the Discipline and Censures of Christ according to the rules of his word.

5. No Injunctions are to be put upon any Church, Church officers or member in point of Doctrine, worship or Discipline, whether for substance or circumstance besides the Institutions of the lord.

6. Every Church of Christ hath freedome to celebrate dayes of fasting and prayer, and of thanksgiving according to the word of god.

7. The Elders of Churches have free libertie to meete monthly, Quarterly, or otherwise, in convenient numbers and places, for conferences and consultations about Christian and Church questions and occasions.

8. All Churches have libertie to deale with any of their members in a church way that are in the hand of Justice. So it be not to retard or hinder the course thereof.

9. Every Church hath libertie to deale with any magestrate, Deputie of Court or other officer what soe ever that is a member in a church way in case of apparent and just offence given in their places, so it be done with due observance and respect.

10. Wee allowe private meetings for edification in religion amongst Christians of all sortes of people. So it be without just offence for number, time, place, and other circumstances.

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

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

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

98. Lastly because our dutie and desire is to do nothing suddainlie which fundamentally concerne us, we decree that these rites and liberties, shall be Audably read and deliberately weighed

at every Generall Court that shall be held, within three yeares next insueing. And such of them as shall not be altered or repealed they shall stand so ratified, That no man shall infringe them without due punishment.

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

Charter of Rhode Island and Providence Plantations

July 8, 1663

CHARLES THE SECOND, by the grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c., to all to whome these presents shall come, greeting: I Whereas wee have been informed, by the humble petition of our trustie and well beloved subject, John Clarke, on the behalf of Benjamine Arnold, William Brenton, William Codington, Nicholas Easton, William Boulston, John Porter, John Smith, Samuell Gorton, John Weeks, Roger Williams, Thomas Olnie, Gregorie Dexter, John Cogeshall, Joseph Clarke, Randall Holden, John Greene, John Roome, Samuell Wildbore, William Ffield, James Barker, Richard Tew, Thomas Harris, and William Dyre, and the rest of the purchasers and ffree inhabitants of our island, called RhodeIsland, and the rest of the colonie of Providence Plantations, in the Narragansett Bay, in New-England, in America, that they, pursuing, with peaceable and loyall mindes, their sober, serious and religious intentions, of godlie edifieing themselves, and one another, in the holie Christian ffaith and worshipp as they were perswaded; together with the gaineing over and conversione of the poore ignorant Indian natives, in those partes of America, to the sincere professione and obedienc of the same ffaith and worship, did, not onlie by the consent and good encouragement of our royall progenitors, transport themselves out of this kingdome of England into America, but alsoe, since their arrivall there, after their first settlement amongst other our subjects in those parts, ffor the avoideing of discorde, and those manie evills which were likely to ensue upon some of those oure subjects not beinge able to beare, in these remote parties, their different apprehensiones in religious concernements, and in pursueance of the afforesayd ends, did oncc againe leave their desireable stationes and habitationes, and with excessive labour and travell, hazard and charge, did transplant themselves into the midst of the Indian natives, who, as wee are infformed, are the most potent princes and people of all that country; where, by the good Providence of God, from whome the Plantationes have taken their name, upon their labour and industrie, they have not onlie byn preserved to admiration, but have increased and prospered, and are seized and possessed, by purchase and consent of the said natives, to their ffull content, of such lands, islands, rivers, harbours and roades, as are verie convenient both for plantationes and alsoe for buildinge of shippes, suplye of pypestaves, and other merchandize; and which Iyes verie commodious, in manie respects, for cornmerce, and to accommodate oure southern plantationes, and may much advance the trade of this oure realme, and greatlie enlarge the territories thereof; they haveinge by neare neighbourhoode to and friendlie societie with the greate bodie of the Narragansett Indians, given them encouragement, of their owne accorde, to subject themselves, their people and landes, unto us; whereby, as is hoped, there may, in due tyme, by the blessing of God UpOll their endeavours, bee layd a sure ffoundation of happinesse to all America:

And whereas, in their humble addresse, they have ffreely declared, that it is much on their hearts (if they may be permitted), to hold forth a livlie experiment, that a most flourishing civill state may stand and best bee maintained, and that among our English subjects, with a full libertie in religious concernements; and that true pietye rightly grounded upon gospell principles, will give the best and greatest security to sovereignty, and will lay in the hearts of men the strongest obligations to true loyaltie: Now know yee, that wee beinge willinge to encourage the hopefull undertakeinge of oure sayd loyall and loveinge subjects, and to secure them in the free exercise and enjoyment of

all their civill and religious rights, appertaining to them, as our loveing subjects; and to preserve unto them that libertye, in the true Christian ffaith and worshipp of God, which they have sought with soe much travaill, and with peaceable myndes, and loyall subjectione to our royall progenitors and ourselves, to enjoye; and because some of the people and inhabitants of the same colonie cannot, in their private opinions, conformes to the publique exercise of religion, according to the littyrgy, formes and ceremonies of the Church of England, or take or subscribe the oaths and articles made and established in that behalfe; and for that the same, by reason of the remote distances of those places, will (as wee hope) bee noe breach of the unitie and unifformitie established in this nation: Have therefore thought ffit, and doe hereby publish, graunt, ordeyne and declare, That our royall will and pleasure is, that noe person within the sayd colonye, at any tyme hereafter, shall bee any wise molested, punished, disquieted, or called in question, for any differences in opinione in matters of religion, and doe not actually disturb the civill peace of our sayd colony; but that all and everye person and persons may, from tyme to tyme, and at all tymes hereafter, freelye and fullye hav and enjoye his and their owne judgments and consciences, in matters of religious concernments, throughout the tract of lande hereafter mentioned; they behaving themselves peaccablie and quietlie, and not using this libertie to lycentiousnesse and profanenesse, nor to the civill injurye or outward disturbance of others; any lawe, statute, or clause, therein contayned, or to bee contayned, usage or custome of this realme, to the contrary hereof, in any wise, notwithstanding. And that they may bee in the better capacity to defend themselves, in their just rights and libertyes against all the enemies of the Christian ffaith, and others, in all respects, wee have further thought fit, and at the humble petition of the persons aforesayd are graciously pleased to declare, That they shall have and enjoye the benefitt of our late act of indempnity and ffree pardon, as the rest of our subjects in other our dominions and territoryes have; and to create and make them a bodye politique or corporate, with the powers and priviledges hereinafter mentioned.

And accordingly our will and pleasure is, and of our especiall grace, certaine knowledge, and meere motion, wee have ordeyned, constituted and declared, and by these presents, for us, our heires and successors, doe ordeyne, constitute and declare, That they, the sayd William Brenton, William Codington, Nicholas Easton, Benedict Arnold, William Boulston, John Porter, Samuell Gorton, John Smith, John Weekes, Roger Williams, Thomas Olneye, Gregorie Dexter, John Cogeshall, Joseph Clarke, Randall Holden, John Greene, John Roome, William Dyre, Samuell Wildbore, Richard Tew, William Ffeild, Thomas Harris, James Barker, ----- Rainsborrow, ----- Williams, and John Nickson, and all such others as now are, or hereafter shall bee admitted and made ffree of the company and societie of our collonie of Providence Plantations, in the Narragansett Bay, in New England, shall bee, from tyme to tyme, and forever hereafter, a bodye corporate and politique, in ffact and name, by the name of The Governor and Company of the English Colony of Rhode-Island and Providence Plantations, in New-England, in America; and that, by the same name, they and their successors shall and may have perpetuall succession, and shall and may bee persons able and capable, in the lawe, to sue and bee sued, to pleade and be impleaded, to answeare and bee answered unto, to defend and to be defended, in all and singular suites, causes, quarrels, matters, actions and thinges, of what kind or nature soever; and alsoe to have, take, possesse, acquire and purchase lands, tenements or hereditaments, or any goods or chattels, and the same to lease, graunt, demise, aliene, bargaine, sell and dispose of, at their owne will and pleasure, as other our liege people of this our realme of England, or anie corporation or bodye politique within the same, may be lawefully doe:

And further, that they the sayd Governour and Company, and their successors, shall and may, forever hereafter, have a common seale, to serve and use for all matters, causes, things and affaires, whatsoever, of them and their successors; and the same seale to alter, change, breake, and make new, from tyme to tyme, at their will and pleasure, as they shall think ffit.

And further, wee will and ordeyne, and by these presents, for us, our heires and successours, doe declare and apoynt that, for the better ordering and managing of the affaires and business of the sayd Company, and their successours, there shall bee one Governour, one Deputie-Governour and ten Assistants, to bee from tyme to tyme, constituted, elected and chosen, out of the freemen of the sayd Company, for the tyme beinge, in such manner and fforme as is hereafter in these presents expressed; which sayd officers shall aplye themselves to take care for the best disposinge and orderinge of the generall businesse and affaires of, and concerneinge the landes and hereditaments hereinafter mentioned, to be graunted, and the plantation thereof, and the government of the people there. And for the better execution of our royall pleasure herein, wee doe, for us, our heires and successours, assign, name, constitute and apoynt the aforesayd Benedict Arnold to bee the first and present Governour of the sayd Company, and the sayd William Brenton, to bee the Deputy-Governour, and the sayd William Boulston, John Porter, Roger Williams, Thomas Olnie, John Smith, John Greene, John Cogeshall, James Barker, William Ffeild, and Joseph Clarke, to bee the tenn present Assistants of the sayd Companye, to continue in the sayd severall offices, respectively, untill the first Wednesday which shall bee in the month of May now next comeing. And further, wee will, and by these presents, for us, our heires and successours, doe ordeyne and graunt, that the Governour of the sayd Company, for the tyme being, or, in his absence, by occasion of sicknesse, or otherwise, by his leave and permission, the Deputy-Governour, ffor the tyme being, shall and may, ffrom tyme to tyme, upon all occasions, give order ffor the assemblinge of the sayd Company and callinge them together, to consult and advise of the businesse and affaires of the sayd Company.

And that forever hereafter, twice in every year, that is to say, on every first Wednesday in the month of May, and on every last Wednesday in October, or oftener, in case it shall bee requisite, the Assistants, and such of the ffreemen of the Company, not exceedinge six persons ffor Newport, ffoure persons ffor each of the respective townes of Providence, Portsmouth and Warwicke, and two persons for each other place, towne or city, whoe shall bee, from tyme to tyme, thereunto elected or deputed by the majour parte of the ffreemen of the respective townes or places ffor which they shall bee so elected or deputed, shall have a generall meetinge, or Assembly then and there to consult, advise and determine, in and about the affaires and businesse of the said Company and Plantations. And further, wee doe, of our especiall grace, certayne knowledge, and meere motion, give and graunt unto the sayd Governour and Company of the English Colonie of Rhode-Island and Providence Plantations, in New-England, in America, and their successours, that the Governour, or, in his absence, or, by his permission, the Deputy-Governour of the sayd Company, for the tyme beinge, the Assistants, and such of the ffreemen of the sayd Company as shall bee soe as aforesayd elected or deputed, or soe many of them as shall bee present att such meetinge or assemblye, as afforesayde, shall bee called the Generall Assemblye; and that they, or the greatest parte of them present, whereof the Governour or Deputy-Governour, and sixe of the Assistants, at least to bee seven, shall have, and have hereby given and graunted unto them, ffull power authority, ffrom tyme to tyme, and at all tymes hereafter, to apoynt, alter and change, such dayes, tymes and places of

meetinge and Generall Assemblye, as they shall thinke ffitt; and to choose, nominate, and apoynt, such and soe manye other persons as they shall thinke ffitt, and shall be willing to accept the same, to bee ffree of the sayd Company and body politique, and them into the same to admitt; and to elect and constitute such offices and officers, and to graunt such needfull commissions, as they shall thinke ffitt and requisite, ffor the ordering, managing and dispatching of the affaires of the sayd Governour and Company, and their successours; and from tyme to tyme, to make, ordeyne, constitute or repeal, such lawes, statutes, orders and ordinances, fformes and ceremonies of government and magistracye as to them shall seeme meete for the good nad wellfare of the sayd Company, and ffor the government and ordering of the landes and hereditaments, hereinafter mentioned to be graunted, and of the people that doe, or att any time hereafter shall, inhabitt or bee within the same; soe as such lawes, ordinances and constitutiones, soe made, bee not contrary and repugnant unto, butt, as neare as may bee, agreeable to the lawes of this our realme of England, considering the nature and constitutione of the place and people there; and alsoe to apoynt, order and direct, erect and settle, such places and courts of jurisdiction, ffor the heareinge and determininge of all actions, cases, matters and things, happening within the sayd collonie and plantatione, and which shall be in dispute, and depending there, as they shall thinke ffitt; and alsoe to distinguish and sett forth the severall names and titles, duties, powers and lirnitts, of each court, office and officer, superior and inferior; and alsoe to contrive and apoynt such fornes of oaths and attestations, not repugnant, but, as neare as may bee, agreeable, as aforesayd, to the lawes and statutes of this oure realme, as are conveniente and requisite, with respect to the due administration of justice, and due execution and discharge of all offices and places of trust by the persons that shall bee therein concerned; and alsoe to regulate and order the waye and manner of all elections to offices and places of trust, and to prescribe, limitt and distinguish the numbers and boundes of all places, townes or cityes, within the limitts and bounds herein after mentioned, and not herein particularlie named, who have, and shall have, the power of electing and sending of ffreemen to the sayd Generall Assembly; and alsoe to order, direct and authorize the imposing of lawfull and reasonable ffynes, mulcts, imprisonments, and executing other punishments pecuniary and corporal, upon offenders and delinquents, according to the course of other corporations within this oure kingdom of England; and agayne to alter, revoke, annull or pardon, under their common seale or otherwyse, such ffynes, mulcts, imprisonments, sentences, judgments and condemnations, as shall bee thought ffitt; and to direct, rule, order and dispose of, all other matters and things, and particularly that which relates to the makeinge of purchases of the native Indians, as to them shall seeme meete; whereby oure sayd people and inhabitants, in the sayd Plantationes, may be soe religiously, peaceably and civilly governed, as that, by their good life and orderlie conversatione, they may win and invite the native Indians of the countrie to the knowledge and obedience of the onlie true God, and Saviour of mankinde; willing, commanding and requireing, and by these presents, for us, oure heires and successours, ordeyneing and apoynting, that all such lawes, statutes, orders and ordinances, instructions, impositions and directiones, as shall bee soe made by the Governour, deputye Governour, Assistants and ffreemen, or such number of them as aforesayd, and published in writinge, under their common seale, shall bee carefully and duely observed, kept, performed and putt in execution, accordinge to the true intent and meaning of the same.

And these our letters patent, or the duplicate or exemplification thereof, shall bee to all and everie such officer, superiour or inferiour, ffrom tyme to tyme, for the putting of the same orders,

lawes, statutes, ordinances, instructions and directions, in due execution, against us, oure heires and successours, a sufficient warrant and discharge. And fforther, our will and pleasure is, and wee doe hereby, for us, oure heires and successours, establish and ordeyne, that yearelie, once in the yeare, forever hereafter, namely, the aforesayd Wednesday in May, and at the towne of Newport, or elsewhere, if urgent occasion doe require, the Governour, Deputy-Governour and Assistants of the sayd Company, and other officers of the sayd Company, or such of them as the Generall Assembly shall thinke ffitt, shall bee, in the sayd Generall Court or Assembly to bee held from that daye or tyme, newly chosen for the year ensueing, by such greater part of the sayd Company, for the tyme beinge, as shall bee then and there present; and if itt shall happen that the present Governour, Deputy-Governour and Assistants, by these presents apoynted, or any such as shall hereafter be newly chosen into their roomes, or any of them, or anv other the ofrlcers of the sayd Company, shall die or bec removed ffrom his or their severall offices or places, before the sayd generall day of election, (whom wee doe hereby declare, for any misdemeanour or default, to be removeable by the Governour, Assistants and Company, or such greater parte of them, in any of the sayd publique courts, to bee assembled as aforesayd), that then, and in every such case, it shall and may bec lawfull to and ffor the sayd Governour, DeputyGovernour, Assistants and Company aforesayde, or such greater parte of them, soe to bee assembled as is aforesaydc, in any thaire assembl)lyes, to proceede to a new election of one or more of their (:ompany in the roome or place, roomes or places, of such officer or officers, soe dyeinge or r cmoved, according to theire discretiones; and immediately upon and after such electiollle or elections made of such Governour, Deputy-Governour or Assistants, or any other officer of the sayd C,ompany, in manner and forme aforesav;de, the authoritie, office and power, before given to the fformer Goverllour, Deputy-Governour, and other officer and officers, soe removed, ill whose steade and place new shall be chosen, shall, as to him and them, and every of them, respectively, cease and determine:

Provided, allwayes, and our will and pleasure is, that as well such as are by these presents apoynted to bee the pre.sent Governollr, Deputy-Governour and Assistants, of the sayd Company, as those that shall succede them, and all other officers to bee apoynted and chosen as aforesayde, shall, before the undertakeinge the execution of the sayd offices and places respectively, give their solemn engagement, by oath, or otherwyse, for the due and faythfull performance of their duties in their severall offices and places, before such person or persons as are by these presents hereafter apoynted to take and receive the same, that is to say: the sayd Benedict Arnold, whoe is hereinbefore nominated and apoynted the present Governour of the sayd Company, shall give the aforesayd engagement before William Brenton, or any two of the sayd Assistants of the sayd Company; unto whome, wee doe by these presentes give ffull power and authority to require and receive the same; and the sayd William Brenton, whoe is hereby before nominated and apovnted the present Deputy-Governour of the sayd Company, shall give the aforesayed engagement before the sayd Benedict Arnold, or any two of the Assistants of the sayd Company; unto whome wee doe by these presents give ffull power and authority to require and receive the same; and the sayd William Boulston, John Porter, Roger Williams, Thomas Olneye, John Smith, John Greene, John Cogeshall, James Barker, William Ffeild, and Joseph Clarke, whoe are hereinbefore nominated apoynted the present Assistants of the sayd Company, shall give the sayd engagement to their offices and places respectively belonginge, before the sayd Benedict Arnold and William Brenton, or one of them; to whome, respectively wee doe hereby givc full power and authority to require, administer or receive

the same: and further, our will and pleasure is, that all and every other future Governour or Deputy-Governour, to be elected and chosen by vertue of these presents, shall give the sayd engagement before two or more of the sayd Assistants of the sayd Company for the tyme being; unto whom wee doe by these presents give full power and authority to require, administer or receive the same; and the sayd Assistants, and every of them, and all and every other officer or officers to be hereafter elected and chosen by vertue of these presents, from tyme to tyme, shall give the like engagements, to their offices and places respectively belonging before the Governour or Deputy-Governour for the tyme being; unto which sayd Governour, or Deputy-Governour, wee doe by these presents give full power and authority to require, administer or receive the same accordingly.

And wee doe likewise, for vs, our heires and successours, give and graunt vnto the sayd Governour and Company and their successours by these presents, that, for the more peaceable and orderly government of the sayd Plantations, it shall and may be lawfull for the Governour, Deputy-Governour, Assistants, and all other officers and ministers of the sayd Company, in the administration of justice, and exercise of government, in the sayd Plantations, to use, exercise, and putt in execution, such methods, rules, orders and directions, not being contrary or repugnant to the laws and statutes of this our realme, as have byn heretofore given, used and accustomed, in such cases respectively, to be putt in practice, untill at the next or some other Generall Assembly, special provision shall be made and ordeyned in the cases aforesayd. And wee doe further, for vs, our heires and successours, give and graunt vnto the sayd Governour and Company, and their successours, by these presents, that it shall and may be lawfull to and for the sayd Governour, or in his absence, the Deputy-Governour, and major parte of the sayd Assistants, for the tyme being, at any tyme when the sayd Generall Assembly is not sitting, to nominate, appoint and constitute, such and soe many commanders, governours, and military officers, as to them shall seeme requisite, for the leading, conducting and trayning vpp the inhabitants of the sayd Plantations in martiall affaires, and for the defence and safeguard of the sayd Plantations; and that it shall and may be lawfull to and for all and every such commander, governour and military officer, that shall be soe as aforesayd, or by the Governour, or in his absence, the Deputy-Governour, and six of the sayd Assistants, and major parte of the freemen of the sayd Company present at any Generall Assemblies, nominated, appointed and constituted accordinge to the tenor of his and their respective commissions and directions, to assemble, exercise in arms, martiall array, and putt in warlike posture, the inhabitants of the sayd collonie, for their speciall defence and safety; and to lead and conduct the sayd inhabitants, and to encounter, expulse, expell and resist, by force of armes, as well by sea as by lande; and alsoe to kill, slay and destroy, by all fitting wayes, enterprizes and meanes, whatsoever, all and every such person or persons as shall, at any tyme hereafter, attempt or enterprize the destruction, invasion, detriment or annoyance of the sayd inhabitants or Plantations; and to use and exercise the lawe martiall in such cases only as occasion shall necessarily require; and to take or surprise, by all wayes and meanes whatsoever, all and every such person and persons, with their shipp or shippes, armor, ammunition or other goods of such persons, as shall, in hostile manner, invade or attempt the defeating of the sayd Plantations, or the hurt of the sayd Company and inhabitants; and vpon just causes, to invade and destroy the native Indians, or other enemies of the sayd Collony. Neverthelesse, our will and pleasure is, and wee doe hereby declare to the rest of our Collonies in New England, that it shall not be lawfull for this our sayd Collony of Rhode-Island

and Providence Plantations, in America, in New-England, to invade the natives inhabiting vvithin the boundes and limitts of their sayd Collonies without the knowledge and consent of the sayd other Collonies. And itt is hereby declared, that itt shall not bee lawfull to or ffor the rest of the Collonies to invade or molest the native Indians, or any other inhabitants, inhabiting within the bounds and lymitts hereafter mentioned (they having subjected themselves vnto vs, and being by vs taken into our speciall protection), without the knowledge and consent of the Governour and Company of our Collony of Rhode-Island and Providence Plantations.

Alsoe our will and pleasure is, and wee doe hereby declare unto all Christian Kings, Princes and States, that if any person, which shall hereafter bee of the sayd Company or Plantations, or any other, by apoyntment of the sayd Governour and Company for the tyme beinge, shall at any tyme or tymes hereafter, rob or spoyle, by sea or land, or do any hurt, unlawfull hostility to any of the subjects of vs, ourc heires or successours, or any of the subjects of any Prince or State, beinge then in league with vs, oure heires, or successours, vpon complaint of such injury done to any such Prince or State, or their subjects, wee, our heires and successours, will make open proclamation within any parts of oure realme of England, ffitt ffor that purpose, that the person or persons committing any such robbery or spoyle shall, within the tyme lymitted by such proclamation, make full restitution or satisfaction of all such injuries, done or committed, soe as the sayd Prince, or others soe complaineinge, may bee fully satisfyed and contented; and if the sayd person or persons whoe shall committ any such robbery or spoyle shall not make satysfaction, accordingly, within such tyme, soe to bee lymitted, that then wee, oure heires and successours, will putt such person or persons out of oure allegiance and protection; and that then itt shall and may bee lawfull and ffree ffor all Princes or others to prosecute, with hostility, such offenders, and every of them, their and every of their procurers, ayders, abettors and counsellors, in that behalfe; Provided alsoe, and oure expresse will and pleasure is, and wee doe, by these presents, ffor vs, our heirs and successours, ordeyne and apoynt, that these presents shall not, in any manner, hinder any of oure lovinge subjects, whatsoever, ffrom vseing and exercising the trade of ffishing vpon the coast of New-England, in America; butt that they, and every or any of them, shall have ffull and ffree power and liberty to continue and vse the trade of ffishing vpon the savcl coast, in any of the seas thereunto adjoyninge, or any armes of the seas, or salt water, rivers and creeks, where they have been accustomed to ffish; and to build and to sett upon the waste land, belonginge to the sayd Collony and Plantations, such wharfes, stages and worke-houses as shall be necessary for the salting, drying and keepeing of their ffish, to be taken or gotten upon that coast. And fforther, for the encouragement of the inhabitants of our sayd Collony of Providence Plantations to sett vpon the businesse of takeing whales, itt shall bee lawfull ffor them, or any of them, having struck whale, dubertus, or other greate ffish, itt or them, to pursue unto any parte of that coaste, and into any bay, river, cove, creeke or shoare, belonging thereto, and itt or them, vpon sayd coaste, or in the sayd bay, river, cove, creeke or shoare, belonging thereto, to kill and order for the best advantage, without molestation, they makinge noe wilfull waste or spoyle, any thinge in these presents conteyned, or any other matter or thing, to the contrary notwithstanding. And further alsoe, wee are graciously pleased, and doe hereby declare, that if any of the inhabitants of oure sayd Collony doe sett upon the plantinge of vineyards (the soyle and clymate both seemeing naturally to concurr to the production of wyne), or bee industrious in the discovery of ffishing banks, in or about the sayd Collony, wee will, ffrom tyme to tyme, give and allow all due and fitting encouragement therein, as to others in cases of lyke nature. And further,

of oure more ample grace, certayne knowledge, and meere motion, wee have given and graunted, and by these presents, ffor vs, oure heires and successours, doe give and graunt vnto the sayd Governour and Company of the English Collony of Rhode-Island and Providence Plantations, in the Narragansett Bay, in New-England in America, and to every inhabitant there, and to every person and persons trading thither, and to every such person or persons as are or shall bee ffree of the sayd Collony, full power and authority, from tyme to tyme, and att all tymes hereafter, to take, shipp, transport and carry away, out of any of our realmes and dominions, for and towards the plantation and defence of the sayd Collony, such and soe many of oure loveing subjects and strangers as shall or will willingly accompany them in and to their sayd Collony and Plantation; except such person or persons as are or shall be therein restrained by vs, oure heires and successours, or any law or statute of this realme: and also to shipp and transport all and all manner of goods, chattels, merchandizes, and other things whatsoever, that are or shall bee vsefull or necessary ffor the sayd Plantations, and defence thereof, and vsually transported, and nott prohibited by any lawe or statute of this our realme; yielding and paying vnto vs, our heires and successours, such the duties, customes and subsidies, as are or ought to bee payd or payable for the same.

And fforther, our will and pleasure is, and wee doe, ffor us, our heires and successours, ordeyn, declare and graunt, vnto the sayd Governour and Company, and their successours, that all and every the subjects of vs, our heires and successours, which are already planted and settled within our sayd Collony of Providence Plantations, or which shall hereafter goe to inhabit within the sayd Collony, and all and every of their children, which have byn borne there, or which shall happen hereafter to bee borne there, or on the sea, goeing thither, or retourneing from thence, shall have and enjoye all libertyes and immunityes of ffree and naturall subjects within any the dominions of vs, our heires or successours, to all intents, constructions and purposes, whatsoever, as if they, and every of them, were borne within the realme of England. And fforther, know ye, that wee, of our more abundant grace, certain knowledge and meere motion, have given, graunted and confirmed, and, by these presents, for vs, our heires and successours, doe give, graunt and confirme, vnto the sayd Governour and Company, and their successours, all that parte of our dominiones in New-England, in America, conteyning the Nahantick and Nanhyganset Bay, and cuntryes and partes adjacent, boundecl on the west, or westerly, to the middle or channel of a river there, commonly called and known by the name of Pawcatuck, alias Pawcawtuck river, and soe along the sayd river, as the greater or middle streame thereof reacheth or lyes vpp into the north cuntrye, northward, unto the head thereof, and from thence, by a streight lyne drawn due north, vntill itt meets with the south lyne of the Massachusetts Collonie; and on the north, or northerly, by the aforesayd south or southerly lyne of the Massachusetts Collony or Plantation, and extending towards the east, or eastwardly, three English miles to the east and north-east of the most eastern and north-eastern parts of the aforesayd Narragansett Bay, as the sayd bay lyeth or extendeth itself from the ocean on the south, or southwardly, vnto the mouth of the river which runneth towards the towne of Providence, and from thence along the eastwardly side or banke of the sayd river (higher called by the name of Seacunck river), vp to the ffalls called Patuckett ffalls, being the most westwardly lyne of Plymouth Collony, and soe from the sayd ffalls, in a streight lyne, due north, untill itt meete with the aforesayd line of the Massachusetts Collony; and bounded on the south by the ocean and, in particular, the lands belonging to the townes of Providence, Pawtuxet, Warwicke, Misquammacok, alias Pawcatuck, and the rest VpOIl the maine land in the tract aforesayd, together with Rhode-Island, Blocke-Island, and

all the rest of the islands and banks in the Narragansett Bay, and bordering vpon the coast of the tract aforesayd (Ffisher's Island only excepted), together with all firme lands, soyles, grounds, havens, ports, rivers, waters, fishings, mines royall, and all other mynes, mineralls, precious stones, quarries, woods, wood-grounds, rocks, slates, and all and singular other commodities, jurisdictions, royalties, priviledges, franchises, preheminences and hereditaments, whatsoever, within the sayd tract, bounds, landes, and islands, aforesayd, or to them or any of them belonging, or in any wise appertaining to have and to hold the same, vnto the sayd Governour and Company, and their successours, forever, vpon trust, for the vse and benefitt of themselves and their associates, ffreemen of the sayd Collony, their heires and assignes, to be holden of vs, our heires and successours, as of the Mannor of East-Greenwich, in our county of Kent, in free and comon soccage, and not *in capite*, nor by knight service; yeilding and paying therefor, to vs, our heires and successours, only the ffifth part of all the oare of gold and silver which, from tyme to tyme, and att all tymes hereafter, shall bee there gotten, had or obtained, in lieu and satisfaction of all services, duties, fynes, forfeitures, made or to be made, claimes and demands, whatsoever, to bee to vs, our heires or successours, therefor or thereout rendered, made or paid; any graunt, or clause in a late graunt, to the Governour and Company of Connecticutt Colony, in America, to the contrary thereof in any wise notwithstanding; the aforesayd Pawcatuck river haveing byn yielded, after much debate, for the fixed and certain boundes betweene these our sayd Colonies, by the agents thereof; whoe have alsoe agreed, that the sayd Pawcatuck river shall bee alsoe called alias Norrogansett or Narrogansett river; and, to prevent future disputes, that otherwise might arise thereby, forever hereafter shall bee construed, deemed and taken to bee the Narragansett river in our late graunt to Connecticutt Colony mentioned as the easterly bounds of that Colony. And further, our will and pleasure is, that in all matters of publike controversy which may fall out betweene our Colony of Providence Plantations, and the rest of our Colonies in New-England, itt shall and may bee lawfull to and for the Governour and Company of the sayd Colony of Providence Plantations to make their appeales therein to vs, our heirs and successours, for redresse in such cases, within this our realme of England: and that itt shall bee lawfull to and for the inhabitants of the sayd Colony of Providence Plantations, without let or molestation, to passe and repasse with freedome, into and thorough the rest of theiEnglish Collonies, vpon their lawfull and civill occasions, and to converse, and hold commerce and trade, with such of the inhabitants of our other English Collonies as shall bee willing to admitt them thereunto, they behaveing themselves peaceably among them; any act, clause or sentence, in any of the sayd Collonies provided, or that shall bee provided, to the contrary in anywise notwithstanding. And lastly, wee doe, for vs, our heires and successours, ordeyne and graunt vnto the sayd Governor and Company, and their successours, and by these presents, that these our letters patent shall be firme, good, effectuell and available in all things in the lawe, to all intents, constructions and purposes whatsoever, according to our true intent and meaning hereinbefore declared; and shall bee construed, reputed and adjudged in all cases most favorably on the behalfe, and for the benefitt and behoofe, of the sayd Governor and Company, and their successours; although express mention of the true yearly value or certainty of the premises, or any of them, or of any other gifts or graunts by vs, or by any of our progenitors or predecessors heretofore made to the sayd Governor and Company of the English Colony of Rhode-Island and Providence Plantations, in the Narragansett Bay, New-England, in America, in these presents is not made, or any statute, act, ordinance, provision, proclamation or restriction, heretofore had, made, enacted, ordeyned or provided, or any other matter, cause or thing whatsoever, to the contrary thereof in anywise notwithstanding. In witnes whereof, wee have caused these our

letters to bee made patent. Witnes our Selfe att Westminster, the eighth day of July, in the ffifteenth yeare of our reigne.

Concessions and Agreements of West New Jersey

March 13, 1677

THE CHARTER OR FUNDAMENTAL LAWS, OF WEST NEW JERSEY, AGREED UPON.

Chapter XIII

THAT THESE FOLLOWING CONCESSIONS ARE THE COMMON LAW, OR FUNDAMENTAL RIGHTS, OF THE PROVINCE OF WEST NEW JERSEY.

THAT the common law or fundamental rights and privileges of West New Jersey, are individually agreed upon by the Proprietors and freeholders thereof, to be the foundation of the government, which is not to be altered by the Legislative authority, or free Assembly hereafter mentioned and constituted, but that the said Legislative authority is constituted according to these fundamentals, to make such laws as agree with, and maintain the said fundamentals, and to make no laws that in the least contradict, differ or vary from the said fundamentals, under what pretence or alligation soever.

Chapter XIV

BUT if it so happen that any person or persons of the said General Assembly, shall therein designedly, willfully, and maliciously, move or excite any to move, any matter or thing whatsoever, that contradicts or any ways subverts, any fundamentals of the said laws in the Constitution of the government of this Province, it being proved by seven honest and and reputable persons, he or they shall be proceeded against as traitors to the said government.

Chapter XV

THAT these Concessions, law or great charter of fundamentals, be recorded in a fair table, in the Assembly House, and that they be read at the beginning and dissolving, of every general free Assembly: And it is further agreed and ordained, that the said Concessions, common law, or great charter of fundamentals, be writ in fair tables, in every common hall of justice within this Province, and that they be read in solemn manner four times every year, in the presence of the people, by the chief magistrates of those places.

Chapter XVI

THAT no men, nor number of men upon earth, hath power or authorlty to rule over men's consciences in religious matters, therefore it is consented, agreed and ordained, that no person or persons whatsoever within the said Province, at any time or times hereafter, shall be any ways upon any pretence whatsoever, called in question, or in the least punished or hurt, either in person, estate, or priviledge, for the sake of his opinion, judgment, faith or worship towards God in matters of religion. But that all and every such person, and persons, may from time to time, and at all times,

freely and fully have, and enjoy his and their judgements, and the exercises of their consciences in matters of religious worship throughout all the said Province.

Chapter XVII

THAT no Proprietor, freeholder or inhabitant of the said Province of West New Jersey, shall be deprived or condemned of life, limb, liberty, estate, property or any ways hurt in his or their privileges, freedoms or franchises, upon any account whatsoever, without a due tryal, and judgment passed by twelve good and lawful men of his neighbourhood first had: And that in all causes to be tryed, and in all tryals, the person or persons, arraigned may except against any of the said neighbourhood, without any reason rendered, (not exceeding thirty five) and in case of any valid reason alleged, against every person nominated for that service.

Chapter XVIII

AND that no Proprietor, freeholder, freedenison, or inhabitant in the said Province, shall be attached, arrested, or imprisoned, for or by reason of any debt, duty, or thing whatsoever (cases felonious, criminal and treasonable excepted) before he or she have personal summon or summons, left at his or her last dwelling place, if in the said Province, by some legal authorized officer, constituted and appointed for that purpose, to appear in some court of judicature for the said Province, with a full and plain account of the cause or thing in demand, as also the name or names of the person or persons at whose suit, and the court where he is to appear, and that he hath at least fourteen days time to appear and answer the said suit, if he or she live or inhabit within forty miles Englisll of the said court, and if at a further distance, to have for every twenty miles, two days time more, for his and their appearance, and so proportionably for a larger distance of place.

That upon the recording of the summons, and non-appearance of such person and persons, a writ or attachment shall or may be issued out to arrest, or attach the person or persons of such defaulters, to cause his or their appearance in such court, returnable at a day certain, to answer the penalty or penalties, in such suit or suits; and if he or they shall be condemned by legal tryal and judgment, the penalty or penalties shall be paid and satisfied out of his or their real or personal estate so condemned, or cause the person or persons so condemned, to lie in execution till satisfaction of the debt and damages be made. Provided always, if such person or persons so condemned, shall pay and deliver such estate, goods, and chattles which he or any other person hath for his or their use, and shall solemnly declare and aver, that he or they have not any further estate, goods or chattles wheresoever, to satisfy the person or persons, (at whose suit, he or they are condemned) their respective judgments, and shall also bring and produce three other persons as compurgators, who are well known and of honest reputation, and approved of by the commissioners of that division, where they dwell or inhabit, which shall in such open court, likewise solemnly declare and aver, that they believe in their consciences, SUCH person and persons so condemned, have not werewith further to pay the said condemnation or condemnations, he or they shall be thence forthwith discharged from their said imprisonment, any law or custom to the contrary thereof, heretofore in the said Province, notwithstanding. And upon such summons and default of appearance, recorded as aforesaid, and such person and persons not appearing within forty days after, it shall and may be

lawful for such court of judicature to proceed to tryal, of twelve lawful men to judgment, against such defaulters, and issue forth exccution against his or their estate, real and personal, to satisfy such penalty or penalties, to such debt and damages so recorded, as far as it shall or may extend.

Chapter XIX

THAT there shall be in every court, three justices or commissioners, who shall sit with the twelve men of the neighbourhood, with them to hear all causes, and to assist the said twelve men of the neighbourhood in case of law; and that they the said justices shall pronounce such judgment as they shall receive from, and be directed by the said twelve men, in whom only the judgment resides, and not otherwise.

And in case of their neglect and refusal, that then one of the twelve, by consent of the rest, pronounce their own judgment as the justices should have done.

And if any judgment shall be past, in any case civil or criminal, by any other person or persons, or any other way, then according to this agreement and appointment, it shall be held null and void, and such person or persons so presuming to give judgment, shall be severely fin'd, and upon complaint made to the General Assembly, by them be declared incapable of any office or trust within this Province.

Chapter XX

THAT in all matters and causes, civil and criminal, proof is to be made by the solemn and plain averment, of at least two honest and reputable persons; and in case that any person or persons shall bear false witness, and bring in his or their evidence, contrary to the truth of the matter as shall be made plainly to appear, that then every such person or persons, shall in civil causes, suffer the penalty which would be due to the person or persons he or they bear witness against. And in case any witness or witnesses, on the behalf of any person or persons, indicted in a criminal cause, shall be found to have born false witness for fear, gain, malice or favour, and thereby hinder the due execution of the law, and deprive the suffering person or persons of their due satisfaction, that then and in all other cases of false evidence, such person or persons, shall be first severely fined, and next that he or they shall forever be disabled from being admitted in evidence, or into any publick office, employment, or service within this Province.

Chapter XXI

THAT all and every person and persons whatsoever, who shall prosecute or prefer any indictment or information against others for any personal injuries, or matter criminal, or shall prosecute for any other criminal cause, (treason, murther, and felony, only excepted) shall and may be master of his own process, and have full power to forgive and remit the person or persons offending against him or herself only, as well before as after judgment, and condemnation, and pardon and remit the sentence, fine and punishment of the person or persons offending, be it personal or other whatsoever.

Chapter XXII

THAT the tryals of all causes, civil and criminal, shall be heard and decided by the virdict or judgment of twelve honest men of the neighbourhood, only to be summoned and presented by the sheriff of that division, or propriety where the fact or trespass is committed; and that no person or persons shall be compelled to fee any attorney or councillor to plead his cause, but that all persons have free liberty to plead his own cause, if he please: And that no person nor persons impnsioned upon any account whatsoever within this Province, shall be obliged to pay any fees to the officer or officers of the said prison, either when committed or discharged.

Chapter XXIII

THAT in all publick courts of justice for tryals of causes, civil or criminal, any person or persons, inhabitants of the said Province may freely come into, and attend the said courts, and hear and be present, at all or any such tryals as shall be there had or passed, that justice may not be done in a corner nor in any covert manner, being intended and resolved, by the help of the Lord, and by these our Concessions and Fundamentals, that all and every person and persons inhabiting the said Province, shall, as far as in us lies, be free from oppression and slavery.

Frame of Government of Pennsylvania

April 25, 1682

The frame of the government of the province of Pensilvania, in America: together with certain laws agreed upon in England, by the Governor and divers freemen of the aforesaid province. To be further explained and confirmed there, by the first provincial Council, that shall be held, if they see meet.

THE PREFACE

When the great and wise God had made the world, of all his creatures, it pleased him to chuse man his Deputy to rule it: and to fit him for so great a charge and trust, he did not only qualify him with skill and power, but with integrity to use them justly. This native goodness was equally his honour and his happiness; and whilst he stood here, all went well; there was no need of coercive or compulsive means; the precept of divine love and truth, in his bosom, was the guide and keeper of his innocency. But lust prevailing against duty, made a lamentable breach upon it; and the law, that before had no power over him, took place upon him, and his disobedient posterity, that such as would not live conformable to the holy law within, should fall under the reproof and correction of the just law without, in a judicial administration.

This the Apostle teaches in divers of his epistles: "The law (says he) was added because of transgression: " In another place, "Knowing that the law was not made for the righteous man; but for the disobedient and ungodly, for sinners, for unholy and prophane, for murderers, for whoremongers, for them that defile themselves with mankind, and for man-stealers, for lyers, for perjured persons," &c., but this is not all, he opens and carries the matter of government a little further: "Let every soul be subject to the higher powers; for there is no power but of God. The powers that be are ordained of God: whosoever therefore resisteth the power, resisteth the ordinance of God. For rulers are not a terror to good works, but to evil: wilt thou then not be afraid of the power? do that which is good, and thou shalt have praise of the same." "He is the minister of God to thee for good." "Wherefore ye must needs be subject, not only for wrath, but for conscience sake."

This settles the divine right of government beyond exception, and that for two ends: first, to terrify evil doers: secondly, to cherish those that do well; which gives government a life beyond corruption, and makes it as durable in the world, as good men shall be. So that government seems to me a part of religion itself, a thing sacred in its institution and end. For, if it does not directly remove the cause, it crushes th effects of evil, and is as such, (though a lower, yet) an emanation of the same Divine Power, that is both author and object of pure religion; the difference lying here, that the one is more free and mental, the other more corporal and compulsive in its operations: but that is only to evil doers; government itself being otherwise as capable of kindness, goodness and charity, as a more private society. They weakly err, that think there is no other use of government, than correction, which is the coarsest part of it: daily experience tells us, that the care and regulation of many other affairs, more soft, and daily necessary, make up much of the greatest part of government; and which must have followed the peopling of the world, had Adam never fell, and will continue

among men, on earth, under the highest attainments they may arrive at, by the coming of the blessed Second Adam, the Lord from heaven. Thus much of government in general, as to its rise and end.

For particular frames and models, it will become me to say little; and comparatively I will say nothing. My reasons are:

First. That the age is too nice and difficult for it; there being nothing the wits of men are more busy and divided upon. It is true, they seem to agree to the end, to wit, happiness; but, in the means, they differ, as to divine, so to this human felicity; and the cause is much the same, not always want of light and knowledge, but want of using them rightly. Men side with their passions against their reason, and their sinister interests have so strong a bias upon their minds, that they lean to them against the good of the things they know.

Secondly, I do not find a model in the world, that time, place, and some singular emergences have not necessarily altered; nor is it easy to frame a civil government, that shall serve all places alike.

Thirdly. I know what is said by the several admirers of monarchy, aristocracy and democracy, which are the rule of one, a few, and many, and are the three common ideas of government, when men discourse on the subject. But I chuse to solve the controversy with this small distinction, and it belongs to all three: Any government is free to the people under it (whatever be the frame) where the laws rule, and the people are a party to those laws, and more than this is tyranny, oligarchy, or confusion.

But, lastly, when all is said, there is hardly one frame of government in the world so ill designed by its first founders, that, in good hands, would not do well enough; and story tells us, the best, in ill ones, can do nothing that is great or good; witness the Jewish and Roman states. Governments, like clocks, go from the motion men give them; and as governments are made and moved by men, so by them they are ruined too. Wherefore governments rather depend upon men, than men upon governments. Let men be good, and the government cannot be bad; if it be ill, they will cure it. But, if men be bad, let the government be never so good, they will endeavor to warp and spoil it to their turn.

I know some say, let us have good laws, and no matter for the men that execute them: but let them consider, that though good laws do well, good men do better: for good laws may want good men, and be abolished or evaded [invaded in Franklin's print] by ill men; but good men will never want good laws, nor suffer ill ones. It is true, good laws have some awe upon ill ministers, but that is where they have not power to escape or abolish them, and the people are generally wise and good: but a loose and depraved people (which is the question) love laws and an administration like themselves. That, therefore, which makes a good constitution, must keep it, viz: men of wisdom and virtue, qualities, that because they descend not with worldly inheritances, must be carefully propagated by a virtuous education of youth; for which after ages will owe more to the care and prudence of founders, and the successive magistracy, than to their parents, for their private patrimonies.

These considerations of the weight of government, and the nice and various opinions about it, made it uneasy to me to think of publishing the ensuing frame and conditional laws, foreseeing both the censures, they will meet with, from men of differing humours and engagements, and the occasion they may give of discourse beyond my design.

But, next to the power of necessity, (which is a solicitor, that will take no denial) this induced me to a compliance, that we have (with reverence to God, and good conscience to men) to the best of our skill, contrived and composed the frame and laws of this government, to the great end of all government, viz: To support power in reverence with the people, and to secure the people from the abuse of power; that they may be free by their just obedience, and the magistrates honourable, for their just administration: for liberty without obedience is confusion, and obedience without liberty is slavery. To carry this evenness is partly owing to the constitution, and partly to the magistracy: where either of these fail, government will be subject to convulsions; but where both are wanting, it must be totally subverted; then where both meet, the government is like to endure. Which I humbly pray and hope God will please to make the lot of this of Pensilvania. Amen.

WILLIAM PENN.

THE FRAME, &C.--APRIL 25, 1682

To all Persons, to whom these presents may come. WHEREAS, king Charles the Second, by his letters patents, under the great seal of England, bearing date the fourth day of March in the Thirty and Third Year of the King, for divers considerations therein mentioned, hath been graciously pleased to give and grant unto me William Penn, by the name of William Penn, Esquire, son and heir of Sir William Penn, deceased, and to my heirs and assigns forever, all that tract of land, or Province, called PensylJania, in Amenca, with divers great powers, pre-eminences, royalties, jurisdictions, and authorities, necessary for the well-being and government thereof: Now know ye, that for the well-being and government of the said province, and for the encouragement of all the freemen and planters that may be therein concerned, in pursuance of the powers aforementioned, I, the said William Penn, have declared, granted, and confirmed, and by these presents, for me, my heirs and assigns, do declare, grant, and confirm unto all the freemen, planters and adventurers of, in and to the said province, / these liberties, franchises, and properties, to be held, enjoyed and kept by the freemen, ' planters, and inhabitants of the said province of Pensilvania for ever.

Imprimis. That the government of this province shall, according to the powers of the patent, consist of the Governor and freemen of the said province, in form of a provincial Council and General Assembly, by whom all laws shall be made, officers chosen, and public affairs transacted, as is hereafter respectively declared, that is to say--

II. That the freemen of the said province shall, on the twentieth day of the twelfth month, which shall be in this present year one thousand six hundred eighty and two, meet and assemble in some fit place, of which timely notice shall be before hand given by the Governor or his Deputy; and then, and there, shall chuse out of themselves seventy-two persons of most note for their wisdom, virtue and ability, who shall meet, on the tenth day of the first month next ensuing, and always be called,

and act as, the provincial Council of the said province.

III. That, at the first choice of such provincial Council, one-third part of the said provincial Council shall be chosen to serve for three years, then next ensuing; one-third part, for two years then next ensuing; and one-third part, for one year then next ensuing such election, and no longer; and that the said third part shall go out accordingly: and on the twentieth day of the twelfth month, as aforesaid, yearly for ever afterwards, the freemen of the said province shall, in like manner, meet and assemble together, and then chuse twenty-four persons, being one-third of the said number, to serve in provincial Council for three years: it being intended, that one-third part of the whole provincial Council (always consisting, and to CollSiSt, of seventy-two persons, as aforesaid) falling off yearly, it shall be yearly supplied by such new yearly elections, as aforesaid; and that no one person shall continue therein longer than three years: and, in case any member shall decease before the last election during his time, that then at the next election ensuing his decease, another shall be chosen to supply his place, for the remaining time, he was to have served, and no longer.

IV. That, after the first seven years, every one of the said third parts, that goeth yearly off, shall be uncapable of being chosen again for one whole year following: that so all may be fitted for government, and have experience of the care and burden of it.

V. That the provincial Council, in all cases and matters of moment, as their arguing upon bills to be passed into laws, erecting courts of justice, giving judgment upon criminals impeached, and choice of officers, in such manner as is hereinafter mentioned, not less than two-thirds of the whole provincial Council shall make a quorum, and that the consent and approbation of two-thirds of such quorum shall be had in all such cases and matters of moment. And moreover that, in all cases and matters of lesser moment, twenty-four Members of the said provincial Council shall make a quorum, the majority of which twenty-four shall, and may, always determine in such cases and causes of lesser moment.

VI. That, in this provincial Council, the Governor or his Deputy, shall or may, always preside, and have a treble voice; and the said provincial Council shall always continue, and sit upon its own adjournments and committees.

VII. That the Governor and provincial Council shall prepare and propose to the General Assembly, hereafter mentioned, all bills, which they shall, at any time, think fit to be passed into laws, within the said province; which bills shall be published and affixed to the most noted places, in the inhabited parts thereof, thirty days before the meeting of the General Assembly, in order to the passing them into laws or rejecting of them, as the General Assembly shall see meet.

VIII. That the Governor and provincial Council shall take care, that all laws, statutes and ordinances, which shall at any time be made within the said province, be duly and diligently executed.

IX. That the Governor and provincial Council shall, at all times, have the care of the peace and safety of the province, and that nothing be by any person attempted to the subversion of this frame

of government.

X. That the Governor and provincial Council shall, at all times, settle and order the situation of all cities, ports, and market towns in every county, modelling therein all public buildings, streets, and market places, and shall appoint all necessary roads, and high-ways in the province.

XI. That the Governor and provincial Council shall, at all times, have power to inspect the management of the public treasury, and punish those who shall convert any part thereof to any other use, than what hath been agreed upon by the Governor, provincial Council, and General Assembly.

XII. That the Governor and provincial Council, shall erect and order all public schools, and encourage and reward the authors of useful sciences and laudable inventions in the said province.

XIII. That, for the better management of the powers and trust aforesaid, the provincial Council shall, from time to time, divide itself into four distinct and proper committees, for the more easy administration of the affairs of the Province, which divides the seventy-two into four eighteens, every one of which eighteens shall consist of six out of each of the three orders, or yearly elections, each of which shall have a distinct portion of business, as followeth: First, a committee of plantations, to situate and settle cities, ports, and market towns, and high-ways, and to hear and decide all suits and controversies relating to plantations. Secondly, a committee of justice and safety, to secure the peace of the Province, and punish the mal-administration of those who subvert justice to the prejudice of the public, or private, interest. Thirdly, a committee of trade and treasury, who shall regulate all trade and commerce, according to law, encourage manufacture and country growth, and defray the public charge of the Province. And, Fourthly, a committee of manners, education, and arts, that all wicked and scandalous living may be prevented, and that youth may be successively trained up in virtue and useful knowledge and arts: the quorum of each of which committees being six, that is, two out of each of the three orders, or yearly elections, as aforesaid, make a constant and standing Council of twenty-four, which will have the power of the provincial Council, being the quorum of it, in all cases not excepted in the fifth article; and in the said committees, and standing Council of the Province, the Governor, or his Deputy, shall, or may preside, as aforesaid; and in the absence of the Governor, or his Deputy, if no one is by either of them appointed, the said committees or Council shall appoint a President for that time, and not otherwise; and what shall be resolved at such committees, shall be reported to the said Council of the province, and shall be by them resolved and confirmed before the same shall be put in execution; and that these respective committees shall not sit at one and the same time, except in cases of necessity.

XIV. And, to the end that all laws prepared by the Governor and provincial Council aforesaid, may yet have the more full concurrence of the freemen of the province, it is declared³, granted and confirmed, that, at the time and place or places, for the choice of a provincial Council, as aforesaid, the said freemen shall yearly chuse Members to serve in a General Assembly, as their representatives, not exceeding two hundred persons, who shall yearly meet on the twentieth day of the second month, which shall be in the year one thousand six hundred eighty and three following, in the capital town, or city, of the said province, where, during eight days, the several Members may

freely confer with one another; and, if any of them see meet, with a committee of the provincial Council (consisting of three out of each of the four committees aforesaid, being twelve in all) which shall be, at that time, purposely appointed to receive from any of them proposals, for the alterations or amendment of any of the said proposed and promulgated bills: and on the ninth day from their so meeting, the said General Assembly, after reading over the proposed bills by the Clerk of the provincial Council, and the occasions and motives for them being opened by the Governor or his Deputy, shall give their affirmative or negative, which to them seemeth best, in such manner as hereinafter is expressed. But not less than two-thirds shall make a quorum in the passing of laws, and choice of such officers as are by them to be chosen.

XV. That the laws so prepared and proposed, as aforesaid, that are assented to by the General Assembly, shall be enrolled as laws of the Province, with this stile: By the Governor, with the assent and approbation of the freemen in provincial Council and General Assembly.

XVI. That, for the establishment of the government and laws of this province, and to the end there may be an universal satisfaction in the laying of the fundamentals thereof: the General Assembly shall, or may, for the first year, consist of all the freemen of and in the said province; and ever after it shall be yearly chosen, as aforesaid; which number of two hundred shall be enlarged as the country shall increase in people, so as it do not exceed five hundred, at any time; the appointment and proportioning of which, as also the laying and methodizing of the choice of the provincial Council and General Assembly, in future times, most equally to the divisions of the hundreds and counties, which the country shall hereafter be divided into, shall be in the power of the provincial Council to propose, and the General Assembly to resolve.

XVII. That the Governor and the provincial Council shall erect, from time to time, standing courts of justice, in such places and number as they shall judge convenient for the good government of the said province. And that the provincial Council shall, on the thirteenth day of the first month, yearly, elect and present to the Governor, or his Deputy, a double number of persons, to serve for Judges, Treasurers, Masters of Rolls, within the said province, for the year next ensuing; and the freemen of the said province, in the county courts, whcII they shall bc erected, and till then, in the General Assembly, shall, on the three and twentieth day of the second month, yearly, elect and present to the Governol, or his Deputy, a double mlmber of persons, to serve for Sheriffs, Justices of the Peace, and Coroners, for the year next ensuing; out of which respective elections and presentments, the Governor or his Deputy shall nominate and commissionate the proper number for each OfrlCe, the third day after the said presentments, or else the first named in such presentment, for each office, shall stand and serve for that office the year ensuing.

XVIII. But forasmucll as the present condition of the province requires some immediate settlement, and admits not of so quick a revolution of officers; and to the end the said Province may, with all convenient speed, be well ordered and settled, I, William Penn, do therefore think fit to nominate and appoint such persons for Judges, Treasurers, Masters of the Rolls, Sheriffs, Justices of the Peace, and Coroners, as are most fitly qualified for those employments; to whom I shall make and grant commissions for the said offices, respectively, to hold to them, to whom the same shall be granted, for so long time as every such person shall well behave himself in the office, or place,

to him respectively granted, and no longer. And upon the decease or displacing of any of the said officers, the succeeding officer, or officers, shall be chosen, as aforesaid.

XIX. That the General Assembly shall continue so long as may be needful to impeach criminals, fit to be there impeached, to pass bills into laws, that they shall think fit to pass into laws, and till such time as the Governor and provincial Council shall declare that they have nothing further to propose unto them, for their assent and approbation: and that declaration shall be a dismiss to the General Assembly for that time; which General Assembly shall be, notwithstanding, capable of assembling together upon the summons of the provincial Council, at any time during that year, if the said provincial Council shall see occasion for their so assembling.

XX. That all the elections of members, or representatives of the people, to serve in provincial Council and General Assembly, and all questions to be determined by both, or either of them, that relate to passing of bills into laws, to the choice of officers, to impeachments by the General Assembly, and judgment of criminals upon such impeachments by the provincial Council, and to all other cases by them respectively judged of importance, shall be resolved and determined by the ballot; and unless on sudden and indispensable occasions, no business in provincial Council, or its respective committees, shall be finally determined the same day that it is moved.

XXI. That at all times when, and so often as it shall happen that the Governor shall or may be an infant, under the age of one and twenty years, and no guardians or commissioners are appointed in writing, by the father of the said infant, or that such guardians or commissioners, shall be deceased; that during such minority, the provincial Council shall, from time to time, as they shall see meet, constitute and appoint guardians or commissioners, not exceeding three; one of which three shall preside as deputy and chief guardian, during such minority, and shall have and execute, with the consent of the other two, all the power of a Governor, in all the public affairs and concerns of the said province.

XXII. That, as often as any day of the month, mentioned in any article of this charter, shall fall upon the first day of the week, commonly called the Lord's Day, the business appointed for that day shall be deferred till the next day, unless in case of emergency.

XXIII. That no act, law, or ordinance whatsoever, shall at any time hereafter, be made or done by the Governor of this province, his heirs or assigns, or by the freemen in the provincial Council, or the General Assembly, to alter, change, or diminish the form, or effect, of this charter, or any part, or clause thereof, without the consent of the Governor, his heirs, or assigns, and six parts of seven of the said freemen in provincial Council and General Assembly.

XXIV. And lastly, that I, the said William Penn, for myself, my heirs and assigns, have solemnly declared, granted and confirmed, and do hereby solemnly declare, grant and confirm, that neither I, my heirs, nor assigns, shall procure or do any thing or things, whereby the liberties, in this charter contained and expressed, shall be infringed or broken; and if any thing be procured by any person or persons contrary to these premises, it shall be held of no force or effect. In witness whereof, I, the said William Penn, have unto this present character of liberties set my hand and

broad seal, this five and twentieth day of the second month, vulgarly called April, in the year of our Lord one thousand six hundred and eighty-two.

WILLIAM PENN.

LAWS AGREED UPON IN ENGLAND, &C.

I. That the charter of liberties, declared, granted and confirmed the five and twentieth day of the second month, called April, 1682, before divers witnesses, by William Penn, Governor and chief Proprietor of Pensilvania, to all the freemen and planters of the said province, is hereby declared and approved, and shall be for ever held for fundamental in the government thereof, according to the limitations mentioned in the said charter.

II. That every inhabitant in the said province, that is or shall be, a purchaser of one hundred acres of land, or upwards, his heirs and assigns, and every person who shall have paid his passage, and taken up one hundred acres of land, at one penny an acre, and have cultivated ten acres thereof, and every person, that hath been a servant, or bonds-man, and is free by his service, that shall have taken up his fifty acres of land, and cultivated twenty thereof, and every inhabitant, artificer, or other resident in the said province, that pays scot and lot¹⁴ to the government; shall be deemed and accounted a freeman of the said province: and every such person shall, and may, be capable of electing, or being elected, representatives of the people, in provincial Council, or General Assembly, in the said province.

III. That all elections of members, or representatives of the people and freemen of the province of Pensilvania, to serve in provincial Council, or General Assembly, to be held within the said province, shall be free and voluntary: and that the elector, that shall receive any reward or gift, in meat, drink, monies, or otherwise, shall forfeit his right to elect; and such person as shall directly or indirectly give, promise, or bestow any such reward as aforesaid, to be elected, shall forfeit his election, and be thereby incapable to serve as aforesaid: and the provincial Council and General Assembly shall be the sole judges of the regularity, or irregularity of the elections of their own respective Members.

IV. That no money or goods shall be raised upon, or paid by, any of the people of this province by way of public tax, custom or contribution, but by a law, for that purpose made; and whoever shall levy, collect, or pay any money or goods contrary thereunto, shall be held a public enemy to the province and a betrayer of the liberties of the people thereof.

V. That all courts shall be open, and justice shall neither be sold, denied nor delayed.

VI. That, in all courts all persons of all persuasions may freely appear in their own way, and according to their own manner, and there personally plead their own cause themselves; or, if unable, by their friends: and the first process shall be the exhibition of the complaint in court, fourteen days before the trial; and that the party, complained against, may be fitted for the same, he or she shall be summoned, no less than ten days before, and a copy of the complaint delivered him or her, at his

or her dwelling house. But before the complaint of any person be received, he shall solemnly declare in court, that he believes, in his conscience, his cause is just.

VII. That all pleadings, processes and records in courts, shall be short, and in English, and in an ordinary and plain character, that they may be understood, and justice speedily administered.

VIII. That all trials shall be by twelve men, and as near as may be, peers or equals, and of the neighborhood, and men without just exception; in cases of life, there shall be first twenty-four returned by the sheriffs, for a grand inquest, of whom twelve, at least, shall find the complaint to be true; and then the twelve men, or peers, to be likewise returned by the sheriff, shall have the final judgment. But reasonable challenges shall be always admitted against the said twelve men, or any of them.

IX. That all fees in all cases shall be moderate, and settled by the provincial Council, and General Assembly, and be hung up in a table in every respective court; and whosoever shall be convicted of taking more, shall pay twofold, and be dismissed his employment; one moiety of which shall go to the party wronged.

X. That all prisons shall be work-houses, for felons, vagrants, and loose and idle persons; whereof one shall be in every county.

XI. That all prisoners shall beailable by sufficient sureties, unless for capital offences, where the proof is evident, or the presumption great.

XII. That all persons wrongfully imprisoned, or prosecuted at law, shall have double damages against the informer, or prosecutor.

XIII. That all prisons shall be free, as to fees, food and lodging.

XIV. That all lands and goods shall be liable to pay debts, except where there is legal issue, and then all the goods, and one-third of the land only.

XV. That all wills, in writing, attested by two witnesses, shall be of the same force as to lands, as other conveyances, being legally proved within forty days, either within or without the said province.

XVI. That seven years quiet possession shall give an unquestionable right, except in cases of infants, lunatics, married women, or persons beyond the seas.

XVII. That all briberies and extortion whatsoever shall be severely punished.

XVIII. That all fines shall be moderate, and saving men's contentments, merchandize, or wainage.

XIX. That all marriages (not forbidden by the law of God, as to nearness of blood and affinity by marriage) shall be encouraged; but the parents, or guardians, shall be first consulted, and the marriage shall be published before it be solemnized; and it shall be solemnized by taking one another as husband and wife, before credible witnesses; and a certificate of the whole, under the hands of parties and witnesses, shall be brought to the proper register of that county, and shall be registered in his office.

XX. And, to prevent frauds and vexatious suits within the said province, that all charters, gifts, grants, and conveyances of and (except leases for a year or under) and all bills, bonds, and specialties above five pounds, and not under three months, made in the said province, shall be enrolled, or registered in the public enrolment office of the said province, within the space of two months next after the making thereof, else to be void in law, and all deeds, grants, and conveyances of land (except as aforesaid) within the said province, and made out of the said province, shall be enrolled or registered, as aforesaid, within six months next after the making thereof, and settling and constituting an enrolment office or registry within the said province, else to be void in law against all persons whatsoever.

XXI. That all defacers or corrupters of charters, gifts, grants, bonds, bills, wills, contracts, and conveyances, or that shall deface or falsify any enrolment, registry or record, within this province, shall make double satisfaction for the same; half whereof shall go to the party wronged, and they shall be dismissed of all places of trust, and be publicly disgraced as false men.

XXII. That there shall be a register for births, marriages, burials, wills, and letters of administration, distinct from the other registry.

XXIII. That there shall be a register for all servants, where their names, time, wages, and days of payment shall be registered.

XXIV. That all lands and goods of felons shall be liable, to make satisfaction to the party wronged twice the value; and for want of lands or goods, the felons shall be bondmen to work in the common prison, or work-house, or otherwise, till the party injured be satisfied.

XXV. That the estates of capital offenders, as traitors and murderers, shall go, one-third to the next of kin to the sufferer, and the remainder to the next of kin to the criminal.

XXVI. That all witnesses, coming, or called, to testify their knowledge in or to any matter or thing, in any court, or before any lawful authority, within the said province, shall there give or deliver in their evidence, or testimony, by solemnly promising to speak the truth, the whole truth, and nothing but the truth, to the matter, or thing in question. And in case any person so called to evidence, shall be convicted of wilful falsehood, such person shall suffer and undergo such damage or penalty, as the person, or persons, against whom he or she bore false witness, did, or should, undergo; and shall also make satisfaction to the party wronged, and be publicly exposed as a false witness, never to be credited in any court, or before any Magistrate, in the said province.

XXVII. And, to the end that all officers chosen to serve within this province, may, with more care and diligence, answer the trust reposed in them, it is agreed, that no such person shall enjoy more than one public office, at one time.

XXVIII. That all children, within this province, of the age of twelve years, shall be taught some useful trade or skill, to the end none may be idle, but the poor may work to live, and the rich, if they become poor, may not want.

XXIX. That servants be not kept longer than their time, and such as are careful, be both justly and kindly used in their service, and put in fitting equipage at the expiration thereof, according to custom.

XXX. That all scandalous and malicious reporters, backbiters, defamers and spreaders of false news, whether against Magistrates, or private persons, shall be accordingly severely punished, as enemies to the peace and concord of this province.

XXXI. That for the encouragement of the planters and traders in this province, who are incorporated into a society, the patent granted to them by William Penn, Governor of the said province, is hereby ratified and confirmed.

XXXII. * * *

XXXIII. That all factors or correspondents in the said province, wronging their employers, shall make satisfaction, and one-third over, to their said employers: and in case of the death of any such factor or correspondent, the committee of trade shall take care to secure so much of the deceased party's estate as belongs to his said respective employers.

XXXIV. That all Treasurers, Judges, Masters of the Rolls, Sheriffs, Justices of the Peace, and other officers and persons whatsoever, relating to courts, or trials of causes, or any other service in the government; and all Members elected to serve in provincial Council and General Assembly, and all that have right to elect such Members, shall be such as possess faith in Jesus Christ, and that are not convicted of ill fame, or unsober and dishonest conversation, and that are of one and twenty years of age, at least; and that all such so qualified, shall be capable of the said several employments and privileges, as aforesaid.

XXXV. That all persons living in this province, who confess and acknowledge the one Almighty and eternal God, to be the Creator, Upholder and Ruler of the world; and that hold themselves obliged in conscience to live peaceably and justly in civil society, shall, in no ways, be molested or prejudiced for their religious persuasion, or practice, in matters of faith and worship, nor shall they be compelled, at any time, to frequent or maintain any religious worship, place or ministry whatever.

XXXVI. That, according to the good example of the primitive Christians, and the case of the creation, every first day of the week, called the Lord's day, people shall abstain from their common

daily labour, that they may the better dispose themselves to worship God according to their understandings.

XXXVII. That as a careless and corrupt administration of justice draws the wrath of God upon magistrates, so the wildness and looseness of the people provoke the indignation of God against a country: therefore, that all such offences against God, as swearing, cursing, lying, prophane talking, drunkenness, drinking of healths, obscene words, incest, sodomy, rapes, whoredom, fornication, and other uncleanness (not to be repeated) all treasons, misprisions, murders, duels, felony, seditions, maims, forcible entries, and other violences, to the persons and estates of the inhabitants within this province; all prizes, stage-plays, cards, dice, May-games, gamesters, masques, revels, bull-baitings, cock-fightings, bear-baitings, and the like, which excite the people to rudeness, cruelty, looseness, and irreligion, shall be respectively discouraged, and severely punished, according to the appointment of the Governor and freemen in provincial Council and General Assembly; as also all proceedings contrary to these laws, that are not here made expressly penal.

XXXVIII. That a copy of these laws shall be hung up in the provincial Council, and in public courts of justice: and that they shall be read yearly at the opening of every provincial Council and General Assembly, and court of justice; and their assent shall be testified, by their standing up after the reading thereof.

XXXIX. That there shall be, at no time, any alteration of any of these laws, without the consent of the Governor, his heirs, or assigns, and six parts of seven of the freemen, met in provincial Council and General Assembly.

XL. That all other matters and things not herein provided for, which shall, and may, concern the public justice, peace or safety of the said province; and the raising and imposing taxes, customs, duties, or other charges whatsoever, shall be, and are, hereby referred to the order, prudence and determination of the Governor and freemen, in provincial Council and General Assembly, to be held, from time to time, in the said province.

Signed and sealed by the Governor and freemen aforesaid, the fifth day of the third month, called May, one thousand six hundred and eighty-two.

Pennsylvania Charter of Privileges

October 28, 1701

WILLIAM PENN, Proprietary and Governor of the Province of Pensilvania and Territories thereunto belonging, To all to whom these Presents shall come, sendeth Greeting. WHEREAS King CHARLES the Second, by His Letters Patents, under the Great Seal of England, bearing Date the Fourth Day of March, in the Year One Thousand Six Hundred and Eighty-one, was graciously pleased to give and grant unto me, and my Heirs and Assigns for ever, this Province of Pensilvania, with divers great Powers and Jurisdictions for the well Government thereof.

AND WHEREAS the King's dearest Brother, JAMES Duke of YORK and ALBANY, &c. by his Deeds of Feoffment, under his Hand and Seal duly perfected, bearing Date the Twenty-Fourth Day of August, One Thousand Six Hundred Eighty and Two, did grant unto me, my Heirs and Assigns, all that Tract of Land, now called the Territories of Pensilvania, together with Powers and Jurisdictions for the good Government thereof.

AND WHEREAS for the Encouragement of all the Freemen and Planters, that might be concerned in the said Province and Territories, and for the good Government thereof, I the said WILLIAM PENN, in the Year One Thousand Six Hundred Eighty and Three, for me, my Heirs and Assigns, did grant and confirm unto all the Freemen, Planters and Adventurers therein, divers Liberties, Franchises and Properties, as by the said Grant, entituled, The FRAME of the Government of the Province of Pensilvania, and Territories thereunto belonging, in America, may appear; which Charter or Frame being found in some Parts of it, not so suitable to the present circumstances of the Inhabitants, was in the Third Month, in the Year One Thousand Seven Hundred, delivered up to me, by Six Parts of Seven of the Freemen of this Province and Territories, in General Assembly met, Provision being made in the said Charter, for that End and Purpose.

AND WHEREAS I was then pleased to promise, That I would restore the said Charter to them again, with necessary Alterations, or in lieu thereof, give them another, better adapted to answer the present Circumstances and Conditions of the said Inhabitants; which they have now, by their Representatives in General Assembly met at Philadelphia, requested me to grant.

KNOW YE THEREFORE, That for the further Well-being and good Government of the said Province, and Territories; and in Pursuance of the Rights and Powers before-mentioned, I the said William Penn do declare, grant and confirm, unto all the Freemen, Planters and Adventurers, and other Inhabitants of this Province and Territories, these following Liberties, Franchises and Privileges, so far as in me lieth, to be held, enjoyed and kept, by the Freemen, Planters and Adventurers, and other Inhabitants of and in the said Province and Territories thereunto annexed, for ever.

FIRST

BECAUSE no People can be truly happy, though under the greatest Enjoyment of Civil

Liberties, if abridged of the Freedom of their Consciences, as to their Religious Profession and Worship: And Almighty God being the only Lord of Conscience, Father of Lights and Spirits; and the Author as well as Object of all divine Knowledge, Faith and Worship, who only doth enlighten the Minds, and persuade and convince the Understandings of People, I do hereby grant and declare, That no Person or Persons, inhabiting in this Province or Territories, who shall confess and acknowledge One almighty God, the Creator, Upholder and Ruler of the World; and profess him or themselves obliged to live quietly under the Civil Government, shall be in any Case molested or prejudiced, in his or their Person or Estate, because of his or their conscientious Persuasion or Practice, nor be compelled to frequent or maintain any religious Worship, Place or Ministry, contrary to his or their Mind, or to do or suffer any other Act or Thing, contrary to their religious Persuasion.

AND that all Persons who also profess to believe in Jesus Christ, the Saviour of the World, shall be capable (notwithstanding their other Persuasions and Practices in Point of Conscience and Religion) to serve this Government in any Capacity, both legislatively and executively, he or they solemnly promising, when lawfully required, Allegiance to the King as Sovereign, and Fidelity to the Proprietary and Governor, and taking the Attests as now established by the Law made at New-Castle, in the Year One Thousand and Seven Hundred, entitled, an Act directing the Attests of several Officers and Ministers, as now amended and confirmed this present Assembly.

FOR the well governing of this Province and Territories, there shall be an Assembly yearly chosen, by the Freemen thereof, to consist of Four Persons out of each County, of most Note for Virtue, Wisdom and Ability, (or of a greater number at any Time as the Governor and Assembly shall agree) upon the First Day of October for ever; and shall sit on the Fourteenth Day of the same Month, at Philadelphia, unless the Governor and Council for the Time being, shall see Cause to appoint another Place within the said Province or Territories: Which Assembly shall have Power to chuse a Speaker and other their Officers; and shall be Judges of the Qualifications and Elections of their own Members; sit upon their own Adjournment; appoint Committees; prepare Bills in order to pass into Laws; impeach Criminals, and redress Grievances; and shall have all other Powers and Privileges of an Assembly, according to the Rights of the free-born Subjects of England, and as is usual in any of the King's Plantations in Amertca.

AND if any County or Counites, shall refuse or neglect to chuse their respective Representatives as aforesaid, or if chosen, do not meet to serve in Assembly, those who are so chosen and met, shall have the full Power of an Assembly, in as ample Manner as if all the Representatives had been chosen and met, provided they are not less than Two Thirds of the whole Number that ought to meet.

AND that the Qualifications of Electors and Elected, and all other Matters and Things relating to Elections of Representatives to serve in Assemblies, though not herein particularly expressed, shall be and remain as by a Law of this Government, made at New-Castle in the Year One thousand Seven Hundred, entitled, An Act to ascertain the Number of Members of Assembly, and to regulate the Elections.

THAT the Freemen in each respective County, at the Time and Place of Meeting for Electing their Representatives to serve in Assembly, may as often as there shall be Occasion, chuse a double Number of Persons to present to the Governor for Sheriffs and Coroners to serve for Three Years, if so long they behave themselves well; out of which respective Elections and Presentments, the Governor shall nominate and commissionate one for each of the said Offices, the Third Day after such Presentment, or else the First named in such Presentment, for each Office as aforesaid, shall stand and serve in that Office for the Time before respectively limited; and in Case of Death or Default, such Vacancies shall be supplied by the Governor, to serve to the End of the said Term.

PROVIDED ALWAYS, That if the said Freemen shall at any Time neglect or decline to chuse a Person or Persons for either or both the aforesaid Offices, then and in such Case, the Persons that are or shall be in the respective Offices of Sheriffs or Coroners, at the Time of Election, shall remain therein, until they shall be removed by another Election as aforesaid.

AND that the Justices of the respective Counties shall or may nominate and present to the Governor Three Persons, to serve for Clerk of the Peace for the said County, when there is a Vacancy, one of which the Governor shall commissionate within Ten Days after such Presentment, or else the First nominated shall serve in the said Office during good Behavior.

IV

THAT the Laws of this Government shall be in this Stile, viz. By the Governor, with the Consent and Approbation of the Freemen in General Assembly met; and shall be, after Confirmation by the Governor, forthwith recorded in the Rolls Office, and kept at Philadelphia, unless the Governor and Assembly shall agree to appoint another Place.

V

THAT all Criminals shall have the same Privileges of Witnesses and Council as their Prosecutors.

VI

THAT no Person or Persons shall or may, at any Time hereafter, be obliged to answer any Complaint, Matter or Thing whatsoever, relating to Property, before the Governor and Council, or in any other Place, but in ordinary Course of Justice, unless Appeals thereunto shall be hereafter by Law appointed.

VII

THAT no Person within this Government, shall be licensed by the Governor to keep an Ordinary, Tavern or House of Publick Entertainment, but such who are first recommended to him, under the Hands of the Justices of the respective Counties, signed in open Court; which Justices are and shall be hereby empowered, to suppress and forbid any Person, keeping such Publick-House as

aforesaid, upon their Misbehaviour, on such Penalties as the Law doth or shall direct; and to recommend others from time to time, as they shall see Occasion.

VIII

IF any person, through Temptation or Melancholy, shall destroy himself; his Estate, real and personal, shall notwithstanding descend to his Wife and Children, or Relations, as if he had died a natural Death; and if any Person shall be destroyed or killed by Casualty or Accident, there shall be no Forfeiture to the Governor by reason thereof.

AND no Act, Law or Ordinance whatsoever, shall at any Time hereafter, be made or done, to alter, change or diminish the Form or Effect of this Charter, or of any Part or Clause therein, contrary to the true Intent and Meaning thereof, without the Consent of the Governor for the Time being, and Six Parts of Seven of the Assembly met.

BUT because the Happiness of Mankind depends so much upon the Enjoying of Liberty of their Consciences as aforesaid, I do hereby solemnly declare, promise and grant, for me, my Heirs and Assigns, That the First Article of this Charter relating to Liberty of Conscience, and every Part and Clause therein, according to the true Intent and Meaning thereof, shall be kept and remain, without any Alteration, inviolably for ever.

AND LASTLY, I the said William Penn, Proprietary and Governor of the Province of Pensilvania, and Territories thereunto belonging, for myself, my Heirs and Assigns, have solemnly declared, granted and confirmed, and do hereby solemnly declare, grant and confirm, That neither I, my Heirs or Assigns, shall procure or do any Thing or Things whereby the Liberties in this Charter contained and expressed, nor any Part thereof, shall be infringed or broken: And if any thing shall be procured or done, by any Person or Persons, contrary to these Presents, it shall be held of no Force or Effect.

IN WITNESS whereof, I the said William Penn, at Philadelphia in Pensilvania, have unto this present Charter of Liberties, set my Hand and broad Seal, this Twenty-Eighth Day of October, in the Year of Our Lord One Thousand Seven Hundred and One, being the Thirteenth Year of the Reign of King WILLIAM the Third, over England, Scotland, France and Ireland, &c. and the Twenty-First Year of my Government.

AND NOTWITHSTANDING the Closure and Test of this present Charter as aforesaid, I think fit to add this following Proviso thereunto, as Part of the same, That is to say, That notwithstanding any Clause or Clauses in the above-mentioned Charter, obliging the Province and Territories to join together in Legislation, I am content, and do hereby declare, that if the Representatives of the Province and Territories shall not hereafter agree to join together in Legislation, and that the same shall be signified unto me, or my Deputy, in open Assembly, or otherwise from under the Hands and Seals of the Representatives, for the Time being, of the Province and Territories, or the major Part of either of them, at any Time within Three Years from the Date hereof, that in such Case, the Inhabitants of each of the Three Counties of this Province, shall not have less than Eight Persons to

represent them in Assembly, for the Province; and the Inhabitants of the Town of Philadelphia (when the said Town is incorporated) Two Persons to represent them in Assembly; and the Inhabitants of each County in the Territories, shall have as many Persons to represent them in a distinct Assembly for the Territories, as shall be by them requested as aforesaid.

NOTWITHSTANDING which Separation of the Province and Territories, in Respect of Legislation, I do hereby promise, grant and declare, That the Inhabitants of both Province and Territories, shall separately enjoy all other Liberties, Privileges and Benefits, granted jointly to them in this Charter, any Law, Usage or Custom of this Government heretofore made and practised, or any Law made and passed by this General Assembly, to the Contrary hereof, notwithstanding.

WILLIAM PENN.

THIS CHARTER OF PRIVILEGES being distinctly read in Assembly; and the whole and every Part thereof, being approved of and agreed to, by us, we do thankfully receive the same from our Proprietary and Governor, at Philadelphia, this Twenty-Eighth Day of October, One Thousand Seven Hundred and One. Signed on Behalf, and by Order of the Assembly, per JOSEPH GROWDON, Speaker.