

Sovereign Lord the King

Assembly

Capital Laws

- Death upon the denial of true God with **knowledge** of the same and with open **confession** of worshipping any other but the Lord God.
- Death to **high-handed blasphemy** of trinity
- Death by treason against Sovereign, King, State and CW of England.
- Death by public rebellion via subversion of government, willful **murder**, through **hatred, passion and guile**.
- Death by witchcraft if found a Christian
- Bestiality
- Death upon buggery, or sodomitical filthiness, unless forced or under the age of 14.
- Death upon false witness to take away life.
- Death or grievous punishment upon **Man Stealing**
- Death upon cursing parents after the age of 16, unless parents **unchristianly negligent**.
- Rebellious Son put to death upon notorious crimes.
- Death upon raped being found **circumstanced**.
- Death upon willful burning

Criminal Laws

- Whipped up to 40 lashes and to wear the letters A D at all times for **adultery**.
- Penalties for **fornication** include marriage, a fine or corporal punishment. ?
- **Burglary** to be branded on the right hand with the letter B for first offence, and done the same to the other hand for a 2nd offense, which shall include a whipping. On the Lord's day the brand shall be set on the convicted's forehead.
- **Fellony** upon attempt to steal ship, barque or vessel, or publique ammunition to be severely punished.
- Fines and imprisonment for **swearing**.
- **Profaning the Lord's day** by sevell work or travel, by sports, recreations, or by ordinarys in time of publique worship, shall forfeite 10s or be whipped.
- **Contempt of God's Holy Scriptures or holy penmen** to be fined or punished.
- Punishments for **Forcibly Detaining of Possession** against officer impowered to serve an execution. .
- Conspiracy Against This Province, Etc.
- Punishment, fine and to be branded the letter F on forehead upon **forgery of Deed** to the injury of another.
- **Defacing Records** by notary or keeper of public records and writings shall loose his office, be disfranchiseed and burned in the face.
- Punishment for **procuring officers** to deface, corrupt, alter, imblaze records.
- Punishment for **burning fences**.
- Punishment for **breaking down fences**.
- 20s to 5 pounds for willfully plucking up, removing or **defacing any Land mark** or bound (agreement) between party and party.
- No Innholder or public house shall suffer **unlawful games** for money or monies worth liquors, wine, beer or the like shall forfeit 40s.
- Penalty of 10s for playing at cards, dice etc wherein there is **lottery**.
- To pay fines or sent to stocks for **drunkenness**.
- Penalty for **firing woods** unless between 1st of March and later end of April.
- 5s paid to **prison keeper's charge** to set free at liberty
- **Marshalls** to levy executions, attachments, and warrants.
- All judgments and Executions granted on civil or criminal cases before this constitution shall stand valid.

General Township Laws

- To prevent contention that may arise amongst us.
- Jury of 12 able men, chosen by freeman of each town to settle **controversies of land**.
- All contracts, agreements or covenants for any **specia** shall be paid in the same specia bargained for?
- **Horses** to be branded by town and to be kept off the pastures from 1st day of May to the 8 of Oct.
- General assembly to meete at Portsmo 1st Tuesday in Mar, as also with President and council.
- All **Tryalls by jury** done by 12 good and lawful men, unless parties refer it to the bench. May challenge any of the jury.
- Constables to clear their rate in the year, else estate distrained by warrant.
- Freeman by age, worth, and good conversation...
- Council members join **marriages &** posted for 14 days by note.
- **Taxes** paid on head. Age of persons above 16 and on various things.
- **Select men** take account and compare lists and bring estates to equal valuation.
- **List of males** and their estates to be taken by April 1st
- **Bounty** of 40s our of ye next rate for killing wolf.
- Former laws to stand.
- Province rate
- Constables to clear their rate in year.
- Constable to carry you to prison if rate not paid.
- Marshals to faithfully collect and levy all fines.
- Marshals fees.
- Marshals may call for assistance.
- Marshals to make demands by direct force if needed to break doors.
- Secured in person until fines paid.

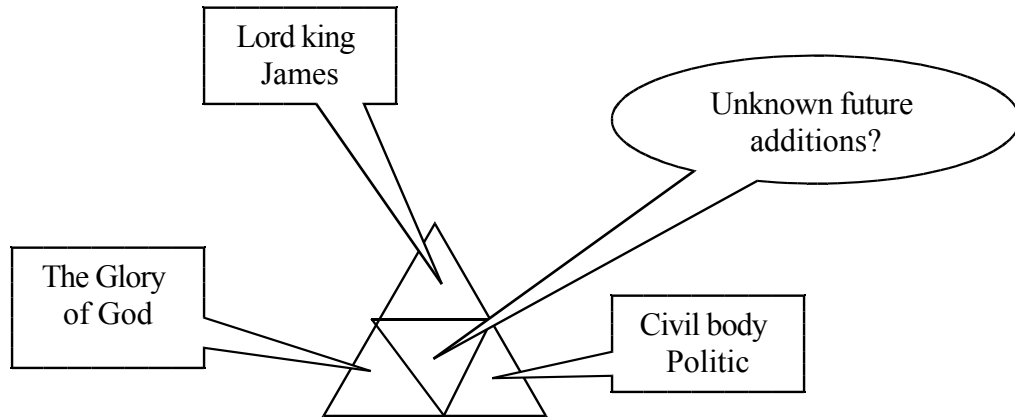
Continued...

- No imprisonment before sentence.
- Legal notice in case of attachments.
- Freeman of every town shall have power to chuse their own particular officers, provide they are of prudencial and not criminal natures.
- Fit men to order ye prudencial affairs of ye town.
- Age to make valid act set at 14 yrs of age.
- Council to grant attachments and how served.
- Liable to pay defendand cost if not appearing.
- Goods attached to stand if defendand fails to appear.
- No officer to baile any without good surety
- Judgment to be acknowledged before 2 of y council.
- Persons notified of not appearing shall be found in contempt.
- Full cost to defendand if plaintiff withdraws.
- Falsely pretend great damage or debts to vex adversary.
- If twice cast a review (judgment) after continued course of action, is vexatious.
- Innkeepers to sell no strong drinks to children or servants.
- Citizen after three months in town.
- Charge of town sent for services given to foreign traveler.
- Casting vote to go to president deputy.
- Give notice of given home to strangers

Colonial Origins of the American Constitution
30 Diagrams

#3 Agreement Between the Settlers at New Plymouth (The Mayflower Compact) P 31

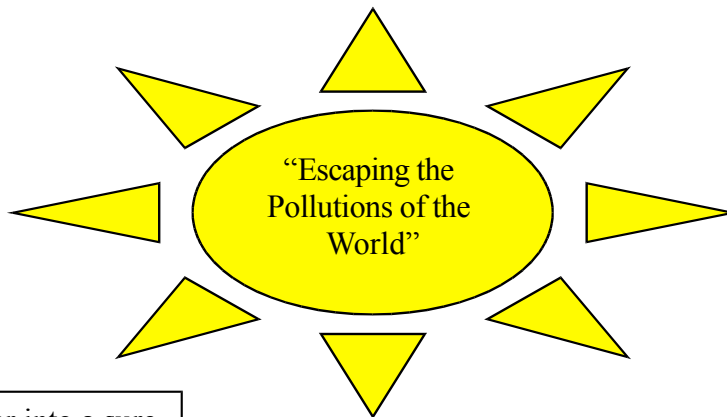
#2



- For our better ordering and preservation (but without no teeth).
- Men at this time were held together by other means other than constitutional security.
-

#39 The Watertown Covenant of July 30, 1630 P 38

#3

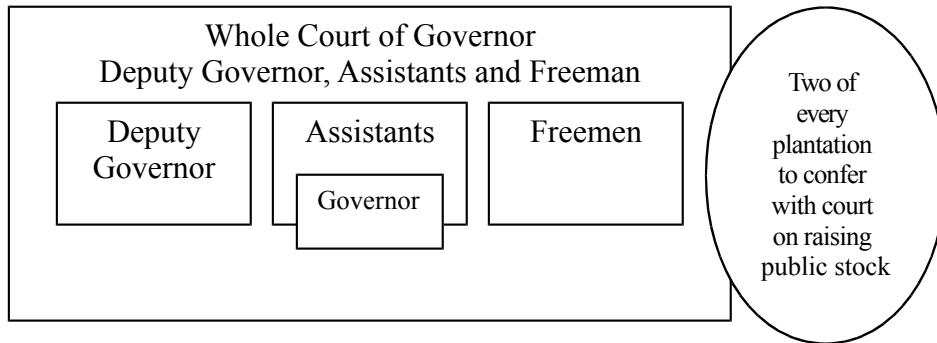


We "Promise and enter into a sure Covenant with the Lord our God, and before him with one another, by Oath and serious Protestation made, to Renounce all Idolatry and Superstition... observing and keeping all his Statutes."

Colonial Origins of the American Constitution
30 Diagrams

#43 The Massachusetts Agreement on the Legislature P. 43

#4



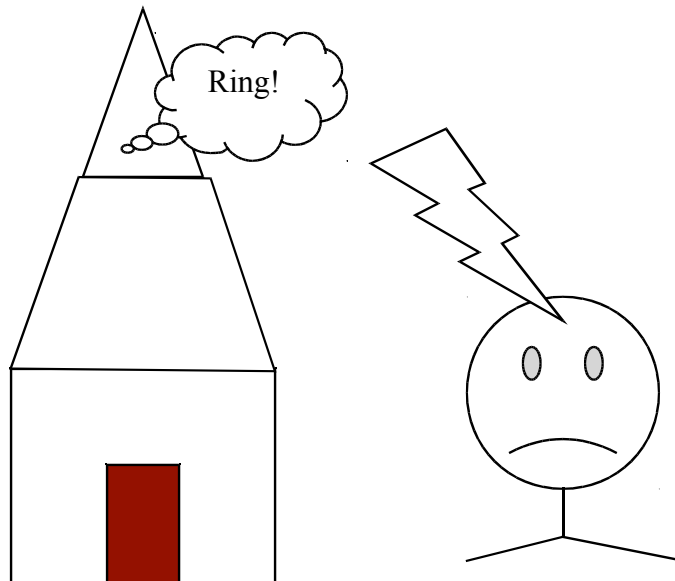
- Not clear as to who appoints the two from every plantation.
- John Winthrop, my ancestor, was appointed the Governor.
- Town of Waterton shall have privilege of fish where they have built up Charles river

Keith's Note

This document is very appealing, with the governor coming out of a specified body and with outside confirmation for the raising of stocke.

#11 The Cambridge Agreement P 45

#5

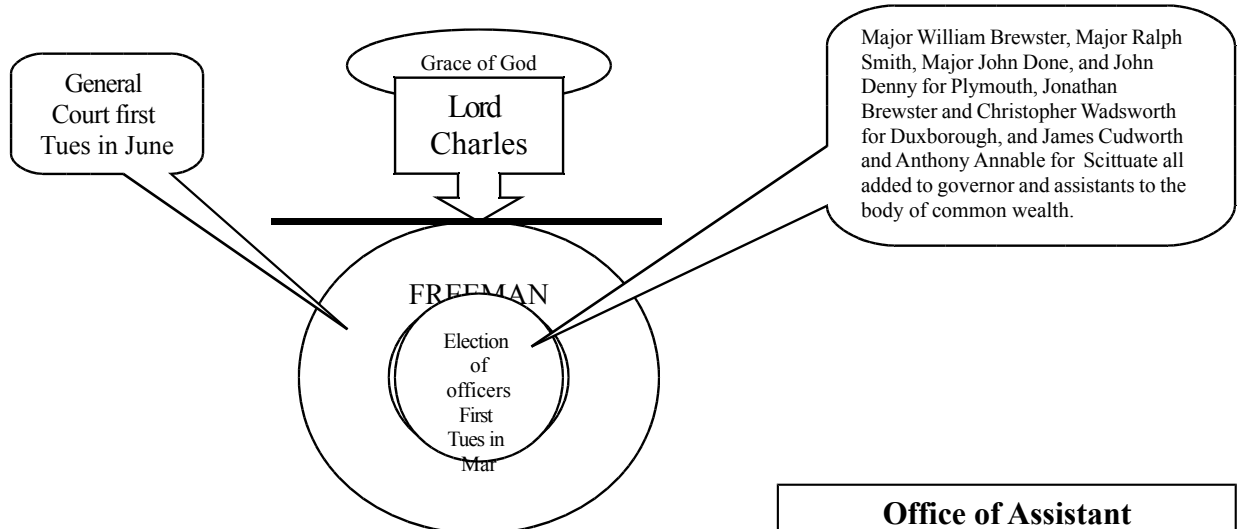


- Every one that make not his personal appearance there and continues there without leave ...shall pay twelve pence. Dbl if not paid by next meeting.

Colonial Origins of the American Constitution
30 Diagrams

#20 Pilgrim Code of Law P. 61

#6



Governor and seven Assistants
Office of Governor

- Execute all laws and ordinances
- Advise with assistants/council in assembly
- Propound occasion for assembly and to have dbl voice therein.
- Arrest and commit to ward offenders to be heard by a hearing
- Shall examine suspicious persons for evil against the colony.
- Continue in office one year

Oath of Governor

- Must be truly loyal as Governor of New Plymouth
- Must administer justice without respect of persons
- Shall labor too advance and further the good of the colonies.
- Sworn in the name of God.

Oath of Any Resident

- Loyal to King Charles
- Shall not do, or cause to be done, any act or acts, directly that destroy or overthrow the several colonies within New Plymouth.
- Submit to and obey wholesome laws as are or shall be established.

Oath of Freeman

- You shall be loyal
- Shall do nothing that destroys or overthrows this colony of New Plymouth.
- Shall not suffer anyone to do the same.
- Submit to good laws of New Plymouth
- Sworn in the name of God

Oath of Constable

- Swear to oath to be loyal to King Charles
- To be assigned the ward of...for this present year.
- Apprehend all suspicious persons
- Serve warrants and summons as direct from the governor.
- Labor to advance the peace and happiness and appose anything that shall seem to annoy the same

Fines for Refusal to Serve

- Three schillings for no show to meetings after being elected assistant amerced ten pounds sterling if refuse to hold office, and governor twenty pounds sterling if refuse to fill job.

Office of Assistant

- Appears at Governor's summons
- To give best advice both in public and court and private council.
- To keep secret such things as concern the public good.
- Deputed to govern in the absence of the governor
- Commit to ward persons to be heard with convenient speed before the governor and rest of the assistants.
- In Majesty's name to direct his warrants to any constable within the government.

Oath of Assistant

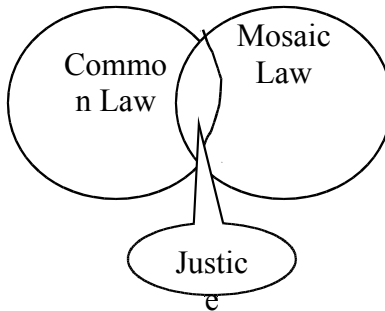
- Loyal to King and to that discerning that God has given you to be assistant for Governor's present year to execute justice in all cases and towards all persons coming before you without partiality.
- Appose anything that hinders the same.

Colonial Origins of the American Constitution

30 Diagrams

#22 Massachusetts body of Liberties p. 70

#7



Legal rights of Man Liberty of Freeman

Women
Children
Servants
Strangers
Cattle

Liberties

- No man's life shall be taken
- No man's honor and name shall be taken
- No man's person shall be arrested, restrained...or punished
- No man shall be deprived of wife or children
- No man's estate shall be taken or damaged under color of law or Countenance of Authority, unless by virtue or equality of law...In the defect of law, nor by the word of God
- Every person within Jurisdiction shall enjoy the same justice of law
- No man shall give oath to anything other than what is warranted and placed in write by the General Court law.
- No man shall be punished for no show if hindered by act of God.
- No man shall be compelled to public work unless legally grounded
- No man shall be pressed in person to any office who is exempted by any natural impediment, want of years, greatness of age, defect of mind, failing senses, or impotence of limbs.
- No man shall be compelled to war but upon voluntary choice
- No man's cattle shall be pressed or taken but upon grounded warrant and reasonable prices and hire as ordinary rates do afford.
- No monopolies shall be granted or allowed amongst us, but of such new inventions that are profitable to the Country and for short time.
- All lands and heritages shall be free from all finds and licenses upon alienations and death of parents.
- All persons of the age of 21 shall have liberty to make their wills and testaments.
- Every man inhabitant or foreigner shall be free to attend public court, council or town meeting. and to move by speech or writing any lawful, seasonable question...
- No man rated for any estate in England till it is transported here.
- Any conveyance or alienation or other estate made by any women that is married, any child under age or idiot shall be good if passed by the consent of the general court.
- All fraudulent Alienations or Conveyances of lands etc. shall be of no validation to defeat any man from due debts or legacies, or from just title...that is so fraudulently conveyed.
- Every householder shall have free fishing.
- Every man within this Jurisdiction shall have free liberty, notwithstanding the Civil power, provided no legal impediments.
- No man's person restrained before the law has sentenced him.
- Assistants examine and sentence amongst themselves under 20c.
- Other judges have power to censure judges who demean themselves.
- At liberty to not appear in court if summons not served six days before or the cause not briefly specified in the warrant.
- Liberty against falsely pretending great debts or damages to vex Adversary.
- No adjudgement to pay for detaining any Debt from a creditor above 8 lbs.
- If trespass and damage proved to be done by the mere default of him or them to whom the trespass is done shall be considered no trespass.
- No judgments shall be abated upon any kind of circumstantial errors or mistakes, if cause be rightly understood and intended by court.
- Liberty to employ another if person is unfit to plead his own case.
- No judgments shall be abated upon any kind of circumstantial errors or mistakes, if cause be rightly understood and intended by court.

CONT...

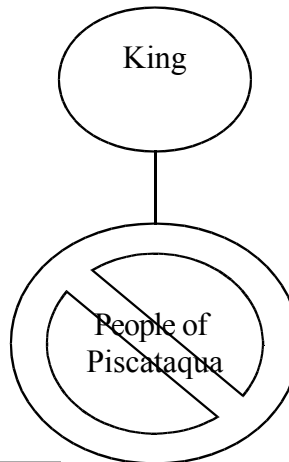
- Liberty to employ another if person is unfit to plead his own case.
- Plaintiff to give declaration of writing to stand against defendant's liberty and time to answer in writing.
- Plaintiff liberty to withdraw action.
- Plaintiff and defendant by mutual consent to choose jury or judge.
- Liberty of plaintiff and defendant to challenge any juror.
- Poor evidence made obscure or defective the jury can give non liquit, or special verdict. (more details)
- Liberty to repay goods impounded
- No arrest for debt if competent means from his estate can be found. (key)
- Barrator vexing with endless suites denied law and punished.
- No man's crop shall be taken and subject to spoil without being secured in value or from rot.
- Court of assistants to hear appeals. (details)
- Fine imposed on plaintiff for willing doing wrong (false complaint) to defendant
- Every man liberty to record testimony on rolles.
- Court has power to respite execution.
- No promise validate if gotten by illegal means, violence, or Dures.
- Every man held in prison or under bayle shall be hear at the next court.
- No double jeopardy.
- No man beaten above 40 stripes, and no gentleman given to whipping unless vitious and profligate.
- No death sentence within four days after condemnation (special causes)
- No confession forced by torture (unless)
- No barbarous or cruel punishment
- No death without testimony of 2 or 3
- Every citizen free access to view roles, records, or registers of any court except Council.
- No freeman to serve upon juries above two courts in a year, except grand jury.
- No jurors chosen continually by freeman of the town where they dwell.
- Associates nominated by Townes belonging Court.
- Children, idiots, and distracted persons and strangers full allowance of law.
- 21 years of age to pass lands and vote
- Major part of assembly or Court power to appoint if pres does not do it.
- Plaintiff/Defendant rights... (details)
- Offensive behavior of freeman punished

There are many other liberties listed for freeman, women, children, etc. as listed in the diagram above. I just ran out of space. I can see how the bill of rights evolved in great part from this body of liberties. I am impressed.

Colonial Origins of the American Constitution
30 Diagrams

#23 The Combination of the Inhabitants Upon the Piscataqua River for Government. P. 88

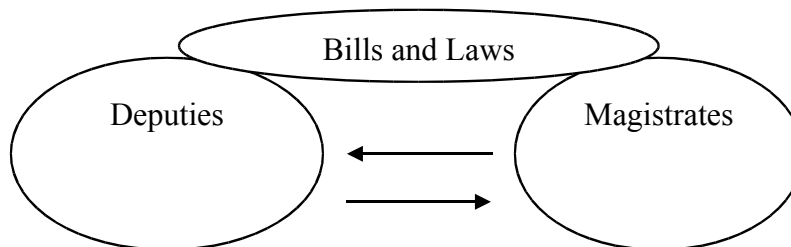
#8



His majesty having settled no order for us, to our knowledge, we whose names are underwritten...voluntarily agreed to combine ourselves into a body Politick.

#24 Massachusetts Bicameral Ordinance P. 90

#9



Forasmuch as, after long experience, we find diverse inconveniences in the manner of our proceeding in Courts by magistrates and deputies sitting together, and accounting it wisdom to follow the laudable practice of other states who have layd groundworks for government...

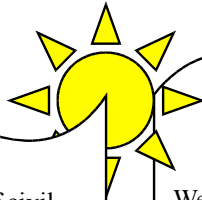
I wonder why they consider it an "inconvenience" to follow the practice of other people. There does not seem to be definitive process whereby law is confirmed other than unanimous vote in both houses.

#26 Laws and Liberties of Massachusetts P. 95

To our Beloved Brethren and Neighbors

- "...it is very unsafe and injurious to the body of the people to put them to lean their duty and liberty from general rules, nor is it enough to have laws except they be just. (96)
- "...with the nations who were so much strangers to the Covenant of Grace, what advantage have they who have interest in this Covenant, and may enjoy the special presence of God in the purity and native simplicity of all his ordinances by which he is so near his own people." (96)
- "Further experience shall discover defects or inconveniences for Nihil simlu natum et perfectum" (96)
- There can be no just cause to blame a poor Colonie (being unfurnished of Lawyers and Statesmen) that in eighteen years hath produced no more, nor better rules for the a good. (97)
- The execution of the law is the life of the law.
- If any of you meet with some law that seems not to tend to your particular benefit, you must consider that lawes are made with respect to the whole people, and not to each particular person. (98)
- "No mans life shall be taken away." (99)
- **Ability** Full ability to make wills and testaments at the age of 21 and right understanding.
- **Actions** tryed where plaintiff pleaseth within jurisdiction, to include ten schillings, with liberty to withdraw
- **Age of 21** to pass lands and for voting and to sit as juror
- **Ana-baptists** sentence to banishment for condemning or opposing the baptism of infants. (**Ana-Baptists opposed to oaths**)
- **Arrests** loss of estate before imprisonment of life for payment of debt or fine.
- **Bond-Slavery** No bond-slavery, villenage or captivity unless lawful captivity in just wars and strangers who sell themselves.
- **Capital Laws** false God, Witchery, blaspheme, murder, bestiality, homosexuality, adultery, theft, false-witness, conspiracy, child rebellion, and rape.
- **Charges Public** Assessment of males and estates on 4th day in seventh month assembled in town shire. "...the whole assessment both for persons and estates may be paid in unto the treasurer before the twentieth day of the ninth month, yearly, and every one shall pay their rate to the Constable in the same town but where the same shall lye, is, or was improved to the owners, reputed owners or other proprietors use and behoof (benefit) if it be in jurisdiction."
- **Children** Penalty of 20 schillings for neglect of proper teaching, catechize children and servants required, and to raise in calling.
- **Council** to replace the general Court in time of emergency and at needed times.
- **Courts** and administrative authority of assistants, governour, deputy governour, magistrates etc.
- **Deputies for the General Court** established for better dispatching the business of General Courts. Freemen of every plantation to choose their deputies before every general court.
- **Ecclesiastical Liberty** to gather into church estate, provided they do it in a Christian way, according to the rules of the Scripture, according to the rules of his word, according to the word of God etc, ...the civil authority here established hath power and liberty to see the peace, ordinances and rules of Christ be observed in every church according to his word.
- **Elections** Instead of papers the Freemen shall use Indian corn for election to office, beans for blanks. Freemen of this jurisdiction to choose yearly at the court of election out of the Freemen, our governor, deputy, governor, assistants, treasurer, general of wars, our admiral at sea, commissioners for the united colonies and such others as are, or hereafter may be of the like general nature.
- **Fornication** ordered to marry, pay fine or endure corporal punishment for fornication
- **Freemen, non-freemen** ...all members of the churches shall not be exempted from public service. Fine assessed for refusal.
- **Fugitives, Strangers** who flee from oppression of true Christian religion shall be succored and entertained among us.
- **Gaming** no person shall use the game of shuffleboard in any house, nor any game for money.
- **General Court** Governor and deputy governor power out of court to reprieve a condemned malefactor till next court.
- **Governour** maintains tie breaking vote in court.
- **Heresie** any Christian within this jurisdiction shall subvert faith sentenced to banishment after due means of conviction.
- **Idleness** pain of punishment as the Court of Assistants or County Court shall think meet to inflict for idleness.
- **Jesuits**, men brought up and devoted to the religion of Rome, ordained by the Pope, shall not repair to this jurisdiction.
- **Impresses** no man compelled to any public work, or service, unless the presse be grounded by some act of the General Court.
- **Imprisonment** No mans person restrained or imprisoned before the Law hath sentenced him.
- **Indians** No Indian land purchase without license first had by court, no sell of guns to Indians, restrain Indians who profane lord's day, no powaw.
- **Inditements** lands and goods seized for indictment of capital crime.
- **In-keepers, Tippling**, Drunkenness no person to be a common victualer, keeper of Cooks shop, or house of common entertainment, tavener etc.
- **Juries, Jorors** Constable of every town upon process from recorder to give notice to choose able discreet men.
- **Justice** every person within this jurisdiction shall enjoy the same justice and law that is general for this jurisdiction.
- **Liberties Common** every man, inhabitant or foreigner, free to not free liberty to make motion or petition court. Free fishing in common ponds.
- **Lying** if under the age of discretion (14) shall be fined for 1st offence, or sent to stocks not to exceed two hours if unable to pay.
- **Magistrates** sharply reprov'd for any reproachful or un-beseeming speeches toward any magistrate, judge, or member of the court. **More on p 127**
- **Monopolies** not granted or allowed amongst us, but of such new inventions that are profitable for the country, and for a short time.
- **Oaths, subscription** No man urged to take an oath or subscribe any articles, covenants of public or civil nature but such required by General Court.
- **Oppression** If any man shall offend by taking excessive wage for work, unreasonable prize for merchandise, he shall be punished by fine.
- **Profane Swearing** ten schillings forfeited to the common Treasurer for swearing rashly and vainly either by the holy Name of God or other.
- **Punishment** no man twice sentenced by civil justice for one and the same crime.
- **Schools** every township of fifty-householders to appoint one within their town to teach all children and to be paid by parents or inhabitants.
- **Strangers** not to be received with intent to reside in this jurisdiction, no lot given above three weeks except allowed under the hand of Magistrates.
- **Summons** shall not be abated, arrested or reversed upon any kind of circumstantial errors unless via Courts.
- **Suits, Vexatious Suits** damages paid to the party grieved where it appears to the court that the plaintiff hath willingly down wrong.
- **Tobacco** no man to take tobacco within twenty poles of any house, barn, corn or hay-cock. Pain of ten schillings if committed.
- **Torture** no man shall be forced to torture or confess any crime against himself or any other unless it be some capital and found guilty.
- **Townships** penalty for offensive behavior in mtg, power to make laws regarding welfare but subject to the public laws and order of the country.
- **Tryalls** liberty of plaintiff and defendant (cases between party and party) by consent to choose bench or jury.
- **Votes** liberty to vote according to judgment and conscience, and liberty to be silent if unable to see light or reason to give it positively.
- **Userie** no man adjudged for the meer forbearance of any debt above eight pounds in the hundred for one year.

Why not included in
the U.S. constitution

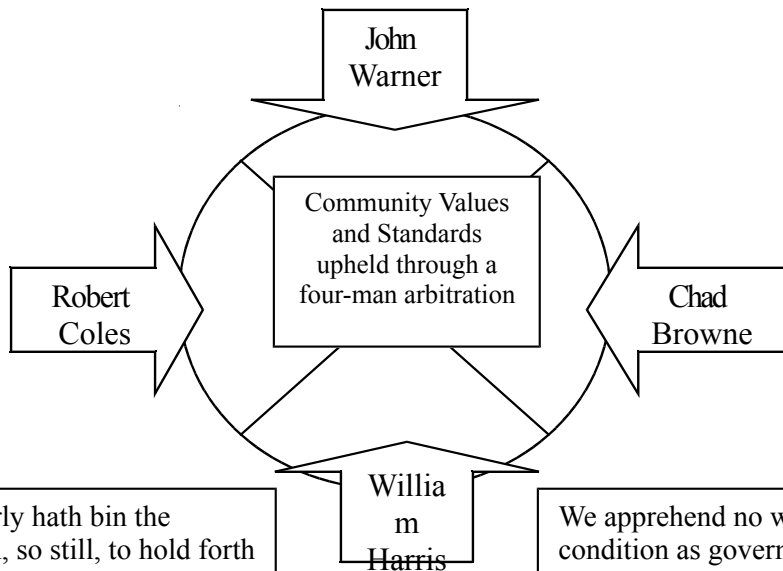


Concerning our Liberties

The patent "under God" first foundation of civil polity.
 Governor and Company are our body politic
 This body is vested to make freeman
 These freeman choose annually a governor, deputy gov, assistants, and their select reps
 This body has power to set up other offices
 This body has both leg and exec, both ecclesiastics and civils, excepting law repugnant to the laws of England.
 This body may defend by land and sea against invasion, detriment, or annoyance
 We conceive any imposition prejudicial and to be an infringement of our right.

Concerning our Duties and Allegiance to King

We ought to uphold, to our power, the king
 We ought to endeavor the preservation of His Majesty's royal person and discover and prevent plots against him.
 We ought to seek the peace and prosperity of Our King, first by:
 Publishing crimes as are committed against our Sovereign Lord
 Second, propagating the Gospel, defending and upholding the true Christian religion
 Any legally obnoxious person fling from the civil justices of the state of England, shall not come over to there parts and expect shelter.

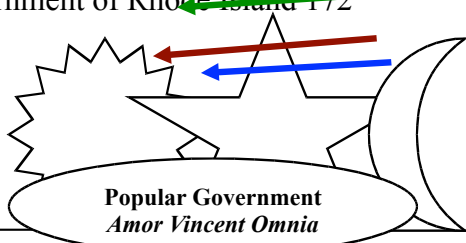


We agree, as formerly hath bin the liberties of the town, so still, to hold forth liberty of conscience.

We apprehend no way so suitable to our condition as government by way of arbitration. ...if men agree themselves by arbitration, no state we know of disallows that, neither do we.

Organization of the Government of Rhode Island 172

#13



Elections

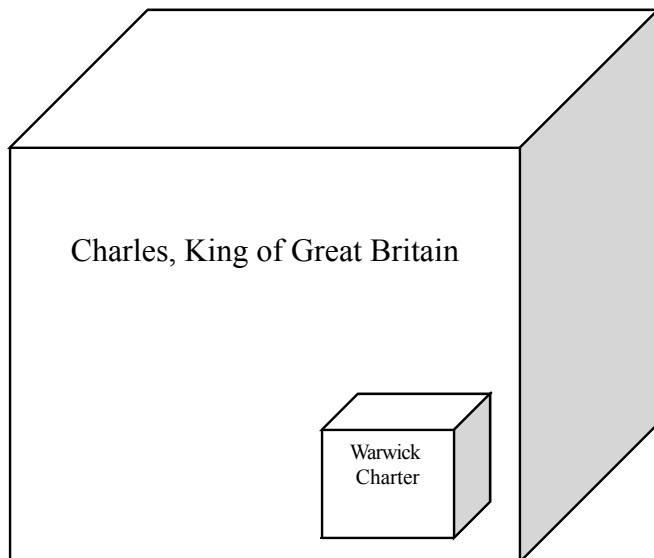
- Governor chosen for one year
- Deputy governor for one year
- Four assistants for one year
- Secretary for one year
- Treasurer for one year
- Two men selected for sergent attendants for one year or until new is chosen.
- Two selected as Constables of Nuport for one year.

Orders

None be accounted delinquent for doctrine.
 All who shall kill a fox shall receive six schillings and eight pence for his pains.
 Men who kill a deer (except on his property) shall deliver half the deer to treasury.
 Quarter Session Courts be kept the first Tuesdays in Mar & June, the 1st Tues in Sept, and last and first Tuesday in Dec.
 Treasury to take eight guns and their furniture with 2 corselets from Mr. Willbore.
 Survey to be paid to mark off line between towns.
 Each town shall provide a town book to record evidences of lands and offer copies
 Officers of the justices of the Peace confirmed to the Magistrates.
 No fires kindled by any whatsoever to run at random. Damage to utmost is found
 Book written by secretary for all such laws. Book affixed to open public view
 Manual seal provided for the state and signet or engraving shall be a **sheafe of arrows bound up** (Amor Vincent Omnia, or love concurs all)
 The major vote of the town has the negative voice for the Establishment of them.
 Major part of the courts shall have full power to transact business

Warwick Agreement P 176

#14

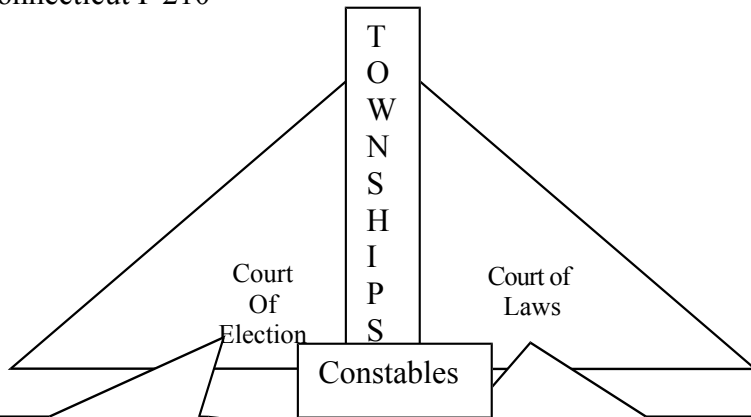


Not that we find ourselves necessitated hereunto, in respect of our relation, or occasion we have, or may have, with any of the natives in these parts, knowing ourselves sufficient defense, and able to judge in any matter or cause in the respect; but have us cause of jealousy and suspicion of some of His Majesty's pretended subjects. Therefore our desire is to have our matters and causes heard and tried according to his just and equal laws, in that way and order His Highness shall please.

30 Diagrams

Fundamental Orders of Connecticut P 210

#15

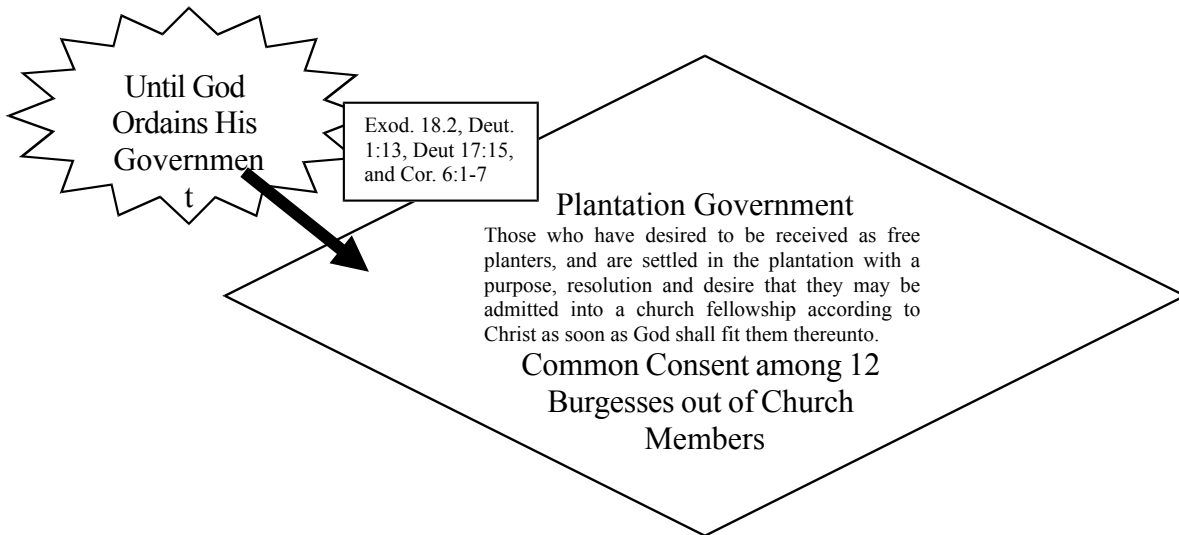


Every one that chooses to nominate shall do so on one single piece of paper. One single piece of paper with the name of him written in to whom he desire to have governor and magistrate Secretary shall not nominate any person Governor member of approved congregation and elected to no more than two years Deputies chosen in same manner above

ORDERS
 Governor shall send out summons to Constables of town calling of these two standing courts, one month at least before several times. Constables to publish warrants given of any of the two courts. Towns send reasonable proportion to the number of freemen. Towns are bound to laws made in courts Deputies able to meet among themselves before court assembly Either gov or other selected to moderate courts. General court is supreme power of the commonwealth. Committee chosen to set out and appoint the proportion of every town to pay.

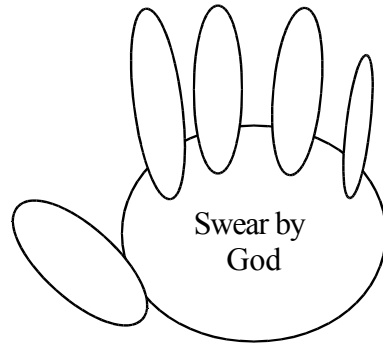
Fundamental Articles of New Haven P 221

#16

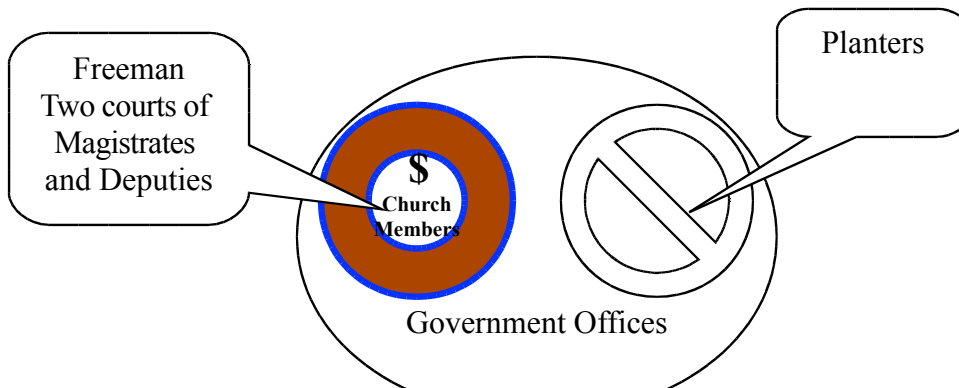


- This covenant was called a plantation covenant to distinguish it from a church covenant which could not at that time be made.
- All free planters called to express whether they held themselves bound to establish such civil order as might best conduce to securing purity and peace.
- Magistrates should be men fearing God.
- Mind of god to inspire weighty decisions.

- Lifting up of hands twice to confirm vote.
- Name of such as were to be admitted might be publicly debated
- Twelve men chosen and that the fitness for the foundation work may be tried, and seven chosen among the 12 to establish the major part to begin the church.
- Agreement of servants should be thought fit for the foundation work of the church and written down and passed without exception.



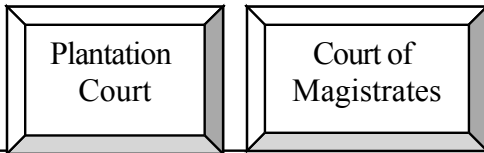
- ...to be true and grateful unto the same, and do submit both my person and estate thereunto.
- I will neither plot nor practice any cruel evil against the same, nor consent to any evil.
- I will give it as in my conscience may conduce to the best good of the same.
- Without respect of persons or favor of any man.



- ... while as yet there was no church gathered amongst us, we did choose out four men... into whose hands we did put full power and authority to act.
- Only such planters that are members of the church shall be called freemen and only freeman have power to elect magistrates, deputies etc.
- When the votes fall equal in either of those courts, then the magistrates shall have a double or casting vote
- One fixed general court yearly for elections
- Penalty of five shillings for every such default of no show and that all the freemen and planters should attend each and all of these courts, and remain to their close—unless dismissed—under suitable but severe penalties.
- Whosoever so appears to transact business with the court shall do so without impertinences, needless repetitions or multiplications of words, which rather tends to darken than clear the truth.
-

New Haven Fundamentals P 235

#19

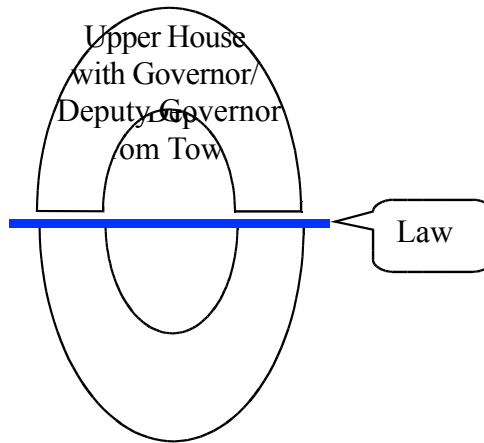


Free burgesses shall be members of some or other of the approved churches of New England
 Nor shall any power or trust in the ordering of any civil affairs be at any time put into the hands of any other than such church members
 All free burgesses shall have power in each town or plantation within this jurisdiction to choose fit and able men among themselves, being church members before to be the ordinary judges to hear and determine all inferior cases.
 All free burgesses shall have vote in the election of all magistrates, whether governor, deputy-governor, or other magistrates etc.
 All magistrates meet twice a year before the two fixed general courts to keep a court called the Court of Magistrates for the trial of weighty and capital cases.

- Free planters all have right to their inheritance and to commence according to such grants, orders, and laws as shall be made concerning the same.
-

Division of the Connecticut General Assembly into two Houses P 253

#20

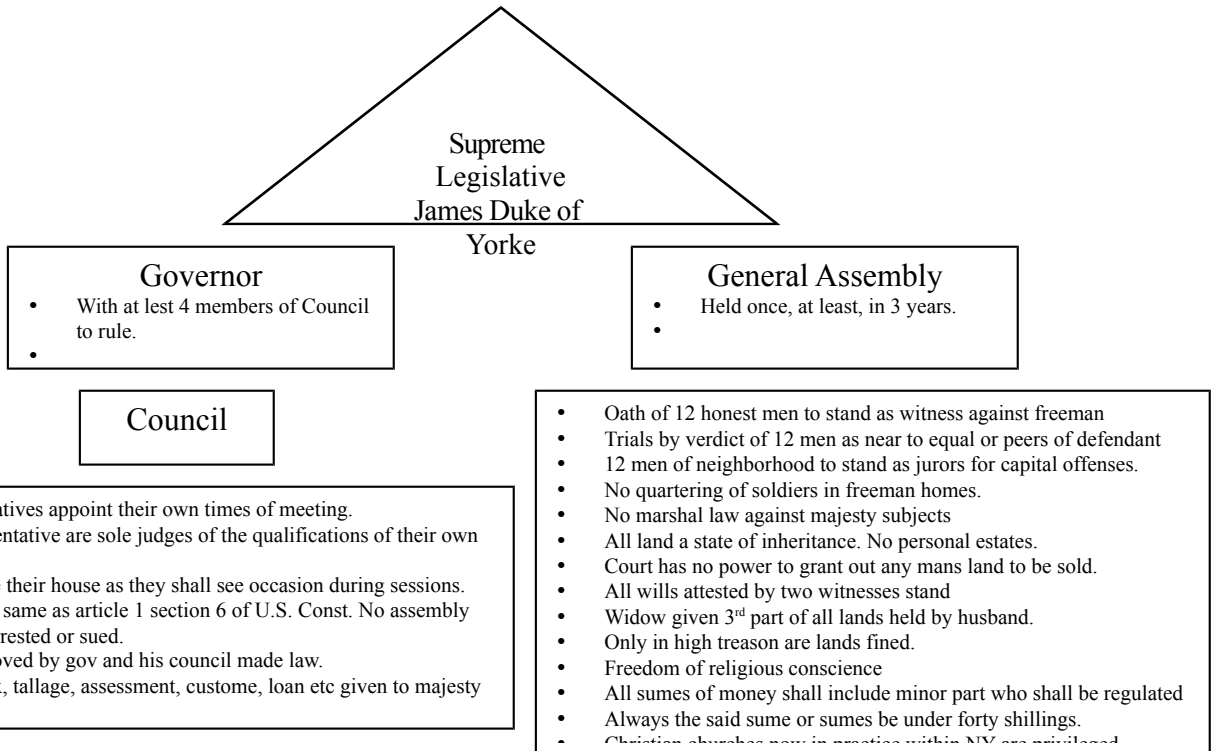


- Speaker chosen from lower house form among deputies.
- No act passed into a law of this colony, nor any law already enacted be repealed, nor any other act proper to this general assembly, but by the consent of both houses.

30 Diagrams

Charter of Liberties and Privileges P 256

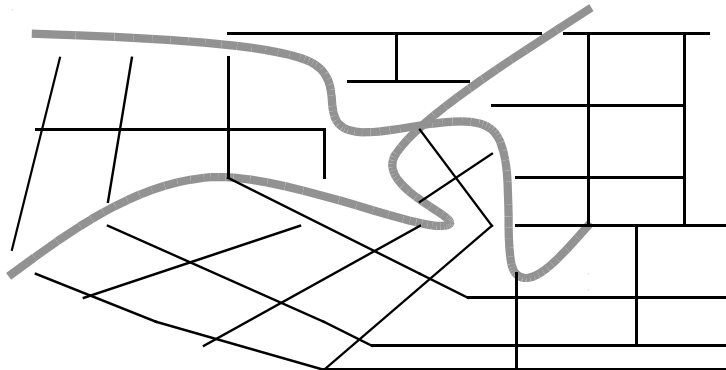
#21



Concessions to the Province of Pennsylvania P 266

#22

**Governor
Deputies
Assistants**

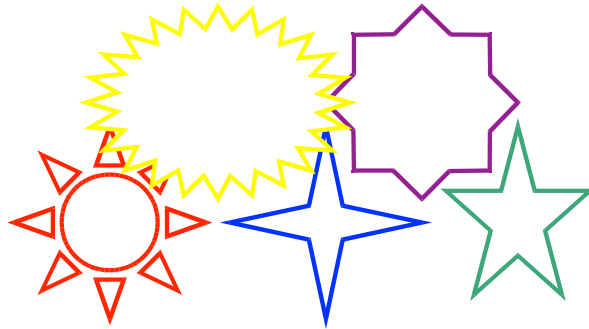


- Roads from city to city and no less than 40 feet in width
- Land blocks to begin at 10,000 acres.
- Purchase no more than 1,000 acres
- 5,000 or 10,000 acres broken in one area for township.
- For every purchaser the proportion of land to be laid out for cities and towns shall be ten acres for every five hundred acres purchased, if geography will allow.
- Rivers, woods, mines etc freely enjoyed (- mines royal).
- Mine discoverer 1/5, owner 10th, and rest in treasury.
- Governor, in one place, 10 acres 4 every 100,000 acres.
- No buying/selling other than with public stamp & mark.
- The local market place to test goods and their quality.
- Same penalty of law for any man who affronts Indians.
- 12 men to settle all differences between planter & Indian

- Indian to do all things relating to improving their ground and families
 - Laws over slander, drunkenness, swearing etc same as in England, for now.
 - In clearing ground, leave one acre of trees for every five cleared.
 - All ships register within two days to give an account of countries, names etc
 - No person leaves (moves out) without public notification, and a certificate from some justice of the peace, of his clearness with his neighbors and those he dealt withal.
- Keith's notes:
I find this document the most interesting of all. He uses the phrase "inheritance of lots" almost two hundred years before the D&C. The lord came to visit J Smith because we had risen to this level of ability. The same will happen again, only this time the level is heaven itself.

An Act for Freedom of Conscience P 287

#23

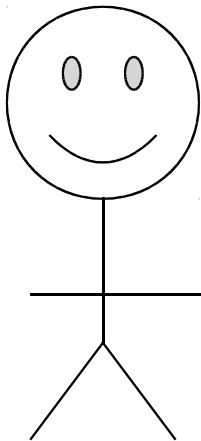


- No person now or at any time...in this province, who shall confess and acknowledge one almighty God to be the creator... shall in any case be molested or prejudiced for his or her conscientious persuasion or practice.
- Now shall he or she at any time be compelled to frequent or maintain any religious worship.
- Shall enjoy his or her Christina liberty, without any interruption or reflection.
- Shall be looked upon as disturber of the peace if abuse or derision of other's beliefs.

- Every first day of the week, called the Lord's day, people shall abstain from their usual and common toil and labor that they may the better dispose of themselves to read the scriptures of truth at home or frequent such meetings.
- 21 years of age and believer in Christ for all officers.
- Five shillings or suffer five days imprisonment at hard labor who swear in name of God. Bread & water only.
- Speaking loosely of trinity shall pay five shillings or endure same imprisonment.
- Five shillings for curing others.

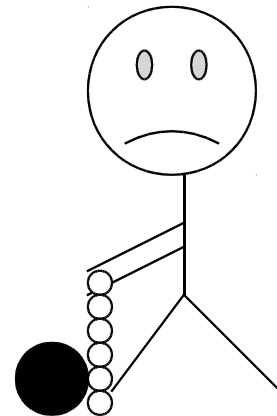
An Act for the Liberties of the People P 308

#24



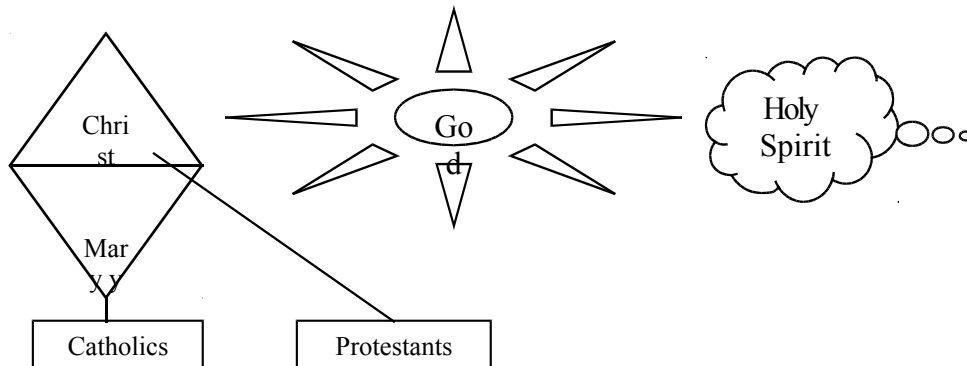
Liberties for Christians

- Christians (not slaves) shall have and enjoy all such rights liberties immunities privileges and free customs within this province as any natural born subject of England hath or ought to have or enjoy the Realm of England.



Maryland Toleration Act P 309

#25

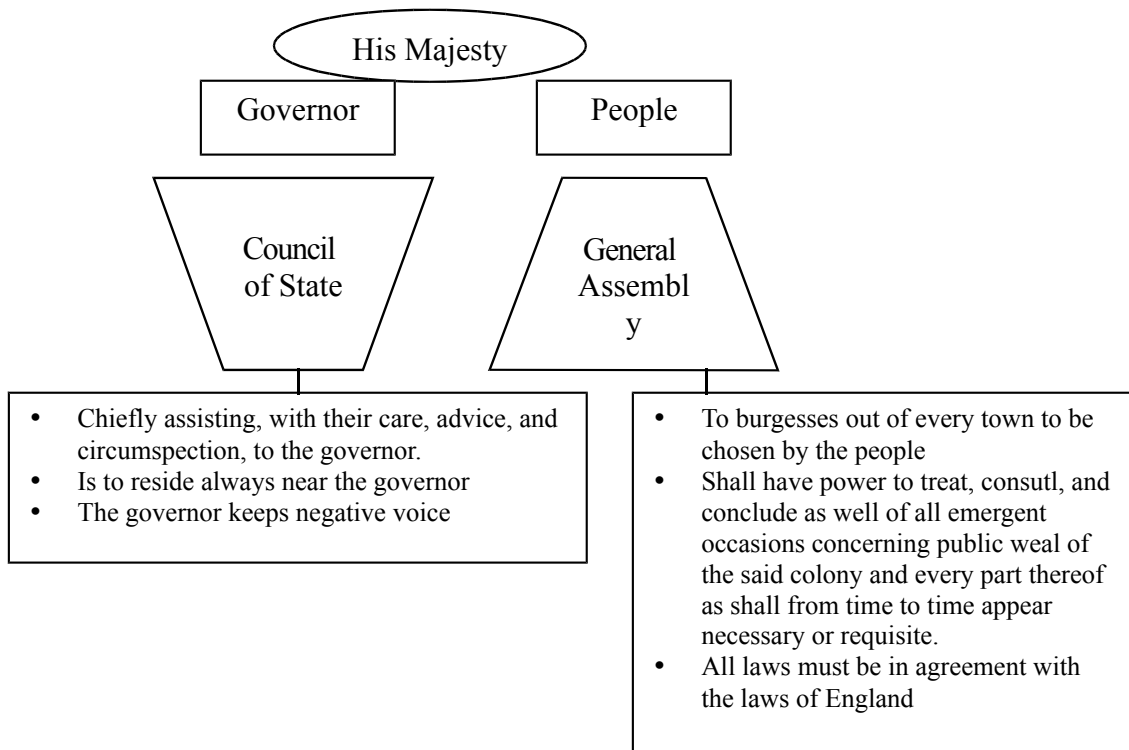


- ... Whatsoever person or persons in this province blaspheme God, or curse him, or deny our Savior Christ, shall be punished with death and confiscation of forfeiture of all his or her lands and goods.
- Any reproachful words directed at the Virgin Mary, holy apostles or evangelists shall pay the sume of five pounds sterling or the value thereof.
- Offenders publicly whipped
- Second offense ten pounds sterling, third offense forfeiture of lands and banishment
- Ten shillings for using any name or term in reproach

- To profane the Sabbath or Lords day by frequent swearing, drunkenness or uncivil action shall forfeit 2s . 6d 4 sterling or value.
- First offence imprisoned until seen publicly in open court before chief commander Judge of magistrate.
- No person within province professing to believe in Jesus Christ shall be troubled, molested or discountenance in respect of his religion.

Constitution for the Council and Assembly in Virginia P 336

#26



- Chiefly assisting, with their care, advice, and circumspection, to the governor.
- Is to reside always near the governor
- The governor keeps negative voice

- To burgesses out of every town to be chosen by the people
- Shall have power to treat, consutl, and conclude as well of all emergent occasions concerning public weal of the said colony and every part thereof as shall from time to time appear necessary or requisite.
- All laws must be in agreement with the laws of England

The New England Confederation P 365

#27

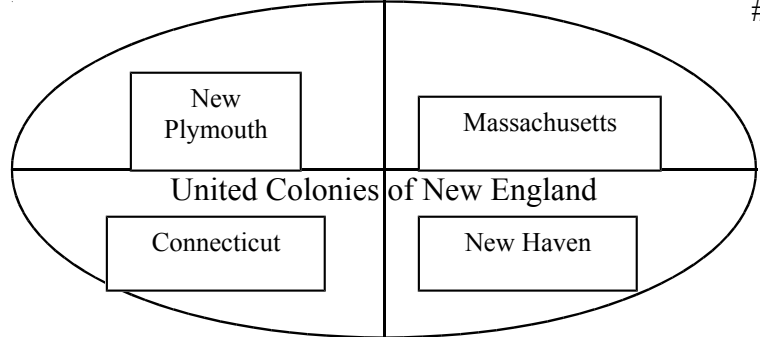
I We all came to America to advance the kingdom of Christ and to enjoy it, and we now unite for mutual help and strength in all our future concernments.

II Firm and perpetual league of friendship and amity for offence and defense, safety and welfare

III Each plantation shall have particular jurisdiction among themselves in all cases as an entire body. No other jurisdiction shall hereafter be taken in as a distinct head or member of this confederation, nor any two plantations shall join in confederation without consent.

IV Charge of all just wars borne by all parts of this confederation in different proportions as follows: charges of war borne by the poll of all males from sixteen to threescore

V Aid sent upon request from any three magistrates of that jurisdiction. Meeting of commissioners to determine the cause of war be dully considered. Any two magistrates accounted of equal force



VI Two commissioners chosen out of each jurisdiction.

VII These eight shall meet once every year, beside extraordinary meetings...to consider, treat, and conclude of all affairs of confederation.

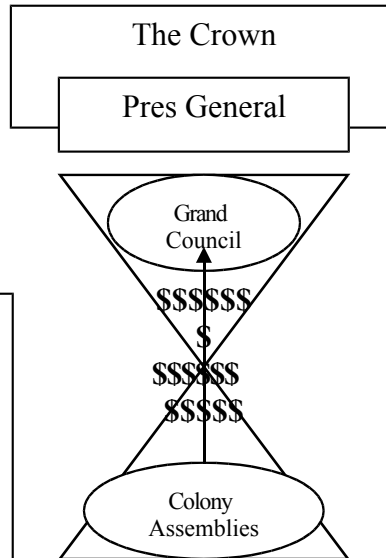
VIII These eight shall endeavor to frame and establish agreements in general and civil to preserve peace and the protection of servants.

IX No member of confederation may engage this confederation or any part in any war without consent and agreement of eight commissioners

X If any confederate break any of these articles it is hoped that this confederation may maintain the peace.

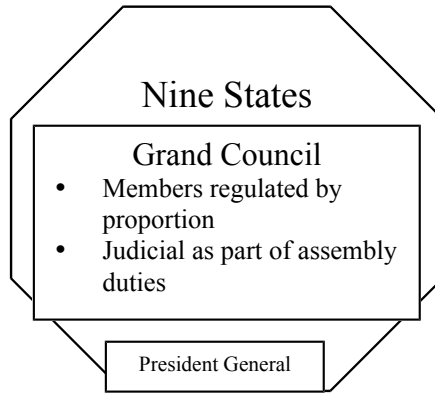
The Albany Plan of Union P 370

#28



- The grand Council may order from time to time the sums in the treasuries of each government into the general treasury, or draw on them for special payments, as they find most convenient.
- No money to issue but by joint orders of the President-General and Grand Council; except where sums have been appropriated to particular purposes, and the president-General is previously empowered by an act to draw such sums.
-

All leadership models are of the same design. They natural coagulate power into themselves. I prefer the model of common consent with a local or small system. The more local, the great the movement toward common consent. Time runs out for the model to the left.

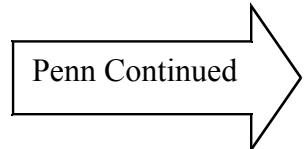
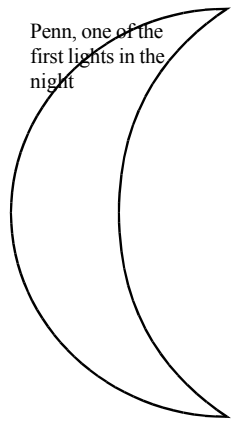


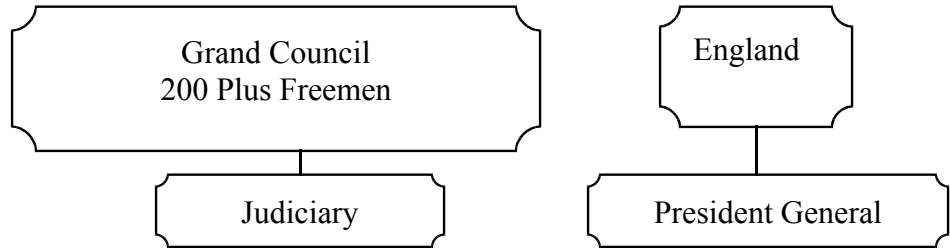
Fundamental Weakness

- The United States in Congress shall never engage in war, etc etc., in short do nothing unless nine states assent to the same: nor shall a question on any other point, except for adjourning from day to day be determined, unless by a majority of the united states in congress assembled.
- No division of independent responsibility.
-

Preface

Let every soul be subject to the higher powers: for there is no power but of God.
 Government seems a part of religion itself: a thing sacred in its institution and end.
 Much of government is like a second Adam
 It is not easy to frame a civil government that shall serve all places alike.
 I know of what is said by the several admirers of monarchy, aristocracy and democracy... but I choose 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, oligarch, or confusion.
 There is hardly one fram of gov in the world so ill designed by its first founders that, in good hands, would not do well enough.
 Governments, like clocks, go from the motion men give them... gov depend upon men...if the men be bad, let the government be never so good.
 Good laws do well, good men do better.
 A loose and depraved people love laws and an administration like themselves.
 Thus, government must support the power in reverence with the people, and to secure the people from the abuse of power.





Frame of Council

Seventy-two freemen chosen to meet as a provincial council, to at least 200, but not to exceed 500.
 1/3 chosen every third year
 To argue bills, erect courts, give judgment upon criminals, and select officers.
 2/3 to make quorum
 Governor or Deputy to have treble voice.
 Council to sit upon its own adjournments and committees.
 Prepare and propose bills to the general assembly
 Shall divide itself into four committees; committee of plantation, committee of justice, committee of trade, and committee of manners.
 6 as quorum in each committee
 8 days members freely converse
 Shall erect courts of justice
 May not alter without governor's consent.
 Governor confers never to change, alter liberties in this frame.

Liberties

- Every inhabitant with one hundred acres of land, or bondsman free by his service with fifty acres of land and cultivated 20 acres that pays scot and lot to the government shall be deemed a freeman.
- Freeman may be capable of electing and being elected.
- Elections of members shall be free and voluntary
- Elector shall forfeit his right if gifts in kind received.
- Money collected contrary to law shall be held a public enemy to those engaged in such practice.
- All court open and justice neither be sold, denied or delayed.
- All persons freely to appear in court in their own way, fourteen days in court before trial.
- Copy of complaint delivered to other party.
- All pleadings in court shall be short.
- Trials shall be by 12 men and as near as peers, to whom also a challenge may be issued against
- All fees shall be moderate and hung in public.
- All prisons shall be work houses
- Prisoners bailable by sufficient sureties, unless capital offense.
- Double damages against informer, prosecutor for wrongfully imprisoning.
- Prisons free of fees, food, and lodging.
- All lands liable to pay debts, except in legal issue.
- Wills attested by two witnesses good
- Seven years quiet possession given unquestionable right
- Briberies and extortion severely punished
- Married encouraged, but parents first consulted and marriage published first before solemnized.
- All contracts registered within two months or void

Liberties Cont.

- Defacers of contracts shall make dbl satisfaction
- Register all servants and felon's lands used to pay
- Next of kin of suffer receive 1/3 estate of offender
- Witness swear to speak whole truth.
- One public office at a time enjoyed.
- Malicious backbiters punished.
- Faith in Jesus required for all public servants, and

- First day of the week to abstain from work
- All such offenses against God shall be respectively discouraged and punished.
- Copy of these laws hung in provincial council and in public courts.
- No alteration of these laws without the consent of the governor and six parts of the seven of the freemen met in provincial council and general assembly.