

Liberties of New Englishmen

Introduced and redacted by John Beardsley

P*ERHAPS* no other writing from the Puritan Era had so far-reaching an effect as this document, which laid the foundations of Massachusetts liberties, for which New Englishmen fought against the Empire in the 1680's and during the American Revolution, and which became a pattern of the United States Constitution. It is remarkable as a code of law, in that it lays out a structure of jurisprudence in terms of liberties rather than restrictions. In this it echoes the Magna Charta, and foreshadows our Bill of Rights. Drawing upon the Magna Charta and English Common Law, it was largely the work of one man, the remarkable Puritan thinker and writer, Nathaniel Ward.

The Charter and Constitution of the Massachusetts Bay Commonwealth held that a condition of colonial self-government be that the laws be in no wise "offensive" to the laws of England. The Governor and Assistants at first had full authority otherwise, and sometimes acted arbitrarily. This caused a scandal in England in the case of the political insubordinate whose ears were chopped off. In view of the ridicule which arose in England by the above-mentioned case, the uncoded nature of English Common Law, and the new conditions in the Colony, a body of laws and juridic procedure was apparently needed.

A committee was created in 1635, and the townships were directed to present suggestions in 1637. There was considerable momentum among the Puritan idealists in favor of codifying and applying Biblical law, such as might be derived from the Old Testament. Led by Rev. John Cotton, they frankly advocated a "theocracy." Others preferred a version of English common law. Finally in December 1641, the General Court adopted, with some slight amendment, the code submitted by Nathaniel Ward of Ipswich.

Nathaniel Ward (c.1578 - 1652) was trained as a lawyer, and was known later as a lay clergyman, philosopher and satirist. This great American has been forgotten by his latter-day countrymen who owe him so much, but has been a subject of study by French academicians, often astute in their evaluations of cultural and intellectual worth. The treatment of his life and philosophy by Jean Béranger of the Université de Bordeaux, 1969, is perhaps the only modern study in print.

Despite the broad authority given herein to the General Court to override this code in certain instances, it should be remembered that the authority of the Court was directly derived by vote of all the Freemen of the Commonwealth. Its abrogative authority was to be used only in martial emergency or other extraordinary circumstance.

There is nothing more salutary to a society than a simple code of laws that every schoolchild can memorize, and whose justice is self-evident.

We are tempted to comment fervently on every numbered point of this document, but we refrain, as we cannot improve upon the concise excellence of thought which produced this code, here presented in its entirety without alteration or deletion, except modernization of spelling and a few parenthetical italicized additions for clarity.



The Massachusetts Body of Liberties

*adopted as law by the General Court
of the Commonwealth of Massachusetts Bay
December, 1641*

1. No man's life shall be taken away, no man's honor or good name shall be stained, no man's person shall be arrested, restrained, banished, dismembered, nor any ways punished, no man shall be deprived of his wife or children, no man's goods or estate shall be taken away from him, nor in any way damaged under color of law, or countenance of authority, unless it be by virtue or equity of some express law of the Country warranting the same established by a General Court and sufficiently published, or in case of the defect of a law in any particular case by the word of God (the laws of the Bible). And in capital cases, or in cases concerning dismembering or banishment, according to that word to be judged by the General Court.
2. Every person within this jurisdiction, whether inhabitant or foreigner, shall enjoy the same justice and law, that is general for the Plantation, which we constitute and execute one towards another, without partiality or delay.
3. No man shall be urged to take any oath or subscribe any articles, covenants or remonstrance, of a public and civil nature, but such as the General Court hath considered, allowed and required.
4. No man shall be punished for not appearing at or before any civil assembly, Court, council, magistrate, or officer, nor for the omission of any office or service,

if he shall be necessarily hindered by any apparent act or providence of God, which he could neither foresee or avoid. Provided that this law shall not prejudice any person of his just cost or damage in any civil action.

5. No man shall be compelled to any public work or service unless the press be grounded upon some act of the General Court, and have reasonable allowance therefore.

6. No man shall be pressed into any office, work, wars, or other public service, who is necessarily and sufficiently exempted by any natural or personal impediment, as by want of years, greatness of age, defect of mind, failing of senses, or impotence of limbs.

7. No man shall be compelled to go out of the limits of this plantation upon any offensive wars which this Commonwealth or any of our friends or confederates shall voluntarily undertake. But only upon such vindictive and defensive wars in our own behalf, or on the behalf of our friends, and confederates as shall be enterprised by the Council and consent of a General Court, or by authority derived from the same.

8. No man's cattle or goods of what kind soever shall be pressed or taken for any public use or service, unless it be by warrant grounded upon some act of the General Court, nor without such reasonable prices and hire as the ordinary rates of the Country do afford. And if his cattle or goods shall perish or suffer damage in such service, the owner shall be sufficiently recompensed.

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

10. All our lands and heritages shall be free from all fines and licenses upon alienations, and from all harriotts, wardships, liveries, primerseisens, year-day and wast, escheats and forfeitures, upon the death of parents or ancestors, be they natural, casual or judicial.

11. All persons which are of the age 21 years and of right understanding and memory, whether excommunicate or condemned, shall have full power to make their wills and testaments, and other lawful alienations of their lands and estates.

12. Every man, whether inhabitant or foreigner, free or not free, shall have liberty to come to any public Court, Council, or town-meeting, and either by speech or by writing, move any lawful, seasonable and material 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 (taxed) here for any estate or revenue he hath in England, or foreign parts, till it be transported hither.

14. Any conveyance or alienation of land or other estate whatsoever, made by a woman that is married, any child under age, idiot, or distracted person, shall be good, if it be passed and ratified by the consent of a General Court.

15. All covenous (conspired) or fraudulent alienations or conveyances of lands, tenements, or any hereditaments, shall be of no validity to defeat (free) any man from due debts or legacies, or from any just title, claim or possession of that which is thus fraudulently conveyed.

16. Every inhabitant that is a householder shall have free fishing and fowling in any great ponds and bays, coves and rivers, so far as the sea ebbs and flows within the precincts of the town where they dwell, unless the Freemen of the same town or the General Court have otherwise appropriated them, provided that this shall not be extended to give leave to any man to come upon others property without their leave.

17. Every man of or within this jurisdiction shall have free liberty, notwithstanding any civil power, to remove both himself and his family at their pleasure out of the same, provided there be no legal impediment to the contrary.

Rites and Rules Concerning Judicial Proceedings

18. No man's person shall be restrained or imprisoned by any authority whatsoever, before the law hath sentenced him thereto, if he can put in sufficient security, bail, or mainprise, for his appearance and good behavior in the meantime, unless it be in capital crimes, and contempts in open Court, and in such cases where some express act of Court doth allow it.

19. If in a General Court any miscarriage shall be amongst the Assistants when they are by themselves that may deserve an admonition or fine under 20 shillings, it shall be examined and sentenced among themselves. If among 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 severally as before.

20. If any which are to sit as Judges in any other Court shall demean themselves offensively in the Court, the rest of the Judges present shall have the 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 days before the Court, and the cause be briefly specified in the warrant, where appearance is to be made by the party summoned, it shall be at his liberty whether he will appear or no, except all cases that are to be handled in Courts suddenly called upon extraordinary occasions. In all cases where there appears present and urgent cause, any Assistant or officer appointed shall have power to make out attachments for the first summons.

22. No man in any suit or action against another shall falsely pretend great debts or damages to vex his adversary. If it appear that any doth do 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 creditor above eight pounds in the hundred for one year (8% simple interest), and not above that rate proportionable for all sums whatsoever, neither shall this be a color or countenance to allow any usury amongst us contrary to the law of God.

24. In all trespasses or damages done to any man or men, if it can be proved to be the mere default of him or them to whom the trespass is done, it shall be judged no trespass, nor any damage given for it.

25. No summons pleading judgment, or any kind of proceeding in Court or course of Justice shall be abated, arrested or reversed upon any circumstantial errors or mistakes, if the person and cause be rightly understood and intended by the Court.

26. Any man that findeth himself unfit to plead his own cause in any Court, shall have the liberty to employ any man against whom the Court doth not except, to help him provided he give him no fee or reward for his pains. This shall not except the party himself from answering such questions in person as the Court shall think meet to demand of him.

27. If any plaintiff shall give into any Court a declaration of his cause in writing, the defendant shall also have liberty and time to give his answer in writing. And so in all proceedings between party and party, so it doth not hinder the the dispatch of justice such as the Court shall be willing unto.

28. The plaintiff in all actions brought in any Court shall have liberty to withdraw his action, or to be nonsuited before the jury hath given their verdict, in which case he shall always pay full cost and charges to the defendant, and may afterwards renew his suit at another Court if he please.

29. In all actions at law it shall be the liberty of the plaintiff and defendant by mutual consent to chose whether they will be tried by the bench or by a jury, unless it be where the law upon just reason hath otherwise determined. The like liberty shall be granted to all persons in criminal cases.

30. It shall be in the liberty of both the plaintiff and defendant and likewise every delinquent (to be judged by a jury) to challenge any of the jurors. And if this challenge be found just and reasonable by the bench or the rest of the jury, as the challenger shall choose, it shall be allowed him, and tales de circumstantibus impanelled in their room.

31. In cases where evidence is so obscure or defective that the jury cannot clearly and safely give a positive verdict, whether it be Grand or Petit Jury, it shall have

liberty to give a Non Liquit, or a special verdict, in which last, that is in a special verdict, the judgment of the cause shall be left to the Court. And all jurors have liberty in matters of fact if they cannot find the main issue, yet to find and present in their verdict so much as they can. If the bench and the jurors shall so disagree at any time that either of them cannot proceed at peace of conscience the case shall be referred to the General Court, who shall take the case from both and determine it.

32. Every man shall have liberty to replevy (take back) his cattle or goods impounded, distrained, seized, or extended, unless it be upon execution after judgment and in payment of fines. Provided he puts in good security to prosecute his replevin, and to satisfy such demands as his adversary shall recover against him in law.

33. No man's person shall be arrested or imprisoned upon execution or judgment for any debt or fine, if the law can find any competent means of satisfaction otherwise from his estate. And if not, his person may be arrested and imprisoned where he shall be kept at his own charge, not the plaintiff's, till satisfaction be made, unless the Court that had cognizance of the cause or some superior Court shall otherwise provide.

34. If any man be judged a common Barrator vexing others with unjust and frequent suits, it shall be in the power of the Courts both to deny him the benefit of the law, and punish him for his barratry.

35. No man's corn or hay that is in the field or upon the cart, or his garden stuff, nor anything subject to present decay, shall be taken in any distress, unless he that takes it shall presently bestow it where it may not be embezzled nor suffer spoil or decay, or give security to satisfy the worth thereof if it comes to any harm.

36. It shall be the liberty of any man, cast condemned or sentenced in any cause in any inferior Court, to make their appeal to the Court of Assistants, provided they tender their appeal and put in security and prosecute it before the Court (session) be ended wherein they were condemned, and within six days next ensuing put in good security before some Assistant to satisfy what his adversary shall recover against him, and if the cause be of a criminal nature, for his good behavior and appearance (at the Court). And every man shall have liberty to complain to the General Court of any injustice done him at any Court of Assistants or other.

37. In all cases where it appears to the Court that the plaintiff hath willingly and wittingly doth wrong to the defendant in commencing and prosecuting any action or complaint against him, they shall have power to impose upon him (the plaintiff) a proportionable fine to the use of the defendant or accused person, for his false complaint or clamor.

38. Every man shall have liberty to record in the public rolls of any Court any testimony given upon oath in the same Court, or before two Assistants, or any deed or evidence legally confirmed there to remain in perpetuum rei memoriam, that is for for perpetual memorial or evidence upon occasion.

39. In all actions both real and personal between party and party, the Court will have power to respite execution for a convenient time, when in their prudence they see just cause to do so.

40. No conveyance, deed, or promise whatsoever shall be of validity if it be gotten by violence, imprisonment, threatening, or any kind of forcible compulsion called duress.

41. Every man that is to answer for any criminal cause, whether he be in prison or under bail, 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 civil justice for one and the same crime, offense, or trespass.

43. No man shall be beaten with above 40 stripes, nor shall any true gentleman, nor any man equal to a gentleman, be punished with a whipping, unless his crime be very shameful, and his course of life vicious and profligate.

44. No man condemned to die shall be put to death within four days next after his condemnation, unless the Court see special cause to the contrary, or in case of martial law, nor should the body of any man so put to death be left unburied 12 hours, unless it be in cause of (the study of) Anatomy.

45. No man shall be forced by torture to confess any crime against himself nor any other unless it be in some capital case where he is first fully convicted by clear and sufficient evidence to be guilty. After which, if the cause be of that nature, that it is very apparent that there be other conspirators or confederates with him, then he may be tortured, yet not with such tortures as be barbarous and inhumane.

46. For bodily 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 liberty to search and view any rolls, records or registers of any Court or office except the Council, 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 thereof.

49. No free man shall be compelled to serve upon juries above two Courts in a year, except Grand Jury men, who shall hold two Courts together at the least.

50. All jurors shall be chosen continually by the Freemen of the town where they dwell.

51. All Associates selected at any time to assist the Assistants in inferior Courts shall be nominated by the towns belonging to that Court by orderly agreement among themselves.

52. Children, idiots, distracted persons, and all that are strangers or new-comers to our Plantation shall have such allowances and dispensations in any cause, whether criminal or other as religion and reason require.

53. The age of discretion for passing away of lands or such kind of hereditments, or for giving votes, verdicts or sentence in any civil Courts or causes, shall be one and twenty years.

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 perform it, the major part of the members of that Court or Assembly shall have power to appoint any other meet man to do it, and, if there be just cause, to punish him that should and would not.

55. In all suits or actions in any Court, the plaintiff shall have liberty to make all the titles and claims that he sues for he can. And the defendant shall have liberty to plead all the pleas he can in answer to them, and the Court shall judge according to the entire evidence of all.

56. If any man shall behave himself offensively at any town-meeting, the rest of the Freemen then present shall have power to sentence him for his offense, so be it the mulct or penalty exceed not 20 shillings.

57. Whensoever any person shall come to any very sudden untimely and unnatural death, some Assistant or the Constables of that town shall forthwith summon a jury of twelve Freemen to inquire of the cause and manner of their death, and shall present as true verdict thereof to some near Assistant, or the next Court to be held for that town, upon their oath.

Liberties more particularly concerning the Freemen

58. Civil authority hath power and liberty to see the Peace, ordinances, and rules of Christ observed in every church according to His word, so it be done in a civil and not in an ecclesiastical way.

59. Civil authority hath power and liberty to deal with any church member in a way of civil justice, notwithstanding any church relation, office, or interest.

60. No church censure shall degrade or depose any man from any civil dignity, office or authority he shall have in the Commonwealth.

61. No magistrate, juror, officer, or other man shall be bound to inform present or reveal any private crime or offense, wherein there is no peril or danger to this plantation or any member thereof, when any necessity of conscience binds him to secrecy grounded upon the word of God, unless it be in the case of testimony lawfully required.

62. Any shire or town shall have liberty to choose their Deputies whom and where they please for the General Court, sobeit they be Freemen and have taken the oath of fealty, and inhabit the jurisdiction.

63. No Governor, Deputy-Governor, Assistant, Associate, or Grand-Juryman at any Court, nor any Deputy for the General Court shall at any time bear his own charges at any Court, but their necessary expenses shall be defrayed either by the town or shire on whose service they are sent, or by the Country in general.

64. Every action between party and party, and proceedings against delinquents in criminal causes shall be briefly and distinctly entered in the rolls of the Court by the Recorder thereof, that such actions not be afterwards brought again to the vexation of any man.

65. No custom or prescription shall ever prevail amongst us in any moral cause; our meaning is (there shall not be a custom which will) maintain anything that can be proved to be morally sinful by the word of God.

66. The Freemen of every township shall have power to make such bylaws and constitutions as shall concern the welfare of their town, provided they be not of a criminal but only of a prudential nature, and that their penalties exceed not 20 shillings for one offense, and that they be not repugnant to public laws and orders of the Country. And if any inhabitant neglect or refuse to observe them, they (the townships) shall have power to levy the appointed penalties by distress.

67. It is the constant liberty of the Freemen of this plantation to choose yearly at the Court of Election out of the Freemen all the general officers of this jurisdiction. If they please to discharge them at the day of election by way of vote, they may do it without showing cause. But if at any other General Court, we hold it due justice that the reasons thereof be alleged and proved. By general officers, we mean our Governor, Deputy-Governor, Assistants, Treasurer, General of our wars, and our Admiral at sea, and such as are or hereafter may be of the like general nature.

68. It is the liberty of the Freemen to choose such Deputies for the General Court out of themselves, either in their own towns or elsewhere as they judge fittest. And because we cannot foresee what variety and weight of occasions may fall into future consideration, and what counsels we may stand in need of, we decree: That

the Deputies to attend the General Court in the behalf of the Country shall not any time be stated or enacted but from Court to Court, or at the most but for one year; That the Country may have an annual liberty to do in that case what is most behooving for the best welfare thereof.

69. No General Court shall be dissolved or adjourned without the consent of the major part thereof.

70. All Freemen called to give any advice, vote, verdict, or sentence in any Court, Council, or civil assembly shall have full freedom to do it according to their true judgments and consciences, so it be done orderly and inoffensively for the manner.

71. The Governor shall have a casting vote whensoever an equal vote shall fall out of the Court of Assistants, or general assembly; so shall the president or moderator have in all civil Courts or assemblies.

72. The Governor and Deputy-Governor jointly consenting, or any three Assistants concurring in consent, shall have power out of Court to reprieve a condemned malfactor till the next quarter or General Court. The General Court only shall have power to pardon a condemned malfactor.

73. The General Court hath liberty and authority to send out any member of this Commonwealth of what quality, condition, or office whatsoever into foreign parts without any public message or negotiation, provided the party sent be acquainted with the affair he goeth about, and be willing to undertake the service.

74. The Freemen of every town or township shall have full power to choose yearly or for less time out of themselves a convenient number of fit men to order the planting or prudential occasions of that town, according to instructions given them in writing, provided nothing be done by them contrary to the public laws and orders of the Country, provided also the number of such select persons be not above nine.

75. It is and shall be the liberty of any member or members of any Court, Council or civil assembly in cases making or executing any order or law, that properly concern religion, or any cause capital, or wars, or subscription to any public articles or remonstrance, in case they cannot in conscience and judgment consent to that way the major vote or suffrage goes, to make their contra remonstrance or protestation in speech or writing, and upon request to have their dissent recorded in the rolls of the Court. So it be done Christianly and respectfully for the manner, and their dissent only be entered without the reasons thereof, for the avoiding of tediousness.

76. Whensoever any jury of trials or jurors are not clear in their judgments or consciences concerning any cause wherein they are to give their verdict, they

shall have liberty in open Court to advise with any man they think fit to resolve or direct them before they give their verdict.

77. In all cases wherein any Freeman is to give his vote, be it in point of election, making constitutions and orders, or passing sentence in any case of judicature or the like, if he cannot see reason to give it positively one way or another, he shall have liberty to be silent, and not be pressed to a determined vote.

78. The general or public treasury or any part thereof shall never be expended but by the appointment of a General Court; nor any Shire treasury, but by the appointment of the Freemen thereof; nor any town treasury but by the Freemen of that township.

Liberties of Women

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

80. Every married woman shall be free from bodily correction or stripes (whipping) by her husband, unless it be in his own defense upon her assault. If there be any just cause of correction, complaint shall be made to authority assembled in some Court, from which she shall receive it.

Liberties of Children

81. When parents die intestate, the elder son shall have a double portion of his whole estate real and personal, unless the General Court upon just cause alleged shall judge otherwise.

82. When parents die intestate, having no heirs male of their bodies, their daughters shall inherit as co-partners, unless the General Court upon just reason shall judge otherwise.

83. If any parents shall willfully and unreasonably deny any child timely or convenient marriage, or shall exercise any unnatural severity towards them, such children shall have free liberty to complain to authority for redress.

84. No orphan during their minority which was not committed to tuition or service in their lifetime, shall afterward be absolutely disposed of by any kindred, friend, executor, township, or church, nor by themselves without the consent of some Court, wherein two Assistants at least shall be present.

Liberties of Servants

85. If any servants shall flee from the tyranny and cruelty of their masters to the house of any freeman of the same Town, they shall be there protected and sustained till due order be taken for their relief. Provided due notice thereof be speedily given to their masters from whom they fled, and the next Assistant or Constable where the party flying is harboured.

86. No servant shall be put off for above a year to any other (masters) neither in the lifetime of their master nor after their death by their Executors or Administrators unless it be by consent of Authority 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 maim or much disfigure him, unless it be by mere casualty (accident), he shall let them go free from his service. And (the servant) shall have such further recompense as the Court shall allow him.

88. Servants that have served diligently and faithfully to the benefit of their masters seven years, shall not be sent away empty. And if any have been unfaithful, negligent or unprofitable in their service, notwithstanding the good usage of their masters, they shall not be dismissed till they have made satisfaction according to the Judgement of Authority.

Liberties of Foreigners and Strangers

89. If any people of other Nations professing the true Christian religion shall flee to us from the tyranny or oppression of their persecutors, or from famine, wars, or the like necessary and compulsory cause, they shall be entertained and succoured amongst us, according to that power and prudence God shall give us.

90. If any ships or other vessels, be it friend or enemy, shall suffer shipwreck upon our coast, there shall be no violence or wrong offered to their persons or goods. But their persons shall be harboured, and relieved, and their goods preserved in safety till authority may be certified thereof, and shall take further order therein.

91. There shall never be any bond slavery, villainage or captivity amongst us unless it be lawful captives taken in just wars, and such strangers as willingly sell themselves or are sold to us. And these shall have all the liberties and Christian usages which the law of God established in Israel concerning such persons doth morally require. This exempts none from servitude who shall be judged thereto by Authority.

Of the Brute Creature

92. No man shall exercise any tyranny or cruelty towards any brute creature which are usually kept for man's use.

93. If any man shall have occasion to lead or drive cattle from place to place that is far off, so that they be weary, or hungry, or fall sick or lame, it shall be lawful to rest or refresh them, for competent time, in any open place that is not corn, meadow, or enclosed for some peculiar use.

94. Capital Laws

1. If any man after legal conviction shall have or worship any other god, but the Lord God, he shall be put to death.

2. If any man or woman be a witch (that is, hath or consulteth with a familiar spirit), they shall be put to death.

3. If any person shall blaspheme the name of God, the Father, Son or Holy Ghost, with direct, express, presumptuous or high handed blasphemy, or shall curse God in the like manner, he shall be put to death.

4. If any person commit any willful murder, which is manslaughter committed upon premeditated malice, hatred, or cruelty, and not in a man's necessary and just defense, nor by mere casualty against his will, he shall be put to death.

5. If any person slayeth another suddenly in his anger or cruelty of passion, he shall be put to death.

6. If any person shall slay another through guile, either by poisoning or other such devilish practice, he shall be put to death.

7. If any man or woman shall lie with any beast or brute creature by carnal copulation, they shall surely be put to death. And the beast shall be slain, and buried and not eaten.

8. If any man lyeth with mankind (with another man in homosexual intercourse) as he lyeth with a woman, both of them have committed abomination, and they both shall surely be put to death.

9. If any person committeth adultery with a married or espoused wife, the adulterer and adulteress shall surely be put to death.

10. If any man stealeth a man or mankind (i.e.: kidnapping), he shall surely be put to death.

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

12. If any man shall conspire and attempt any invasion, insurrection, or public rebellion against our Commonwealth, or shall indeavour to surprise any Town or Towns, fort or forts therein, or shall treacherously and perfidiously attempt the alteration and subversion of our frame of polity or government fundamentally, 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 liberty to gather themselves into a Church Estate. Provided they do it in a Christian way, with due observation of the rules of Christ revealed in his word.

2. Every Church hath full liberty to exercise all the ordinances of God, according to the rules of scripture.
3. Every Church hath free liberty of election and ordination of all their officers from time to time, provided they be able, pious and orthodox.
4. Every Church hath free liberty of admission, recommendation, dismissal, and expulsion, or deposal 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 freedom to celebrate days of fasting and prayer, and of thanksgiving according to the word of God.
7. The Elders of Churches have free liberty to meet monthly, quarterly, or otherwise, in convenient numbers and places, for conferences, and consultations about Christian and Church questions and occasions.
8. All Churches have liberty to deal 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 liberty to deal with any magistrate, Deputy of Court or other officer whatsoever that is a member in a church way in case of apparent and just offense given in their places, so it be done with due observance and respect.
10. We allow private meetings for edification in religion amongst Christians of all sorts of people. So it be without just offense for number, time, place, and other circumstances.
11. For the preventing and removing of error and offense that may grow and spread in any of the Churches in this jurisdiction, and for the preserving of truth and peace in the several churches within themselves, and for the maintenance and exercise of brotherly communion, amongst all the churches in the Country, it is allowed and ratified, by the authority of this General Court as a lawful liberty of the Churches of Christ:
 - That once in every month of the year (when the season will bear it) it shall be lawful for the ministers and Elders of the Churches near adjoining together, with any other of the brethren, with the consent of the churches to assemble by course in each several Church one after another.
 - To the intent after the preaching of the word by such a minister as shall be requested thereto by the Elders of the church where the Assembly is held, the rest of the day may be spent in public Christian conference about the discussing and resolving 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 brethren of that church, will leave also to any other Brother to propound his objections or answers for further satisfaction according to the word of God. Provided that the whole action be guided and moderated by the Elders of the Church where the Assembly is held, or by such others as they shall appoint.
 - And that no thing be concluded and imposed by way of authority from one or more churches upon another, but only by way of brotherly conference and consultations.
 - That the truth may be searched out to the satisfying of every man's conscience in the sight of God according his word.

- And because such an Assembly and the work thereof cannot be duly attended to if other lectures be held in the same week, it is therefore agreed with the consent of the Churches, that in that week when such an Assembly is held, all the lectures in all the neighboring Churches for that week shall be forborne.

That so the public service of Christ in this more solemn Assembly may be transacted with greater diligence and attention.

96. Howsoever these above specified rites, freedoms, immunities, authorites and priveledges, both Civil and Ecclesiastical are expressed only under the name and title of Liberties, and not in the exact form of Laws or Statutes, yet we do with one consent fully authorize, and earnestly intreat all that are and shall be in Authority to consider them as laws, and not to fail to inflict condign and proportionable punishments upon every man impartially, that shall infringe or violate any of them.

97. We likewise give full power and liberty to any person that shall at any time be denied or deprived of any of them, to commence and prosecute their suit, complaint or action against any man that shall so do in any Court that hath proper cognizance or judicature thereof.

98. Lastly because our duty and desire is to do nothing suddenly which fundamentally concerns us, we decree that these rites and liberties shall be audibly read and deliberately weighed at every General Court that shall be held, within three years next ensuing, 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 General Court within these next three years shall fail or forget to read and consider them as abovesaid, the Governor and Deputy Governor for the time being, and every Assistant present at such Courts, shall forfeit 20 shillings a man, and every Deputy 10 shillings a man for each neglect, which shall be paid out of their proper estate, and not by the Country or the Towns which choose them, and whensoever there shall arise any question in any Court among the Assistants and associates thereof about the explanation of these rites and liberties, the General Court only shall have power to interpret them.