

<http://www.yale.edu/lawweb/avalon/states/nj12.htm>

The Queen's Acceptance of the Surrender of Government
At the Court of St. James's the 17th day of April, 1709

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America. Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe. Washington, DC : Government Printing Office, 1909.

PRESENT

Thee Queen's most Excellent Majesty
His Royal Highness, Prince Earl of Radnor,
George of Denmark, Earl of Barkeley,
Lord Keeper, Earl of Rochester,
Lord President, Earl of Marlborough,
Lord Steward, Earl of Bradford,
Duke of Bolton, Earl of Romney
Duke of Schonberg, Earl of Renalagh,
Duke of Leeds, Lord Ferrers
Lord Great Chamberlain, Lord Godolphin,
Earl Marshall, Mr. Comptroller,
Lord High Admiral; Mr. Vice Chamberlain,
Lord Chamberlain, Mr. Secretary Vernon,
Earl of Dorset, Mr. Chancellor of the Exchequer,
Earl of Manchester, Lord Chief Justice,
Earl of Stamford, Sir Charles Hedges,
Earl of Burlington Mr .Smith

This day the several Proprietors of East and West New Jersey in America, did in person present a deed of surrender by them executed under their hands and seals, to her Majesty in Council, and did acknowledge the same to be their act and deed, and humbly desire her Majesty accept the same, that it might be enrolled in the Court of Chancery, whereby they did surrender their power of the Government of those plantations: Which her Majesty graciously accepted, and was pleased to order as it is hereby ordered, that the same be enrolled in her Majesty's said High Court of Chancery, whereby they did surrender their power of the Government of those plantations which her Majesty graciously accepted and was pleased to order, as it is hereby ordered, that the same be enrolled in her Majesty's said High Court of Chancery, and the said instruments are to be delivered to Mr. Attorney General, who is to take care that the same be enrolled accordingly.

A true copy.

W. SHARPE.
17 March 1747,

Examined the foregoing copy with the entry, remaining in the register book, in the office of his Majesty's privy Council at Whitehall, and found the same to contain a true copy.

JAMES HAMILTON,
7 October, 1747

Examined the foregoing copy, with the entry remaining in the register book in the office of his Majesty's privy Council at Whitehall, and found the same to contain a true copy.

John WADDELL

Be it remembered, that on the tenth day of September 1748, John Waddell of the city of New York, merchant, appeared before Robert Hunter Morris, Esq; Chief Justice of the Province of New Jersey, and being duly sworn on the holy evangelists, on his oath declared, that the name of John Waddell, signed to the preceding certificate of the 7th of October, 1747, is the proper hand writing of the declarant, and that the matter contained in the said certificate is true,

JOHN WADDELL

Sworn as above, before me,
ROBERT HUNTER MORRIS.

Agrees with an attested copy, being carefully examined and corrected by me,
JOHN SMITH,
Register of the Proprietors of East New Jersey.

<http://www.yale.edu/lawweb/avalon/states/mass08.htm>

Explanatory Charter of Massachusetts Bay - 1725

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America. Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe. Washington, DC : Government Printing Office, 1909.

GEORGE BY THE GRACE OF GOD of Great Britain France and Ireland king Defender of the Faith &c To all to whom these Presents shall come Greeting Whereas Our late Royal Predecessors William and Mary King and Queen of England &c Did by their letters Patents under their Great Seal of England bearing Date at Westminster the Seventh day of October in the Third year of their Reign for themselves their Heires and Successors Vnite Erect and Incorporate the Territories and Colonies commonly called or known by the Names of the Colony of the Massachusetts Bay and Colony of New Plymouth the Province of Main the Territory called Accada or Nova Scotia and all that Tract of land lying between the said Territorys of Nova Scotia and the said Province of Main into One Reall Province by the Name of Our Province of the Massachusetts Bay in New England And Whereas their said late Majesties King William and Queen Mary did by the said recited letters Patents (amongst other things therein contained) for themselves their Heires and Successors Ordain and Grant that there should and might be Convened held and kept by the Governor for the time being upon every last Wednesday in the Month of May every year forever and at all such other times as the Governor of their said Province should think fitt and Appoint a Great and Generall Court or Assembly which said Great and Generall Court or Assembly should Consist of the Governour and Council or Assistants for the time being and of such Freeholders of their said Province or Territory as should be from time to time elected or deputed by the major part of the Freeholders and other Inhabitants of the respective Towns or places who should be present at such Elecons each of the said Towns and places being thereby impowered to Elect and Depute two Persons and no more to Serve for and represent them respectively in the. said Great and Generall Court or Assembly and that the Governor for the time being should have full Power and Authority from time to time as he should Judge necessary to adjourn Prorogue and Dissolve all Great and General Courts or Assemblies met and Convened as aforesaid And did thereby also for themselves their Heires and Successors Provide Establish and Ordain that in the Framing and Passing of all Orders laws Statutes and Ordinances and in all Elecons and Acts of Government whatsoever to be passed made or done by the said General Court or Assembly or in Council the Governor of the said Province or Territory of the Massachusetts Bay in :New England for the time being should have the Negative Voice and that without his Consent or Approbacon Signified and Declared in writing no such Orders laws Statutes Ordinances Elecons or other Acts of Government whatsoever so to be made passed or done by the said General Assembly or in Council should be of any force Effect or Validity any thing therein contained to the

contrary in any wise notwithstanding as in and by the said letters Patents (relacon being therevnto had) may more fully and at large appeare And Whereas no provision is made by the said recited letters Patents touching the Nominacion and Eleccion of a Speaker of the Representatives Assembled in any Great and Generall Court of Our said Province nor any particular Reservacon made of the Right of Vs Our Heires and Successors to approve or disapprove of such Speaker by the Governor of the said Province appointed or to be appointed by Vs or them for the time being And no power is Granted by the said recited letters Patents to the said House of Representatives to adjourn themselves for any time whatsoever by means whereof divers Doubts and Controversies have Arisen within Our said Province to the Interrupcon of the Publick Business thereof and the obstruccon of Our Service Know Yee therefore that for removing the said Doubts and Controversies and preventing the like mischiefs for the future And also for the further Explanacon of the said recited letters Patents Wee of Our Especial Grace certain knowledge and meer mocon Have Granted Ordained and Appointed And by these Presents for Vs Our Heirs and Successors Do Will Grant Ordain and Appoint that for ever hereafter the Representatives Assembled in any Great or General Court of Our said Province to be hereafter Summoned shall upon the first day of their Assembling Elect a fit Person out of the said Representatives to be Speaker of the House of Representatives in such General Court and that the Person so Elected shall from time to time be presented to the Governor of Our said Province for the time being or in his absence to the lieutenant Governor or Comander in Chief of Our said Province for the time being for his Approbacon to which Governor lieutenant Governor and Comander in Chief respectively Wee do hereby for Vs Our Heires and Successors give full power and Authority to approve or disapprove of the Person so Elected and presented which approbacon or disapprobacon shall be Signified by him by Message in writing under his Hand to the said House of Representatives And in Case such Governour lieutenant Governor or Comander in Chief shall disapprove of the Person so Elected and presented or the Person so Elected and presented being approved as aforesaid shall happen to dye or by Sickness or otherwise be disabled from Officiating as Speaker in every such Case the said Representatives so Assembled shall forthwith Elect an other Person to be Speaker of the House of Representatives to be presented and approved or disapproved in manner as aforesaid and so from time to time as often as the Person so Elected and presented shall be disapproved of or happen to dye or become disabled as aforesaid And Our further Will and Pleasure is and Wee do by these presents of Our more abundant Grace for Vs Our Heires and Successors Grant Ordain and Appoint that it shall and may be lawfull to and for the Representatives assembled in any Great or Generall Court of Our said Province for the time being for ever hereafter to Adjourn themselves from day to day (and if occasion shall require) for the space of two days but not for any longer time than for the space of two days without leave from the Governor or in his Absence [from] the lieutenant Governor or Comander in Chief of Our said Province for the time being first had and obtained in that behalfe any thing in the said recited letters Patents contained to the Contrary thereof in any wise Notwithstanding Provided always that nothing in these presents contained shall Extend or be Construed to Extend to revoke alter or prejudice the Power and Authority by the said recited letters

Patents Granted to the Governor of the said Province for the time being to Adjourn Prorogue and Dissolve all Great and General Courts or Assemblies of Our said Province. And Lastly Wee do by these presents for Vs Our Heires and Successors Grant that these Our letters Patents or the Enrollment or Exemplificacon thereof shall be in and by all things good firm valid and Effectual in the law according to the true intent and meaning thereof notwithstanding the not rightly or fully reciting menconing or describing the said recited letters Patents or the Date thereof or any other Omission Imperfeccon Defect matter Cause or thing whatsoever to the Contrary thereof in any wise notwithstanding In witness whereof Wee have Caused these Our letters to be made Patents Witness William Archbishop of Canterbury and the rest of the Guardians and Justices of the Kingdom at Westminster the Six and twentieth day of August in the twelfth year of Our Reign

By Writ of Privy Seal
COCKS

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http://www.yale.edu/lawweb/avalon/amerrev/amerdocs/res_boston_1768.htm

Resolutions of the Boston Town Meeting; September 13, 1768

Source:

Boston (Mass.). Boston town records [1631]-1822. Boston, Municipal printing office, 1877-1906.

The committee appointed to take the state of our public affairs into consideration reported the following declaration and resolves:

Whereas it is the first principle in civil society, founded in nature and reason, that no law of the society can be binding on any individual without his consent, given by himself in person, or by his representative of his own free election; and whereas in and by an Act of the British Parliament passed in the first year of the reign of King William and Queen Mary, of glorious and blessed memory, entitled an Act declaring the Rights and Liberties of the Subject, and Settling the Succession of the Crown; the Preamble of which Act is in these words, viz: "Whereas the late King James the Second, by the assistance of diverse evil councillors, judges, and ministers employed by him, did endeavour to subvert and extirpate the Protestant religion, and the laws and liberties of this kingdom," it is expressly among other things declared, that the levying money for the use of the Crown, by pretence of prerogative, without grant of Parliament for a longer time or in other manner than the same is granted, is illegal. And whereas in the third year of the reign of the same King William and Queen Mary, their Majesties were graciously pleased by their royal charter to give and grant to the inhabitants of his Majesty's province all the territory therein described, to be held in free and common socage; and also to ordain and grant to the said inhabitants certain rights, liberties, and privileges therein expressly mentioned; among which it is granted, established, and ordained, that all and every the subjects of them, their heirs and successors, which shall go to inhabit within said province and territory, and every of their children which shall happen to be born 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 them, their heirs and successors, to all intents, purposes, and constructions whatever, as if they and every of them were born within the realm of England.

And whereas by the aforesaid Act of Parliament made in the first year of the said King William and Queen Mary, all and singular the promises contained therein, are claimed demanded, and insisted on as the undoubted rights and liberties of the subjects born within the realm.

And whereas the freeholders and other inhabitants of this town, the metropolis of the province in said charter mentioned, do hold all the rights and liberties therein contained to be sacred and inviolable - at the same time publicly and solemnly acknowledging their firm and unshaken allegiance to their alone and rightful sovereign King George the third, the lawful successor of the said King William and Queen Mary to the British throne.

Resolved, that the said freeholders and other inhabitants of the Town of Boston will at the utmost peril of their lives and fortunes take all legal and constitutional measures to defend and maintain the person, family, crown, and dignity of our said sovereign Lord George the third; and all and singular the rights, liberties, privileges, and immunities granted in the said royal charter, as well as those which are declared to be belonging to us as British subjects by birthright, as all others therein specially mentioned.

And whereas by the said royal charter it is specially granted to the Great and General Court or assembly therein constituted, to impose and levy proportionable and reasonable assessments, rates, and taxes upon the estates and persons of all and every the proprietors and inhabitants of said province or territory, for the service of the king in the necessary defence and support of his government of this province, and the protection and preservation of his subjects therein, therefore:

Voted, as the opinion of this town, that the levying money within this province for the use and service of the Crown in other manner than the same is granted by the Great and General Court or assembly of this province is in violation of the said royal charter; and the same is also in violation of the undoubted natural rights of subjects, declared in the aforesaid Act of Parliament, freely to give and grant their own money for the service of the Crown, with their own consent, in person, or by representatives of their own free election.

And whereas in the aforesaid Act of Parliament it is declared that the raising or keeping a standing army within the kingdom in time of peace, unless it be with the consent of Parliament, is against law; it is the opinion of this town that the said declaration is founded in the indefeasible right of the subjects to be consulted, and to give their free consent in person, or by representatives of their own free election, to the raising and keeping a standing army among them; and the inhabitants of this town being free subjects, have the same right derived from nature and confirmed by the British constitution, as well as the said royal charter; and therefore the raising or keeping a standing army, without their consent in person or by representatives of their own free election, would be an infringement of their natural, constitutional, and charter rights; and the employing such army for the enforcing of laws made without the consent of the people, in person, or by their representatives, would be a grievance.

The foregoing report being divers times distinctly read, and considered by the town, the question was put: whether the same shall be accepted and recorded, and passed unanimously in the affirmative. Upon a motion made and seconded, the following votes was unanimously passed, viz :

Whereas by an Act of Parliament of the first of King William and Queen Mary, it is declared that for the redress of all grievances, and for amending, strengthening, and preserving the laws, parliaments ought to be held frequently, and inasmuch as it is the opinion of this town that the people labour under many intolerable grievances which unless speedily redressed threaten the total destruction of our invaluable natural, constitutional, and charter

rights:

And furthermore as his excellency the governor has declared himself unable, at the request of this town, to call a general court, which is the assembly of the states of this province for the redress of such grievances:

Voted, that this town will now make choice of a suitable number of persons to act for them as a committee in convention, with such as may be sent to join them from the several towns in this province, in order that such measures may be consulted and advised as his Majesty's service, and the peace and safety of his subjects in this province may require; whereupon the Hon. James Otis, Esq., the Hon. Thomas Cushing, Esq., Mr. Samuel Adams, and John Hancock, Esq., were appointed a committee for the said purpose, the town hereafter to take into consideration what recompense shall be made them for the service they may perform.

Voted, that the selectmen be directed to write to the selectmen of the several towns within this province informing them of the foregoing vote, and to propose that a convention be held, if they shall think proper, at Faneuil Hall, in this town, on Tuesday the 22d day of September, instant, at 10 o'clock before noon.

http://www.yale.edu/lawweb/avalon/amerrev/amerdocs/proc_farm_ct_1774.htm

Proceedings of Farmington, Connecticut, on the Boston Port Act; May 19, 1774

Source:

Force, Peter ed. American archives: consisting of a collection of authentick records, state papers, debates, and letters and other notices of publick affairs, the whole forming a documentary history of the origin and progress of the North American colonies; of the causes and accomplishment of the American revolution; and of the Constitution of government for the United States, to the final ratification thereof. In six series ... [c]By Peter Force. Prepared and published under authority of an act of Congress. [Washington, 1837-53]

Early in the morning was found the following handbill, posted up in various parts of the town, viz:

"To pass through the fire at six o'clock this evening, in honour to the immortal goddess of Liberty, the late infamous Act of the British Parliament for farther distressing the American Colonies; the place of execution will be the public parade, where all Sons of Liberty are desired to attend.

Accordingly, a very numerous and respectable body were assembled of near one thousand people, when a huge pole, just forty-five feet high was erected, and consecrated to the shrine of liberty; after which the Act of Parliament for blocking up the Boston harbour was read aloud; sentenced to the flames, and executed by the hands of the common hangman; then the following resolves were passed, nem. con.:

1st. That it is the greatest dignity, interest, and happiness of every American to be united with our parent state, while our liberties are duly secured, maintained, and supported by our rightful sovereign, whose person we greatly revere; whose government while duly administered, we are ready with our lives and properties to support:

2d. That the present ministry, being instigated by the devil, and led on by their wicked and corrupt hearts, have a design to take away our liberties and properties, and to enslave us forever.

3d. That the late Act which their malice hath caused to be passed in Parliament, for blocking up the port of Boston, is unjust, illegal, and oppressive; and that we, and every American, are sharers in the insults offered to the town of Boston.

4th. That those pimps and parasites who dared to advise their master to such detestable measures be held in utter abhorrence by us and every American, and their names loaded with the curses of all succeeding generations.

5th. That we scorn the chains of slavery; we despise every attempt to rivet them upon us; we are the sons of freedom, and resolved, that, till time shall be no more, that god-like virtue shall blazon our hemisphere.

http://www.yale.edu/lawweb/avalon/amerrev/parliament/mass_gov_act.htm

Great Britain : Parliament: The Massachusetts Government Act; May 20, 1774

An act for the better regulating the government of the province of the Massachuset's Bay, in New England.

Source:

Great Britain. The statutes at large ... [from 1225 to 1867] by Danby Pickering. Cambridge : Printed by Benthem, for C. Bathurst ; London, 1762-1869.

WHEREAS by letters patent under the great seal of England, made in the third year of the reign of their late majesties King William and Queen Mary, for uniting, erecting, and incorporating, the several colonies, territories, and tracts of land therein mentioned, into one real province, by the name of Their Majesties Province of the Massachuset's Bay, in New England; whereby it was, amongst other things, ordained and established, That the governor of the said province should, from thenceforth, be appointed and commissioned by their Majesties, their heirs and successors: It was, however, granted and ordained, That, from the expiration of the term for and during which the eight and twenty persons named in the said letters patent were appointed to be the first counsellors or assistants to the governor of the said province for the time being, the aforesaid number of eight and twenty counsellors or assistants should yearly, once in every year, for ever thereafter, be, by the general court or assembly, newly chosen: And whereas the said method of electing such counsellors or assistants, to be vested with the several powers, authorities, and privileges, therein mentioned, although conformable to the practice theretofore used in such of the colonies thereby united, in which the appointment of the respective governors had been vested in the general courts or assemblies of the said colonies, hath, by repeated experience, been found to be extremely ill adapted to the plan of government established in the province of the Massachuset's Bay, by the said letters patent herein-before mentioned, and hath been so far from contributing to the attainment of the good ends and purposes thereby intended, and to the promoting of the internal welfare, peace, and good government of the said province, or to the maintenance of the just subordination to, and conformity with, the laws of Great Britain, that the manner of exercising the powers, authorities, and privileges aforesaid, by the persons so annually elected, hath, for some time past, been such as had the most manifest tendency to obstruct, and, in great measure, defeat, the execution of the laws; to weaken and, in great measure, defeat, the execution of the laws; to weaken the attachment of his Majesty's well-disposed subjects in the said province to his Majesty's government, and to encourage the ill-disposed among them to proceed even to acts of direct resistance to, and defiance of, his Majesty's authority; And it hath accordingly happened that an open resistance to the execution of the laws hath actually taken place in the town of Boston, and the neighbourhood thereof, within the said province: And whereas it is, under these circumstances, become absolutely necessary, in order to the preservation of the peace and good order of the said province, the protection of his Majesty's well-

disposed subjects therein resident, the continuance of the mutual benefits arising from the commerce and correspondence between this kingdom and the said province, and the maintaining of the just dependance of the said province upon the crown and parliament of Great Britain, that the said method of annually electing the counsellors or assistants of the said province should no longer be suffered to continue but that the appointment of the said counsellors or assistants should henceforth be put upon the like footing as is established in such other of his Majesty's colonies or plantations in America, the governors whereof are appointed by his Majesty's commission, under the great seal of Great Britain: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of August, one thousand seven hundred and seventy-four, so much of the charter, granted by their majesties King William and Queen Mary to the inhabitants of the said province of the Massachusetts Bay, in New England, and all and every clause, matter, and thing, therein contained, which relates to the time and manner of electing the assistants or counsellors for the said province, be revoked, and is hereby revoked and made void and of none effect; and that the offices of all counsellors and assistants, elected and appointed in pursuance thereof, shall from thenceforth cease and determine: And that, from and after the said first day of August, one thousand seven hundred and seventy-four, the council, or court of assistants of the said province for the time being, shall be composed of such of the inhabitants or proprietors of lands within the same as shall be thereunto nominated and appointed by his Majesty, his heirs and successors, from time to time, by warrant under his or their signet or sign manual, and with the advice of the privy council, agreeable to the practice now used in respect to the appointment of counsellors in such of his Majesty's other colonies in America, the governors whereof are appointed by commission under the great seal of Great Britain: provided, that the number of the said assistants or counsellors shall not, at any one time, exceed thirty-six, nor be less than twelve.

II. And it is hereby further enacted, That the said assistants or counsellors, so to be appointed as aforesaid, shall hold their offices respectively, for and during the pleasure of his Majesty, his heirs or successors; and shall have and enjoy all the powers, privileges, and immunities, at present held, exercised, and enjoyed, by the assistants or counsellors of the said province, constituted and elected, from time to time, under the said charter, (except as herein-after excepted); and shall also, upon their admission into the said council, and before they enter upon the execution of their offices respectively, take the oaths, and make, repeat, and subscribe, the declarations required, as well by the said charter as by any law or laws of the said province now in force, to be taken by the assistants or counsellors who have been so elected and constituted as aforesaid.

III. And be it further enacted by the authority aforesaid, That from and after the first day of July, one thousand seven hundred and seventy-four, it shall and may be lawful for his Majesty's governor for the time being of the said province, or, in his absence, for the lieutenant-governor, to nominate and appoint, under the seal of the

province, from time to time, and also to remove, without the consent of the council, all judges of the inferior courts of common pleas, commissioners of Oyer and Terminer, the attorney general, provosts, marshals, justices of the peace, and other officers to the council or courts of justice belonging; and that all judges of the inferior courts of common pleas, commissioners of Oyer and Terminer, the attorney general, provosts, marshals, justices, and other officers so appointed by the governor, or, in his absence, by the lieutenant-governor alone, shall and may have, hold, and exercise, their said offices, powers, and authorities, as fully and completely, to all intents and purposes, as any judges of the inferior courts of common pleas, commissioners of Oyer and Terminer, attorney general, provosts, marshals, or other officers, have or might have done heretofore under the said letters patent, in the third year of the reign of their late majesties King William and Queen Mary; any law, statute, or usage, to the contrary notwithstanding.

IV. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to annul or make void the commission granted before the said first day of July, one thousand seven hundred and seventy-four, to any judges of the inferior courts of common pleas, commissioners of Oyer and Terminer, the attorney general, provosts, marshals, justices of the peace, or other officers; but that they may hold and exercise the same, as if this act had never been made, until the same shall be determined by death, removal by the governor, or other avoidance, as the case may happen.

V. And be it further enacted by the authority aforesaid, That, from and after the said first day of July, one thousand seven hundred and seventy-four, it shall and may be lawful for his Majesty's governor, or, in his absence, for the lieutenant-governor for the time being of the said province, from time to time, to nominate and appoint the sheriffs without the consent of the council, and to remove such sheriffs with such consent, and not otherwise.

VI. And be it further enacted by the authority aforesaid, That, upon every vacancy of the officers of chief justice and judges of the superior court of the said province, from and after the said first day of July, one thousand seven hundred and seventy-four, the governor for the time being, or, in his absence, the lieutenant-governor, without the consent of the council, shall have full power and authority to nominate and appoint the persons to succeed to the said offices; who shall hold their commissions during the pleasure of his Majesty, his heirs and successors; and that neither the chief justice or judges appointed before the said first day of July, one thousand seven hundred and seventy-four, nor those who shall hereafter be appointed pursuant to this act, shall be removed, unless by the order of his Majesty, his heirs or successors, under his or their sign manual.

VII. And whereas, by several acts of the general court, which have been from time to time enacted and passed within the said province, the freeholders and inhabitants of the several townships, districts, and precincts, qualified, as is therein expressed, are authorised to assemble together, annually, or occasionally, upon notice given, in such manner as the said acts direct, for the choice

of select men, constables, and other officers, and for the making and agreeing upon such necessary rules, orders, and bye laws, for the directing, managing, and ordering, the prudential affairs of such townships, districts, and precincts, and for other purposes: and whereas a great abuse has been made of the power of calling such meetings, and the inhabitants have, contrary to the design of their institution, been misled to treat upon matters of the most general concern, and to pass many dangerous and unwarrantable resolves: for remedy whereof, be it enacted, That from and after the said first day of August, one thousand seven hundred and seventy-four, no meeting shall be called by the select men, or at the request of any number of freeholders of any township, district, or precinct, without the leave of the governor, or, in his absence, of the lieutenant-governor, in writing, expressing the special business of the said meeting, first had and obtained, except the annual meeting in the months of March or May, for the choice of select men, constables, and other officers, or except for the choice of persons to fill up the offices aforesaid, on the death or removal of any of the persons first elected to such offices, and also, except any meeting for the election of a representative or representatives in the general court; and that no other matter shall be treated of at such meetings, except the election of their aforesaid officers or representatives, nor at any other meeting, except the business expressed in the leave given by the governor, or, in his absence, by the lieutenant-governor.

VIII. And whereas the method at present used in the province of Massachusetts Bay in America, of electing persons to serve on grand juries, and other juries, by the freeholders and inhabitants of the several towns, affords occasion for many evil practices, and tends to pervert the free and impartial administration of justice: for remedy whereof, be it further enacted by the authority aforesaid, That, from and after the respective times appointed for the holding of the general sessions of the peace in the several counties within the said province, next after the month of September, one thousand seven hundred and seventy-four, the jurors to serve at the superior courts of judicature, courts of assize, general gaol delivery, general sessions of the peace, and inferior court of common pleas, in the several counties within the said province, shall not be elected, nominated, or appointed, by the freeholders and inhabitants of the several towns within the said respective counties nor summoned or returned by the constables of the said towns; but that, from thenceforth, the jurors to serve at the superior courts of judicature, courts of assize, general gaol delivery, general sessions of the peace, and inferior court of common pleas within the said province, shall be summoned and returned by the sheriffs of the respective counties within the said province; and all writs of Venire Facias, or other process or warrants to be issued for the return of jurors to serve at the said courts, shall be directed to the sheriffs of the said counties respectively, any law, custom, or usage, to the contrary notwithstanding.

IX. Provided always, and be it further enacted by the authority aforesaid, That wherever the sheriff of any country shall happen to be a party, or interested or related to any party of person interested in any prosecution or suit depending in any of the said courts; that then in such case, the writ of Venire Facias, or other process or warrant for the summoning and return of a jury, for the trial of such

prosecution or suit, shall be directed to, and executed by, the coroner of such county; and in case such coroner shall be also a party, or interested in, or related to, the Venire Facias, or other process or warrant, for the summoning and return of a jury for the trial of such prosecution or suit shall be directed to, and executed by, a proper and indifferent person, to be appointed for that purpose by the court wherein such prosecution or suit shall be depending.

X. And that all sheriffs may be the better informed of persons qualified to serve on juries at the superior courts of judicature, courts of assize, general gaol delivery, general sessions of the peace, and inferior court of common pleas, within the said province, be it further enacted by the authority aforesaid, That the constables of the respective towns, within the several counties of the said province, shall, at the general sessions of the peace to be holden for each county, next after the month of September in every year, upon the first day of the said sessions, return and deliver to the justices of the peace, in open court, a true list, in writing, of the names and places of abode of all persons within the respective towns for which they serve, or the districts thereof, qualified to serve upon juries, with their titles and additions, between the age of one and twenty years and the age of seventy years; which said justices or any two of them, at the said sessions in the respective counties, shall cause to be delivered a duplicate of the aforesaid lists, by the clerk of the peace of every county, to the sheriffs, or their deputies, within ten days after such session; and cause each of the said lists to be fairly entered into a book by the clerk of the peace, to be by him provided, and kept for that purpose amongst the records of the said court; and no sheriff shall impanel or return any person or persons to serve upon any grand jury, petit jury, whatsoever, in any of the said courts that shall not be named or mentioned in such list: and, to prevent a failure of justice, through the neglect of constables to make such returns of persons qualified to serve on juries, as in and by this act is directed, the clerks of the peace of the said several counties are hereby required and commanded, twenty days at least next before the month of September, yearly, and every year, to issue forth precepts or warrants, under their respective hands and seals, to the respective constables of the several towns within the said respective counties, requiring them, and every of them, to make such return of persons qualified to serve upon juries as hereby respectively directed; and every constable failing at any time to make and deliver such return to the justices in open court, as aforesaid, shall forfeit and incur the penalty of five pounds sterling to his Majesty, and his successors: to be recovered by bill, plaint, or information, to be prosecuted in any of the courts aforesaid; and, in order that the constables may be the better enabled to make complete lists of all persons qualified to serve on juries, the constables of the several towns shall have free liberty, at all seasonable times, upon request by them made to any officer or officers, who shall have in his or their custody any book or account of rates or taxes on the freeholder or inhabitants within such respective towns, to inspect the same, and take from thence the names of such persons qualified to serve on juries, dwelling within the respective, towns for which such lists are to be given in and returned pursuant to this act; and shall, in the month of September, yearly, and every year, upon two or more Sundays, fix upon the door of the church, chapel, and every other

publick place of religious worship within their respective precincts, a true and exact list of all such persons intended to be returned to the said general sessions of the peace, as qualified to serve on juries, pursuant to the directions of this act; and leave at the same time a duplicate of such list with the town clerk of the said place, perused by the freeholder and inhabitants thereof, to the end that notice may be given of persons duly qualified who are omitted, or of persons inserted by mistake who ought to be omitted out of such lists; and it shall and may be lawful to and for the justices, at the general sessions of the peace to which the said lists shall be so returned, upon due proof made before them of any person or persons duly qualified to serve on juries being omitted in such lists, or of any person or persons being inserted therein who ought to have been omitted, to order his or their name or names to be inserted or struck out, as the case may require: and in case any constable shall wilfully omit, out of such list, any person or persons, whose name or names ought to be inserted, or shall wilfully insert any person or persons who ought to be omitted, every constable so offending, shall, for every person so omitted or inserted in such list, contrary to the true intent and meaning of this act, be fined by the said justices, in the said general sessions of the peace, in the sum of forty shillings sterling.

XI. Provided always, and be it enacted by the authority aforesaid, That in case default shall at any time hereafter be made, by any constable or constables, to return lists of persons qualified to serve on juries within any of the said towns to the said court of general sessions of the peace; then, and in such case, it shall be lawful for the sheriff of the county, in which such default shall be made, to summon and return to the several courts aforesaid, or any of them, such and so many persons dwelling in such towns, or the districts thereof, qualified to serve on juries, as he shall think fit to serve on juries at such respective courts; any thing herein contained to the contrary thereof in any-wise notwithstanding.

XII. And be it further enacted by the authority aforesaid, That every summons of any person, to serve upon any of the juries at the said courts, or any of them, shall be made by the sheriff, or other person, ten days at the least before the holding of every such court; and in case any jurors, so to be summoned, be absent from the usual place of his habitation at the time of such summons, notice of such summons shall be given, by leaving a note, in writing, under the hand of such sheriff, or person, containing the contents thereof, at the dwelling-house of such juror, with some person inhabiting in the same

XIII. Provided always, and be it further enacted by the authority aforesaid, That in case a sufficient number of persons qualified to serve on juries shall not appear at the said courts, or any of them, to perform the service of grand or petit jurors; that then, and in such case, it shall be lawful for the said court to issue a writ or precept to the sheriff, requiring him to summon a sufficient number of other persons qualified to serve on juries, immediately to appear at such court, to fill up and compleat the number of jurors to serve at such court; and such persons are hereby required to appear and serve as jurors at the said courts accordingly.

XIV. And be it further enacted by the authority aforesaid, That no

person who shall serve as a juror, at any of the said courts, shall be liable to serve again as a juror at the same court, or any other of the courts aforesaid, for the space of three years then next following; except upon special juries.

XV. And, in order that sheriffs may be informed of the persons who have served as jurors, it is hereby further enacted by the authority, aforesaid, that every sheriff shall prepare and keep a book, or register, wherein the names of all such persons who have served as jurors, with their additions and places of abode, and the times when, and the courts in which they served, shall be alphabetically entered and registered; which books or registers shall, from time to time, be delivered over to the succeeding sheriff of the said county; within ten days after he shall enter upon his office; and every juror, who shall attend and serve at any of the courts aforesaid, may at the expiration of the time of holding every such court, upon application to the sheriff, or his deputy, have a certificate immediately, gratis, from the sheriff, or his deputy, testifying such his attendance and service; which said certificate the said sheriff, or his deputy, is required to give to every such juror.

XVI. And be it further enacted by the authority aforesaid, That if, by reason of challenges, or otherwise, there shall not be a sufficient number of jurors for the trial of any prosecution for any misdemeanour, or any action depending in any of the said courts; then, and in such case, the jury shall be filled up de Talibus Circumstantibus, to be returned by the sheriff, unless he be a party, or interested or related to any party or person interested in such prosecution or action; and, in any of which cases, to be returned by the coroner, unless he be a party, or interested or related to any party or person interested in such prosecution or action; and, in any of these cases, to be returned by a proper and indifferent person, to be appointed by the court for that purpose.

XVII. And be it further enacted by the authority aforesaid, That in case any person summoned to serve upon the grand or petit jury, at any of the courts aforesaid, or upon the jury in any prosecution, action, or suit, depending in any of the said courts, shall not appear and serve at the said courts, according to the said summons, (not having any reasonable excuse to be allowed by the judges or justices at such court,) he shall be fined by the judges or justices of such court in any sum not exceeding the sum of ten pounds, nor less than twenty shillings sterling.

XVIII. And be it further enacted by the authority aforesaid, That every sheriff, or other officer, to whom the Venire Facias, or other process or warrant, for the trial of causes, or summoning of juries, shall be directed, shall, upon his return of every such writ, or other process or warrant, (unless in cases where a special jury shall be struck by order or rule of court, pursuant to this act.) annex a pannel to the said writ, or process, or warrant, containing the christian and surnames, additions, and places of abode, of a competent number of jurors, named in such lists, which number of jurors shall not be less than twenty-four, nor more than forty-eight, without direction of the judges or justices of such court or session, or one of them, who are hereby respectively impowered and required, if he or they see cause, by order, under his or their respective hand or hands, to direct a greater number; and then

such number as shall be so directed shall be the number to be returned to serve on such jury.

XIX. And be it further enacted by the authority aforesaid, That for the trials of all actions or suits depending in any of the said courts, the name of each and every person who shall be summoned and returned as aforesaid, with his addition, and the place of his abode, shall be written in several and distinct pieces of parchment, or paper, being all as near as may be of equal size and bigness. and shall be delivered unto the officer to be appointed by the court for that purpose, by the sheriff, under sheriff, or some agent of his; and shall, by direction and care of such officer, be rolled up all as near as may be, in the same manner, and put together in a box or glass to be provided for that purpose; and when any cause shall be brought on to be tried, some indifferent person, by direction of the court, may and shall, in open court, draw out twelve of the said parchments or paper, one after another; and if any of the persons, whose names shall be so drawn, shall not appear, or shall be challenged, and such challenge allowed, then such person shall proceed to draw other parchments or papers from the said box, till twelve indifferent persons shall be drawn; which twelve indifferent persons being sworn shall be the jury to try the said cause: and the names of the persons so drawn and sworn shall be kept apart by themselves in some other box or glass, to be kept, for that purpose, till such jury shall have given in their verdict and the same is recorded, or until such jury shall, by consent of the parties, or leave of the court, be discharged; and then the same names shall be rolled up again, and returned to the former box or glass, there to be kept, with the other names remaining at that time undrawn, and so toties quoties, as long as any cause remains then to be tried.

XX. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the superior court of assize, and court of common pleas upon motion made on behalf of his Majesty, his heirs or successors, or on the motion of any prosecutor or defendant, in any indictment or information for any misdemeanor depending, or to be brought or prosecuted in the said court, or on the motion of any plaintiff or plaintiffs, defendant or defendants, in any action, cause, or suit whatsoever, depending, or to be brought and carried on in the said court, and the said court, is hereby authorized and required, upon motion as aforesaid, in any of the cases before mentioned, to order and appoint a jury to be struck for the trial of any issue joined in any of the said cases, and triable by a jury of twelve men, by such officer of the said court as the court shall appoint; and for that purpose the sheriff, or his deputy, shall attend such officer with the duplicate of the lists of persons qualified to serve on juries; and such officer shall thereupon take down, in writing, from the said duplicate, the names of forty-eight persons qualified to serve on juries, with their additions, and places of abode, a copy whereof shall forthwith be delivered to the prosecutors or plaintiffs, their attorneys or agents, and another copy thereof to the defendants, their attorneys or agents, in such prosecutions and causes; and the said officer of the court aforesaid shall, at a time to be fixed by him for that purpose, strike out the names of twelve of the said persons, at the nomination of the prosecutors or plaintiffs, their attorneys or agents, and also the names of twelve others of the said persons, at the nomination of the said defendants in such prosecutions and suits; and the twenty-

four remaining persons shall be struck and summoned, and returned to the said court as jurors, for the trial of such issues.

XXI. Provided always, That in case the prosecutors or plaintiffs, or defendants, their attorneys or agents, shall neglect or refuse to attend the officer at the time fixed for striking the names of twenty-four persons as aforesaid, or nominate the persons to struck out; then, and in such case, the said officer shall, and he is hereby required to strike out the names of such number of the said persons as such prosecutors or plaintiffs, or defendants, might have nominated to be struck out.

XXII. And be it further enacted, That the person or party who shall apply for such special jury as aforesaid, shall not only bear and pay the fees for striking such jury, but shall also pay and discharge all the expences occasioned by the trial of the cause by such special jury, and shall not have any further or other allowance for the same, upon taxation of costs, than such person or party would be intitled unto in case the cause had been tried by a common jury, unless the judge, before whom the cause is tried, shall, immediately after the trial, certify, in open court, under his hand, upon the back of the record, that the same was a cause proper to be tried by a special jury.

XXIII. And be it further enacted by the authority aforesaid, That, in all actions brought in any of the said courts, where it shall appear to the court in which such actions are depending, that it will be proper and necessary that the jurors who are to try the issues in any such actions, should have the view of the messuages, lands, or place in question, in order to their better understanding the evidence that will be given upon the trial of such issues; in every such case the respective courts in which such actions shall be depending may order the jury to the place in question, who then and there shall have the matters in question shewn them by two persons to be appointed by the court; and the special costs of all such views as allowed by the court, shall, before the trial, be paid by the party who moved for the view, (the adverse party not consenting thereto;) and shall, at the taxation of the bill of costs, have the same allowed him, upon his recovering judgement in such trial; and upon all views with the consent of parties, ordered by the court, the costs thereof, as allowed by the court, shall, before trial, be equally paid by the said parties; and in the taxation of the bill of costs, the party recovering judgement shall have the sum by him paid allowed to him; any law, usage, or custom, to the contrary notwithstanding.

XXIV. And be it further enacted by the authority aforesaid, That if any action shall be brought against any sheriff, for what he shall do in execution, or by virtue of this act, he may plead the general issue, and give the special matter in evidence; and if a verdict shall be found for him, he shall recover treble costs.

http://www.yale.edu/lawweb/avalon/amerrev/amerdocs/letter_ny_c_omm_1774.htm

Letter from the New York Committee of Fifty-One to the Boston Committee of Correspondence; May 23, 1774

Source:

Force, Peter ed.

American archives: consisting of a collection of authentick records, state papers, debates, and letters and other notices of publick affairs, the whole forming a documentary history of the origin and progress of the North American colonies; of the causes and accomplishment of the American revolution; and of the Constitution of government for the United States, to the final ratification thereof. In six series ... By Peter Force. Prepared and published under authority of an act of Congress. [Washington, 1837-53]. 9 v.

The alarming measures of the British Parliament relative to your ancient and respectable town, which has so long been the seat of freedom, fill the inhabitants of this city with inexpressible concern. As a sister colony, suffering in defence of the rights of America, we consider your injuries as a common cause, to the redress of which it is equally our duty and our interest to contribute. But what ought to be done in a situation so truly critical, while it employs the anxious thoughts of every generous mind, is very hard to be determined.

Our citizens have thought it necessary to appoint a large committee, consisting of fifty-one persons to correspond with our sister colonies on this and every other matter of public moment, and at ten o'clock this forenoon we were first assembled. Your letter, enclosing the vote of the town of Boston, and the letter of your Committee of Correspondence, were immediately taken into consideration.

While we think you justly entitled to the thanks of your sister colonies for asking their advice on a case of such extensive consequences, we lament our inability to relieve your anxiety by a decisive opinion. The cause is general, and concerns a whole continent, who are equally interested with you and us; and we foresee that no remedy can be of avail unless it proceeds from the joint act and approbation of all; from a virtuous and spirited union which may be expected while the feeble efforts of a few will only be attended with mischief and disappointment to themselves and triumph to the adversaries of our liberty.

Upon these reasons we conclude that a congress of deputies from the colonies in general is of the utmost moment; that it ought to be assembled without delay, and some unanimous resolution formed in this fatal emergency, not only respecting your deplorable circumstances, but for the security of our common rights. Such being our sentiments, it -must be premature to pronounce any judgment on the expedient which you have suggested. We beg, however, that you will do us the justice to believe that we shall continue to act with a firm and becoming regard to American freedom, and to co-operate with our sister colonies in every measure which shall be thought salutary and conducive to the public good.

We have nothing to add, but that we sincerely condole with you in your un-exampled distress, and to request your speedy opinion of the proposed congress, that if it should meet with your approbation, we may exert our utmost endeavours, to carry it into execution.

http://www.yale.edu/lawweb/avalon/amerrev/britdocs/letter_colden_dartmouth_1774.htm

Letter from Lieutenant-Governor Colden to the Earl of Dartmouth;
June 1, 1774

The Act of Parliament shutting up the port of Boston was brought to this place by a merchant vessel a few days before I received it from your lordship's office. The Act was immediately published in all our newspapers and was the subject of all conversation. I knew that people universally in this colony had received such ideas of being taxed at the pleasure of Parliament, that I was particularly anxious upon this occasion to discover the sentiments of those who might have most influence over others, and was assured by the gentlemen of the Council and others of weight in the city, that no means would be omitted to prevent the hot-headed people taking any measures that might endanger the peace and quiet of the colony.

The men who at that time called themselves the committee, who dictated and acted in the name of the people, were many of them of the lower rank, and all the warmest zealots of those called the Sons of Liberty. The more considerable merchants and citizens seldom or never appeared among them, but I believe were not displeased with the clamour and opposition that was shown against internal taxation by Parliament.

The principal inhabitants, being now afraid that these hot-headed men might run the city into dangerous measures, appeared in a considerable body at the first meeting of the people after the Boston Port Act was published here. They dissolved the former committee and appointed a new one of fifty-one persons, in which care was taken to have a number of the most prudent and considerate people of the place. Some of them have not before joined in the public proceedings of the opposition, and were induced to appear in what they are sensible is an illegal character, from a consideration that if they did not, the business would be left in the same rash hands as before.

Letters had been received from Boston with an invitation from that town to the sister colonies immediately to come into a resolution to refrain from any commerce with Great Britain and the West India islands till the Act for shutting up the port of Boston was repealed. A printed handbill of this proposal is enclosed.

I am informed that the new committee in their answer to Boston have given them no reason to expect that the merchants of this place will adopt so extravagant a measure, and people with whom I converse assure me that they think it cannot be brought about by the most zealous advocates of opposition. As yet no resolutions have been taken by the people of this colony, and the cool, prudent men will endeavour to keep measures in suspense till they have an opportunity of adopting the best. I am told that they have proposed that the colonies be invited to send deputies to meet together, in order to petition the king for redress of grievances, and to deliberate upon some plan whereby the jealousies between Great Britain and her colonies may be removed. It is allowed by the intelligent among them that these assemblies of the people, without

authority of government, are illegal, and may be dangerous, but they deny that they are unconstitutional when a national grievance cannot otherwise be removed. What resolutions will be taken I cannot as yet say. The government of this province has no coercive power over these assemblies of the people, but the authority of the magistrates in all other cases is submitted to as usual.

<http://www.yale.edu/lawweb/avalon/resolves.htm>

Declaration and Resolves of the First Continental Congress,
OCTOBER 14, 1774

Source:

Documents Illustrative of the Formation of the Union of the American States. Government Printing Office, 1927. House Document No. 398. Selected, Arranged and Indexed by Charles C. Tansill.

Whereas, since the close of the last war, the British parliament, claiming a power, of right, to bind the people of America by statutes in all cases whatsoever, hath, in some acts, expressly imposed taxes on them, and in others, under various presences, but in fact for the purpose of raising a revenue, hath imposed rates and duties payable in these colonies, established a board of commissioners, with unconstitutional powers, and extended the jurisdiction of courts of admiralty, not only for collecting the said duties, but for the trial of causes merely arising within the body of a county:

And whereas, in consequence of other statutes, judges, who before held only estates at will in their offices, have been made dependant on the crown alone for their salaries, and standing armies kept in times of peace: And whereas it has lately been resolved in parliament, that by force of a statute, made in the thirty-fifth year of the reign of King Henry the Eighth, colonists may be transported to England, and tried there upon accusations for treasons and misprisions, or concealments of treasons committed in the colonies, and by a late statute, such trials have been directed in cases therein mentioned:

And whereas, in the last session of parliament, three statutes were made; one entitled, "An act to discontinue, in such manner and for such time as are therein mentioned, the landing and discharging, lading, or shipping of goods, wares and merchandise, at the town, and within the harbour of Boston, in the province of Massachusetts-Bay in New England;" another entitled, "An act for the better regulating the government of the province of Massachusetts-Bay in New England;" and another entitled, "An act for the impartial administration of justice, in the cases of persons questioned for any act done by them in the execution of the law, or for the suppression of riots and tumults, in the province of the Massachusetts-Bay in New England;" and another statute was then made, "for making more effectual provision for the government of the province of Quebec, etc." All which statutes are impolitic, unjust, and cruel, as well as unconstitutional, and most dangerous and destructive of American rights:

And whereas, assemblies have been frequently dissolved, contrary to the rights of the people, when they attempted to deliberate on grievances; and their dutiful, humble, loyal, and reasonable petitions to the crown for redress, have been repeatedly treated with contempt, by his Majesty's ministers of state:

The good people of the several colonies of New-Hampshire, Massachusetts-Bay, Rhode Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Newcastle,

Kent, and Sussex on Delaware, Maryland, Virginia, North-Carolina and South-Carolina, justly alarmed at these arbitrary proceedings of parliament and administration, have severally elected, constituted, and appointed deputies to meet, and sit in general Congress, in the city of Philadelphia, in order to obtain such establishment, as that their religion, laws, and liberties, may not be subverted: Whereupon the deputies so appointed being now assembled, in a full and free representation of these colonies, taking into their most serious consideration, the best means of attaining the ends aforesaid, do, in the first place, as Englishmen, their ancestors in like cases have usually done, for asserting and vindicating their rights and liberties, DECLARE,

That the inhabitants of the English colonies in North-America, by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts, have the following RIGHTS:

Resolved, N.C.D. 1. That they are entitled to life, liberty and property: and they have never ceded to any foreign power whatever, a right to dispose of either without their consent.

Resolved, N.C.D. 2. That our ancestors, who first settled these colonies, were at the time of their emigration from the mother country, entitled to all the rights, liberties, and immunities of free and natural- born subjects, within the realm of England.

Resolved, N.C.D. 3. That by such emigration they by no means forfeited, surrendered, or lost any of those rights, but that they were, and their descendants now are, entitled to the exercise and enjoyment of all such of them, as their local and other circumstances enable them to exercise and enjoy.

Resolved, 4. That the foundation of English liberty, and of all free government, is a right in the people to participate in their legislative council: and as the English colonists are not represented, and from their local and other circumstances, cannot properly be represented in the British parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of taxation and internal polity, subject only to the negative of their sovereign, in such manner as has been heretofore used and accustomed: But, from the necessity of the case, and a regard to the mutual interest of both countries, we cheerfully consent to the operation of such acts of the British parliament, as are bonfide, restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother country, and the commercial benefits of its respective members; excluding every idea of taxation internal or external, for raising a revenue on the subjects, in America, without their consent.

Resolved, N.C.D. 5. That the respective colonies are entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage, according to the course of that law.

Resolved, N.C.D. 6. That they are entitled to the benefit of such of

the English statutes, as existed at the time of their colonization; and which they have, by experience, respectively found to be applicable to their several local and other circumstances.

Resolved, N.C.D. 7. That these, his Majesty's colonies, are likewise entitled to all the immunities and privileges granted and confirmed to them by royal charters, or secured by their several codes of provincial laws.

Resolved, N.C.D. 8. That they have a right peaceably to assemble, consider of their grievances, and petition the king; and that all prosecutions, prohibitory proclamations, and commitments for the same, are illegal.

Resolved, N.C.D. 9. That the keeping a standing army in these colonies, in times of peace, without the consent of the legislature of that colony, in which such army is kept, is against law.

Resolved, N.C.D. 10. It is indispensably necessary to good government, and rendered essential by the English constitution, that the constituent branches of the legislature be independent of each other; that, therefore, the exercise of legislative power in several colonies, by a council appointed, during pleasure, by the crown, is unconstitutional, dangerous and destructive to the freedom of American legislation.

All and each of which the aforesaid deputies, in behalf of themselves, and their constituents, do claim, demand, and insist on, as their indubitable rights and liberties, which cannot be legally taken from them, altered or abridged by any power whatever, without their own consent, by their representatives in their several provincial legislature.

In the course of our inquiry, we find many infringements and violations of the foregoing rights, which, from an ardent desire, that harmony and mutual intercourse of affection and interest may be restored, we pass over for the present, and proceed to state such acts and measures as have been adopted since the last war, which demonstrate a system formed to enslave America.

Resolved, N.C.D. That the following acts of parliament are infringements and violations of the rights of the colonists; and that the repeal of them is essentially necessary, in order to restore harmony between Great Britain and the American colonies, viz.

The several acts of Geo. III. ch. 15, and ch. 34.-5 Geo. III. ch.25.-6 Geo. ch. 52.-7 Geo.III. ch. 41 and ch. 46.-8 Geo. III. ch. 22. which impose duties for the purpose of raising a revenue in America, extend the power of the admiralty courts beyond their ancient limits, deprive the American subject of trial by jury, authorize the judges certificate to indemnify the prosecutor from damages, that he might otherwise be liable to, requiring oppressive security from a claimant of ships and goods seized, before he shall be allowed to defend his property, and are subversive of American rights.

Also 12 Geo. III. ch. 24, intituled, "An act for the better securing his majesty's dockyards, magazines, ships, ammunition, and stores," which declares a new offence in America, and deprives the

American subject of a constitutional trial by jury of the vicinage, by authorizing the trial of any person, charged with the committing any offence described in the said act, out of the realm, to be indicted and tried for the same in any shire or county within the realm.

Also the three acts passed in the last session of parliament, for stopping the port and blocking up the harbour of Boston, for altering the charter and government of Massachusetts-Bay, and that which is entitled, "An act for the better administration of justice, etc."

Also the act passed in the same session for establishing the Roman Catholic religion, in the province of Quebec, abolishing the equitable system of English laws, and erecting a tyranny there, to the great danger (from so total a dissimilarity of religion, law and government) of the neighboring British colonies, by the assistance of whose blood and treasure the said country was conquered from France.

Also the act passed in the same session, for the better providing suitable quarters for officers and soldiers in his majesty's service, in North-America.

Also, that the keeping a standing army in several of these colonies, in time of peace, without the consent of the legislature of that colony, in which such army is kept, is against law.

To these grievous acts and measures, Americans cannot submit, but in hopes their fellow subjects in Great Britain will, on a revision of them, restore us to that state, in which both countries found happiness and prosperity, we have for the present, only resolved to pursue the following peaceable measures: 1. To enter into a non-importation, non-consumption, and non-exportation agreement or association. 2. To prepare an address to the people of Great-Britain, and a memorial to the inhabitants of British America: and 3. To prepare a loyal address to his majesty, agreeable to resolutions already entered into.

http://en.wikipedia.org/wiki/Massachusetts_Constitution

The Constitution of the Commonwealth of Massachusetts is the fundamental governing document of the Commonwealth of Massachusetts. It was written by John Adams, Samuel Adams, and James Bowdoin. The constitution was adopted in 1780 and is the oldest functioning written constitution in the world.

The Massachusetts Constitution has four parts: a preamble, a declaration of rights, a description of the framework of government, and articles of amendment.

http://lexrex.com/enlightened/laws/mass1780/mass_main.html

Significant dates, starting with the Convention and proceeding until the date of ratification of Article of Amendment No. XXXVI

The constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the mean time the constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled. it was found that the constitution had been adopted by the requisite number of votes. and the convention accordingly *Resolved*, "That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution." The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

Constitution for the Commonwealth of Massachusetts--1780

Complete text online. Annotated to reflect Articles of Amendment up until the year 1902. Verified from "The Constitution of the Commonwealth of Massachusetts." Published by the Secretary of the Commonwealth. Boston: Wright & Potter Printing Co., State Printers, 18 Post Office Square. 1902." 67pp.

PREAMBLE

The end of the institution, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying in safety and tranquillity their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness.

The body politic is formed by a voluntary association of individuals: it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an

impartial interpretation and a faithful execution of them; that every man may, at all times, find his security in them.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of His providence, an opportunity, deliberately and peaceably, without fraud, violence, or surprise, of entering into an original, explicit, and solemn compact with each other; and of forming a new constitution of civil government, for ourselves and posterity; and devoutly imploring His direction in so interesting a design, do agree upon, ordain, and establish, the following Declaration of Rights, and Frame of Government, as the CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.

Art. III. As the happiness of a people and the good order and preservation of civil government essentially depend upon piety, religion, and morality, and as these cannot be generally diffused through a community but by the institution of the public worship of God and of the public instructions in piety, religion, and morality: Therefore, To promote their happiness and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies-politic or religious societies to make suitable provision, at their own expense, for the institution of the public worship of God and for the support and maintenance of public Protestant teachers of piety, religion, and morality in all cases where such provision shall not be made voluntarily.

And the people of this commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subject an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

Provided, notwithstanding, That the several towns, parishes, precincts, and other bodies-politic, or religious societies, shall at all times have the exclusive right and electing their public teachers and of contracting with them for their support and maintenance.

And all moneys paid by the subject to the support of public worship and of public teachers aforesaid shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid toward the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

And every denomination of Christians, demeaning themselves peaceably and as good subjects of the commonwealth, shall be equally under the protection of the law; and no subordination of any sect or denomination to another shall ever be established by law.

Art. IV. The people of this commonwealth have the sole and exclusive right of governing themselves as a free, sovereign, and independent State, and do, and forever hereafter shall, exercise

and enjoy every power, jurisdiction, and right which is not, or may not hereafter be, by them expressly delegated to the United States of America in Congress assembled.

Art. V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government vested with authority, whether legislative, executive, or judicial, are the substitutes and agents, and are at all times accountable to them.

Art. VI. No man nor corporation or association of men have any other title to obtain advantages, or particular and exclusive privileges distinct from those of the community, than what rises from the consideration of services rendered to the public, and this title being in nature neither hereditary nor transmissible to children or descendants or relations by blood; the idea of a man born a magistrate, lawgiver, or judge is absurd and unnatural.

Art. VII. Government is instituted for the common good, for the protection, safety, prosperity, and happiness of the people, and not for the profit, honor, or private interest of any one man, family, or class of men; therefore the people alone have an incontestable, unalienable, and indefeasible right to institute government, and to reform, alter, or totally change the same when their protection, safety, prosperity, and happiness require it.

Art. VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

Art. IX. All elections ought to be free; and all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

Art. X. Every individual of the society has a right to be protected by it in the enjoyment of his life, liberty, and property, according to standing laws. He is obliged, consequently, to contribute his share to expense of this protection; to give his personal service, or an equivalent, when necessary; but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this commonwealth are not controllable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

...

THE FRAME OF GOVERNMENT

The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with

each other, to form themselves into a free, sovereign, and independent body politic, or state, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

CHAPTER IV. DELEGATES TO CONGRESS

^a[The delegates of this commonwealth to the congress of the United States, shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives, assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the commonwealth; but may be recalled at anytime within the year, and others chosen and commissioned, in the same manner, in their stead.]

^a Superseded by Art. I, Constitution United States.

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CHAPTER V.--THE UNIVERSITY AT CAMBRIDGE AND ENCOURAGEMENT LITERATURE, ETC.

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SECTION II.--THE ENCOURAGEMENT OF LITERATURE, ETC.

^a Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university of Cambridge, public schools and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments, among the people.

^a For further provisions as to public schools, see amendments, Art. XVIII.

http://www.netstate.com/states/government/ma_government.htm

Massachusetts, like Pennsylvania, Virginia, and Kentucky, is called a "Commonwealth". Commonwealths are states, but the reverse is not true. Legally, Massachusetts is a commonwealth because the term is contained in the Constitution.

COUNTIES:

The United States Constitution does not define local government.

Instead, this function is left up to the states.

Counties are a local unit of government within a state. All but two of the states are divided into counties. Alaska is divided into boroughs and census districts and Louisiana is divided into parishes where governing responsibilities are similar to counties.

Traditionally, counties performed tasks mandated by the state, such as property assessment, property and vital statistic record keeping, maintenance of rural roads, administration of local election and judicial functions, and support of the poor. Today, counties may be responsible for these functions, more or less, but the responsibilities of county governments vary from state to state. The county level of government is not mentioned in the Massachusetts Constitution and has been established by legislative action. A county governs no area of the Commonwealth and, as is usual in New England, county government is not a strong entity.

COUNTY TRIVIA:

The Commonwealth of Massachusetts is divided into 14 counties

The largest county is Worcester County at 1,513 square miles.

The smallest county is Nantucket County at 48 square miles.

Middlesex County is the most populated with 1,465,396 people (2000 census).

The least populated county is Nantucket County with 9,520 people (2000 census).

<http://www.yale.edu/lawweb/avalon/diplomacy/france/fr-1782.htm>

Contract Between the King and the Thirteen United States of North America, signed at Versailles July 16, 1782.

The King having been pleased to attend to the requests made to him in the name and on behalf of the united provinces of North America for assistance in the war and invasion under which they had for several years groaned; and His Majesty, after entering into a Treaty of Amity and Commerce with the said confederated provinces on the 6th of February, 1778, having had the goodness to support them, not only with his forces by land and sea, but also with advances of money, as abundant as they were effectual in the critical situation to which their affairs were reduced; it has been judged proper and necessary to state exactly the amount of those advances the conditions on which the King made them, the periods at which the Congress of the United States have engaged to repay them to His Majesty's royal treasury, and, in fine, to state this matter in such a way as for the future to prevent all difficulties capable of interrupting the good harmony which His Majesty is resolved to maintain and pre- serve between him and the said United States. For executing so laudable a purpose, and with a view to strengthen the bands of amity and commerce which subsist between His Majesty and the said United States, we, Charles Gravier de Vergennes, etc., Counselor of the King in all his Councils, Commander of his Orders, Minister and Secretary of State, and of his Commands and Finances, vested with full powers of His Majesty to us given for this purpose-

...

<http://www.yale.edu/lawweb/avalon/diplomacy/france/fr-1783.htm>

Contract between the King and the Thirteen United States of North America February 25, 1783

The reestablished peace between the belligerent powers, the advantages of a free commerce to all parts of the globe, and the independence of the thirteen United States of North America, acknowledged and founded on a solid and honorable basis, rendered it probable that the said States would be in a condition to provide hereafter for their necessities, by means of the resources within themselves, without being compelled to implore the continuation of the succors which the King has so liberally granted during the war; but the Minister Plenipotentiary of the said United States to His Majesty having represented to him the exhausted state to which they have been reduced by a long and disastrous war, His Majesty has condescended to take into consideration the request made by the aforesaid Minister in the name of the Congress of the said States for a new advance of money to answer numerous purposes of urgent and indispensable expenses in the course of the present year; His Majesty has, in consequence, determined, notwithstanding the no less pressing necessities of his own service, to grant to Congress a new pecuniary assistance, which he has fixed at the sum of six millions livres tournois, under the title of loan and under the guaranty of the whole thirteen United States, which the Minister of Congress has declared his acceptance of, with the liveliest acknowledgments in the name of

the said States.

...

<http://www.yale.edu/lawweb/avalon/diplomacy/britain/paris.htm>

The Paris Peace Treaty of September 3, 1783

In the name of the most holy and undivided Trinity.

It having pleased the Divine Providence to dispose the hearts of the most serene and most potent Prince George the Third, by the grace of God, king of Great Britain, France, and Ireland, defender of the faith, duke of Brunswick and Lunebourg, arch-treasurer and prince elector of the Holy Roman Empire etc., and of the United States of America, to forget all past misunderstandings and differences that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore, and to establish such a beneficial and satisfactory intercourse, between the two countries upon the ground of reciprocal advantages and mutual convenience as may promote and secure to both perpetual peace and harmony; and having for this desirable end already laid the foundation of peace and reconciliation by the Provisional Articles signed at Paris on the 30th of November 1782, by the commissioners empowered on each part, which articles were agreed to be inserted in and constitute the Treaty of Peace proposed to be concluded between the Crown of Great Britain and the said United States, but which treaty was not to be concluded until terms of peace should be agreed upon between Great Britain and France and his Britannic Majesty should be ready to conclude such treaty accordingly; and the treaty between Great Britain and France having since been concluded, his Britannic Majesty and the United States of America, in order to carry into full effect the Provisional Articles above mentioned, according to the tenor thereof, have constituted and appointed, that is to say his Britannic Majesty on his part, David Hartley, Esqr., member of the Parliament of Great Britain, and the said United States on their part, John Adams, Esqr., late a commissioner of the United States of America at the court of Versailles, late delegate in Congress from the state of Massachusetts, and chief justice of the said state, and minister plenipotentiary of the said United States to their high mightinesses the States General of the United Netherlands; Benjamin Franklin, Esqr., late delegate in Congress from the state of Pennsylvania, president of the convention of the said state, and minister plenipotentiary from the United States of America at the court of Versailles; John Jay, Esqr., late president of Congress and chief justice of the state of New York, and minister plenipotentiary from the said United States at the court of Madrid; to be plenipotentiaries for the concluding and signing the present definitive treaty; who after having reciprocally communicated their respective full powers have agreed upon and confirmed the following articles.

Article 1:

His Britannic Majesty acknowledges the said United States, viz., New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be free sovereign and independent states, that he treats with them as such, and for himself, his heirs, and successors, relinquishes all claims to the government, propriety,

and territorial rights of the same and every part thereof.

Article 2:

And that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, viz.; from the northwest angle of Nova Scotia, viz., that angle which is formed by a line drawn due north from the source of St. Croix River to the highlands; along the said highlands which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut River; thence down along the middle of that river to the forty-fifth degree of north latitude; from thence by a line due west on said latitude until it strikes the river Iroquois or Cataraguy; thence along the middle of said river into Lake Ontario; through the middle of said lake until it strikes the communication by water between that lake and Lake Erie; thence along the middle of said communication into Lake Erie, through the middle of said lake until it arrives at the water communication between that lake and Lake Huron; thence along the middle of said water communication into Lake Huron, thence through the middle of said lake to the water communication between that lake and Lake Superior; thence through Lake Superior northward of the Isles Royal and Phelipeaux to the Long Lake; thence through the middle of said Long Lake and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said lake to the most northwesternmost point thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude, South, by a line to be drawn due east from the determination of the line last mentioned in the latitude of thirty-one degrees of the equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint River, thence straight to the head of Saint Mary's River; and thence down along the middle of Saint Mary's River to the Atlantic Ocean; east, by a line to be drawn along the middle of the river Saint Croix, from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid highlands which divide the rivers that fall into the Atlantic Ocean from those which fall into the river Saint Lawrence; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part and East Florida on the other shall, respectively, touch the Bay of Fundy and the Atlantic Ocean, excepting such islands as now are or heretofore have been within the limits of the said province of Nova Scotia.

Article 3:

It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank and on all the other banks of Newfoundland, also in the Gulf of Saint Lawrence and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish. And also that the inhabitants of the United States shall have liberty

to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use, (but not to dry or cure the same on that island) and also on the coasts, bays and creeks of all other of his Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled, but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.

Article 4:

It is agreed that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all bona fide debts heretofore contracted.

Article 5:

It is agreed that Congress shall earnestly recommend it to the legislatures of the respective states to provide for the restitution of all estates, rights, and properties, which have been confiscated belonging to real British subjects; and also of the estates, rights, and properties of persons resident in districts in the possession on his Majesty's arms and who have not borne arms against the said United States. And that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States and therein to remain twelve months unmolested in their endeavors to obtain the restitution of such of their estates, rights, and properties as may have been confiscated; and that Congress shall also earnestly recommend to the several states a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent not only with justice and equity but with that spirit of conciliation which on the return of the blessings of peace should universally prevail. And that Congress shall also earnestly recommend to the several states that the estates, rights, and properties, of such last mentioned persons shall be restored to them, they refunding to any persons who may be now in possession the bona fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights, or properties since the confiscation.

And it is agreed that all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

Article 6:

That there shall be no future confiscations made nor any prosecutions commenced against any person or persons for, or by reason of, the part which he or they may have taken in the present war, and that no person shall on that account suffer any future loss or damage, either in his person, liberty, or property; and that those who may be in confinement on such charges at the time of the ratification of the treaty in America shall be immediately set at

liberty, and the prosecutions so commenced be discontinued.

Article 7:

There shall be a firm and perpetual peace between his Brittanic Majesty and the said states, and between the subjects of the one and the citizens of the other, wherefore all hostilities both by sea and land shall from henceforth cease. All prisoners on both sides shall be set at liberty, and his Brittanic Majesty shall with all convenient speed, and without causing any destruction, or carrying away any Negroes or other property of the American inhabitants, withdraw all his armies, garrisons, and fleets from the said United States, and from every post, place, and harbor within the same; leaving in all fortifications, the American artillery that may be therein; and shall also order and cause all archives, records, deeds, and papers belonging to any of the said states, or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper states and persons to whom they belong.

Article 8:

The navigation of the river Mississippi, from its source to the ocean, shall forever remain free and open to the subjects of Great Britain and the citizens of the United States.

Article 9:

In case it should so happen that any place or territory belonging to Great Britain or to the United States should have been conquered by the arms of either from the other before the arrival of the said Provisional Articles in America, it is agreed that the same shall be restored without difficulty and without requiring any compensation.

Article 10:

The solemn ratifications of the present treaty expedited in good and due form shall be exchanged between the contracting parties in the space of six months or sooner, if possible, to be computed from the day of the signatures of the present treaty. In witness whereof we the undersigned, their ministers plenipotentiary, have in their name and in virtue of our full powers, signed with our hands the present definitive treaty and caused the seals of our arms to be affixed thereto.

Done at Paris, this third day of September in the year of our Lord, one thousand seven hundred and eighty-three.

D. HARTLEY (SEAL)
JOHN ADAMS (SEAL)
B. FRANKLIN (SEAL)
JOHN JAY (SEAL)

Source:

Treaties and Other International Acts of the United States of America. Edited by Hunter Miller. Volume 2. Documents 1-40 : 1776-1818. Washington : Government Printing Office, 1931.

<http://www.cslib.org/cts4c.htm>

Connecticut Constitutional History 1636-1776
By Henry S. Cohn

1. The Government at the Founding of Connecticut

According to the New York Times, by the year 2050 the U.S.A. and the U.S.S.R. may be cooperating in establishing a joint colony on Mars. The colonists of the 21st century, who venture into entirely unfamiliar territory, devoid of a legal structure, may well have to make decisions about a governmental system, as did the first colonists to enter Connecticut in 1636. In the 1600's, a trip to the New World was equivalent to a trip to Mars.

The Connecticut settlers came into a spacious valley where Indian tribes were scarce (they had unfortunately succumbed to a white man's disease--smallpox--in large numbers) and a land which had never felt the touch of Western civilization. These pioneers were Puritans or Congregationalists, dissatisfied with the slow pace of Anglican reforms to the Catholic ritual, determined to establish an ecclesiastical society subject to their own rules and regulations.

They had first come to Massachusetts after 1630, along with a large number of other Puritans, seeking to escape religious persecution in England as well as seeking economic opportunity and a safe haven from the coming political turmoil which eventually led to the beheading of Charles I. Massachusetts was to be the place to establish the utopian goal of a Biblical Commonwealth.

Here, in Massachusetts, three communities of Puritans felt themselves increasingly shut out from the government established by their Massachusetts brothers. They resented the power of the magistrates who were not elected by the people. But they also wanted to expand their land holdings and looked to the available Connecticut valley rather than crowded Massachusetts for this expansion.

So it was that the three river towns of Windsor, Wethersfield and Hartford came to be founded by the Congregationalists in 1635-6. What law would govern these towns? When the Massachusetts General Court, that colony's governing body, gave permission to settle Connecticut, the Court assumed that it would supply the leadership and the legislation necessary to form a government. But a dispute soon arose with a group of rich Puritans in England who claimed to "own" Connecticut. These Puritans had received a "patent" or grant from the Crown in 1631 which gave them title to much of the area southwest of Massachusetts.

Those that held the patent, known as the Warwick Patent (named for the Earl of Warwick), also wanted their interests protected in the composition of the new government. After heated discussions between the General Court, the Connecticut settlers, and the Warwick patentees, a document emerged creating a body known as the March Commission. The document was drawn by one of the new settlers of Windsor, Roger Ludlow, who had been trained as an attorney in England. This was a good outcome for the settlers, as there was formal recognition of permission to settle in

Connecticut by the patentees; the patentees were also pleased because now their land would have inhabitants and laborers.

The March Commission was to be a temporary solution to the conflict between Massachusetts, the colonists and the patentees and was to have a life of only one year--March, 1636 to March, 1637. Under the watchful eye of the patentees' local representative, John Winthrop, Jr., the Massachusetts General Court appointed a commission of eight "magistrates" which included Roger Ludlow and William Westwood who had previously been serving as a constable in the territory. Two magistrates represented each of the three River Towns and two magistrates represented Springfield, which was allied with Connecticut at that time. During its year of existence, the Commission was to consider further the governmental structure and resolve any problems in the conduct of the affairs of the colony. As it turned out, each of the Commissioners lived in the Connecticut Colony; there were no absentees from Massachusetts or elsewhere.

For a temporary body, the March Commission exercised extensive power. Some important actions were taken at eight meetings held by Commission during this year--It established a new church in Wethersfield, regulated trade with Indians, considered matters of defense, ruled on probate cases, surveyed town land, renamed towns, and resolved a sticky problem involving indentured servants. What was to happen with Connecticut's government after the expiration of the March Commission? Clearly Massachusetts wanted to treat Connecticut as its dominion and exert its legal authority over the new colony. This did not happen, however. Perhaps difficulties in communication and transportation between the two colonies gave Connecticut its chance to move toward independence. In any event, a revolutionary event occurred; in May, 1637, there was an election in Connecticut which led to a general court for the colony consisting of deputies and magistrates. The Connecticut colonial government was about to begin.

2. The Coming of the Fundamental Orders

There was another election to choose members for a general court held in March, 1638, and the

resulting body was composed of 12 deputies elected by the inhabitants of the towns and magistrates, in all probability, chosen by the deputies. While there was a government in place, the times demanded a more formal arrangement and a document setting forth the structure of the government. The community of Springfield, under the direction of William Pyncheon, had recently withdrawn from its connection with the Connecticut settlement. Indians were threatening the populace; the Pequots had staged a surprise raid on Wethersfield leaving nine settlers dead.

Discussion of the new government and the need for unity had occurred in the General Court. On May 29, 1638, moreover, Roger Ludlow wrote to Massachusetts Governor Winthrop that the colonists wanted to "unite ourselves to walk and lie peaceably and lovingly together." It has been proposed "to bring ourselves to some rules, articles and agreements."

This language of Ludlow's was very similar to that used in the document which emerged known as the Fundamental Orders. Historians agree that the evidence points to Ludlow, the colony's only trained attorney, as the draftsman of the new code.

On May 31, 1638, two days after Ludlow wrote to the Massachusetts colony about his drafting efforts, congregationalist minister Thomas Hooker delivered his election sermon to an adjourned meeting of the General Court. Hooker, the founder of Hartford, came to Connecticut from Massachusetts with a group of settlers in May, 1636. As Loomis and Calhoun have pointed out, when Hooker spoke:

He was a pastor of the only church in the largest town, and his sermon was delivered to the very men who were then the governing power and who were to be most influential in framing the new form of government. What wonder then these views, doubtless repeated and emphasized in private conference, were reflected in the constitution that was subsequently adopted.

Hooker entitled his sermon "A Survey of Church Discipline". He sought to give the theoretical basis for the new government and the union of the three River Towns--Windsor, Wethersfield, and Hartford.

All that is left of the sermon is a few lines taken down by Henry Wolcott, an eyewitness. Hooker declared that God was the source of all law, but the people, on "God's allowance" have the power to appoint officers and magistrates and to set bounds and limitations. He continued in a cautionary tone:

The privilege of election which belongs to the people...must not be exercised according to their humours, but according to the blessed will and law of God...as God hath spared our lives, and given us them in liberty, so to seek the guidance of God, and to choose in God for God.

This sermon was hardly liberal in its approach to democracy. Hooker did not cast his lot with Roger Williams of Rhode Island, who preached a doctrine of love and toleration. Hooker's address differed little in content from the traditional God-centered approach taken by the Massachusetts Puritans, who had feuded with Hooker during his stay in that colony.

Hooker had, however, emphasized three important points in his discussion of the Biblical Commonwealth: 1) The civil authority rested with the people, 2) This authority should be written down, and documented, 3) The electoral franchise might be expanded. These ideas were important enough to advance the ideals of democracy beyond anything which had been put forth up to that time from Massachusetts or elsewhere.

Hooker's sermon compelled action by the General Court. Meetings of a committee of the General Court were held in secret throughout the remainder of 1638 and on January 14, 1639, a document, called the Fundamental Orders, was adopted, probably by the full legislative body, or perhaps by freemen in each town.

3. Government Under the Fundamental Orders

The Puritans who drafted the Fundamental Orders saw no distinction to be made between church and state. Their government was an outgrowth of their religious beliefs and was established to protect their religious convictions. Chief among these was, according to Fraser, the establishment of communities "that were cohesive and orderly as well as religiously pure...[They] exercised considerable vigilance over the 'good order' of families, carefully defining the rights and responsibilities of their members and quickly stepped in when transgressions occurred."

The government had no use for "non-believers". Fraser points out that "Quakers were banished as soon as they appeared...other non-conforming religious views were similarly discouraged, while undesirables and vagabonds were 'warned out' of Connecticut towns if they failed to meet community standards." (There were, however, no specific religious oaths or tests restricting participation in the government.)

The Orders carry out these principles. The preamble calls for an "orderly and decent government according to God" to maintain "the liberty and purity of the gospel of our Lord Jesus," to keep discipline in the churches, and to be guided by "laws, rules, orders, and decrees" in civil affairs. The main purpose of the Fundamental Orders was, of course, to formalize the confederation of the three River Towns. These towns were now in civil compact or covenant.

There were eleven Orders. The first Order called for the holding of two general courts or assemblies, one to be held in April, the other in September. In April, the Governor and six magistrates were elected by the freemen of the colony. Freemen status was not easily obtained—only those with substantial property interest were allowed to vote (later in the 1640's the figure was thirty pounds).

The Office of the Governor was a weak one. The Orders show that the maximum term of a governor was two years and he could not succeed himself. In fact for many years the popular Governor John Haynes rotated his office with his lieutenant governor, usually Edward Hopkins. According to the Fundamental Orders the major duty of the governor was to serve as moderator of the General Court. He could break ties, but could not disband the General Court or interfere with elections.

The magistrates, as in Massachusetts, were the colony's aristocracy; but, unlike Massachusetts, they were subject to more democratic control. They were nominated at the General Court six months previous to their election by the freemen in April. They had no "negative" or veto over the deputies. The Office of the Magistrate was an amalgam, having not only legislative, but also executive and judicial power. No Fundamental Order or statute at this time barred the deputies from exercising judicial power, but traditionally they did not sit as judges. This was a task taken on in large measure by the magistrates.

Each town sent to the General Court four deputies, chosen by ballot in the towns. The Governor, magistrates and deputies meeting together constituted the General Court with the power to

"make laws or repeal them, to grant levies [taxes], to admit freemen...and also...any other matter that concerns the good of the commonwealth." Both the magistrates and the deputies had to approve legislation by a majority vote for it to be in effect, although there was only one legislative body, not two bodies as developed later.

The freemen had the power to force the General Court to meet if the Court itself refused to convene after notice. The deputies had the authority to meet in caucus before any General Court to consult on public business. These provisions gave protection to the electorate from the arbitrariness which had been the norm for the English Parliamentary system. It must be remembered that the document was issued just as the first indications arose of a civil war in England between the English king and the people over the principles of free government.

One of the remarkable omissions of the Fundamental Orders was reference to the English crown or to Parliament or to the mother country. Simeon Baldwin, writing in 1894, called this a "daring spring into political independence" from men long accustomed to some self-created form of public organization.

The General Court, according to the Fundamental Orders, was "the Supreme Power of the Commonwealth." Baldwin continues: "[Connecticut]...grew...from small beginnings ...[It had a proud history of its own, before it was a state...[It] has been ruled for centuries by men of its own choice and laws of its own making..."

These Fundamental Orders have long been called the world's first written constitution. Of course, today we know that this is only partially correct. The Orders were really statutes, which could be, and were in fact, subject to periodic legislative amendment. They were not an organic document distributing power among various branches of government. But the Orders did, to quote Andrews, contain, the "germs of a great principle—the principle of self-government based on a limited measure of popular control." A significant result had been achieved based purely upon the principles of Congregationalism.

Whether a true constitution or not, the Fundamental Orders did work and Connecticut's early government was successful. The first meeting of the General Court under the Fundamental Orders took place on April 11, 1639 and John Haynes was elected governor. Haynes, an English aristocrat and former governor of Massachusetts, served alternately as Governor and Deputy Governor until 1655. Important legislation was enacted at this General Court—incorporating the towns and providing for the keeping of proper land records.

Over the next few years, the colony expanded outside the three River Towns to include Middletown, New London, Norwich and Farmington. In Fairfield County, Stratford, Fairfield and Norwalk were established. Also the Colony purchased for \$50,000 (this figure is from 1935), the Warwick patentees' interests in 1644 from Col. George Fenwick. This figure was called a great burden on the colonial finances in several subsequent communications with English kings. In 1654, the Dutch holdings in Hartford were finally

secured by the Colony as a result of settlement of disputes between England and Holland. New Haven, and its surrounding communities, all this time, made up a separate colony, with a separate government and code of laws. Soon we shall see what became of the New Haven settlement.

4. The Ludlow Code

The Ludlow Code of Laws of 1650 is an important statute which is also part of the first "constitution" of Connecticut. Roger Ludlow, who helped draft the March Commission of 1636 and the Fundamental Orders, was asked in 1646 by the General Court "to take some pains in drawing forth a body of laws for the Government of this commonwealth, and present the same to the next General Court." This was seen by the General Court as involving the creation of a code of laws "grounded in precedent and authority and fitted to the necessities of the new civilization."

The Code was completed in 1650; it covers fifty pages of the printed Colonial Records of Connecticut and is divided into seventy-seven titles, arranged alphabetically. The Code commences with a declaration of rights, borrowed from Massachusetts Bay Body of Liberties:

It is therefore ordered by this court and authority thereof, that 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 way punished, no man shall be deprived of his wife or children, no man's goods or estate shall be taken away from him, nor any ways endangered, 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 roots of due process are clearly present in this passage.

The first entry was "Ability"-all persons twenty-one and older might make a will or convey land or be a plaintiff in a civil case, provided they were "of right understanding." "Arrest" included a provision restricting the English practice of imprisonment for debt. The capital punishment law was drawn from an earlier statute of 1642 and, as may be expected, relied heavily on the Puritan's interpretation of Mosaic law. The death penalty was appropriate not only for rape, treason and murder with malice, but also sodomy, and rebellious children who strike their parents.

Connecticut Constitutional History 1776-1988
By Wesley W. Horton

1. Connecticut: The Unconstitution State

Connecticut is called The Constitution State, presumably because the Fundamental Orders of 1638-39 is the first document written by a representative body setting up a framework for government.

Connecticut can just as easily be called The Unconstitution State. In 1776 the 13 colonies declared their independence from England. Thomas Jefferson promptly drafted a constitution for Virginia and within 10 years New Hampshire, Massachusetts, New York, New Jersey, Pennsylvania, Delaware, Maryland, North Carolina, South Carolina and Georgia had done likewise. And what did Connecticut do? Basically nothing. Certainly nothing that would affect the day-to-day political lives of its citizens. The General Assembly did delete the references to the monarchy from the Charter of 1662, but otherwise it went about its business as before. For 42 years, until 1818, Connecticut arguably did not have any constitution at all.

Why "arguably"? Because "constitution" is a word of some ambiguity. Connecticut certainly did have a government from 1776 to 1818, but it was essentially the same one it had had since the 1630's. A constitution today is generally thought of as a document setting up a framework of government that is not subject to alteration by the normal legislative and executive process. Until 1818, the General Assembly was the supreme authority in the state. It was the General Assembly which had altered the Charter of 1662. Even so, Connecticut had an unwritten constitution before 1818, just as England has today. And what is that? It is the practice and customs of a society that are generally agreed upon as immutable, or at least as not suddenly mutable by a mere General Assembly.

An unwritten constitution that the whole society believes in is likely to be much stronger than a written one that a society does not believe in. England has lasted a millennium with an unwritten constitution, whereas a majority of the countries today with a written one have seen it ignored by military strongmen and others.

Where is evidence of Connecticut's unwritten constitution? Many people assume that Chief Justice Marshall of the United States Supreme Court invented the doctrine that judges can declare statutes unconstitutional in 1803 in Marbury v. Madison. Yet in 1785, in a state with a tradition of legislative supremacy, the Supreme Court of Errors (the predecessor of the Supreme Court) wrote as follows in the Symsbury Case:

The act of the general assembly [granting land to proprietors of Hartford and Windsor in 1686]...could not legally operate to curtail the land before granted to the proprietors of the town of Symsbury [in 1670], without their consenting; and the grant to Symsbury being prior to the grant to the town of Hartford and Windsor,...we are of opinion [that Symsbury wins the lawsuit].

Here we have possibly the earliest reported case in the United

States holding that a legislature cannot legally take property away from one person and give it to another. But how could the General Assembly do something illegal unless there was a higher legal authority? That higher legal authority, assumed to exist by the judges, must have been the unwritten constitution.

One of the most famous judges in Connecticut history, Zephaniah Swift, wrote in 1795:

Some visionary theorists have pretended that we have no constitution, because it has not been reduced to writing. It is, therefore, necessary to trace the constitution of our government to its origin, for the purpose of showing its existence, that it has been accepted and approved of by the people, and is well known and precisely bounded.

To Swift, as to most citizens at that time, a constitution exists if there is general agreement among the citizens as to how a government shall operate.

Another reason Connecticut could be said to have had a constitution before 1818 is the existence of the Fundamental Orders of 1638-39. Jesse Root, one of the most illustrious judges of the 1790s, considered the Fundamental Orders to be Connecticut's real constitution. Yet another reason Connecticut could be said to have had a constitution in 1818 is the existence of the Charter of 1662. It is somewhat ironic for a document granted by an English monarch to be considered a constitution of a state that has declared independence from the monarchy. But that is a mere surface irony. The Charter was not written by Charles II or his advisors; it was mostly written by Governor Winthrop and other Connecticut leaders in general conformity to the Fundamental Orders and presented to Charles II to confirm the legality of Connecticut's existing government. The Charter became in practice the emancipation of Connecticut from any significant English rule at the colony level. Except for a brief period in the late 1680s which spawned the Charter Oak incident, England paid virtually no attention to Connecticut. There were no royal governors; there were no royal judges. Unlike every other colony except Rhode Island, all Connecticut's rulers were chosen by Connecticut's citizens.

So when Connecticut declared independence in 1776, it had no need to tar and feather the Governor and his advisors and run them out of the state. Connecticut's Governor Trumbull helped to instigate the Revolution, and indeed he was the only colonial governor to support the Revolution. Thus the Charter of 1662 was generally perceived as a document of freedom rather than oppression. Since the colony had gotten along perfectly well under it for 114 years, why change anything in 1776? As the General Assembly declared in 1776:

Be it enacted...That the ancient form of civil government contained in the Charter from Charles the II, King of England, and adopted by the people of this state, shall be and remain the civil constitution of this state, under the sole authority of the people hereof, independent of any king or prince whatever.

So using the word "revolution" to characterize the events of 1776 in Connecticut is in one sense an overstatement, for the Charter of Charles II may well be thought of as Connecticut's Constitution until 1818.

To the question "Did Connecticut have a constitution from 1776 to 1818? There are therefore three correct answers: "yes," "no" and "maybe."

2. To the 1818 Convention

Whether Connecticut had a constitution from 1776 to 1818 may be a nice semantic issue today, but it was a political one at the time. Until the election of 1817, Connecticut had the most stable, conservative Federalist government in the country. "The Land of Steady Habits" was a more apt name than "The Constitution State."

In the century before 1818, Connecticut had a tradition of no seriously contested elections. While the Governor was elected annually, in practice the Governor had the job for life (only three governors were turned out of office in the entire 18th Century). On every occasion from 1741 to 1818, when the Governor left office the Lieutenant Governor was elected in his place. Three generations of the Wyllys family were the sole occupants of the office of Secretary of the State from 1712 to 1810 and Thomas Day had the job from 1810 to 1832.

The General Assembly consisted of two houses, the Council and the Assembly. The Assembly consisted of up to 200 members, with each town having one or two representatives. Towns often reelected their representatives for two or three decades, although there was considerable turnover in other towns. However, the Byzantine system of electing the twelve Assistants, who with Governor and the Lieutenant Governor constituted the Council, insured the continuation of incumbent Assistants in office.

The election of Assistants went approximately as follows: At the Freeman's Meetings immediately following the September Town Meetings, the voters wrote the name of 20 men to be nominated for Assistant. The votes were tallied and the 20 names with the most votes were determined. At the following April Town Meetings, the list was submitted to the voters for election, but the twelve incumbents were listed first, even if other nominees got more votes. Each voter was given twelve pieces of paper, and then the first incumbent on the list was called off. Each voter either handed in one of the pieces or did not do so. As a practical matter, anyone who still had a piece of paper after the first twelve names were called off was considered a troublemaker. As might be expected, an Assistant generally kept his job until he resigned or was promoted. From 1783 to 1801 it appears that only one Assistant was turned out of office

The result was an entrenched conservative ruling class in Connecticut not to be found elsewhere in the United States. Until 1796 the Federalists had virtually no organized opposition. In 1801, Republican (pro-Jefferson, not to be confused with the present-day Republican party) candidates first appeared on the ballot but the

Republican candidates for Governor and Lieutenant Governor received only 10 and 20% of the vote respectively, and only 33 out of 200 seats in the Assembly. But even this anemic vote produced a backlash from Federalists determined to ensure their long-term survival. Before 1801, the nominations for Assistants were made secretly and in writing, but in 1801 the law was changed to require nominations to be made orally.

<http://www.loc.gov/law/guide/us-ri.html>

1640 - Plantation Agreement at Providence August 27 - September 6

1641 - Government of Rhode Island-March 16-19

1643 - Patent for Providence Plantations - March 14

1663 - Charter of Rhode Island and Providence Plantations - July 15

<http://www.yale.edu/lawweb/avalon/states/ri04.htm>.

Charter of Rhode Island and Providence Plantations - July 15, 1663 (1)

(1) The Charter in " The Manual with Rules and orders for the use of the General Assembly of the State of Rhode Island. 1889-'90. Prepared in accordance with a Resolution of the General Assembly by Samuel H. Cross, Sec'y of State 1889." pp. 49-64.

The commonwealth of England had claimed the right, in 1651, to appoint a governor for Rhode Island and Providence Plantations, with a provincial council, to be elected by the freeholders and accepted by himself. After the restoration an agent was sent to England, who obtained this charter from Charles II.

Source:

The Federal and State Constitutions Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America. Compiled and Edited Under the Act of Congress of June 30, 1906 by Francis Newton Thorpe. Washington, DC : Government Printing Office, 1909.

CHARLES THE SECOND, by the grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c., to all to whom these presents shall come, greeting: 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 Codrington, 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 Rhode-Island, and the rest of the colonie of Providence Plantations, in the Narragansett Bay, in New-England, in America, that they, pursueing, with peaceable and loyall minces, their sober, serious and religious intentions, of goalie 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, Nor the avoideing of discorde, and those manic evils which were likely to ensue upon some of those oure subjects not beinge able to beare, in these remote parties, their different apprehensions in religious concernements, and in pursueance of the afforesayd ends, did once againe leave their desireable stationies and habitationes, and with excessive labour and travell, hazard and charge, did transplant themselves into the middest of the Indian natives, who, as wee are informed, 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 buildings of shippes, suplye of pypestaves, and other merchandise; and which lyes verie commodious, in manic respects, for commerce, 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 lances, unto us; whereby, as is hoped, there may, in due tyme, by the blessing of God upon 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 loyaltye: Now know bee, that wee beinge willinge to encourage the hopefull undertakeinge of oure sayd lovall 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 loveinge 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 lovall 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, conforms to the publique exercise of religion, according to the littyurgy, formes and ceremonyes 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 colonie, 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 have and enjoye his and their owne judgments and consciences, in matters of religious concernments, throughout the tract of lance hereafter mentioned; they behaving themselves peaceable 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 benefist 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 accordinglye our will and pleasure is, and of our especial 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 Nicksonj and all such others as now are, or hereafter shall bee admitted and made ffree of the companv 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 bodie corporate and politique, in fact 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 answere 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, possessej 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 bodie politique within the same, may be lawefully doe: And further, that they the sayd Governor and Company, and their successors, shall and may, forever hereafter, have a common scale, to serve and use for all matters, causes, thinges and affaires, whatsoever, of them and their successors; and the same scale to alter, change, breake, and make new, from tyme to tyme, at their will and pleasure, as they shall thinke bitt.

And farther, wee will and ordeyne, and by these presents, for us, oure heires and successours, doe declare and apoynt that, for the better ordering and managing of the adaires 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 disposeinge and orderings of the generall businesse and adaires of, and concerneinge the lances and hereditaments hereinafter mentioned, to be graunted, and the plantation thereof and the government of the people there. And for the better execution of oure royall pleasure herein, wee doe, for us, oure heires and successours, assign, name, constitute and apoynt the aforesayd Benedict Arnold to bee the first and present Governor 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 farther, wee will, and by these presents, for us, our heires and successours, doe ordeyne and graunt, that the Governor 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, for the tyme being, shall and may, ffrom tyme to tyme, upon all occasions, give order for 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 exceeding six persons for Newport, doure persons for 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 for which they shall bee so elected or deputed, shall have a generall meetings or Assembly then and there to consult, advise and determine, in and about the affaires and businesse of the said Company and Plantations. And farther, 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 Freemen of the sayd Company as shall bee soe as aforesayd elected or deputed, or soe many of them as shall bee present aft such meetinge or assemblye, as aforesayde, 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, Prom 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 ffit; and to choose, nominate, and apoynt, such

and soe many other persons as they shall thinke ffit, and shall be willing to accept the same, to bee Free of the sayd Company and body politique, and them into the same to admits; and to elect and constitute such offices and officers, and to graunt such needfull commissions, as they shall thinke Ott 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 welfare of the sayd Company, and ffor the government and ordering of the lances and hereditaments, hereinafter mentioned to be graunted, and of the people that doe, or aft any tyme hereafter shall, inhabit or bee within the same; soe as such lawes, ordinances and constitutions, 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 constitutions 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 deterrillinge of all actions, cases, matters and things, happening within the sayd collonie and plantations, and which shall be in dispute, and depending there, as they shall thinke ffit; and alsoe to distinguish and sett forth the severall names and titles, duties, powers and limitts, of each court, office and officer, superior and inferior; and alsoe to contrive and apoynt such formes 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 wave and manner of all elections to offices and places of trust, and to prescribe, limits and distinguish the numbers and bounces of all places, townes or cities, 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 Dynes, 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 scale or otherwise, such Dynes, mulcts, imprisonments, sentences, judgments and condemnations, as shall bee thought Bitt; and to direct, rule, order and dispose of, all other matters and things, and particularly that which relates to the makinge of purchases of the native Indians, as to them shall seeme meete; wherebv 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 conversations, 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 Freemen. Or such number of them as aforesayd, and published in writinge, under their common scale,

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, From 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 further, 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 Bitt, shall bee, in the sayd Generall Court or Assembly to bee held from that daye or tyme, newly chosen for the year ensuring, 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, bv these presents apoynted, or any such as shall hereafter be newly chosen into their roomes, or any of them, or any other the officers of the sayd Company, shall die or bee removed From 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 publike courts, to bee assembled as aforesayd), that then, and in every such case, it shall and may bee lawfull to and ffor the sayd Governour, Deputy-Governour, Assistants and Company aforesayde, or such greater parte of them, soe to bee assembled as is aforesayde, in any their assemblies, to proceede to a new election of one or more of their Company, in the roome or place, roomes or places, of such officer or officers, soe dyeinge or removed, according to their discretiones; and immediately upon and after such elections or elections made of such Governour, Deputy-Governour or Assistants, or any other officer of the sayd Company, in manner and forme aforesayde, the authoritie, office and power, before given to the former Governour, Deputy-Governour, and other officer and officers, soe removed, in 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 present Governour, 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 perfonnance 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, whoa 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 presenter give Bull power and authority to require and

receive the same; and the sayd William Brenton, whoe is hereby before nominated and apoynted the present DeputyGovernour of the sayd Company, shall give the aforesaved 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 give dull 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 bee 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 ffor the tyme beinge; unto whome 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 bee 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 bofere 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, oure 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 bee lawfull ffor 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 vse, exercise, and putt in execution, such methods, rules, orders and directions, not being contrary or repugnant to the laws and statutes of this oure realme, as have byn heretofore given, vsed and accustomed, in such cases respectively, to be putt in practice, untill att the next or some other Generall Assembly, special provision shall be made and ordeyned in the cases aforesayd. And wee doe further, for vs. oure heroes and successours, give and graunt vnto the sayd Governour and Company, and their successours, by these presents, that itt shall and may bee lawfull to and for the sayd Governour, or in his absence, the Deputy-Governour, and majour parte of the sayd Assistants, for the tyme being, aft any tyme when the sayd Generall Assembly is not sitting, to nominate, apoynt and constitute, such and soe many commanders, governours, and military officers, as to them shall seeme requisite, for the leading, conductinge and travneing vpp the inhabitants of the sayd Plantations in martiall afiaires, and for the defence and safeguard of the sayd Plantations; and that itt shall and may bee lawfull to and for all and every such commander, governour and military officer, that shall bee soe as aforesayd, or by the Governour. or, in his absence, the Deputy-Governour, and six of the sayd Assistants, and majour parte of the Freemen of the sayd Company present att

any Generall Assemblies, nominated, apoynted and constituted accordinge to the tenor of his and their respective commissions and directions, to assemble, exercise in arms, martiall array, and putt in warlyke 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 lance; and alsoe to kill, slay and destroy, by all fitting wayes, enterprises and meaner, whatsoever, all and every such person or persons as shall, aft any tyme hereafter, attempt or enterprize the destruction, invasion, detriment or annoyance of the sayd inhabitants or Plantations; and to vse and exercise the lawe martiall in such cases only as occasion shall necessarily require; and to take or surprize, 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 sand Company and inhabitants; and vpon just causes, to invade and destroy the native Indians, or other enemyes of the sayd Collony. Neverthesse, our will and pleasure is, and wee doe hereby declare to the rest of oure Collonies in New England, that itt shall not bee lawefull ffor this our sayd Collony of Rhode-Island and Providence Plantations, in America, in New-England, to invade the natives inhabiting within the bounces and limitts of their sayd Collonies without the knowledge and consent of the sand 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, oure 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 hearer and successours, will make open proclamation within any parts of oure realme of England, ffit for 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 satisfied and contented; and if the sayd person or persons whoe shall commits any such robbery or spoyle shall not make satvsfaction, 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 lawefull and Tree ffor all Princes or others to prosecute, with hostility, such offenders, and every of them, their and every of their procurers, adders, abettors and counsellors, in that behalfe; Provided alsoe, and oure expresse will and pleasure is, and wee

doe, by these presents, For 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 sayd coast, in an 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 keepinge of their dish, to be taken or gotten upon that coast. And further, for the encouragement of the inhabitants of our sayd Collony of Providence Plantations to sett vpon the businesse of takeing whales, itt shall bee lawefull For 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 sand bay, river, cove, creeke or shoare, belonging thereto, to kill and order for the best advantage, without molestation, they makeing 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 plantings of vineyards (the soyle and clymate both seemeing naturally to coneurr 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 tyke 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 Five 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 Tree of the sayd Collony, full power and authority, from tyme to tyme, and aft 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. oureheires and successours, or any law or statute of this realme: and also to shipp and transport all and all manner of goods, chattels, merchandises, 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 ruties, customes and subsidies, as are or ought to bee payd or payable for the same.

And further, our will and pleasure is, and wee doe, For 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 Roe 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 immunities of fires 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 confirms, vnto the sayd Governour and Company, and their successours, all that parte of Our dominiones in New-England, in America, conteyneing the Nahantick and Nanhyganset Bay, and countries and partes adjacent, bounded 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 Balls, 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 vpon 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, ffishings, 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, lances, and islands, aforesayd, or to them or any of them belonging, or in any wise appertaining: to have and to hold the same, Into the sayd Governour and Companv, and their successours, forever, vpon trust, for the vse and benefit of themselves and their associates, ffreemen of the sayd Collony, their heires and assignas, 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; Wilding and paying therefor, to vs. our heires and successours, only the Fifth part of all the oare of Fold 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, Dynes, 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 Connecticut Colony, in America, to the contrary thereof in any wise notwithstanding; the aforesavd Pawcatuck river haven byn yielded, after much debate, for the fixed and certain bounces betweene these our sayd Colonies, by the agents thereof; w hoe 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 lrrupt to Connecticut (colony mentioned as the easterly bounds of that Colony. And further, our will and pleasure is, that in all matters of publique controversy which may fall out betweene our Colony of Providence Plantations, and the rest of our Colonies in New-England, lit 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 the English Collonies, vpon their lawfull and civill occasions, and to converse, and hold commerce and trade, wit: such of the inhabitants of our other English Collonies as shall bee willing to admits 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, effectuall 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 benefit and behoofe, of the sayd Governor and Company, and their successours; although empress 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 predecissors, 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. proclamaion 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 Fifteenth yeare of our reigne.

By the King: HOWARD.

<http://www.rilin.state.ri.us/Lawrevision/lawsu.htm>

"Ignorance of the law is no excuse for its violation."

This comment was appropriately placed on the bottom of the title page of the 1750 edition of the Rhode Island Acts, Resolves and Reports. That 1750 edition was the very first bound edition of the laws of Rhode Island that were passed by the General Assembly. Since that first compilation, the laws of the state have been reorganized on numerous occasions to change with the times and to accommodate the needs of the people they govern.

Early History of the State's Laws

Throughout Rhode Island's history many different documents, resolutions and digests have governed the land. The first such document was the Royal Charter of 1663 granted by King Charles II. This charter bestowed rights and privileges so extensive that it served as the primary document to our state government for one hundred eighty years, long after the colony severed its ties with England.

...

In the year 1842, Rhode Island made another important addition to its law books. The Constitution of the State of Rhode Island and Providence Plantations, also known as the "People's Constitution," was ratified on November 23rd of that year. This document supplanted the Royal Charter of 1663 as the primary law of the land. The State Constitution outlined many freedoms and restrictions that were mentioned in the United States Constitution, including certain additions that pertained exclusively to Rhode Island, its leaders and its citizens. An important facet of the Constitution is the right of cities and towns to have a Home Rule Charter, added by a constitutional amendment in 1951. This document further outlines local regulations for cities and towns and gives them permission to enact regulations without the permission of the General Assembly. Thirty cities and towns in Rhode Island presently have Home Rule Charters.

...

Local or Private Acts

The final type of statute passed by the General Assembly is the Local or Private Act. Local acts must be passed by both chambers and approved either by the Governor, become effective without the Governor's signature, or become effective upon the legislature's override of the Governor's veto (R.I. Const. Arts. VI, Secs., 2, 9). Every edition of the Rhode Island Acts and Resolves contains any local or private acts passed in the previous General Assembly session. A local or private act:

1. relates to a certain city or town,
2. relates to an individual's pension or retirement,
3. pertains to the restoration or amendments of corporate and non-corporate charters; and
4. authorizes holdings by non-profit organizations of a charitable, civic, library or like nature.