

THE
COLONIAL LAWS
OF
MASSACHUSETTS.

REPRINTED FROM THE EDITION OF
1660,
WITH THE SUPPLEMENTS TO 1672.

CONTAINING ALSO,
THE BODY OF LIBERTIES OF
1641.

*PUBLISHED BY ORDER OF THE CITY COUNCIL OF BOSTON, UNDER
THE SUPERVISION OF WILLIAM H. WHITMORE,
RECORD COMMISSIONER.*

WITH A COMPLETE INDEX.

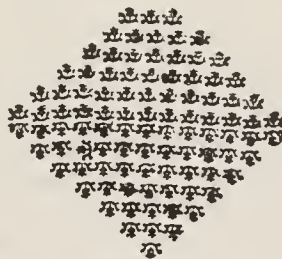


BOSTON:
1889.

T H E
BOOK OF THE GENERAL
LAVVES AND LIBERTYES
CONCERNING THE INHABITANTS OF THE
MASSACHUSETTS, COLLECTED OUT OF THE RECORDS OF
THE GENERAL COURT, FOR THE SEVERAL YEARS
WHEREIN THEY WERE MADE AND
ESTABLISHED.

And
Now Revised by the same Court, and disposed into an
Alphabetical order, and published by the same
Authority in the General Court holden
at *Boston*, in *May*.
1 6 4 9.

*Whoever therefore resisteth the Power, resisteth the Ordinance of God,
and they that resist, receive to themselves damnation. Rom: 13.2.*



C A M B R I D G E,
Printed according to Order of the GENERAL COURT.

1 6 6 0.

Cattle impounded to be Rescued or Damaged

Cattle impounded or otherwise restrained, shall forthwith give satisfaction to the party so wronged, or otherwise Replevy their Cattle, and Prosecute the same according to Law, upon Perill of Suffering all the loss and Damage that shall Come to their Cattle, by standing in the Pound, or other Lawfull place of restraint. [1645. 47. 57.]

Rescues and pound breach
due, or

2 And if any person shall Resist, or Rescue any Cattle going to Pound, or shall by any way or meanes convey them out of Pound, or other Custody of the Law, whereby the party wronged may loose his damages, & the law be deluded, that in case of meer Rescues, the party so Offending, shall forfeit to the Treasury forty shillings. And in case of pound breach five pound & shall also pay all damages to the party wronged, and if in the Rescues, any bodily harme be done to the person of any man or other Creature they may have Remedy against the Rescuers, and if either be done by any not of Ability to answer the forfeiture and damages aforesayd, they shall be openly Whipped by warrant from any Magistrate, before whom the Offended is Convicted, in the Town or plantation where the Offence was committed, not exceeding twenty stripes for the meer Rescue or pound-breach; And for all damages to the party they shall satisfy by service as in case of theft. And if it appear there were any procurement of the owner of the Cattle thereunto, and that they were abettors therein, they shall pay forfeiture and damages, as if themselves had done it. [1647]

be whipped.

A. 52. p. 3

Powder impounded to be entered in the publick New

VV HERAS by Favour of the Government in England, several quantities of Powder, and other Ammunition, are yearly Imported into this Jurisdiction, for our necessary use and defence. To the end, the favour we receive, may not be abused, nor our selves deprived of the just and necessary use thereof, It is hereby Ordered and Enacted, That all Merchants or others, that shall import into this Jurisdiction, either powder, lead, bullets, shot, or any ammunition whatsoever, shall give particular notice of the quantity thereof, to the publick Notary, upon the pain and penalty of forty pounds, within one month after the landing of such goods, who is hereby enjoyned to take particular notice of the same, with the mark & number, and faithfully to enter the same in a book, and the names of the persons to whom they are sold, or into whose custody or power they are committed, that he may give account thereof, upon Oath to the Governour, Deputy Governour, or any of the Council from time to time, and the said Notary is hereby prohibited upon the penalty of one hundred pounds, to grant Certificate to any Merchant or other, of any such goods but such as he shall have particular notice of, & entered as aforesaid. And to the end this Order may be duly observed, and that no person may plead ignorance thereof, It is hereby Ordered, That the Captain of the Castle, shall upon the arrivall of any ship or vessel, in the Massachusetts Bay from any forreign parts, give notice of the Contents of this Order, to the Master or Merchant of any such vessels, and the Constables of all other Port townes in this jurisdiction, are hereby required to do the same.

1651.

L. 1. p. 45

Searchers for powder exporting

2. And it is further Ordered, That no Person (except for the defence of themselves and their vessels at Sea) shall transport any Gunpowder out of this jurisdiction, without License first obtained, from some two of the Magistrates, upon penalty of forfeiting all such powder, as shall be transporting or transported, or the value thereof;

And that there may be no defect for want of an Officer to take care herein. This Court, the Court of Assistants, or any Shire Court, shall appoint meet Persons, from time to time in all needfull places who have hereby power granted them, to search all persons & vessels, that are or any way shall be suspicious to them, to be breakers of this Order, and what they find in any Vessel or hands without license as aforesaid; to seize the same; and to keep the one half to their own uses, in Remuneration their paines, and to deliver the other half forthwith unto the Treasurer. [1645, 58]

Prisoners carried at their own charge.
A. 55. p. 10.
House of Correction in each County

I T is Ordered, Decreed, and by this Court Declared, That no Custom or Prescription, shall ever prevail amongst us in any moral Case, (our meaning is) to maintain any thing, that can be proved to be morally unskill by the word of God. [1648]

Prescriptions.

I f is Ordered, that such Malefactors as are Committed to any common Prison, shall be conveyed thither at their own charge, if they be able, otherwise at the charge of the Country. [1648]
For Prevention and Redress of many misdeemeanours & evil practices, daily increasing, It is Ordered, that there shall be in house of Correction, provided in each County, at the Counties charge, to be leased, ordered and improved as the Magistrates in each County Court or Court of Assistants shall agree & direct. And