

Handout A: Excerpts from the Massachusetts Body of Liberties (1641)

Directions: As you read, think about the ways in which the *Massachusetts Body of Liberties* protects economic and civil liberties, and how some of the same rights are protected by the Constitution and Bill of Rights. Be prepared to discuss your answers.

1. No man's life shall be taken away, no man's honor or good name shall be stained, no man's person shall be arrested, restrained, banished, dismembered, nor any ways punished, no man shall be deprived of his wife or children, no man's goods or estate shall be taken away from him, nor in any way damaged under color of law, or countenance of authority, unless it be by virtue or equity of some express law of the Country warranting the same established by a General Court and sufficiently published, or in case of the defect of a law in any particular case by the word of God. And in capital cases, or in cases concerning dismembering or banishment, according to that word to be judged by the General Court.
2. Every person within this jurisdiction, whether inhabitant or foreigner, shall enjoy the same justice and law, that is general for the Plantation, which we constitute and execute one towards another, without partiality or delay.
8. No man's cattle or goods of what kind soever shall be pressed or taken for any public use or service, unless it be by warrant grounded upon some act of the General Court, nor without such reasonable prices and hire as the ordinary rates of the Country do afford. And if his cattle or goods shall perish or suffer damage in such service, the owner shall be sufficiently recompensed.
11. All persons which are of the age 21 years and of right understanding and memory, whether excommunicate or condemned, shall have full power to make their wills and testaments, and other lawful alienations of their lands and estates.
13. No man shall be rated [taxed] here for any estate or revenue he hath in England, or foreign parts, till it be transported hither.
15. All covenous [conspired] or fraudulent alienations [transfer of ownership] or conveyances of lands, tenements, or any hereditaments, shall be of no validity to defeat [free] any man from due debts or legacies, or from any just title, claim or possession of that which is thus fraudulently conveyed.
16. Every inhabitant that is a householder shall have free fishing and fowling in any great ponds and bays, coves and rivers, so far as the sea ebbs and flows within the precincts of the town where they dwell, unless the Freemen of the same town or the General Court have otherwise appropriated them, provided that this shall not be extended to give leave to any man to come upon others property without their leave.
17. Every man of or within this jurisdiction shall have free liberty, notwithstanding any civil power, to remove both himself and his family at their pleasure out of the same, provided there be no legal impediment to the contrary.
23. No man shall be adjudged to pay for detaining any debt from any creditor above eight pounds in the hundred for one year (8% simple interest), and not above that rate proportionable for all sums whatsoever, neither shall this be a color or countenance to

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allow any usury amongst us contrary to the law of God.

29. In all actions at law it shall be the liberty of the plaintiff and defendant by mutual consent to choose whether they will be tried by the bench or by a jury, unless it be where the law upon just reason hath otherwise determined. The like liberty shall be granted to all persons in criminal cases.
40. No conveyance, deed, or promise whatsoever shall be of validity if it be gotten by violence, imprisonment, threatening, or any kind of forcible compulsion called duress.
42. No man shall be twice sentenced by civil justice for one and the same crime, offense, or trespass.